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**BURUNDI'S ROAD TO DEMOCRACY
AN ASSESSMENT**

September 10, 1992

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BURUNDI'S ROAD TO DEMOCRACY
USAID/ARD/MSI CONSULTANT REPORT¹

FINAL REPORT

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¹The team that produced this report comprised a consultant with Associates in Rural Development, Lucie Colvin Phillips, Economist/Sociologist (team leader); another from Management Systems International, Stevens Parrington Tucker, Political Scientist; plus Burundian consultants Nicéphore Ndimurukundo, Social Psychologist; Barbara Kururu, Communications Specialist; Christin Ndiokubwayo, Journalist; and Bernadette Bizimana, on leave from the Ministry of Rural Development. The study was conducted for USAID, to provide background on the role of democratization and governance in economic development. We offer our thanks to USAID for funding this work, and to the many people in Burundi who received us cordially, gave us their thoughts and support in this work. We have tried to reflect faithfully the many points of view encountered. Any errors of fact or interpretation are the responsibility of the authors. This report is their independent analysis, and should not be considered official opinions or positions of the United States Agency for International Development or the US government.

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I. INTRODUCTION

In March 1992 Burundian voters approved a new multi-party democratic constitution, which went into effect immediately. This milestone was reached three years down a road many political analysts never expected Burundi to take. Many who knew the delicate ethnic situation, the history of violence, authoritarian rule, mistrust and regional refugee problems in the Great Lakes region thought that these countries might be among the last in Africa to attempt democratic reform. Rwanda and Burundi have been traumatized by civil strife: in Rwanda the majority Hutu overthrew minority Tutsi dominance shortly before Independence and excluded them indefinitely from public life. In Burundi, fear that the same might happen has led the dominant Tutsi to react violently to every outbreak of ethnic violence and to limit Hutu access to power. Like the American Civil War, their experiences may take generations to heal. Why did Burundi have the courage to move so quickly now? Is it really experiencing a democratic opening? Is the process likely to continue? Is democratization improving the climate for economic development? USAID is undertaking this assessment of democracy and governance at this time so that it can take into account Burundi's progress in this area while developing its assistance strategy. This is an internal AID document for that purpose.

A. METHOD

This assessment was conducted in May through July 1992 by a six-person interdisciplinary team. (See n., cover page.) The analysis follows the theoretical framework of the Africa Bureau's Concept Paper on democratic governance (The Concept of Governance and Its Implications for A.I.D.'s Development Assistance Program In Africa, Robert Charlick: June 1992. See, also, Democracy and Governance, A.I.D. Directorate for Policy, Washington, D.C.: November 1991.)

The team used techniques systematized for rapid rural appraisals. (See McCracken, Pretty and Conway: 1988) First the team held a brainstorming session to determine the topics to cover, related documents and key informants. Breaking into rotating pairs of teammates, we organized a focus-group and scheduled interviews with over a hundred officials, participants and observers in the democratization process. We met daily to share key points from the interviews, and reflect on any need for changes in the approach or content of interviews. The most substantive discussions were typed up and distributed. We made three two-day trips in rural areas, interviewing local officials and rural people about their perceptions of democratization in Burundi, particularly the prospects for local governance. In rural areas we also worked in pairs, conducting semi-structured individual and group discussions in nine communes in the provinces of Bururi, Muramvya, Cibitoke, and Ruyigi.

B. POLITICAL CULTURE

The individuality of each country's approach to democratization can best be understood by starting with an analysis of its political culture. Deeply rooted patterns of political behavior tend to reverberate through every level of society, from the family through the local community to the central government. They do not change quickly or smoothly. Attitudes and policies may change at the top without corresponding changes at lower levels, creating a widespread sense of dissonance and confusion. Or new ideals may develop gradually among the populace with no response by leaders.

Salient concepts in Burundian political culture include:

1. The self is defined first hierarchically within the community; egalitarian ideas come during maturity;
2. Contrasting conceptions of leadership stress, on the one hand, an authority emanating from the people (*ubushingantahe*) stressing truth, justice and conflict resolution; on the other hand, authoritarian rule and obedience in a defined command structure;
3. A decision-making process that calls for extensive consultations at all levels before a policy is stated, but allows little questioning once the chief announces the consensus; and
4. Justice is the core of the social contract, arbitration the means of practicing it.

C. HISTORICAL BACKGROUND

For many years it seemed as if the emotional repercussions of ethnic conflict precluded any move toward democratic institutions. A constitution was passed in 1974, but its version of single-party democracy had little meaning. It included "guarantees" of human rights, but these had served mainly to signal the end of widespread political killing.

When Jean-Baptiste Bagaza took over in a bloodless coup in 1976, there was an initial attempt at national reconciliation. Feudal land holdings and labor obligations were abolished, and a family law was passed to give women some legal protections. Education and health care planning aimed for the first time to offer basic services to the whole population, instead of focussing on elite systems. There was not much legal liberalism in the reform, however. Bagaza saw tight control of persons, their speech and movements, as essential to keeping the lid on ethnic tensions.

The Church over this period became the champion of the disadvantaged, and the main vehicle for advancement. It ran a nationwide system of religious schools, clinics, press and radio. The Catholic Church, with about 65 percent of the population as members, became a power rivalling that of the State. (Burundi, Recensement de...1990: 1992)

From 1980 on the Government tried to suppress church institutions, closing schools and clinics on a large scale, and eventually even some parish churches. Protestant churches (14 percent) were also suppressed, particularly the Seventh Day Adventists and Jehovah's Witnesses. (The Pentecostal church says it also is much freer since the Third Republic, but there had been a rapid expansion of the church even under Bagaza.) Muslims (1.6 percent) were allowed to practice, but closely watched.

