

# "We can't eat the constitution"

## Transformation and the socio-economic reconstruction of Burundi

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*It is easy to light a fire, but difficult to extinguish it*  
– Burundian Proverb

As Burundi edges closer to its first democratic elections after ten years of civil war and ethnic divisions, the age-old Burundian proverb above appears to be more relevant than ever. The recent referendum on the interim constitution, demonstrated the Burundian people's war fatigue with an overwhelming ninety-one percent vote in favour of a constitution based on the principle of power sharing between Hutu, Tutsi and Twa constituencies. In addition, the inclusion of the major armed rebel force, the CNDD (National Council for the Defence of Democracy)<sup>1</sup>, to the peace process in 2003 has significantly reduced violence in the country, which is now almost entirely characterised by clashes with the FNL (National Liberation Forces)<sup>2</sup> in Bujumbura Rural. Even this is expected to cease as the rebel group and regional leader, Tanzanian President, Benjamin Mkapa, make headway towards negotiating an end to hostilities. Nevertheless, while the current emphasis on power sharing, elections and the electoral process is integral to reforming state structures, premature celebrations should not divert attention from the broader letter and spirit of the Arusha Peace and Reconciliation Accords agreed to by the 19 participating parties in August 2000. More particularly, the transitional government and the international community must revisit the implementation of Protocol IV of the accords, which detail the most important and immediate priorities for the reconstruction and development of the new Burundian state.

The view emphasised in this paper is that a narrow focus on the 'ethnic' composition of Burundi's state institutions may mask deeply embedded structural causes of conflict, most notably the unequal distribution of, and access to resources. For this reason, implementation of the reconstruction and development aspect of the accords will largely determine whether the current peace is durable. It is critical therefore that the

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peace-making process moves more urgently towards peace-building, in order to strengthen and solidify peace on the ground. A study conducted by the UNDP (United Nations Development Programme) in November 2004 shows that the country is now confronted with new forms of insecurity and violence that have little to do with guerrilla warfare. Increasing levels of banditry and urban criminality, particularly by the youth signals the need to address the root cause of crime—the extreme poverty of civilian populations. The study found that some 80 percent of households in the capital and larger provinces possess small arms, and "what is even more shocking is that people interviewed for the research were against civilian disarmament and still support arms as a means of self-defense."<sup>3</sup>

Increasingly, it is understood that attention and resources must be given to human development in post-war environments to avoid a fall back to the "conflict trap"—in fact the most common legacy of a civil war is another war.<sup>4</sup> The links between poverty, underdevelopment and civil strife are so closely intertwined that civil war reflects not just a problem *for* development but a failure *of* development.<sup>5</sup> As the post-Cold War conflicts of the twentieth century have harmed more civilians than combatants, the impact of instability is felt long after war has ended. It is clear, therefore, that a prevention strategy for averting a relapse into violent conflict must address the needs of both the most vulnerable elements in, and the potential 'spoilers' of, the political process in that society. In the case of a country like Burundi the 'vulnerable' make up a sizeable part of the population, if one considers the huge numbers of Burundian refugees and internally displaced persons (IDPs).

There is an obvious tension between neo-liberal prescriptions of international financial institutions, and the need for stronger state driven socio-economic rehabilitation of post-war societies. In his analysis of the post-Yugoslav context, Michael Pugh stresses that a distinction must be drawn between external social

engineering that promotes change in civil, political and demographic structures that are designed to fulfil external agendas for a quick exit, and social development that emphasises longer term change in a way that power relationships are expressed. This view is decidedly relevant to Burundi as it approaches its first democratic elections after almost a year of undivided attention on the electoral process, in an environment of desperate inequality and destitution.

Using this critical perspective, we assert that by continuing to support Burundi simply through the 'humanitarian emergency' paradigm, international NGOs and the donor community will continue to be used as 'safety nets' for the social welfare of the Burundian people in the absence of a competent state.

## Implementation of Protocol IV

Former mediator of the Arusha Process, Nelson Mandela, clearly emphasised the importance of Burundi's reconstruction at a donor conference in December 2000, when he explained that,

"Our commitment to seeing this conference come about is due to our belief that the political progress needs to be accompanied by social and economic progress. It must be made possible for the people of Burundi to materially distinguish between the destructiveness of conflict and the benefits of peace."<sup>6</sup>

Aside from calling for a cessation to violent conflict, the Arusha Accords provide comprehensive recommendations for stabilising and rehabilitating a highly polarised Burundian nation. The agreement is composed of five protocols each dedicated to a particular theme intended to move the process from peace-making to peace-building. These themes consist of an outline of the nature of the conflict; democracy and good governance; peace and security; reconstruction and development; and guarantees on the implementation of the agreement. Importantly, the accords acknowledge that the Burundian 'conflict is fundamentally political, with extremely important ethnic dimensions... and stems from a struggle by the political class to accede to and/or remain in power.'<sup>7</sup>

Protocol IV is divided into three chapters that focus on the rehabilitation and resettlement of *sinistrés*, physical and political reconstruction and, finally, economic and social development.<sup>8</sup> It is therefore the 'litmus test' against which the performance of the transitional government (and other actors) as it relates to Arusha's recommendations can be assessed.

## Rehabilitation and Resettlement of Refugees and *Sinistrés*

The main conclusion and recommendations of Protocol IV states that:

"Through the Burundi Peace Negotiations at Arusha it has been possible to assess how seriously the political and ethnic crisis that has torn Burundi apart since independence has affected Burundian society. Hundreds of thousands of Burundians are refugees, some of them for more than 25 years. Hundreds of thousands more are forced to live in camps where conditions are appalling.... All Burundians are aware that a lasting peace is impossible so long as a definitive solution is not found to the problem of refugees and *sinistrés*. Likewise, peace is impossible so long as the country's wealth is not shared equitably. Burundi cannot help the *sinistrés* rebuild destroyed property and restore its economy without the assistance of the international community."<sup>9</sup>

## History of displacement

Since attaining independence in 1962, Burundi has been characterised by internecine violence broadly but not exclusively based on ethnic rivalry between Bahutu and Batutsi. It is estimated that more than 300,000 people have been killed in massacres and counter-massacres since 1993, while 1.2 million people have been displaced. This recurrent violence has entrenched a deep sense of vulnerability for both ethnic groups, creating an environment of fear, distrust and suspicion. In addition (a fact largely overlooked in the literature) the minority Batwa community who make up one percent of the population are severely discriminated against by both Hutu and Tutsi, and are often caught in the middle of the broader rivalry between the two main ethnic groups.

One of the most severe consequences of physical insecurity is the impact it continues to have on population movements within the country, and across its borders. This movement of large numbers of people across the Great Lakes underscores the regional implications of civil war. At the start of the peace process some 364,000 Burundian refugees were living in camps in neighbouring countries.<sup>10</sup> Most of them were accommodated in camps in neighbouring Tanzania, host country of the Arusha process. In addition to camp based refugees there are an estimated 470,000 Burundians who live in Tanzania itself; they live in towns, villages and settlements and a significant proportion is made up of the 'old caseload' of refugees who fled in 1972.<sup>11</sup>

The importance of successful repatriation and reintegration of this population cannot be overstated. Returning refugees are not only a manifestation of increased faith in the country, as one UNHCR official described, but also represent a population with a particular experience and understanding of Burundian history, which may be used to mobilise against a regime that is not sensitive to its needs. This process of reformulating Burundian history among refugees in Tanzania is well documented in Liisa Malkki's research on the Hutu identity in exile. She argues that refugee

mythico-history is a process of “world making” – a process constructed in opposition to other versions of what is ostensibly the same world, thereby *heroising* the past of the Hutu as “a people” categorically distinct from others.<sup>12</sup> Life in the camps heightened the development of a collective identity so that “refugeeness” was a further transformation of “Hutuness”, and one that was crucial in the longer march toward regaining the homeland.<sup>13</sup>

Certainly this has serious implications for the ability to mobilise the marginalised, who perceive themselves to be under siege by the political wrangling of elites in power. Before an agreement was reached between the transitional government and the CNDD-FDD forces in 2003, the militarization of predominantly Hutu refugee camps in Tanzania was a central concern to facilitators of the peace process.

