



Partners for Justice

**Managing Land Conflicts and
Laying the Groundwork
for Future Post-Conflict Restorative Justice Mechanisms
in Burundi**

Final Report

October 2005–October 2008

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Introduction

In 2005, in response to a request for proposals by the U.S. Department of State and U.S. Agency for International Development (USAID) Office of Conflict Management and Mitigation (CMM) for a *Conflict Management and Mitigation and Reconciliation Initiative*, Global Rights requested and obtained \$400,000 to implement a one-year program with the following objectives:

- Strengthen civil society's ability to monitor, inform, detect, and provide emergency responses to land conflicts;
- Foster a process of consultative, participatory, and inclusive policy dialogue around land issues; and
- Support and improve ongoing civil society initiatives to mitigate land conflicts.

Subsequently, modifications to the original cooperative agreement were made to grant Global Rights additional funding, for a total of \$1,522,449, to implement a follow-on two-year program on restorative justice. These new activities were designed to:

- Increase Burundian stakeholders' understanding of, collaboration with, and support of restorative justice mechanisms, including a truth and reconciliation process;
- Provide technical support to empower Burundian victims' groups, as well as facilitate the contribution of witnesses and victims in the proposed Truth and Reconciliation Commission (TRC);
- Increase understanding of and support for restorative justice mechanisms and transitional justice processes nationwide; and
- Foster a civil society consultative process to promote a legal framework for establishing restorative justice mechanisms.

The cooperative agreement signed in 2005 with USAID requires that the recipient submit a final report containing the following information:

An executive summary of the recipient's accomplishments in achieving results and impact, conclusions about lessons learned, future challenges and opportunities, an overall description of the recipient's activities and attainment of results by region, an assessment of progress made toward accomplishing the objectives and expected results, significance of these activities, important research findings, comments and recommendations, and a fiscal report that describes how the recipient's funds were used. Reference 22 CFR 226.51.

Executive Summary

With U.S. government (USAID/CMM) financial support from October 2005 to October 2008, Global Rights carried out training sessions, radio campaigns, workshops, one-on-one meetings with government and United Nations (UN) officials, joint actions with strategic partners, and follow-up meetings. These activities:

- Ensured that land issues were integrated in the long-awaited reform process in Burundi;
 - Committed Burundian policy and decision makers to support women's right to inheritance (WRI) and restart the WRI reform process, after the government had reneged on its earlier pledges;
 - Ensured the presence and participation of civil society organizations in the process of establishing post-conflict restorative justice mechanisms.
- ☛ ***Global Rights–sponsored workshops were the venue for the first government commitments to a national land policy and triggered the land reform process itself***

In March 2006, Global Rights convened the first workshop ever held in Burundi to foster the adoption and implementation of a national land policy. Attended by 63 participants, including sixteen representatives from eight key ministries, this workshop launched the reform process and produced the first public commitments of high-ranking officials in favor of a national land policy. In subsequent years, Burundian officials took increasingly open, firm, and consistent stands on the issue.

- ☛ ***Global Rights also launched the process of creating provisional measures with immediate and short-term effects***

Parallel to our work on land-reform issues with mid- and long-term effects, Global Rights called for urgent provisional measures to reduce land conflicts. We drafted a tool for land transactions and later submitted it for discussion and amendment by ministerial and territorial authorities, who eventually approved its use in all the communes of Burundi. As soon as the land transaction form is made official and mandatory by ministerial ordinance, it will help prevent many of the conflicts brought before courts and traditional conflict-mitigation mechanisms.

- ☛ ***The women's right to inheritance reform process put back on track***

In early 2006, the government appeared to backtrack on its commitment to women's right to inheritance when it declared that a "broad-based consultation process" should precede any further policy and legislative steps on the issue, but it failed to budget or plan for the consultation process. Together with community service organization (CSO) partners, Global Rights held a workshop and a press conference, sponsored short radio programs, held three meetings with ministers, met with the first vice-president of the Republic of Burundi, and eventually succeeded in persuading the government to reassert its initial commitment, drop the consultation prerequisite, and pass an inheritance reform process.