During this period local government, which had always had an authoritarian character, became particularly oppressive and arbitrary. Communal Administrators and Provincial Governors, appointed and removed by the Minister of the Interior, had extremely wide power over their subjects. They had the authority to distribute land, levy and collect taxes and rents, control local markets and industry, and mandate participation in "voluntary" community labor, organized through hillside party cells. They were, in addition, responsible for local security and had the power to arrest and detain. They controlled the movements of every citizen through a system of passes. They decided when and where any public meeting could be held, and monitored them all. The combination of broad powers and lack of accountability led to frequent abuses of authority.

II. ECONOMIC MANAGEMENT UNDER THE OLD REGIME

Economic development under the Second Republic (1976-87) followed a North Korean model. Most investment initiatives were public. The management positions in public enterprises, more lucrative than regular civil service, were monopolized by party stalwarts. The larger private businesses tended to be expatriate-run and/or to include top government officials as silent partners. Many expatriates were forced out by immigration controls or tax maneuvers and forfeited most of their investments. Tight controls on foreign exchange precluded investors from repatriating profits, and limited ordinary Burundians' access to the outside world. Without an official *Ordre de Mission*, one could not get a passport or visa or have foreign currency. Those who lived overseas had to have Burundian Central Bank approval for any contract, loan, or investment, plus having to declare all of their assets. Import licenses were the privileged preserve of a few friends of the government--anyone who arrived home with goods bought overseas and no import license could end up sacrificing them. Prices on all commodities were fixed: the most profitable were subject to government monopolies.

Cash crop cultivation was obligatory. Farmers were told how much coffee, tea or cotton they would plant on which plots, and exactly when to conduct each agricultural operation. Markets for those few products not monopolized by the State were held at assigned sites on Sundays or Wednesdays. Communes erected toll barriers on each border to control and tax traffic.

By 1983 this approach had brought severe economic distortions, and the Government found itself obliged to seek counsel and debt relief through the Paris Club, the World Bank and the IMF. The first of several gradual currency devaluations came in 1985. In 1986, the last year of the Second Republic, the first structural-adjustment credit agreement with the World Bank went into effect. It called for gradual monetary reform, freeing of formerly fixed prices, liberalization of import and export licensing, and harmonization and reduction of protective tariffs.

III. THE THIRD REPUBLIC (1987): OPENING UP THE POLITICAL SYSTEM

Baraduhaye ijambo. On nous a rendu la parole. "We have regained the power of the word; we are free to speak our minds." Again and again in our interviews this phrase recurred, until it took on almost Biblical symbolism. "In the beginning was the Word...."

The bloodless coup of junior army officers that brought Major Pierre Buyoya to power in September 1987 set Burundi on a new track. In the first year it was not clear how far the new government would or could go. There was reconciliation with the churches and restoration of confiscated property. A few more Hutu were appointed to the cabinet, but they were still a minority. The most significant change was an almost immediate freedom of expression, and considerably greater transparency in government and economic management. Political reform was initially confined to "single-party democracy." In 1988, for the first time, UPRONA Party local committees were elected by full member voting and secret ballot. The Central Committee was partly elected, partly nominated. In 1990 a more significant reform was introduced: free candidacies for party slots replaced the old system of nomination by higher-ups.

The return of the old specter of violence in August 1988 catalyzed the decision to take a new direction. There were several long-term causes to the bloody events in the two small northern border districts of Ntega-Marangara: tensions over an unpopular local administration, land shortage, in-migration from other regions, and clandestine PALIPEHUTU (*Parti pour la Libération du Peuple Hutu*, Party for the Liberation of the Hutu People) activities. Military exercises along the border designed to calm the situation had the opposite effect. Local and "infiltrated" Hutus, convinced soldiers had come to massacre them, set off a massacre of Tutsi peasants and traders. This

provoked a bloody army repression in those two districts. Refugees fled, the press railed and international development agencies held inquiries.

Burundians were in shock. It became a liminal moment. Was Burundian history condemned to repeat itself indefinitely? This time Burundian leaders said no. Enough. The new President catalyzed the national mood of depression into more hopeful channels. He named a new government, this time half Hutu, with a Hutu Prime Minister, Adrien Sibomana. Buyoya emerged as a charismatic leader, with a speech in October 1988 calling on each Murundi to find forgiveness in his heart and begin the healing process. "Let us bury the battle axe," a banner in downtown Bujumbura proclaimed. One month after the troubles the President consented to appoint a National Commission to Study the Question of National Unity, a painful process he had previously hoped to avoid. ("National Unity" has become political-speak for ethnic and geographic problems.) The government also invited the 1988 refugees to return immediately under general amnesty. Their lives and property were protected, and the vast majority (ca. 45,000 of an estimated 45,800) returned home before Christmas. (UNHCR figures, 1989)

It is an irony of international media orientations that this precedent-making event got almost no coverage, compared to the troubles that created the refugees. From the moment those refugees returned, exiles from earlier troubles all over the region began to ask themselves and their governments, why not us? Rwandans in Uganda, Zaire, Tanzania, Burundi and Europe got together and tried to negotiate a return. Their frustration produced a military invasion instead. Long-term Burundian refugees in the region and Europe also became active--slowly they began taking the road home.