### “Collateral damage?”

Throughout the conflict the state and rebel forces have acted with impunity fracturing the social trust between civil society and the authorities. Indeed the Burundian government’s “regroupment” policy, undertaken between 1996-1999, encapsulated the abuse and manipulation of civilians by the state. The term was used when (mostly Hutu) populations in areas subject to systematic destabilization by rebel activity were required to leave their homes and relocate to camps guarded by armed forces. The aim was to allow the military to conduct operations aimed at flushing out rebel positions and regain control of the territory. Typically, the civilian population was given a deadline by which they had to make their way to a designated regroupment site and anyone who remained in the *collines* (hills) after the deadline expired was considered a legitimate military target.<sup>14</sup> In 1997 mandatory regroupment camps made up for more than 70 percent of the internally displaced population. It was only after international criticism of, and pressure for, the end to the practice were these camps dismantled. Not surprisingly, the physical danger involved in accessing internally displaced populations in the early stages of the war meant that humanitarian organisations were only able to help those in zones of relative safety, reinforcing the existing inequality in access to services.

One in seven Burundians has been displaced by violence or in anticipation of impending violence. By mid-2004 one third of displaced households were headed by women or children highlighting the acute vulnerability of this category of people. Many of these households have lost the legal and traditional right to access family land and have nowhere else to go but displacement camps. They are entirely dependent on humanitarian assistance from NGOs.<sup>15</sup> However, access to such aid has also been compromised in areas of Bujumbura Rural. In 2004 Human Rights Watch (HRW) reported that humanitarian assistance was suspended in that province as both government and

FNL forces robbed IDPs and other vulnerable households immediately after receiving assistance.<sup>16</sup>

More recently (31 March 2005) UNHCR temporarily suspended their activities after a Congolese refugee was killed by a peacekeeper at a food distribution site in Muyinga province. The presence of a large number of Burundians outside of the country at a delicate stage of the peace process portends its own unique political dilemma.<sup>17</sup> The problems of exile present a more complex set of challenges than mere displacement; displacement brings with it property disputes, family disintegration, political manipulation and the larger question of socio-economic reintegration.<sup>18</sup> Indeed one of the major factors that triggered a return to violence in 1993 was the anticipated massive return of Hutu refugees. It is crucial, therefore, to revisit the progress of the implementation of Protocol IV.

### Who is responsible?

The Ministry of Reintegration and Resettlement of Displaced and Repatriated Refugees (MRRDR) created in 1994 has been tasked with the resettlement process. Its four areas of activity are humanitarian assistance, voluntary return, resettlement and reintegration. In addition, the accords envisaged a separate commission tasked with resettlement and reintegration – the CNRS (National Commission for the Rehabilitation of *Sinistrés*). They also called for a subcommittee of the CNRS that has a specific mandate to deal with issues related to land, and a National Fund for *Sinistrés* that will derive its funding from the national budget and grants.

The CNRS is responsible for:

- Ensuring the equal distribution of resources for refugees and *sinistrés*;
- Addressing the issue of land (through the creation of a sub-commission);
- Conducting a census of the refugee and *sinistrés* populations;
- The adoption of policies to ensure that in the short, medium or long term there will no longer be anyone living within camps inside the country;
- Making sure that all returning people receive the necessary material support and have adequate access to social services;
- Promoting the participation of the population in resettlement activities;
- Creating additional reception committees at the community level to ensure that the refugees and *sinistrés* receive the assistance needed and that their rights are protected;
- Preparing for IDP returns to *collines* of origin through information and awareness campaigns and mechanisms for peaceful co-existence;
- Providing assistance to other vulnerable groups although a responsible ministry is not designated.

Yet, the CNRS was only formally established in 2003 and it is still unclear as to how its mandate differs from



that of the MRRDR. A brief overview of the institutions and their relationship will follow.

The tensions between the CNRS and the MRRDR reflect the highly contested nature of political office stemming from Burundi's historical legacy. Thus the duplication of responsibilities and mandates of the newly created commission and the already existing ministry have been ignored in favour of power sharing politics. In his analysis of the socio-political context of land access and repatriation in Burundi, Johnstone Sumit Oketch of the UNHCR (United Nations High Commissioner for Refugees), explains that the "structural arrangement between the CNRS and the ministry reflects a political power sharing compromise between these two political groups, with the presidency of the Commission allocated to FRODEBU and the Ministry under the C10 (Tutsi parties). The compromise took little note of the fact that the functions of the two are largely synonymous and creates additional layers of bureaucracy not conducive to the efficient execution of the mandate envisaged for the CNRS under the Arusha Agreement."<sup>19</sup> In addition to these institutions is the all important UNHCR – the "lead" agency in refugee matters that works with NGOs and the government of Burundi on the repatriation and reintegration process. It is no wonder that a November 2004 report by IRIN (Integrated Regional Information Network) described the situation "as difficult as walking through a brightly lit maze where the pathway is clearly visible, but all too often leads to a dead end."<sup>20</sup>

At the heart of the tug of war between the two institutions is the control of resources. Whoever holds the key to the large amounts of aid money required to facilitate the reintegration process will also have political influence in the run up to the post-transition elections. Moreover, as a 2003 ICG (*International Crisis Group*) report highlighted, the commission lacks the capacity to implement its mandate compromising its independence from the ministry.<sup>21</sup>

The commission's limitations were brought to the fore at a Global Plan of Action meeting in October 2003, where it failed to present a budget or work schedules in its strategic planning. Moreover, in November 2004 the UN noted that the "coordination capacity of government structures remains limited at both national and provincial levels, especially that of the CNRS".<sup>22</sup> As a result of these factors, the CNRS has largely been providing short-term humanitarian services, rather than playing the developmental and structural role envisaged in its mandate.

### *International assistance*

Another serious impediment to the process is the dependence on international donor funding. Both the

CNRS and MRRDR identify a lack of funding as the main stumbling block to implementing their mandates. In the recent past international donors have shown to be reluctant to disburse money for activities beyond humanitarian work. This may be attributed to concerns about continued physical insecurity and the inability of the transitional government to absorb these funds. However one of the main consequences of placing rehabilitation/regeneration at the tail end of the political process is that "reconstruction" becomes obscured by the focus on short-term activities. This perspective was strongly expressed during interviews with NGO staffers in Bujumbura. As the Deputy Director of the IRC (International Rescue Committee) explained,

"We mustn't forget that Burundi is not only ethnically divided, but also has a marked maldistribution of resources on a geographical basis. This historical legacy is not being dealt with and the reality is that donors are now allocating money to other hotspots like Iraq. The heavy reconstruction funding needed now is not always forthcoming".<sup>23</sup>

Moreover, as Martina Fischer notes in her work on the reintegration of displaced people, both humanitarian and developmental agencies tend to focus too much on mandates rather than on the needs of those affected by war, and neither seems to rely on the knowledge and expertise of the other that may help improve operations.<sup>24</sup>

A coordinated effort at understanding the needs of the country, and more fundamentally, the state's absorptive capacity, is needed to avoid disbursing aid simply for immediate emergency needs. Previous donor strategies of dealing solely with the Burundian state reinforced state control over the economy, and indirectly supported the unbalanced distribution of resources and discriminatory policies that consolidated power in the elite.<sup>25</sup> This broad level of engagement between NGOs, the donor community and the state must be effectively coordinated to avoid duplication of activities. The results of poor communication between these parties was demonstrated at a coordination meeting in August 2002, where five donors realised that they contributed to the same programme in support of parliament.<sup>26</sup> Expanding on this point, the ICG notes that, "although most donors agree on overall objectives- reconciliation, democracy and prosperity- each uses different strategies and means. The power of the donor community in general and each donor specifically has greatly dissipated because of the different messages given in terms of who is supported politically, mechanisms for allocation of assistance and conditionality for renewed bilateral cooperation."<sup>27</sup>

Certainly, aid and development workers have applauded UN OCHA's (United Nations Office for the

Coordination of Humanitarian Assistance) weekly meetings. These have helped to improve coordination between the 57 NGOs and agencies working in the small country. However coordination between state departments, NGOs, UN agencies and donors remains a problem, as feedback from focal point meetings held regularly on the commune level are not consistently relayed back to government.