☛ ***Land conflict mitigation benefited from unprecedented consultation among legal service providers***

From 2006 to 2008, Global Rights convened five workshops and meetings with legal service providers (LSPs) to foster a common vision on land conflicts, promote collaboration among them on necessary policy and legislation, and undertake case-based initiatives in the field. A key partner in the program implementation process was the National Commission on Land (NCL), which the government assigned to mitigate conflicts over land and other properties stemming from the repatriation of refugees who had fled the cyclical outbreaks of violence over the past several decades. By the end of fiscal year 2008, Global Rights had launched a self-sustaining consultation process among LSPs in Rumonge, one of the areas in Burundi most plagued with land conflicts. Global Rights' initiatives encouraged the LSPs to be results-oriented through meetings designed to provide the framework data and information sharing necessary for basic planning and impact assessment. Global Rights also brought UNHCR into the consultations, with the goal of having it lead and follow up on the process.

☛ ***Fifteen local NGOs involved in the peace process in a sustainable manner***

Since the establishment of the NGO Network on Transitional Justice in May 2006, Global Rights took a leading role in securing (i) regular and stable NGO participation on issues and actions discussed within the network; and (ii) an effective and visible NGO role in the process of creating transitional justice mechanisms. Global Rights created and made use of tools designed to monitor NGO participation in the network's activities. During the grant period, the number of local NGOs taking part in the network meetings increased. Most importantly, CSOs were officially named to sit on a tripartite committee tasked with organizing, implementing, and monitoring a broad-based consultation process throughout the country on the issues to be addressed by a transitional justice policy.

CONCLUSION

After three years of collaborative actions with strategic state and non-state actors, Global Rights advanced land and restorative justice issues in Burundi by promoting:

- (a) Stakeholder-consultation mechanisms to ensure the replicability of the program's main activities; and
- (b) Tools to assess and monitor progress made in addressing land conflicts and measure CSO participation in the peace process.

Global Rights played a key role in achieving these results, as we took the most significant initiatives that led to substantial changes.

However, the mechanisms set up to share experience and information among land and restorative justice stakeholders and the tools designed to monitor progress and to promote short-term changes, such as the land-transaction tool, still need focused support and monitoring to be considered sustainable.

As the 2010 Burundi elections draw near, it is critical to have an action plan to maintain the level of participation and commitment from non-state and state actors—including ministries, NCL, and others—through hectic periods. During the last months of the program, Global Rights has engaged in discussions with the most active partners on effective ways to sustain the mechanisms and tools now in place.

(I) RESULTS AND IMPACT

(I.1) TRACK ONE: MANAGING LAND CONFLICTS

Objective 1: Strengthen civil society's ability to monitor, inform, detect, and provide emergency responses to land conflicts

Activities

- Two training sessions with journalists (January 31–February 3 and June 12–14, 2006).
- Financing media coverage of land conflicts.
- Working meetings with journalists to evaluate media coverage of land issues.

Results

- (R1) 17 journalists from ten radio and television stations and newspapers developed increased capacity to cover land issues.
- (R2) 17 human rights monitors from seven national and international NGOs, including League Iteka, Norwegian Council for Refugees, and the Women Jurists Association, were trained to cover land issues.
- (R3) Over 200 radio news programs on land were monitored.
- (R4) A two-page guide on media coverage of land issues was disseminated.
- (R5) Radio news coverage triggered official action on at least one major land conflict case.
- (R6) Strategic land conflicts were better covered by local media. Global Rights sponsored nine field visits by journalists: five focused on conflicts stemming from the repatriation process in Bururi, Makamba, Cankuzo, Rutana and Muyinga provinces; two focused on women's right to inheritance in Songa [Bururi]; one focused on the *paysannat* issue in Bubanza and Cibitoke; and one focused on land management by the state in rural areas around Bujumbura.

Impact

Increased media coverage of land issues raised public awareness and state and local attention paid to land issues.