The 24-member Commission on National Unity included representatives of virtually every ethnic, religious, geographic and political tendency. For a year it let formerly repressed people from all interest groups speak out on the previously taboo political history and issues. It stopped short of declaring itself sovereign, as national conferences later did elsewhere. This would have been incongruous in the Burundian case where the leadership for liberalization was coming from the top, from an unusually popular government. The possibility was not even broached at the time, but some opposition parties want one now in 1992. Those who wanted reconciliation and change in 1988-89 were cautious, partly because active conspiracy from Buyoya's predecessor hung in the air.¹

¹From December 1988 until early March 1989 a group of vandals called "Catarina" nightly attacked European and some Burundian officials' houses to terrorize them and steal cash. They turned

In March 1989 the Commission to Study the Question of National Unity produced a report to the nation. It asked authorization to begin work on a draft Charter of National Unity. Discussion of the report and preparation of the Charter document took another year of political debate. The Charter, issued in April 1990 and approved by referendum in February 1991, called for a social contract, eliminating ethnic discrimination or attempts at exclusion from all institutions and policies, official and unofficial. For nearly two years every institution and group in the country met to discuss first the report, then the Charter. Each group and service had to develop a plan to apply its principles locally, equalizing opportunities and eliminating imbalances and discrimination.

In March 1991 a Constitutional Commission was named, again centrally appointed, but with careful attention to ethnic, geographic and philosophical representativity. As each chapter of the Constitution was drafted, it was presented for discussion in seminars and meetings throughout the country. Comments were submitted to the Constitutional Commission. Some opposition politicians have protested that these comments resulted in too few changes, and two members of the Commission resigned over this issue.

By this time calm had returned to the country. The refugees of 1988 had been successfully reintegrated. Those who fled in 1972 were invited to return. This was not so easy, as they had lived abroad, many in English-speaking Africa, Europe or Eastern Bloc countries, for twenty years. Their farms had been taken in 1972, and since then had sometimes changed hands many times. A major effort began to provide them jobs and/or land. The President and cabinet appointed Hutus to some of the most coveted posts as well as important ministries (Finance, Higher Education, Public Works, Government Contracting and the relatively well-paid parastatals).

The Constitution was presented in final form in August 1991. On March 9, 1992, it passed a national referendum by a margin of over 90 percent, with 97 percent voter participation.

IV. THE 1992 CONSTITUTION

"The Constitution is like a scaffolding; it is still up to us, the masons, to build the building." (Bishop Bududira of Bururi)

out to be mostly ex-soldiers linked to a Libyan-backed attempt to overthrow the regime and reinstall Bagaza. The entire Libyan community was expelled in early March 1989, and the attacks stopped.

The text of the Constitution establishes a liberal, pluralistic lay state. The main innovations compared to the 1974 and 1981 constitutions are multipartism and the election of Communal Administrators, the previously appointed local government officials for the country's 114 communes. Will this yield a system of democratic governance that is legitimate in the eyes of the population and fully accountable to it? As with any new system, it will take leadership, time and work to make this Constitution a living, organic reality. Laws, practices and attitudes have begun a process of change.

The first step is to finish drafting and promulgating the laws and *ordonnances* that show how the Constitution is to be applied. Burundi follows the Napoleonic legal tradition, in which practical applications are specified in law. The Anglo-Saxon alternative of leaving much interpretation to judicial precedent is followed only for minor ramifications.

Members of the Constitutional Commission are still at work producing implementing legislation. The four that have already been issued cover: public assemblies, the functioning of political parties, the press, and non-profit private voluntary organizations (PVOs). The Ministry of Justice, together with the Bar Association, is simultaneously reviewing the entire legal system for conformity with the new Constitution.

A. MAIN PROVISIONS

The 1992 Constitution calls for the establishment of a unitary, republican, and secular state governed by a pluralist, democratic order. It guarantees individual rights as embodied in the Universal Declaration on the Rights of Man, the International Agreement on Human Rights of December 1966 and the OAU's Human-rights Declaration. It provides for equal treatment and protection of individuals under the law. It guarantees a variety of basic freedoms, including freedom of conscience, association, expression, movement, and religion. The freedom of the press is recognized, as is the independence of the judiciary, and the presumption of innocence. The Constitution also provides for equal access to the country's social and economic resources, and to educational opportunities and includes a provision calling for equal pay for equal work. Property rights are guaranteed.

The Constitution provides for a strong executive, with limited separation of powers. The President names the Prime Minister, and upon the PM's recommendation, the members of the cabinet. He presides in cabinet meetings unless he delegates to the PM. The National Assembly can oblige the President to dismiss the cabinet through either a direct vote of censure (3/5 majority) or an implicit one, by voting against it on a law. The National Assembly is initially elected for five years. It sits twice a year for two months, and may also be called into special session.

Between legislative sessions the Government can legislate by decree, but a decree not ratified at the next session becomes null and void. The National Assembly is mandated to monitor and question the actions of the Government.

The National Assembly votes the budget but does not ultimately control the purse-strings. If the budget is not voted in time, the previous year's funding level continues. Either representatives in the National Assembly or members of the government may initiate legislation, and either may propose amendments to the other's bills. Procedural rules give control of the process to the executive. The President can veto legislation, and override requires a 2/3 majority on ordinary laws and 3/4 majority on "organic laws." Constitutional amendments require a 4/5 vote, and the President may submit them to popular referendum. The President can dissolve the National Assembly, after consulting the PM. New elections must be called within three months.

The President is mandated to guarantee the independence of the judiciary. But he appoints all superior judges, and through the Minister of Justice, lower-level magistrates as well. He also names and presides over their regulatory body, the Superior Judiciary Council (Conseil Supérieur de la Magistrature). The Constitutional Court's rulings are final. Those of the Supreme Court are also, except for Presidential pardon or request for rehearing.

The President can be tried only for high treason, defined as a criminal betrayal of national interests in violation of the Charter of National Unity, the Constitution or the law. Once the Assembly has started the impeachment process, it cannot be dissolved.