Added to this is the decrease in donor funding for Burundi since 1992. The 2004 UN Consolidated Appeal received only 45 percent of funds required.<sup>28</sup> So far there have been four donor roundtables on Burundi (2000, 2001, 2002, 2004), and at the most recent meeting in Brussels, some US \$ 1 billion was pledged. However there is little to suggest that even 25 percent of this amount will materialise. This may be partly because donors are reluctant to disburse money to a government that may not be able to absorb funds appropriately. But the lack of funding was a significant factor in determining the efficiency of agencies like UNHCR over the 2004 period.

It was only towards the end of the year that the agency received most of the funding required for successful repatriation. In an interview on the lack of progress on implementing the reconstruction agenda, the Minister of MRRDR, Francoise Ngendahayo, explained that getting donors to release funds was a “perpetual fight” and that it is “dangerous and detrimental to the peace process to emphasise reinsertion (without considering reintegration), but we have to accept it like it is, we don’t have the power to dictate to donors.”<sup>29</sup> Such reconstruction aid must be separate from humanitarian assistance and debt relief, and accounted for as such.<sup>30</sup> It is necessary, therefore, to critically evaluate the gap between pledges made and those actually disbursed to avoid acting on what is termed the “humanitarian alibi”. Critics use this term to describe the practice of misusing the humanitarian label, as a way of doing as little as possible in economically unpromising regions like sub-Saharan Africa.<sup>31</sup> Rather peace-building initiatives must be developed alongside immediate relief activities through the use of multidimensional approaches.

One of the major consequences of the CNRS’s shortage of funds and manpower is that it has had to focus primarily on returning refugees and less so on the internally displaced.<sup>32</sup> For its part, the UNHCR says it is acutely aware of the need to mitigate tension between the repatriates and the internally displaced, and has allocated 10 percent of its 2005 housing infrastructure budget to IDPs.<sup>33</sup> In addition the agency has assisted with the building of 300 classrooms, 24,000 homes and 19 health centres since the beginning of this year 2005. Nevertheless, donor funded activities should not undermine the mechanisms for state building that could make the new Burundian government more responsible for the welfare of its people.<sup>34</sup>

NGO workers in the field are reluctant to use the terms ‘progress’ or ‘success’ to describe the current

human security situation in the country. In recent interviews conducted in Bujumbura for the purpose of this paper numerous NGO workers concurred that there is a marked improvement in accessing vulnerable communities due to a decrease in violent conflict. Nevertheless, they emphasised that their operations are largely ‘stop-gap’ measures in the face of a lack of clear strategies from the government to deal with the structural factors that contribute to conflict.

Analysts such as Tony Addison (who has written extensively on the role of agricultural development in post-war environments), draw attention to the way in which war accentuates social inequalities not only in incomes but also in human development indicators, which makes the use of a general term like ‘community’ highly ambiguous in the context of Burundi. For example, those who are involved in the shadow economy, and have local-level connections to elites are better placed for recovery in post-war environments. In Burundi as in other African countries where the majority of people live in dire poverty, the attention being paid to refugees and recently demobilised combatants has the potential to exacerbate tensions rather than alleviate them. Added to this is the consideration of appropriate ‘exit strategies’ for the many humanitarian organisations whose mandates will expire once the political process is stabilised.

### *What has been achieved?*

While there are few reports of progress made by the CNRS in implementing its mandate, a handful of activities have gained momentum. These relate to:

- the census of IDP and Refugee population undertaken by UN OCHA;
- the creation of additional reception committees at the commune level;
- information and awareness campaigns on mechanisms for peaceful co-existence upon return to *collines*.

Results from the census have been collated into tables and maps, and also include percentages reflecting the willingness of IDPs to return to their places of origin. The MRRDR reports that reception activities are ongoing at *colline* level, and have been jointly coordinated with the CNRS. These activities include ‘sensitisation’ of relevant populations to an influx of returnees, making it clear that ‘peace dividends’ must be distributed between the settled and returning Burundians. Although not part of the formal process, work by UNDP in the area of community assistance to ‘enlarge humanitarianism to development’ has helped to build trust between repatriated refugees and returned IDPs.<sup>35</sup> One example of community building activities undertaken by local NGOs is fish-breeding ponds, managed and owned by both refugee and local communities. Importantly, local NGOs take the lead in

these projects and are required to submit a proposal of their plan of action. Technical and financial assistance is then provided by the CAUP (Community Umbrella Assistance Programme) of the UNDP. As one of the directors of the programme explained, the positive outcome of their localised projects demonstrates that “(long term) development is possible”.

### *Resettlement and return of sinistrés*

Since the inception of its voluntary return program in 2002, UNHCR has facilitated the return of some 158,000 people. This number reflects facilitated/assisted returns and does not account for those who decided to return without the assistance of the agency, sometimes referred to as ‘spontaneous returns’. It is encouraging to note that the number of spontaneous returns has decreased in favour of a facilitated return. This is both the result of improved physical security in the country, and better monitoring of refugees who register more than once in order to receive numerous repatriation kits.<sup>36</sup> In March 2005, the agency reported on its plan to return some 150,000 refugees from Tanzania.<sup>37</sup>

What is of concern is the lack of funds disbursed for the purpose of repatriation. Of the US\$62.3 million needed for the 2005 repatriation programme, donors have so far provided only US\$8.4 million or 14 percent of the required funds. However a UNHCR official explained that while numbers of returnees were up, they are not in accordance with expectations. An important reason for this includes perceived safety in the ‘wait and see’ approach regarding the outcome of the elections. Indeed, the fact that many Burundian refugees in Tanzania have enjoyed standards of living in camps that have sometimes surpassed the national average in sectors such as water, health and education is one factor that may influence the decision to return.

Consequently, many of the concerns of refugees in countries of asylum have been on the state of these facilities back home and whether they would be adequately provided upon their return.<sup>38</sup> The harvest period in Tanzania is another factor for delaying repatriation as food insecurity continues to plague rural communities, particularly those in Burundi’s northern provinces. The World Food Programme (WFP) reports that as of March 2005, two million people require food aid in areas traditionally regarded as Burundi’s food basket. This represents a 40 percent increase in the number of beneficiaries of food aid as compared to 2004.<sup>39</sup>

The overall problem of sustaining livelihoods due to the scarcity of arable land for both local and displaced people has reduced the population’s ability to cope.

The fatal mix of overworked lands, negative weather patterns and the onset of the cassava mosaic virus has had a devastating impact on livelihood strategies. A drop in livestock numbers has also had repercussions on levels of protein in the Burundian diet, and as recent assessments show, there is a marked increase in malnutrition among children.