Objective 2: Foster a process of consultative, participatory, and inclusive policy dialogue around land issues

Activities

- Five workshops on the land policy issue were held from January 2006 to August 2008, including Burundi's first two workshops dedicated to the need for a land policy, and a workshop addressing transitional measures to promote long-term land reforms. (The latter called for a standard and mandatory tool for land transactions in rural areas).
- The first electronic discussion forum on land issues in Burundi was launched.
- Global Rights participated as a sitting member on an inter-ministerial committee tasked with drafting the national land policy and a new land code.

Results

- (R1) A national land policy was drafted and submitted to a review process.
- (R2) An inter-ministerial committee was established by ministerial ordinance, with participation of non-state actors, and tasked with producing the land reform instruments that comprised policy, new law, and an operational plan.
- (R3) A land transaction tool was designed and later approved by governmental and territorial authorities as the sole, mandatory tool for land purchases and sales in all rural communes.
- (R4) Women's right to inheritance reform was revived and is likely to be scheduled for legislative review soon.
- (R5) An information-sharing tool—the e-forum on land, “Itongo”—was put at the disposal of educated land stakeholders.

Impact

- (R1) *Mid- and long-term impact:* The use of the land resource by the state, companies, and ordinary Burundians has been more coherent, consistent, and beneficial for the economy and the environment since tools were developed.
- (R2) *Current impact:* An inclusive land reform process is underway that facilitates steady progress and balanced decisions regarding necessary changes and the process needed to achieve them.
- (R3) *Mid-term impact:* There have been noticeable reductions in the number of (1) land conflicts arising from the lack of a standard and comprehensive tool for land transactions (purchases and sales), and (2) land properties sold without wives' consent.
- (R4) *Mid-term impact:* The WRI reform process has resumed, and has led to effective legislative action.
- (R5) *Immediate impact:* At least 27 state and non-state actors easily agreed to key documentation needed for land-related decisions and initiatives.

Objective 3: Support and improve ongoing civil society initiatives to mitigate land conflicts

Activities

- Subgrants were allocated to four legal service providers for land-conflict mitigation.
- Two meetings were held with state and non-state stakeholders in conflict-prone Rumonge to foster coordination in land conflict mitigation approaches and operations, and to set up a sustainable coordination mechanism.
- A short movie was produced on land conflicts in Burundi.
- A technical contribution was drafted and submitted to the National Land Commission for its guidelines for land-conflict mitigation.

Results

(R1) A data and information-sharing framework was initiated at the national level for state and non-state legal service providers to develop a coordinated and results-based approach toward land-conflict mitigation.

(R2) At the local level, sub-grant implementation in Karusi, in central Burundi, set up the first consultation mechanism among stakeholders addressing land conflict mitigation.

(R3) Strategic land conflict cases were tackled by Global Rights' partnering legal service providers in Karusi (Centre), Bubanza (north west) and Muyinga (north east).

Impact

(R1) *Mid- and long-term impact:* Performance by state and non-state legal service providers in mitigating land conflicts was measurably enhanced, thanks to regular meetings to share experiences and information.

(R2) *Current and short-term impact:* Immediate risks of violence provoked by sensitive conflict cases were reduced or eliminated by legal service providers' actions in the field.

(I.2) TRACK TWO: LAYING THE GROUNDWORK FOR FUTURE POST-CONFLICT RESTORATIVE JUSTICE MECHANISMS IN BURUNDI

Objective 1: Increase Burundian stakeholders' understanding, collaboration with, and support of restorative justice mechanisms, including a truth and reconciliation process

Activities

- A workshop was held on lessons learned from Burundi's recent experience with efforts to seek truth and prosecute perpetrators of war crimes and crimes against humanity (March 19–21, 2007).
- A workshop was held on consultation processes preceding the establishment of a post-conflict truth-seeking mechanism (September 2007).
- The *Lessons-Learned Manual on the Transitional Justice Process (Lessons-Learned Manual)* was drafted (August–September 2008).
- Radio programs and a two-hour live open forum were broadcast to commemorate the 1972 massacres.