B. ELECTIONS

The Constitution provides for three types of election: presidential, legislative and local. The President is elected for a maximum of two five year terms by direct universal suffrage. Presidential candidates can be nominated by legal political parties, or directly as free candidates. Two rounds are held, with the top two candidates standing off if there is not a clear majority the first time.

Legislative elections are by party slates, with each party awarded seats proportional to its vote in each electoral district. The tendency of political parties to fragment in proportional list systems is counteracted somewhat by a rule that a party must win 5 percent of the vote nationwide in order to seat candidates. Independent candidates must win at least a 40 percent plurality in their district.

An electoral law and calendar are to be drafted in the next few months of 1992. In a speech on January 10, the President promised to associate legal opposition parties with the process. Districting, for example, has not yet been decided. The Constitutional Commission proposed that the 15 provinces be the basic units. The Constitution instructs political parties to create balanced executive committees, memberships and candidate slates, representing all components of the population. Since ethnic IDs and statistics do not exist, this is open to wide interpretation and much joking. Everyone knows that its intention is to create socioeconomic and ethnic balance, but ideas of what is proper balance vary widely. Once elected, legislators are enjoined from forming "divisionist" groups within the National Assembly.

Local elections will be indirect and based on the traditional principles of *ubushingantahe*. Voters in each census district, called a zone or *colline* (hillside), will elect probably four to ten *bashingantahe*", for a total of 100 to 150 per commune. (There are 114 communes in the country.) The *bashingantahe* will in turn elect the Communal Administrator (CA). This is an innovation that the head of the Constitutional Commission describes as an experiment, based on the fact that the population spontaneously has been trying to revive the institution. It is hoped that it will put local politics on a harmonious basis, and reduce divisive tendencies. The Law on Parties provides that they may organize at the local level, and "*bashingantahe*" may belong to them, but parties may not present candidates as such in local elections. The Constitutional Commission encountered much fear of multiparty activity among the rural population, who associate it with the tensions in the first decade of independence. The same fears were expressed by rural residents we interviewed. The Commission's decision is meant to keep local elections focused on individual integrity, but opposition parties generally believe that the institution is too corrupted by one-party rule to be a viable substitute for party-based local politics.

C. POLITICAL TRANSITION

Since the Constitution went into effect in March 1992 the country has been in a transition period leading up to multi-party elections. The government sees this as a one-year transition, but it promised to consult opposition parties, once legal, on both the organization and timing of elections. The Law on Political Parties came out April 15, 1992. UPRONA, the former ruling party, was cut loose from most government subsidies and registered as an independent party in May. The first two opposition parties were officially recognized in June 1992 (PRP and PP) and two more (RADDES and FRODEBU) were approved in July. (See Table 1, next page)

The transition period involves much institutional reorientation and inevitably some confusion. How fairly the Government deals with this process will affect its legitimacy.

The implementing laws already issued show a cautious approach, determined to bring the advantages of democracy to this charged atmosphere, but very conscious of the risks. They tread a fine line, trying to legalize constructive opposition activities, while outlawing terrorist activities of the PALIPEHUTU. The series of violent episodes since 1988, preceded by PALIPEHUTU infiltrations, clandestine night training sessions and ritual scarification of young men, has led the Government to clamp down on it tightly. Inevitably this adds to the confusion and mistrust surrounding "legitimate" political activity. Virtually any Hutu who returns from exile once belonged to PALIPEHUTU, but many have since disavowed divisionism and are seeking political power in a multi-ethnic context.

1. Political Parties and the Transition

Multipartism is starting to bring changes. The old ruling party has transformed its structure and reexamined its approach.

The first changes came within UPRONA, and more occur daily. The President resigned as head of the party before the Constitution went into effect, appointing Nicolas Mayugi as President of the UPRONA Party. Party property had to be separated from that of the Government, and the subsidy of operating costs that it had been receiving stopped. The rule observed on property was that what had been bought or built with Party dues could be retained, while what came from Government funds reverted to the State. UPRONA ended up with headquarters' buildings in the capital, each province and commune. Dues contributions and meeting attendance, both of which used to be obligatory, became voluntary. Both have dropped off sharply. To make up for the loss of operating funds, UPRONA is consolidating office space, cutting its own subsidies of Youth and Women's wings, and renting out the space thus liberated.

The youth and women's movements are trying to define their goals in the new situation. Both used to be the only or at least the main means by which civic minded citizens could help youth and women. So they have a certain membership that is more development-oriented than political. Another component of the membership is openly political and looking forward to fighting the good fight.

Political party activity has now been banned in the high schools. This should pose a problem for the UPRONA youth movement, the JRR (*Jeunesse Revolutionnaire Rwagasore*), which has been the main activity in many secondary schools. Actually, the JRR units were allowed to finish out the academic year, so that question has not

yet been resolved. JRR units sometimes behave like gangs, particularly in times of crisis, so many adults would like to see their activities limited or abolished.

Leaders of the Union of UPRONA Women want to continue to organize women's development projects, and are dismayed to learn that it will now be ineligible under Burundian law for international project funding. The Union of UPRONA Women is also faced with protests that its name no longer accurately reflects its function.

Internally UPRONA has changed greatly. It has done well in recruiting returning Hutu intellectuals, finding them good jobs and integrating them into the Party hierarchy. Free candidacies have brought clear Hutu majorities in many local party committees. (Chrétien, Guichaoua, LeJeune: 1988) The new Central Committee, elected at the Party congress in 1991, is ethnically balanced. The outgoing Central Committee proposed a single candidate for Party President, a recently returned exile who had been serving as Minister of Higher Education.

UPRONA still is broadly popular. Were elections held today there is no doubt that it would win by a landslide. The elections will be decided by the rural vote, as 94 percent of the population is rural. UPRONA has cells on every hillside. Rural people evoke the President's name with reverence, and most of their local leaders belong to UPRONA.