Rural impoverishment has driven many youth from the interior to Bujumbura in search of wage labour as a means of survival. In addition, large numbers of Burundians flock to Rwanda as manual labourers. Because the Rwandan currency is stronger than the Burundian *Franc*, it is more profitable to undertake such seasonal work across the border. However, there is another side to this relationship with the Rwandan economy—that is the reverse impact on food prices stemming from speculation. It is often cheaper for Rwandese living in the border regions to purchase goods/foodstuffs from the Burundian side. This however, creates speculation on the local market, and results in the driving up of prices for local Burundians. In addition, the all-important coffee exports are also devalued through the use of blends for the global mass coffee market and increasing competition from Vietnamese and South American coffee producers. This means that farmers get significantly less than they did in the past for specialised *Arabica* coffee, which has historically been Burundi’s ‘comparative advantage’ in the commodity sector.

The broader developmental problem affecting the country can be illustrated by the state of the northern provinces. This is summed up by one WFP (World Food Programme) staffer who explained that, “as a region, the north saw the least amount of armed conflict yet today it is in need of massive humanitarian aid.”<sup>40</sup> It is

clear that economic degradation and impoverishment characterise the Burundian economy, affecting the majority of local Burundians as well as returnees and former IDPs. For this reason, conflict over access to land and livelihoods will continue to be the pivot around which ethnic and other rivalries are able to mobilise.

Sheer psychological fear of returning before an election (whether founded or not) is another strong factor for the wait-and-see approach. Burundian history has shown that the post-election period is most vulnerable to violence, and more disruptive than pre-election intimidation. Added to this is the issue of sexual exploitation of female returnees who are particularly vulnerable to abuse and food deprivation at the hands of the military mandated to protect them during their return. This form of violence contributes to another developmental challenge, that of HIV/AIDS. Burundian women already account for almost 59 percent of reported HIV/AIDS cases.<sup>41</sup>

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The number of IDPs has also decreased since the signing of the cease-fire agreements between the government and several rebel groups in 2003, however displacement continues to be a problem around Bujumbura Rural. Towards the end of March 2005, displacement was reported in four communes in Bujumbura Rural due to alleged FNL attacks on civilians who are accused of collaborating with the new national defence force.<sup>42</sup>

As of March 2005, it is reported that more than 50 percent of IDP camps around the country have been dismantled. However the conditions of those displaced outside camps must be considered before any hasty reintegration plans are undertaken. The UN estimates that over half of the 281,000 people displaced in camps had returned home by mid-2004, most of them without external assistance. A UN OCHA survey on IDP camps in Burundi showed that return movements were particularly high in the most war affected southern provinces of Makamba and Bururi, while those in the North remain sceptical about the state of 'inter-ethnic' clashes that caused their displacement as far back as 1993. Around 90 percent of IDPs in Burundi are displaced close to their place of origin, and are notably mono-ethnic (predominantly Tutsi), with the exception of Bujumbura Rural and Makamba province. This indicates an attachment to land as a means of survival, as many IDPs continue to work their lands despite living in displacement camps. At the same time it also suggests that closer attention needs to be paid to women and children who make up for around a third of displaced households and who have no access to livelihoods. According to the Minister of MRRDR the government is anxious to dismantle IDP camps and convert them into settlements.

Added to this mix of challenges is the question of corruption around food aid, as 'ghost' beneficiaries are often fraudulently added to beneficiary lists. These lists are drawn up by local authorities and are thereafter passed onto the appropriate aid agencies, leaving a gap for abuse of the system by corrupt officials to the detriment of real beneficiaries. This is partly evidenced by the fact that distributed food aid is often found for sale in local markets particularly in the northern provinces. As recently as March 2005, WFP temporarily suspended distribution of food aid in Kabzi commune "on account of the obvious traffic of food items"<sup>43</sup>. To counter this practice, the WFP is now making more use of local NGO's and church groups to assist them in verifying beneficiary lists.

### *Sovereignty and assistance*

The difference in the legal framework governing IDPs and those who cross international borders becoming temporarily "stateless" has meant that the former are primarily the responsibility of the state. In the context of Burundi many IDPs 'deplore the fact that all decisions regarding the IDP community are made by local administration. Accessing IDPs is generally more

difficult than assisting refugees, and often requires that agencies and international actors pressure recalcitrant governments. IDPs are being assisted on an immediate humanitarian basis by various UN agencies (UNDP, UNICEF, UNHCR, WFP, OCHA) and other international NGOs. But the absence of a clear division of responsibilities, and therefore clear responses, means that the UN's work is largely reactive. UN agencies are involved as a function of their mandates and resources rather than in response to the needs of IDPs.<sup>44</sup>

Protection concerns regarding IDPs are channelled through the Technical Follow-up Group (GTS) which meets once a week and comprises of UN agencies, government as well as NGO representatives. However, the UN inter-agency division on Internal displacement has noted that GTS has remained largely inoperative due to the limited engagement of UN actors, and the tendency to use the forum for humanitarian rather than protection issues.

Conflict may also arise if IDPs believe that refugees are receiving preferential treatment by the state and aid agencies. Local populations must be sensitised and assisted to avoid the creation of 'two classes' of people (local and returning) in the already highly fractured society. There is genuine concern among aid and development workers who believe that the political process can easily be derailed by 'spoilers' like the FNL who may take advantage of such grievances if the reintegration process is not urgently addressed. The dividends of peace must also be made more attractive than the spoils of war for some 15, 000 demobilised combatants and 3, 000 former child soldiers. It is clear that issues surrounding the reintegration of refugees and IDPs have to be seen in the context of overall impoverishment of the majority of the Burundian population.

### **Land – the ultimate peace dividend**

The key issue facing post-conflict Burundi is that of access to land. With more than 90 percent of the population dependent on agriculture for their livelihoods, such access defines their ability to engage in subsistence and cash economy. The current situation is to a large extent a result of a demographic explosion with an estimated annual population growth of three percent, making Burundi one of the most densely populated countries in the world.<sup>45</sup> The country's land scarcity problem will be exacerbated by the return and repatriation of thousands of refugees and IDPs, and threatens to be a major source of instability for the new state. It should be recalled that agitation by expropriated Tutsis significantly contributed to political instability and the assassination of elected President Melchior Ndadaye.<sup>46</sup> To some degree all Burundian refugees and displaced persons have been the victims of land expropriation.<sup>47</sup> The 1993 experience demonstrated the dangers of a rushed repatriation process that is not

prefaced by a conflict resolution mechanism on land claims. Displacement itself can further exacerbate hostilities as members of the local community might view new incoming populations with suspicion. It has to be remembered that the cycles of violence that have characterised Burundian life have entrenched a culture of distrust and fear which is a major challenge for national reconciliation.

### Protocol IV and land

The principles and mechanisms set out in Protocol IV of Arusha demonstrate a comprehensive understanding of the challenges to land access, and if implemented will certainly go a long way in addressing the core issues around land related conflicts. Some of the accords' key principles on land are set out below:

- Property rights shall be guaranteed for all men, women and children. Compensation, fair and equitable under the circumstances, shall be payable in case of expropriation, which shall be allowed only in the public interest and accordance with the law which shall also set out the basis of compensation;
- All refugees and/or *sinistrés* must be able to recover their property, including their land. If recovery proves impossible, everyone with an entitlement must receive fair compensation, and or/indemnification;
- The policy with respect to distribution of State-owned land should be reviewed so that priority can be given to the resettlement of *sinistrés*;
- A series of measures shall be taken in order to avoid subsequent disputes over land, including the establishment of a register of rural land, the promulgation of a law on succession and, on a longer term, the conduct of a cadastral survey of rural land;
- Burundi's land act must be revised in order to adjust it to the current problems with respect to land management; and
- A Sub-Commission on land will be established within the framework of the National Commission of Rehabilitation of *Sinistrés* and will have the specific mandate of:
  - Examining all cases of land owned by old caseload refugees and state-owned land
  - Examining disputed issues and allegations of abuse in the (re)distribution of land and ruling on each case in accordance with the above principles.