Results

(R1) Fifteen local NGOs participated on a bi-monthly basis in consultations and decisions about the transitional justice process.

(R2) Forty-five CSO leaders were trained on transitional justice issues, which included (a) the consultation processes leading to the creation of a restorative justice mechanism and (b) lessons learned from Burundi's own experience of truth and justice-seeking processes.

(R3) The first *Lessons Learned Manual* was drafted and distributed to local media and the Catholic Church to guide them through the preparatory process and the functioning of restorative justice mechanisms.

(R4) The first public discussion in Burundi was held on the 1972 massacres, giving prospects for annual commemoration of the events and truth-seeking efforts by state and non-state actors to honor the 200,000 victims and reveal the truth about what occurred.

Impact

(R1):

- *Current impact:* Local NGOs are responsive to the developments and the need for actions in the establishment process of restorative justice mechanisms.
- *Mid- and long-term impact:* Local NGOs are actively engaging with the restorative justice mechanisms through experienced and trained staff and volunteers. Increased media coverage of land issues is bringing increased state and local attention to land issues at high levels and in the field.

(R2): *Mid-term impact:* A balanced consultation process is measurably informing and shaping the development of agreement between the government of Burundi and the UN on restorative justice mechanisms.

(R3): *Mid- and long-term impact:* Policy and organizational changes by local media and the Catholic Church are helping the public confront the ordeals of the truth and justice process.

Objective 2: Increase understanding of and support for restorative justice mechanisms and transitional justice processes nationwide

Activities

Four stakeholder forums were held in Giteranyi, Gasorwe, Mwumba and Ruhororo in May and June 2007, following the agreement between the UN High Commissioner for Human Rights and President Nkurunziza to hold a broad-based consultation process before the establishment of a truth and reconciliation commission.

Results

One hundred forty Burundians attended the first consultative workshop following the decision by the government of Burundi and the UN to have a broad-based consultation process before establishing a restorative justice mechanism.

Impact

Mid- and long-term impact: The consultation process to be led by the tripartite committee was inspired and informed by recommendations and lessons learned from stakeholder forums convened by Global Rights in four locations.

Objective 3: Provide technical support to empower victims' groups as well as facilitate the contribution of witnesses and victims in the work of the proposed truth and reconciliation commission (TRC)

Activities

A six-day (June 2–7, 2008) information and training workshop on transitional justice challenges was held in three communes (Gasorwe, Buhinyuza, Muyinga) of Muyinga province for 30 victims (10 per commune).

Results

Trained victims' groups set up in Muyinga are prepared to interact with the truth-seeking mechanism to be established.

Impact

Mid- and long-term impact: The truth-seeking mechanism in Muyinga will benefit from the inputs of victims' groups, trained to interact with the TRC and mobilize communities around them.

Objective 4: Foster a civil-society consultative process that contributes to the creation of a legal framework for establishing restorative justice mechanisms

Activities

- Contribution to the drafting of a CSO memorandum on the consultation process to be conducted prior to the establishment of a restorative justice mechanism (February 2007).
- Evaluation of the NGO Network on Transitional Justice after two years of activities (May–June 2008).

Results

CSO representatives are sitting on a tripartite (Burundian government/UN/CSO) committee tasked with organizing, implementing, and assessing a broad-based consultation process on the establishment of restorative justice mechanisms.

Impact

Current impact: There is now lively interaction between the transitional justice process and CSO initiatives, through the participation of CSO representatives in both the tripartite committee and the NGO network meetings.

Mid-term impact: The legal framework for establishing a restorative justice mechanism was drafted with CSO input, effectively opening the door for victims' participation in the process and for prosecution of the main perpetrators.

(II) PROGRAM ACTIVITIES AND THEIR SIGNIFICANCE

This section describes the principal activities developed to attain the stated results and impact, as well as the underlying strategies and rationales of Global Rights in its choices about training sessions, workshops, radio campaigns, formal and non-formal meetings. Each type of activity was selected after considering existing or potential opportunities, risks, and challenges. The significance of the implemented activities is also provided.