On the other hand, there have been some unsettling defections, particularly of historically prominent Tutsi leaders to the PRP (*Parti pour la Reconciliation du Peuple*, former *Parti Royaliste Parlementaire*). This party, founded by a wealthy businessman living in Belgium who was a lifelong friend of the former King, barely hides its royalist tendencies. It must proclaim republicanism publically, as monarchism is unconstitutional. Two of the most venerated political figures, founding members of UPRONA in the fifties, recently joined the PRP. On July 1 it organized major parades in Gitega and Kayanza, and on July 19, 1992, it held a big rally in the Bujumbura soccer stadium. The head of Burundi's Muslim community endorsed it. This draws attention, even though only about 4 percent of the population is Muslim.

When we visited rural areas in May, the opposition parties were not legal and had had little chance to make contacts there. The PRP, the PP (*Parti du Peuple*) and FRODEBU (*Front Démocratique Burundais*) are led by people who have been active in politics for some time. These parties seem to have an edge over the more recent entries, some of which may never make it past the obstacle of recruiting a geographically and ethnically diverse founding membership. In rural areas people noted preliminary activities by FRODEBU and PRP, which are clearly already known. They also

mentioned PALIPEHUTU, even though its activities are illegal and clandestine.

The declaration of a pro-business party (RADDES, *Rassemblement Démocratique pour le Développement Economique et Social*) is a sign of the times, but may be a little premature to contemplate a mass following. Five years ago there were only a few hundred traders and a handful of industrialists who would admit to considering themselves businessmen.

RADDES and FRODEBU were recognized in July. Both have modified their applications in accord with the Minister of the Interior's instructions. FRODEBU was asked to remove a plank that said it would not allow persons guilty of genocide in its ranks, and one that said it would seek restoration or compensation for returning refugees' lost property. These were considered divisive. (It is, however, rumored that the Government is itself into the refugee-compensation question more closely.)

Burundi may end up with a democracy like Senegal's, in which prominent members of the opposition are constantly brought into the government. This allows free flow of ideas, but prevents power from totally changing hands. Whether this emerges or, alternatively, there is to be a test of strength in next year's elections should become clear during the transition period. Right now the opposition leadership is thinking in terms of a test of strength, but they know they have a long way to go to beat President Buyoya and UPRONA.

2. Opposition Views of the Constitution

Leadership of the various opposition parties which we contacted largely accept that the Constitution provides a viable framework for a democratic transition. They are prepared to work within the system, but suggest that the system should not yet be regarded as fixed. They raise reservations which they would like addressed either at an all-party conference prior to elections, or via the legal and legislative processes following elections. Their reservations are largely focused on:

- apparent contradictions between the Constitution and both the pre-existing legal framework and the new implementing legislation relating to the period of transition (which are seen to be biased in favor of UPRONA). Most often cited were the laws on the press, political parties, and public assembly. Certain of the opposition parties (FRODEBU, PP) argue that the process of revising the legal framework should be overseen by a transitional government in which all legal political parties participate.
- the distribution of power between executive and other branches. All parties stress the need for a stronger

legislative branch, and the embryonic ANADDE party makes a stronger, fairer, more autonomous judiciary its main platform.

- the regulation of party financing, in particular the prohibition on external financing. All parties raised this issue, though the PRP was most adamant.
- indirect election of Communal Administrators via *bashingantaha*". Of the opposition parties which we contacted, not one had anything favorable to say about indirect local elections. All favored universal direct suffrage at the local level as at the Presidential and Legislative levels. The reliance on indirect elections is seen as a cynical attempt to play on the confusion between traditional and party systems of investiture so as to ensure continued UPRONA dominance.
- the prohibition on party involvement in local elections. Only FRODEBU and RADDES mention this explicitly, arguing that it is in addressing local issues and in contesting local elections that parties build a popular base. To exclude parties from participating at this level is to favor the party which is already well implanted: UPRONA.
- adherence to a republican form of government. The PRP views this as fundamentally undemocratic since the decision was taken by a military regime without referendum on the issue. The provision clearly prohibits the return to a constitutional monarchy, which they advocate.
- adoption of system of legislative elections based on party slates. FRODEBU is the only party which raised an objection to the use of slates for each district. The rationale for the objection was that this system would allow UPRONA to use one or two well known figures to assure the passage of an entire slate. Ndadaye argued against this before resigning as a member of the Constitutional Commission.
- the electoral calendar. Opposition leaders appear concerned that elections will happen too quickly, leaving them insufficient time to organize effectively throughout the country and unable to compensate for UPRONA's enormous organizational advantages. They argue that the timing of elections should be one of the things negotiated at an all-party conference following the legalization of multiple parties. [Fears that the government will hold to the March election date announced early this year may be unfounded. The President has indicated his intention to discuss this issue with the opposition at some point in the future. On the other hand, it is a classic tactic of incumbent

democratic governments to try to time elections to take place when they have the best chance of winning.]

- treatment (non-treatment) of the Military. Several opposition leaders noted that the Constitution provides no answer to questions regarding the future role of the military save to bar active duty military personnel (and the judiciary) from membership in political parties.
- imposition of a secular state. Apparently a portion of the Muslim community rejects the notion of a secular state; the leaders of the Muslim community, recently returned from exile in Saudi Arabia, argue that the real problem lies in the tolerance of Christian but not Muslim holidays and religious practices.

V. FREEDOM OF ASSOCIATION

A. CIVIL SOCIETY GENERALLY

Non-state public groups and associations are the heart of a successful democracy. Working together for the benefit of the community builds personal bonds that cut across and weaken ethnic antagonisms. Such groups play a number of roles vis-a-vis government. They are a source of counterweight to government, an alternative way of getting things done, and a watchdog ready to right wrongs before they do too much damage. They are also an instrument for communicating citizen interest to government, and communicating and interpreting Government plans and actions to the community.