The situation is further complicated by the different 'waves' of refugees that are now categorised as either 'old' or 'new' caseloads. The former refers to those who escaped the 1972 killings of the Hutu 'elite', while the latter fled during the past decade of fighting. Competition over 'rightful ownership' is further

worsened by the vagueness of the country's land law and the fact that there are no private property rights in Burundi. Tenure is a complicated matter, largely defined by the number of years that one has been accessing the allocated land. This poses an immense problem for refugees who have been outside of the country for over thirty years, and who like other Burundians attach a cultural significance to their places of origin. An October 2004 IRIN report estimates that 40,000 refugee families who fled in 1972 are now landless or have lost their claims to land.<sup>48</sup> The 1986 Land Code states that if an individual occupies land for more than 30 years and there are no claims on that land within 2-3 years of this period passing, then the government should reallocate the territory to them.<sup>49</sup>

The Burundian constitution allows the state to expropriate land in the public interest, but once again this has been abused to benefit patronage to influential military figures to the detriment of the most vulnerable. Generally, local authorities make decisions based on a combination of statutory and customary law, and the interpretations of both custom

and statute vary widely from province to province.<sup>50</sup> Furthermore the double allocation of plots at a commune level, and the lack of communication between provincial and central state offices exacerbates the bureaucratic burden of registration.

The partisan nature of the judiciary means that there are few credible forms of formal conflict resolution. While historically, the traditional '*Bashingantahe*' system gave authority to local 'wise' elders who acted as mediators between competing parties and were seen as neutral in terms of ethnic rivalries, in recent times even this form of mediation

has been corrupted through the politicisation of appointments. As a result the *Bashingantahe* has been "co-opted into the lopsided governance system, undermining its credibility and trust among the population".<sup>51</sup>

In addition, it is on the issue of land that gender inequality is particularly manifest. According to customary land tenure, subdivision can only be done between male heirs and women have no inheritance rights. This is because a woman was traditionally expected to leave her parents' home upon marriage, after which she would work on her husband's land. But the practical reality of post-conflict Burundi is not amenable to this neat categorisation. Widows make up a significant percentage of the population (two-thirds of IDP households are headed by women and children), and more than 79 percent of agricultural labour force is female. Yet, despite their strong involvement in the Burundian economy, women have been relegated to the margins of society through their socio-legal status.

The country's land scarcity problem will be exacerbated by the return and repatriation of thousands of refugees and IDPs



One of the most devastating consequences of the severe demographic pressure on the country is the degradation of the quality of land. Increased subdivision of plots into smaller parcels of land has meant that large tracts of land used by numerous people are now unviable, and may in fact motivate for the further displacement of people.

### *What has been achieved?*

The following update relating to the status of implementation is largely based on papers presented at an African Centre for Science and Technology Studies (ACTS) conference in December 2004, which focused on the primacy of land in conflicts in the Great Lakes region.<sup>52</sup>

#### *The Land Code*

The most recent update on the status of the Land Code is a draft version completed in May 2004. The code is broadly in line with the concepts of land tenure security and the need for land markets, as championed by the World Bank, the FAO (Food and Agricultural Organisation), and other institutions in a number of countries. Customary aspects are to be 'replaced' with a modern system, through universal land registration. Land redistribution is not being considered – instead, it is envisaged that land markets will redress some imbalances. The code seeks to prevent the subdivision of plots of 0.5 hectares or smaller. However, policy-makers are aware that this will be almost impossible to implement. Currently, while an individual occupying land as a 'squatter' for thirty years can apply to gain legal recognition of ownership, the new draft proposes to change this minimal 'prescription' period to fifteen years. This is likely to be extremely controversial, and if the 15-year proposal is accepted by parliament, thousands of people who were displaced in 1988 will have difficulty in reclaiming their lands. Those who were displaced in 1993 will also be under extra pressure to return and formalize their land claims. Finally, it is notable that the proposals do not envisage any kind of land redistribution exercise.

#### *Land Commission*

The draft form of the Land Code specifies that the national commission should be composed of representatives of the ministries concerned with land; provincial and commune-level associations of farmers and pastoralists; NGOs involved in agriculture or pastoralism; as well as people chosen for their particular competence. However there is no explanation on how these individuals will be selected. This lack of clarity is also evident at the communal level since norms for the selection of these members are unspecified. The commission's responsibilities include: land administration; registration of land rights; expropriation of land; the establishment of zones of intensive agriculture; as well as the establishment of local land management plans. Importantly, no more than half of the members may be state employees.

#### *Registration*

The recognition of the currently informal *Certificate de Possession* (issued at commune level) will bring increased security of tenure at local level. Oketch argues that the "the move towards formalization of land documentation will require a well-designed policy which will facilitate formalization but will not result in those without papers being dispossessed by those able to take advantage of money, literacy, and connections."<sup>53</sup> This process will require a large injection of resources, unlikely to become available in the near future. For this reason, a more realistic evaluation of a continued role of customary law would be useful.

It is also important to remember that severe pressures on the land market make it a prize area for the abuse of power. As Oketch highlights, the historical legacy of Burundian politics has entrenched a system where a small urban elite is in a position to 'buy' out the rural poor. Eighty-two per cent of the population lives on less than \$2 per day and 58 per cent on less than \$1. Selling land may therefore, be the only means to meet cash needs for healthcare or food for the majority of the impoverished.<sup>54</sup> One suggestion of creating greater equity in land ownership may be to implement a regulatory mechanism that would put a cap on the amount of land owned by one person.

### **Physical and Political Reconstruction**

Arusha broadly defines reconstruction as:

"(the) restoration of the living conditions of the population to their best previous level. In other words, reconstruction means the whole range of activities to be conducted in order to attain the highest, and hence the most significant, socio-economic indicators achieved in the past."

The term is thereafter divided into two separate but related aspects– physical and political reconstruction. Due to the limits of this paper, the question of physical reconstruction will not be dealt with in detail except to say it includes measures to facilitate the return of refugees and displaced people, and an inventory of infrastructure of key sectors such as health, housing, water and educational facilities. According to Arusha between 150, 000 to 200,000 houses must be rebuilt at an estimated cost of 25,000 BuF (Burundian Francs) per house.<sup>55</sup> However in order to build these houses the primary problem of land tenure and ownership must first be addressed. Moreover, the huge amount of resources needed to implement reconstruction can be gauged by the fact that the cost of one kilometre of water piping is estimated at around US\$10,000.<sup>56</sup> Aside from the rehabilitation of infrastructure, Burundi also faces the challenge of revitalising essential public sector services. Recent long running strikes by teachers and nurses for better working conditions and remuneration highlight the need to invest in human capital to maintain a functioning public service. The

massive 'brain drain' particularly in the medical field, has severely impacted upon the quality of medical care in the country. And, although this vacuum is temporarily filled by NGOs and aid agencies, they are constrained by donor funding and therefore may have to withdraw from the country on this basis. Clearly, the humanitarian approach to post-war Burundi is not only insufficient for the needs of the country, but may also be abused by actors whose interests are threatened by the standards of accountability expected of a post-transition government and national reconciliation.

### *Political Reconstruction and National Reconciliation*

The severely fractured nature of Burundian society makes the issue of national reconstruction of paramount importance. Political reconstruction in this context refers to the measures taken towards the establishment of the rule of law and which will foster national reconciliation.<sup>57</sup> The reform of the judiciary, advancement of women, democratization of institutions and support for parliament, civil society and the media make up core areas for political reconstruction.