Main Activity 1: Training sessions for journalists on monitoring media outlets on land-rights coverage

Opportunities

- The local media had never before received training on monitoring and assessing media outlets and their coverage.
- There was a pressing need to strengthen journalists' capacity to cover land issues given the poor quantity and quality of radio coverage.
- The increasing number of land conflicts meant there would be plenty of cases to report on after training.

Risks

- No guarantee that more knowledge would actually improve skills.
- High turnover in local media staff (i.e., trained journalists could soon be replaced by untrained journalists).

Challenges

To develop training methodology and set up a follow-up plan to ensure effective and measurable strengthening in the capacity of local journalists to cover land issues.

Global Rights' responses

- The hands-on training session included a day of practical exercises in the field, starting with an evaluation of media outlets and closing with a re-evaluation of the same outlets, so that participants were able to assess their own progress at criticism and self-criticism of their work.
- Post-training follow-up plans were adopted and sponsored by Global Rights.
- Meeting and actions were planned with radio supervisors and managers less subject to turnover.

Main Activity 2: Workshops

Opportunities

- State and non-state stakeholders needed ways to share data, experience, and information.
- Research products and findings would gain visibility.
- Workshops could lead to commitments by stakeholders that would never happen otherwise.

Risks

- State actors might not be available for the workshops.
- NGO-led workshop might lead to recommendations not binding for officials.
- Implementation of workshop recommendations might fall victim to lack of follow-up plans and lack of human and financial resources for implementation.

- Costs might be high.

Challenges

To design a process to elaborate, implement, and evaluate workshops in a way that guarantees sustained involvement of state and non-state actors and follow-up activities to complete the process.

Global Rights' responses

- Workshop participants were selected to meet qualitative, rather than quantitative, criteria.
 - Official endorsement from ministries was sought for a major stakeholder forum on land policy formally sponsored and opened by the Burundi Ministry of the Environment.
 - Global Rights-led forums were linked to consultation mechanism led by the government of Burundi and the European Union. Global Rights promptly accepted an invitation to participate in this mechanism.
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Main Activity 3: Radio campaigns on women's right to inheritance and commemoration of 1972 events

Opportunities

- Burundi has a strong culture of radio listening.
- Policy and decision-makers are traditionally prompt to react to radio news.

Risks

- Size of radio audiences is difficult to measure.
- Costs might be high.

Challenges

To design, implement, and assess radio campaigns effectively and efficiently.

Global Rights' responses

- Took advantage of 1972 anniversary dates to launch radio programs commemorating the events.
 - Capitalized on recorded officials' statements for radio programs, instead of unidentifiable statements.
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Main Activity 4: Electronic discussion forum on land issues

Opportunities

- Going electronic would avoid the costs related to the printing and reproduction of a traditional documentation resource center.
- The scattered documentation on land issues in Burundi created a need for access to resources.

Risks

- State actors had limited access to the internet.
- Stakeholders might withhold documentation and information because they opposed or were unaware of the e-Forum.

Challenge

To make the resource of the e-forum accessible at a low cost for Burundian stakeholders.

Global Rights' responses

- (1) Global Rights undertook to gather the documentation and keep the e-forum members posted about new resources available.
 - (2) Global Rights proposed to the EU that a monitoring report on access by ministries of a professional website, such as the Global Rights–sponsored e-forum on land, would provide an objective way to assess the use of computers with internet connections donated to ministries.
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Main Activity 5: Meetings with high-ranking authorities on women's right to inheritance activities

Opportunities

- Some ministers were keen on siding with CSO leaders on the women's right to inheritance issue.
- Top officials had made public commitments in favor of women's right to inheritance in the past.

Risks

- Top officials might not be available.
- Follow-up on adopted recommendations might not be easy to do.

Challenge

To meet with key officials and persuade them to take action and provide feedback to CSO leaders.