To test the depth of democratization we interviewed leaders of every type of association in Burundi. Under the previous government not only churches, but every type of independent civil society institution was under close central control. Even independent charitable or development efforts were mostly banned, or, if they existed, were headed by members or friends of the government so that they could be closely monitored.

Buyoya's change in direction in State-society relations has in turn affected the churches, trade unions, and the community-oriented non-governmental social-service and development organizations.

B. CHURCHES

Burundi is predominantly Catholic. The 1990 population census counted Catholics as 65 percent of the total population, protestants of various denominations (Methodist, Episcopalian, Pentecostal, Adventist, Jehovah's Witness) 13.8 percent, Muslims as 1.6 percent and adherents of traditional/animist religious as 0.3 percent, others 0.6 percent and "no religion" 18.7 percent.

Most Protestant churches were driven underground during the period of persecution under Bagaza in the 1980s. The Catholic Church was too deeply rooted to be totally suppressed. But its *Yagamukama* religious schools and *Sahwanya* hillside discussion groups were banned. Many missionaries were refused visa renewals, clinics nationalized, priests arrested and some parishes even boarded up. Its media (press and radio) were suppressed. Yet the Catholic Church remained the only institution independent of State and Party which had a firm organizational base at the local level.

The first reaction to the coup d'etat that brought Buyoya to power was a great outpouring of religious celebration. Freedom of worship was restored immediately. Most Church property was restored, or compensation offered, within a few months. Many sects still await restitution for schools and clinics taken over by the State, but they are at least again free to form private religious schools.

About a dozen sects are still not allowed to exist officially in Burundi (see Annex I), in most cases apparently because they refuse to recognize the authority of the State. The most well-known one still banned is the Jehovah's Witnesses.

The Muslim community also suffered seizures of property during the 1980s. Although Muslims were generally known as peaceful citizens and were not in open conflict with Bagaza, Saudi fundamentalist teachings are widening the gap between Muslims and the Government.

Since the removal of Bagaza, religious leaders of various denominations have been active in formation of the human rights league and in efforts on behalf of political prisoners. Sermons regularly deal with public affairs, pastoral letters and public appeals from religious leaders periodically draw attention to serious problems of abuses and fundamental rights. Virtually all of the church leaders interviewed expressed general satisfaction with the current government, certainly considered it a great improvement.

The 1992 Constitution guarantees liberty of thought, conscience, and religious worship as long as the law and public order are respected. The only unusual restriction on religious activity stipulates that sects are not allowed to limit their membership to one ethnic group. This is understandable in its historical context, and religious leaders generally stress that their message is to persons of every ethnic group, region, sex and age, in any case.

Churches can be expected to continue to play a major role in Burundian public affairs. Religious parties are prohibited under the new Constitution, and religious organizations have thus far

been careful to avoid the appearance of endorsing individual parties. Catholic priests are enjoined by the Church from membership in political parties. Most religious leaders interviewed said that their members should participate in politics according to their own consciences. Some Churches abjure politics entirely (e.g. Adventist). Some Catholic bishops favor an activist role for the clergy and for Catholic laymen, but argue that they should do this through a variety of political parties. Even if the Constitution did not forbid political parties, religious leaders approve the separation.

C. TRADE UNIONS

The trade-union sector is in the middle of a period of transition. Unions have long existed, have recently been declared independent of UPRONA, but are only just beginning to explore the implications of their autonomy. Linked to the ruling party, and bound together in an authoritative labor federation since the mid-1960s, individual unions, and elements of unions, are reevaluating their interests, and attempting to come to terms with the new political and financial landscape. There are indications that new independent labor organizations are in the process of forming, and that existing unions are becoming increasingly dynamic and internally democratic.

Trade unions in Burundi date their existence to the mid-1940s when they first emerged as offshoots of the Belgian syndicalist movement. Until 1967 they remained largely independent of partisan politics. In 1967, with the urging of an increasingly strong UPRONA, the five labor federations then in existence were fused in a confederation which was henceforth known as the *Union des Travailleurs du Burundi* (UTB). In the years which followed, the UTB functioned as an adjunct of the ruling party, although the relationship was not always without tension. Relations deteriorated during the waning years of the Micombero regime, improved during the brief political opening which characterized the first years of the Second Republic, then deteriorated again in the early eighties.

When Party and State separated in 1992, unions were forced to reorganize. The UTB leadership argued that it could ill afford to be attached to a single party if it was to represent the interests of all workers. Moreover, the Party would have to cut it off financially when it lost the state subsidy.

At the Second National Conference of the UTB in December 1991, the first secretaries of the eighteen member federations agreed to the creation of a new confederation of "independent" trade unions, the *Confederation des Syndicats Libres du Burundi* (CSB). The UTB was dissolved. The CSB is to be autonomous of both State and Party, to represent the interests of all workers in bargaining with the state and private employers. It cannot yet

be said to comprise "independent" unions, however. Most of its member units are still obligatory professional associations to which all workers in a sector belong.

At present the CSB is in a state of flux. Finances are tight, both for the CSB and for its members' unions individually since mandatory dues deductions and Party subsidies ended. At the founding conference, member unions were persuaded to cede the entirety of their membership dues (withdrawn from paychecks) to the CSB for a period of six months to cover start-up costs. This leaves them without financial support during a critical period in their existence, and has led to considerable grumbling.