This discussion has consistently emphasised the precarious relations between various groups along both ethnic and class lines. There is a serious need to concentrate on reconciliation efforts between disaffected groups in order to prevent opportunistic disruptions to the peace process. One of the mechanisms identified for the purposes of national reconciliation is a Truth and Reconciliation Commission. This model has been applied to varying degrees of success in South Africa and Sierra Leone. But in Burundi political considerations have encroached upon the expediency of setting up the commission. Commissioners were only nominated in early January 2004, and the institution has been described as still being in an 'embryonic stage'<sup>58</sup>.

The commission does not yet have a mandate, and consequently it is unclear as to how it might address competing claims for both justice and reconciliation. UN Secretary General Kofi Annan has recommended the establishment of two panels, a non-judicial "truth commission", and a special chamber within Burundi's court system. The latter would be responsible for bringing to justice those involved in genocide and crimes against humanity. While these recommendations share the concept of ownership between the international community and the state itself, current Burundian legal practice is more often than not characterised by impunity and patrimonialism making domestic courts completely unsuitable to the task.

### *Human Rights*

In March 2004 the UN's special rapporteur on human rights reported that political progress had yet to produce any significant improvements in both the

humanitarian situation and in respect for human rights. Her report stated that throughout the period under consideration, the same human rights violations observed before were continuing in differing degrees of intensity. Numerous abuses of civil and political rights are also still being committed. The impunity that certain categories of persons (particularly members of the regular army and rebel troops) have enjoyed has only increased the already widespread feeling of insecurity. Main violations include the violation of the right to life, physical integrity, liberty, freedom of movement and freedom of opinion and expression. These abuses are particularly severe for women and children as will be outlined below.

### *Promotion of the advancement of women*

Women and children have borne the brunt of the war and will continue to suffer if their concerns and rights are not 'mainstreamed' into the broader discourse of a new Burundi. And while the Arusha accords encapsulate the major challenges facing women, and recommend sound steps for redress, implementation of such reforms are lacking. According to Arusha, women must be included as 'peace mediators' and on management bodies of the transition. Moreover, they must compose 30 percent of parliamentary positions. To date there are only 3 female ministers out of a total of 27, while only 20 senators out of a body of 54 are female. Having said this, we must be careful of reducing "gender equality" to a numbers game that would suggest a pseudo-transformation of the system. Since women make up for around 79 percent of labour at the *colline* level, it is there that the structural impediments to equality must be addressed. The most pressing of these are to do with formal education, employment and livelihoods. UNFPA (United Nations Population Fund) reports that over 72 percent of Burundian females over the age of 15 are illiterate

The use of 'rape' as an instrument of war is fully entrenched in Burundian culture. The definition of rape is not specified in the country's legal code, and loosely translates as 'obscene behaviour'. Consequently rape is not viewed as a serious crime. Another baseline survey undertaken by UNFPA found that in majority of rape cases the victims knew their rapist, implying that rape is often perpetrated from within the local social network.<sup>59</sup> Certainly, incestuous rape is not uncommon. Moreover, local NGO's have called attention to the high frequency of armed rape in hillside communities where both the military and gangs target young girls. Human rights workers maintain that there is almost no chance of prosecuting rapists in the formal court system. Moreover, the traditional *Bashingantahe* mediation mechanism often recommends marriage between victim and perpetrator to avoid social stigma.

UNFPA also highlight the widespread mistreatment of widows who are abused because they 'do not

have a man to protect them' and noted that 'widows in Kayanza described a vicious cycle of desperate indigence driving widows into prostitution, who then contract HIV and perish, leaving behind children who turn to delinquency, begging and banditry to survive.'<sup>60</sup> For the women of Burundi the current peace is not very different to the conditions of war.

## Economic and Social Development

Pre-war indicators for Burundi show that the Burundian economy was in poor shape even before the onset of consistent conflict. This is due to several contributing factors the most significant being land scarcity, export dependent growth (largely on the coffee sector), and an agriculture based economy. The diversion of resources towards military spending and the regional embargo from 1996-1999 severely conflated already existing inequalities. The economic embargo also skewed the economy in favour of 'luxury goods' for an elite market. These items could be smuggled with greater ease and at more competitive prices than low paying items such as agricultural implements.<sup>61</sup> Gross domestic product has fallen 25% in the last 5 years, while falling global coffee prices have led to a serious shortage in foreign exchange reserves.<sup>62</sup>

Human development indicators for the country are equally bleak. According to the World Bank between 2000 and 2002 Burundi became one of the poorest countries in the world. In 2003 about 68 percent of the population survived on less than US\$1 per day, as compared to 40 percent in 1993, before the start of the conflict.<sup>63</sup> The World Food Programme recently reported that an increasing number of households are no longer just vulnerable to food insecurity – they are now chronically food insecure. Another worrying trend is the worsening levels of urban poverty that has doubled to 66 percent between 1992 and 2002.

## Arusha and Economic Development

In keeping with the rest of the constitutive chapters of the Arusha Agreement, Chapter III of Protocol IV provides a comprehensive reading of the pertinent issues affecting the country on the question of social and economic development. It states that:

"If the current generation is not to bequeath this weak economy to its descendants, Burundians must commit themselves to a major effort and even sacrifices to bring about the country's economic recovery, for the task is not an easy one."<sup>64</sup>

The chapter covers all the main areas of the economy from macro-economic concerns on foreign reserves, unemployment and external debt to micro-financing and the role of women and youth in development. For this reason, this paper has emphasised the need to pay

more attention to the recommendations of Protocol IV of the Arusha Peace and Reconciliation Agreement that are aimed at reversing the pattern of underdevelopment that has characterised the country over the past decade.

Article 16 sets out the guidelines for governing development. The main guidelines include:

- Macro-economic stability;
- Solving the problem of external and domestic debt;
- Structural reform of social sectors;
- Creating an environment conducive to private investment;
- Efforts to create new jobs and compliance with criteria of equity and transparency in employment;
- Promotion of the role of women and youth in development.

To this end, the government and the World Bank have jointly produced an IPRSP (interim strategic framework for accelerating economic growth and reducing poverty) in November 2003. Consideration of the final PRSP is expected by June of this year. The document covers six broad categories that generally correspond with the concerns outlined in Chapter III of the Accords.

Burundi is no stranger to economic reform and has engaged with the World Bank as far back as 1986. The IPRSP acknowledges that the Bank's earlier SAPs (structural adjustment programmes) in place from 1986 to 1992 produced disappointing results particularly in key areas of budgetary reform, reforms of public enterprises and agricultural policies. However it argues that this was mainly the result of 'piecemeal' implementation, and disruption caused by political instability. The current PRSP is being touted as a reversal of the top-down approach characteristic of the SAPs of the early 1990's, towards a more participatory form of engagement that extends to commune level. According to the World Bank's poverty reduction specialist, the document is "not cast in stone and has to be flexible enough to adapt to the changing socio-political environment".<sup>65</sup> At the same time it is also true that the country's colossal external debt means that creditors cannot simply walk away from Burundi.

## Debt Burden

As of 2002, external debt arrears stood at some US\$148.5 million and debt service payments accounted for more than 157 percent of exports. Debt servicing absorbs around 98.8 per cent of total revenue. If we add domestic debt to this equation, the country has a total debt that exceeds 180 percent of its gross domestic product. In addition, linked to the vagaries of international exchange rates, debt servicing has increased as much as 320 percent due to the depreciation of the Burundian *Franc* against the US dollar. Debt is



therefore an unsustainable and crippling burden that diverts much needed resources from peace-building and reconstruction activities. Moreover social justice activists argue that ordinary Burundians are being punished further by having to finance a debt racked up by elites for their personal gain.