Global Rights' responses

- Selected ministers supportive of the WRI issue.
 - Held private meetings with ministers in their cabinet offices.
 - Prevented media involvement at all stages, since media coverage might put officials' involvement with CSOs at risk.
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(III) LESSONS LEARNED

Lesson # 1: Land issues in Burundi call for a combination of direct actions and initiatives tackling root causes.

On the one hand, in Burundi, mitigation of land conflicts is a matter of urgency, calling for direct actions on cases. Tense situations call for immediate action and cannot be dealt with effectively through activities with mid- or long-term objectives, such as policy or legislation reforms.

On the other hand, dealing with urgent land conflicts without addressing the root causes in a sustainable manner creates an endless spiral for the government and civil society organizations, causing them to grapple with the same types of conflicts year after year, and becoming less effective over time.

Lesson # 2: Avoid working on your own on sensitive and multidimensional issues.

In post-conflict countries, sensitive and multidimensional issues, such as restorative justice and land conflict, are best addressed when stakeholders work collaboratively by using information- and experience-sharing mechanisms. Lack of collaboration can prove damaging, particularly when working in areas without effective policies (transitional justice) or with high potential for violence (land, transitional justice). Information and experience-sharing mechanisms are useful and very instructive for both state and non-state stakeholders. They are the answer to many challenges, such as how to (i) attract the numerous and varied skills required by the management of those issues, and (ii) cover the high cost of operations.

Lesson # 3: Consider staff turnover when doing capacity-building programs.

Before designing or launching a training session to strengthen capacity, CSOs should assess the potential for staff turnover and adjust capacity-strengthening programs accordingly.

CSOs may want to consider strengthening the capacity of the long-term or stable staff. For example, Burundi radio managers and leaders remain in their positions longer than journalists. Accordingly, capacity building has to be refined to suit managers' specific responsibilities.

Lesson # 4: If a reform or negotiation process stalls in the hands of decision-makers, non-state actors should consider independent initiatives to foster progress.

The reluctance or commitment by any government and the UN to establish a transitional justice mechanism should not prevent CSOs from taking independent and creative initiatives to address the need for truth and lay the groundwork for truth-seeking processes. This could include investigating past events and/or tracking down, listing, protecting, and maintaining archives ahead of the TRC work, etc. The quest for truth and justice should not fall victim to policy and decision-makers' lack of commitment.

Lesson #5: When elections approach, be prepared to face serious risks and seize opportunities for legislative reforms.

When elections approach, CSOs should weigh the specific opportunities, risks, and challenges ahead for work on legislative reforms. They can find themselves rapidly overtaken by events, if legislative reforms are accelerated, or stymied when decision-makers turn their focus to campaigning, even when very little remains to be done to enact the reforms. CSOs should also look at the opportunities offered for post-election advocacy on legislative reforms. Instead of advocating too late for legislative reforms, they might consider using the electoral period to prepare post-election advocacy work on legislative reforms. CSOs can commit political parties to implementing reforms and, after the elections, make the best use of electoral claims and statements made. In Burundi in 2005, Global

Rights worked with local media to compel political parties to think about and share publicly their views and programs on specific political, economic, and social issues. This initiative offered Burundian voters the only political debates broadcast on local radio. Political commitments made during those debates can be the key instruments for future advocacy work, as long as the statements made were recorded and can be widely disseminated. Global Rights’ work and achievements on women’s rights to inheritance continue to benefit from strategies put in place during the 2005 elections.