Labor secures stronger legal protection in the new Constitution than in the past. Article 35 grants all workers the right to defend their rights and interests, either individually or collectively, and grants the right to strike, provided that all activities are exercised within the conditions established by law. A revised *Code du Travail* is circulating for comment, and should be promulgated in 1992.

The draft Code specifies that strikes are permitted only after the failure of other mechanisms of conciliation and negotiation, and the unions must abjure violence and respect the general interest. Pending the release of a new Labor Code, union activity remains regulated by the conditions imposed by the December 1991 Law on public meetings and demonstrations which require a three-day prior notification of local authorities with regard to any planned activity and permits the denial of authorization for a public meeting if it is deemed likely to disturb the public order.

To encourage outside investment, the Government, with the support of USAID, is developing Free-Trade Regime legislation which would grant selected firms exemption from some constraints of the *Code du Travail*. The Ministry of Labor intends to follow a strict practice of limiting non-Burundian labor permits. Tight control of this area, while understandable in a context of widespread underemployment and unemployment, may have the opposite effect to that intended; it tends to reduce the growth in employment and to discourage outside investment.

The UTB-affiliated unions have tended to represent a relatively restricted, primarily urban, formal-sector constituency. If wage statistics are any indication, the interests of this constituency have been relatively well protected. Wages in the informal sector are roughly 25 percent of those in the formal sector. Job security is heavily protected, dismissal is costly to employers, and the legally required social-benefits package constitutes a high percentage of the real wage rate. It is precisely this constituency which is likely to be most affected by adjustment policies.

The major Burundian employers are also organized to protect the interests of business. The *Association des Employeurs du Burundi* (AEB) has been regularly consulted by the Government on structural adjustment and new legislation, in sharp contrast to the unilateral centralized approach of the past. Some 80 of the larger enterprises participate, including most expatriate-led firms. The AEB expects the new Economic and Social Council, provided for under the 1992 Constitution, to create a new forum for such consultations, and looks forward to participating. According to the representative of the AEB, employers would favor a semi-corporatist bargaining arrangement bringing together State, labor, and management.

D. NON-GOVERNMENTAL ORGANIZATIONS (NGOs/ONGs)

By 1990 and into 1992 there was a visible new dynamism in private voluntary organizations, professional organizations and trade unions. Businessmen joined commercial farmers to offer modern farm inputs to small, rural farmers. City residents joined with residents of their home communes to get clinics, schools, water supply and other amenities built.

Most of the non-governmental organizations or non-profit organizations (*associations sans but lucratif* (ASBL)) engaged in social service or development-related work in Burundi are affiliated with an external funding agency or with a Church. (See Annex II.) Some local non-governmental organizations have mobilized local intellectual energy to focus on a wide range of social problems -- from adult literacy to communal colleges to women's credit to small farming. However, most have very limited organizational experience and capacity.

VI. FREEDOM OF EXPRESSION AND INFORMATION

"*On nous a rendu la parole*" (mais ...)

For much of the period since independence, most of Burundi's media have been either directly state-controlled or subject to review and censorship. In 1988-89, there has been a gradual expansion in the number of private and independent print media. The government-owned *Le Renouveau* remains the only daily newspaper. It has asserted some editorial independence under the Third Republic, as have the public radio and television stations. Proposals for the creation of private television and radio station are in preparation, a step that was unthinkable five years ago.

The Constitution guarantees the freedom of the press but, as with political parties, requires official certification. In addition to determining the conditions under which media are to be accredited, the law on the press presently in force, which pre-dates the Constitution by only two months, places restrictions on

the range of issues which may be addressed by the press. Under this law, journalists have the right to do research and publish their findings as long as they are not libelous or threaten national unity, and as long as they do not promote ethnic divisions or public immorality, violate human dignity, attack the chief of state, or undermine the reputation of the economy. This last restriction is nefarious, as any restriction on free economic information automatically undermines confidence in the economy. This government has otherwise been very open in making economic information and statistics available, in sharp contrast to its predecessor.

Provisions for monitoring compliance with the new press law are not clearly defined. The Constitution provides for the creation of a National Communications Commission which will monitor compliance with these terms, make decisions relating to access to the public media, and play a consultative role in government decision-making with regard to communications issues. This Commission has not yet been established, nor have its powers and composition been more clearly defined. Immediate press oversight and regulation is under the Minister of Communications, Culture and Sport.

An alternative, non-official press has been gradually expanding. It presently includes the Kirundi-language paper *Ndongozi*, published by the Catholic church, and the French-language weekly *L'Independant*, edited by an independent-minded UPRONist. Other publications appear on a less regular basis. Of these, *Le Reveil*, a monthly review dedicated to providing a forum for open intellectual debate, *L'Aube de la Democratie*, a FRODEBU party paper, *Nturenganywe*, edited by the founder of the RPB, and the UPRONA-linked *Carrefour des Idees* are among the most widely known. In addition, the newly created confederation of independent trade unions (CSB) has begun to publish *L'Echo des Travaileurs*. The Methodist and Anglican Churches put out a journal called *Source*, and the Fentecostal Church *Ijwi rya Pentekoti* (Voice of the Pentecost).

For many private journals, circulation remains limited by production costs, and access to production facilities. Although there are no official restrictions on access to printing facilities or newsprint, several of the journals listed above (*Le Reveil*, *L'Aube*, *L'Indépendance*) have had difficulty with printers which they attributed to official intervention, either State or Party. The accuracy of such claims is difficult to verify.

With the present political opening, and in particular the reigning in of the "la Sureté", journalists have an increasing confidence in their personal security. Censorship, direct or indirect, is occasionally attempted, but direct harassment, detention or other sanctions have not been reported recently. If journalists continue to employ a certain caution in the exercise

of their trade, there has clearly been a marked change in the degree to which alternative viewpoints find public expression.