### *Liberalisation*

Burundi is appealing to all its bilateral creditors to forgive or cancel its debts (amounting to approximately 14 percent of total indebtedness). For its part, the government will reciprocate this good faith by establishing a program for the allocation and use of the savings generated by debt relief.<sup>66</sup> Considerable attention has been paid to the African debt burden by local and international activists, and is now increasingly the concern of northern governments. Certainly, the UK's Chancellor of the Exchequer, Gordon Brown, has been particularly vocal about his support for debt relief. Having said this we must examine what is actually being proposed.

The World Bank and the International Monetary Fund recently expressed the view that Burundi may soon be eligible for the Highly Indebted Poor Countries (HIPC) initiative if it continues with the privatisation and liberalisation of its economy. Head of the IMF delegation Paul Mathieu explained that if the country was granted HIPC status its external debt could be 'significantly reduced'.<sup>67</sup> In order to qualify for HIPC, countries have to demonstrate that they have an 'unsustainable debt burden beyond available debt mechanisms'.<sup>68</sup> For most countries debt is deemed 'unsustainable' when it exceeds more than 150 percent of its exports. This is an arbitrary figure, and has been acknowledged as such by the Bretton Woods institutions. In addition, the country in question has to demonstrate a commitment to implementing the jointly produced PRSP, which has a firm focus on liberalisation of the economy, and macro-economic stability. Through the HIPC, creditors are dealt with in a comprehensive way making it easier to manage several bi-lateral arrangements. This is expected to improve the management of the overall debt burden.

While the HIPC works on a continuum from 'decision' to 'completion' point, the decision point is made entirely by the IMF and WB without input from the debtor country. Debt relief is aimed at bringing debt levels down to sustainable levels but is actually only cancelled on completion point. Of the 18 African countries who qualify for HIPC, only two (Uganda and Mozambique) have reached completion point after six years of arduous reforms. Two aspects of the HIPC initiative that concern critics are to do with the

amount of debt cancelled, and the liberalisation of domestic markets in favour of export oriented growth. Firstly, it is difficult to assess the amount of debt that has been cancelled since it is committed at decision point but only delivered at completion point. However, when announcing the amount of relief offered, the WB and IMF usually include all relief committed to the countries past decision point, which can overstate the amount of cancellation that has taken place. And secondly, it is argued that the emphasis on liberalisation that underpins the PRSPs, is simply aimed at limiting losses incurred by rich countries.<sup>69</sup>

Burundi's PRSP has a clear 'free market' orientation with an emphasis on the privatization of state-owned assets and foreign investment. Liberalisation will be pursued with the aim of promoting non-traditional exports, and diversifying the economy, signifying a move away from the country's historical dependence on coffee exports. Nevertheless, we must guard against assuming that normative frameworks of democracy and free markets will provide the necessary stability for post-conflict

Burundi. Support for social development through mechanisms for participation with accountability is more likely to have an effect than social and economic engineering from the outside.<sup>70</sup> This view is accentuated by activists like Naomi Klein who points to the rise of a predatory form of 'disaster capitalism' that masks neo-liberal interests through post-conflict 'reconstruction' rhetoric. This perspective is particularly revealing if we consider that corruption of aid is often used to explain donor's hesitation to disburse funds. But as Klein suggests, '(t)he stories of corruption and incompetence mask a

deeper scandal: the rise of a predatory form of disaster capitalism that uses the desperation created by catastrophe to engage in radical social and economic engineering. On this front, the reconstruction industry works so efficiently that the privatisations and land grabs are usually locked in before local people know what hit them.<sup>71</sup>

In the case of Burundi the issue of land rights will have to be urgently resolved in order to stimulate entrepreneurship required for a dynamic private sector, and prevent a 'land-grab' by the powerful that often happens in the immediate years of peace.<sup>71</sup> It is fundamental that the livelihoods of the poor become a priority for the new government and its reconstruction partners. On the positive side it is encouraging to note, that the interim PRSP's emphasis on the rural economy and on providing better access to the factors of production in rural settings, particularly in recommending the extension of micro-finance services to small and medium scale

### Activists point to the rise of a predatory form of 'disaster capitalism' that masks neo-liberal interests

farmers. Certainly these 'grassroots' based investments have shown to have a significant impact on food security and production in depressed rural economies.

## CONCLUSION

It is evident that Burundians are war fatigued and are now looking forward to the dividends of peace. The cumulative effect of the war is taking its toll on the country and its majority of impoverished people. For this reason, increasing progress on the political level is a welcome respite from the intransigence of political will which prolonged violence over the past decade. In addition, the strong role played by the region in applying pressure on the parties involved have made it clear that 'spoilers' to democratisation will not be tolerated.

Yet, while it is understood that primary policies and legislation regarding the post-transition period must be set in place before overall 'reconstruction' gets underway, the lack of implementation of the recommendations agreed to in Arusha does not bode well for the immediate future. Indeed, the accords reflect what the parties themselves deemed important for a post-war Burundi. Therefore, the legal and regulatory vacuum that currently exists with regard to fundamental issues such as land tenure is a major indictment against the transitional government. Moreover, increasing levels of banditry, vigilantism and widespread human rights abuses reflect a society that feels completely disempowered by elite politics. Political peace is therefore insufficient in the absence of concerted investment in the long-term social and economic development of Burundi. In this context, reconstruction must be accompanied by a transformation of the entrenched culture of patrimonialism and discrimination.

While South Africa's Deputy President, Jacob Zuma, the chief mediator in the Burundi peace process, has recently argued that "our Burundian brothers and sisters should appreciate that it would be strange if there was a flood of (international) aid into Burundi during this short term government", we suggest that thinking of socio-economic reform as a secondary phase could seriously jeopardise the long term sustainability of peace in the country.

What is clearly lacking in the run up to Burundi's multi-party elections is a sense of common purpose or 'national vision'. The lack of clarity on what should be the basis of building a new state leaves several questions unanswered. What are the common socio-economic goals of the transitional government? How does power sharing enhance efforts towards these goals? How might the Burundian people contribute to a national dialogue on the issues facing them? What are the immediate priorities for the state and civil society after the elections? And finally, how will the need for reconciliation be balanced with justice and

expediency demanded by a traumatised society? It is up to the transitional government of Burundi and its international partners to demonstrate to the people of Burundi their willingness to move beyond political jockeying to mitigate the effects of long-term socio-economic neglect.