(IV) CHALLENGES AND OPPORTUNITIES

(IV.1) CHALLENGES

MANAGING LAND	RESTORATIVE JUSTICE
<p>The new land transaction tool and its implementation</p> <p>The new management tool for land purchases and sales is intended to apply in all 129 communes of Burundi. But this major breakthrough will only be effective in reducing land conflicts in the field if a well-prepared and financed follow-up plan is implemented. The follow-up plan must ensure that key officials are trained to use the tool and supported and evaluated until they have demonstrated their ability to sustain the process.</p>	<p>The broad-based consultation process due to precede the establishment of restorative justice mechanism</p> <p>The consultation process will certainly make the decision-making process on restorative justice more inclusive. It could also be used as a “democratic” way to drive the process to blanket amnesties. It is essential that NGOs continue monitoring and contributing at all stages of the consultation process.</p>
<p>Women’s right to inheritance and the 2010 elections</p> <p>Twenty-two months before the next elections, the government of Burundi has yet to fulfill its commitment to pass and implement a law in favor of women’s rights to inheritance. The uncertainties of elections make it critical that the few months left before the elections be used to push the legislative process to this outcome.</p>	<p>Capacity-building challenges</p> <p>If restorative justice mechanisms are to be up and running soon in Burundi, many key stakeholders must be prepared to play their role (magistrates, police officers, MPs, etc.). Since it is impossible to prepare them all for the ordeals and risks ahead, it is important to set priorities for capacity-building activities and review strategies in light of the limited time, local expertise, and funds available.</p>
MANAGING LAND	RESTORATIVE JUSTICE
<p>Mitigating increasing land conflict cases with dwindling resources</p> <p>The continuing massive refugee repatriation is overwhelming the capacity of the National Land Commission (NLC) and independent legal service providers (LSPs) to mitigate the numerous land conflicts between returnees and land occupiers. Lack of information- and experience-sharing mechanisms among stakeholders has considerably reduced their ability to affect land conflict trends as a cohesive group. It is important that the NLC and LSPs not only focus on the cases brought</p>	<p>Striking a balance between peace and justice: Where do CSOs stand? What do they want? What should they do?</p> <p>As Burundi prepares for a broad consultation process, the government has never made clear its positions on judicial accountability for genocide, war crimes, and perpetrators of crimes against humanity. Nor have CSOs agreed on such positions. The UN has yet to develop a coherent position on the issue, as indicated by discrepancies in statements made by New York– and Geneva-based bodies. This is mainly due to the peace-or-justice dilemma that faces them all. Experience</p>

<p>before them but also measure their effectiveness and their impact on conflict dynamics, qualitatively and quantitatively. Land conflicts stemming from the repatriation process can provoke more violence if they are not addressed urgently and collaboratively.</p>	<p>suggests that neither peace nor justice can be achieved without addressing the links between them. It is a tough challenge to strike a balance between the two, and doing so requires a great deal of creativity and opportunism.</p>
<p>Coordination among stakeholders</p> <p>Land issues are attracting a growing number of national and foreign actors, who do not always pay attention to the many risks stemming from lack of information sharing. Mechanisms have been put in place to improve the effectiveness and efficiency of state and non-state stakeholders, and to enhance their cohesion as a group. However, established mechanisms are quite new and need to be supported until they are sustainable.</p>	<p>Coordination among stakeholders</p> <p>The restorative justice process has been slowed down by the lack of government and lax UN monitoring. The absence of progress has tended to distract CSOs from taking action and acting together. It is important that CSOs continue their joint efforts to plan and implement initiatives to keep the process alive.</p>

(IV.2) OPPORTUNITIES

<p>MANAGING LAND</p>	<p>RESTORATIVE JUSTICE</p>
<p>The inter-ministerial committee on land reforms</p> <p>Created by ministerial ordinance in July 2008, the inter-ministerial committee was tasked with drafting national land reform policy and a new land code. The ordinance stipulates that non-state and foreign actors can be appointed to sit on the committee. Global Rights is a sitting member. This offers a unique opportunity for both Global Rights and other non-state actors to take part in the decision-making process regarding land reforms.</p>	<p>The tripartite committee tasked with conducting the broad-based consultation process preceding the establishment of a truth and reconciliation commission and a special criminal chamber</p> <p>This tripartite committee comprises representatives from the government of Burundi, the UN, and civil society. This committee positions CSOs to play a role in the decision-making process on the government of Burundi-UN agreement on the truth and reconciliation commission and the judicial mechanism.</p>
<p>The UN Peace-Building Commission and land conflicts</p> <p>The UN Peace-Building Commission has targeted land conflicts as one of its priority areas of intervention. Thus, it is drawing international attention and support to the prevention and resolution of land conflicts in Burundi, as it is expected that substantial funding will help local stakeholders settling land conflicts.</p>	

The third session of the Universal Periodic Review (UPR) on Burundi (Geneva, December, 2, 2008)

The UPR is a new human rights monitoring mechanism put in place in the wake of UN organizational reforms led by former Secretary-General Kofi Annan. The third session of the UPR is scheduled for December 1–15, 2008, in Geneva. It will review the status of human rights in sixteen countries, including Burundi. In preparation for the three-hour discussion of Burundi on December 2, the government is required to submit a report, and NGOs are allowed to submit shadow reports. Global Rights and a coalition of five other local NGOs submitted a joint shadow report and are planning to attend the session in Geneva. The NGO shadow report was officially accepted and has largely inspired the memorandum prepared by the UN Office of the High Commission for Human Rights. The discussion of human rights in Burundi will be led by a tripartite committee, with government of Burundi officials, in the presence of NGOs. A journalist from a local radio station will also travel to Geneva and ensure media coverage of the event before, during, and after the session. The third UPR is a unique occasion to put Burundi's human rights situation under the spotlight and to force the government of Burundi to account for its underachievement.

The 2010 Elections

The 2010 elections offer opportunities to compel political parties to:

- Take clear-cut stands on issues about which they have been vague in the past, such as the transitional justice issue;
- Articulate policies and proposals on specific issues and challenges as presented by CSOs and the media (radio and TV programs provide opportunities for questions and answers on various issues);
- Make binding commitments on various issues, which lay the groundwork for future CSO advocacy work.

(V) RECOMMENDATIONS FOR USAID

V.1. MANAGING LAND CONFLICTS

Maintain support for land reforms and land conflict mitigation efforts: The only two non-state actors sitting on the inter-ministerial committee tasked with drafting the land reform instruments are USAID-funded NGOs. The committee positions civil society, through Global Rights and Chemonics International, to play a role in the land reform process. It would be regrettable to waste such opportunity for lack of funding.

Prioritize support to information and experience-sharing mechanisms: It would be more cost-effective and efficient to provide support to mechanisms with the potential to bring about ripple effects. USAID's annual request for proposals should seek information from applicants about (i) their knowledge of existing information- and experience-sharing mechanisms in the area of intervention, and (ii) the way they plan to use existing mechanisms or discussion frameworks.

V.2. LAYING THE GROUNDWORK FOR FUTURE POST-CONFLICT RESTORATIVE JUSTICE MECHANISMS IN BURUNDI

Support alternative initiatives to uncover the truth and foster judicial accountability for past crimes: The slowness of the TRC establishment process in Burundi has delayed for too long the right of Burundians to know what happened in the 1972 tragic events and who should bear the greatest responsibility for these crimes. Seeking the truth will indeed be the TRC's task, whenever it is established. However, the delayed creation of a TRC should not prevent aid agencies from supporting side efforts made to investigate the past, as long as these efforts are motivated by concern for human rights.

Capacity building for CSOs and the media: There is much to do for CSO preparedness, in advance of the creation of a TRC and a special chamber. Despite support for an increased role for women, journalists, and others groups in the truth-seeking process, Burundians remain largely ill-prepared for the challenges ahead. In particular, the judiciary, constables, and local officials need to be ready to face the many tasks of a truth-seeking mechanism such as a TRC and its potential impact on the country.

Annex

List of Abbreviations

CMM:	Conflict Management and Mitigation (USAID Office of)
CSO:	Civil society organization
EU:	European Union
FY:	Fiscal year
LSP:	Legal service provider
NGO:	Nongovernmental organization
NLC:	National Land Commission
TJ:	Transitional justice
TRC:	Truth and Reconciliation Commission
UN:	United Nations
UNHCR:	United Nations High Commission for Refugees
UPR:	Universal Periodic Review
USAID:	United States Agency for International Development
WRI:	Women's right to inheritance