## ENDNOTES

- 1 Founded in 1994 by Leonard Nyangoma, one of the founders of FRODEBU.
- 2 National Liberation Forces, armed branch of the Palipehutu. Led by Agathon Rwasa.
- 3 E Rackley, *Burundi: The impact of small arms and armed violence on women*, UNDP, November 2004, p 4.
- 4 *Breaking the conflict trap – Civil war and development policy*, World Bank, 2003, <<http://www.worldbank.org>>
- 5 World Bank Organisation, *Breaking the Conflict Trap*, 2003, <<http://www.worldbank.org>>
- 6 International Crisis Group (ICG), *A framework for responsible aid to Burundi*, Nairobi/Brussels, 21 February 2003, <<http://www.icg.org>>
- 7 Arusha, Protocol IV article 4, p 16.
- 8 The term *sinistrés* refers to all displaced, regrouped and dispersed persons and returnees.
- 9 Arusha Peace and Reconciliation Agreement for Burundi (Arusha: 28 August 2000).
- 10 Data accessed from UNHCR Burundi, available at <<http://www.unhcr.org>>
- 11 Data accessed from Integrated Regional Information Networks (IRIN), available at <<http://www.irinnews.org/Burundi>>
- 12 L Malkki, *Purity and exile: Violence, memory, and national cosmology among Hutu refugees in Tanzania*, University of Chicago, Chicago, 1995.
- 13 Ibid, pp 222, 235.
- 14 Norwegian Refugee Council/Global IDP Project, *Profile of Internal Displacement: Burundi*, 15 February 2005, <<http://www.idpproject.org>>
- 15 OCHA, IDP survey, August 2004, <<http://www.reliefweb.int/ochaburundi/>>
- 16 Human Rights Watch, 14 January 2005, <<http://www.hrw.org>> (Burundi country page)
- 17 J S Oketch, *Socio political context of land access, refugee repatriation and resettlement of IDPs in Burundi* (Briefing paper), Africa Centre for Technology Studies (ACTS), April 2004, <<http://www.acts.or.ke>>
- 18 Ibid.
- 19 Ibid.
- 20 IRIN, *Burundi: Grappling with repatriation, relocation of returnees and IDPs*, 8 November 2004, <<http://www.irinnews.org>>
- 21 International Crisis Group (ICG), *A framework for responsible aid*.
- 22 Norwegian Refugee Council/Global IDP Project, *Profile of Internal Displacement: Burundi*, 15 February 2005, <<http://www.idpproject.org>>
- 23 Interview with International Rescue Committee Deputy Director, Sebastien Fesneau, Bujumbura, 9 March 2005.
- 24 M Fischer, *Recovering from Violent Conflict: Regeneration and (Re-)integration as elements of peace-building*, <<http://www.berghof-handbook.net>>
- 25 International Crisis Group (ICG), *A framework for responsible aid*.
- 26 Ibid.
- 27 Ibid, p 15.
- 28 Norwegian Refugee Council/Global IDP Project, *Profile of Internal Displacement: Burundi*.
- 29 Interview with Minister Francoise Ngendahayo, 14 March 2005.
- 30 According to the rules of the Organisation for Economic

- Co-operation and Development (OECD) the full face value of official commercial debt written off by its member governments is currently counted as foreign aid. Certainly this practise undermines the goals of both aid and debt relief, and gives a distorted view of international donor commitments.
- 31 D Rieff, *Charity on the rampage: The Business of Foreign Aid*, *Foreign Affairs*, January/February 1997, <<http://www.foreignaffairs.org>>
  - 32 Oketch, *Socio Political Context of Land Access*, 2004.
  - 33 Interview with UNHCR External Relations Officer, Catherine Lune Grayson, Bujumbura, 10 March 2005.
  - 34 M Pugh, *Post-Conflict Rehabilitation: The humanitarian dimension*, Centre for Applied Studies in International Negotiations (CASIN), Plymouth, October 1998, p 5.
  - 35 Interview with UNDP Community Assistance Umbrella Project Head Luc Genot, Bujumbura, 7 March 2005.
  - 36 Repatriation kits consist of a three-month food ration provided by the World Food Programme (WFP), cooking utensils, blankets, mats, jerry cans and simple farming implements. *Burundi: Grappling with repatriation, relocation of returnees and IDPs*, 8 November 2004, <<http://www.irinnews.org>>
  - 37 Interview with UNHCR External Relations Officer, Catherine Lune Grayson, Bujumbura, 9 March 2005.
  - 38 Data accessed from United Nations High Commissioner for Refugees, available at <<http://www.unhcr.org>> (Burundi country page).
  - 39 IRIN, *Burundi: Two million people face food shortages*, 11 April 2005, <<http://www.irinnews.org>>
  - 40 Interview with WFP official, Bujumbura, 8 March 2005.
  - 41 Joint United Nations Programme on HIV/AIDS, <<http://www.unaids.org>> (Burundi statistics).
  - 42 United Nations Office for the Coordination of Humanitarian Affairs in Burundi (OCHA) weekly update, 28 March – 3 April 2005, <<http://www.ochaburundi.org>>
  - 43 OCHA Weekly Situation Report sent via email
  - 44 J Bolle, IDPs: A greater humanitarian problem than refugees, *Humanitarian Affairs Review*, Summer 2002, <<http://www.humanitarian-review.org>>
  - 45 Population density is estimated at between 200-300 inhabitants per square kilometre.
  - 46 International Crisis Group (ICG), *Refugees and displaced persons in Burundi—Defusing the land time-bomb*, Report no 70, 7 October 2003.
  - 47 Ibid.
  - 48 Reliefweb, *Burundi: Housing efforts a drop in the ocean*, 5 October 2004, <<http://www.reliefweb.int>>
  - 49 C Huggins, P M Kamungi & J S Oketch, *Land tenure and the return of refugees after conflict: The case of Burundi*, Conference Paper from Land Tenure and Conflict in Africa- Prevention Mitigation and Reconstruction Conference, Nairobi, 9-10 December 2004.
  - 50 Ibid.
  - 51 J S Oketch, op cit.
  - 52 Ibid.
  - 53 Ibid.
  - 54 Ibid.
  - 55 Protocol IV, Chapter 2.2.1.
  - 56 Interview with UNDP Community Assistance Umbrella Programme Director, Luc Genot, Bujumbura, 7 March 2005.
  - 57 Arusha Peace and Reconciliation Agreement for Burundi (Arusha: 28 August 2000).
  - 58 Interview with staff at the UN Office of the High Commissioner for Human Rights, Bujumbura, 9 March 2005.
  - 59 E Rackley, *Burundi: The impact of small arms and armed violence on women*.
  - 60 Ibid.
  - 61 Interview with World Bank Poverty Reduction Specialist, Abdou Salam Drabo, 13 March 2005.
  - 62 World Food Programme, *Burundi: Food Security and Vulnerability Assessment Report*, September 2004.
  - 63 Republic of Burundi: *Interim Strategic Framework For Accelerating Economic Growth And Reducing Poverty (Interim PRSP)*, November 2003.
  - 64 Arusha Protocol IV, Chapter III, Economic and Social Development
  - 65 Interview with World Bank official, 13 March 2005.
  - 66 IPRSP, p 38.
  - 67 IRIN news agency.
  - 68 "Available debt mechanisms" usually refer to the Paris Club of Creditors.
  - 69 Jubilee Plus, *Real Progress Report on HIPC*, September 2003, <<http://www.jubilee2000.org.uk>>
  - 70 M Pugh, *Post-Conflict Rehabilitation: The humanitarian dimension*, p 27.
  - 71 N Klein, *Allure of the blank slate*, 18 April 2005, <<http://www.guardian.co.uk>>
  - 72 T Addison, *Africa's Recovery From Conflict: Making Peace Work for the Poor*, United Nations World Institute for Development Economics Research (UNU/WIDER), 2003, <<http://www.wider.unu.edu>>



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## About this paper

The Republic of Burundi is poised at the helm of a new chapter in its history following the end of a decade of civil war and ethnic division. The country's astounding progress on the political level has raised expectations that the upcoming democratic elections will mark a shift from discriminatory politics towards an emphasis on social justice. Indeed, the Arusha Peace and Reconciliation Agreement agreed to by 19 parties in 2000 emphasised the importance of both political and economic reform in order to build a new state and civil society.

Nevertheless, this paper argues that little has been done to implement the recommendations of Protocol IV of the agreement which focus on the reconstruction and development of the new state. By offering a 'progress report' of the constitutive chapters of Protocol IV, the paper aims to highlight areas of potential conflict that may destabilise the peace-building process in the immediate future. In particular, it details questions surrounding land tenure, the repatriation of refugees, resettlement of internally displaced people, and the status of women in post-war Burundi.

The main conclusions of the paper suggest that political change that is not accompanied by transformation of socio-economic power relationships will only mask the underlying root causes of conflict.

## About the author

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