The ability of the press to contribute effectively to public accountability appears to remain contingent on the good will of the regime in power and on the capacities of journalists themselves. The conditions under which freedom of the press may be limited remain extremely broad and subject to interpretation. Much will depend on the extent to which the law on these press is revised and on the effectiveness of the balance between executive and legislative authority following the transition to an elected government.

At the same time, the journalist community must emerge from the torpor of one-party rule, and develop investigative skills. Journalists are already well aware of their role in communicating full and fair information to readers. They are among the main agents of the new transparency. In this area, external assistance might play an important role.

VII. JUSTICE AND HUMAN RIGHTS

A. IN GENERAL

The right to exist, and freedom from arbitrary arrest, imprisonment and torture, are the most basic human rights. Unfortunately it is exactly at this level that fear drives a wedge into Burundian society: no group in the society can be confident that another will always respect these rights. The core of the current approach is to try to build that confidence on a new democratic basis.

Three institutions share governmental responsibility for the maintenance of law, order and justice in daily life: the civil administration under the Ministry of the Interior, the courts under the Ministry of Justice, and the armed forces under the Ministry of Defense. Several human-rights organizations or leagues that have come into existence under the Third Republic are seeking to play an important role in assuring that justice is not sacrificed to law or order.

One human rights league was initiated by the Government. Another, called *Iteka*" in Kirundi, was created by a group of lawyers, clergy and private citizens. A third is developing within the Church, in part because two bishops who were founding members of the independent *Iteka*" were persuaded to withdraw in response to argument of the Government that positions they took within the human-rights organization would be interpreted as official positions of the Church. The bishops, then, decided to start a separate group within the Church that could still collaborate with the secular group.

The 1992 constitution expressly guarantees the integrity of the person, in articles 10-15, and 37. It assures equal dignity, rights and obligations under the law to all, without regard for gender, origin, ethnic group, religion or opinion. The accused is presumed innocent until proven guilty in a legal, public trial in which his rights to a proper defense are protected. S/He cannot be subjected to torture or cruel and inhuman punishment. S/He cannot be charged under an *ex post facto* law, or forced involuntarily to change judges. S/He is entitled to a lawyer for his defense (the court can impose charity cases on any lawyer, but rarely has done so in the past). Of course, the words of the new Constitution, widely endorsed as they are, cannot in themselves assure that practices will change. Adherence to the Constitution depends on the people and institutions administering justice. (See Subsection D, below.)

B. HUMAN RIGHTS DURING ETHNIC VIOLENCE

Burundi's history is riddled with abuse of authority, particularly during ethnic conflicts. In peacetime the main abuses were failure to document arrests, arbitrary detention, and beating. Deaths in prison were not common, and Burundi has never known Latin-American-style death squads. On the other hand, the pattern of ethnic violence includes appalling crimes on both sides. Hutu massacres of Tutsi have often involved vicious crimes against innocent victims, and have set off frenzied indiscriminate reprisals by army units, killing a far greater number of innocent victims.

Is the army learning to moderate its response? Some officers, including the President, are certainly trying. But many observers pointed out that this administration has not had time to forge its own men. It is dealing mostly with those inherited from the past.

The outbreaks in Ntega-Marangara in August 1988, and the ones in Bujumbura city and Cibitcke Province in 1991 and 1992, offer some lessons on the initiation-reprisal spiral of Hutu rebels and army. At Ntega-Marangara Hutus attacked no government installations, only Tutsi civilians, some of whom were cruelly tortured during slow deaths. This led some international and local observers to conclude that they were pure anarchists, with no objective except vengeance. The army did not arrive until killing had been going on for three days and nights. The rebels felled trees across roads and knocked out bridges to keep them out. They killed Hutu who refused to join them in massacring Tutsi families and cattle.

The army had orders, reportedly directly from the President, to attack only armed assailants, not civilians, and to stay within the two districts where there was trouble. Most units conformed to their orders, but some clearly did not. Doctors offering

relief aid testified to many civilian casualties. A total of several thousand people died. UNICEF, which handled refugee relief, the World Bank special inquiry and most diplomatic missions seem to have accepted the government's death toll estimate of 5000 in the end. Independent inquiries and population censuses before and after the events concurred with that figure. The truth of the government's claim that they were evenly split between casualties caused by assailants and those caused by soldiers is impossible to confirm. Many of those killed by the army were innocent victims, as most assailants had fled across the Rwandan border as soon as the army appeared. Some of them had infiltrated from the Nayarushishi Camp in southern Rwanda in the first place. At this camp a militant branch of the PALIPEHUTU has maintained military training sessions for some years.

Killing stopped within a week, in sharp contrast to 1972, when pogroms continued for over a year. There were unconfirmed reports of revenge killings in six additional districts, not touched by the initial violence, that were never reported by the Government (Amnesty International: 1990). In addition to several hundred arrested in the troubled areas, some sixty people nationwide, at least forty of whom were Hutu, were arrested in connection with the uprising. Jealous rumors linking prominent Hutu ministers to the events were put down. Those who had feared victimization on the 1972 model were wrong. None of the Hutu Ministers was removed or otherwise hindered in his work.

This became the Buyoya government's first challenge in the area of transparency and justice. Despite a deep-seated resentment of negative publicity, the Government decided to welcome international observers in the area, and allowed them to interview freely. The resulting press coverage was probably more favorable than it would have been if a cover-up had been attempted.

The trouble in 1991 started with several months of tensions in northern border provinces over clandestine PALIPEHUTU meetings, infiltrations from Rwanda and scarification of young enlistees (not always voluntary). Apparently concerted attacks on military units, a school, a clinic, and a couple of Tutsi families in the northwestern Cibitoke and Bubanza provinces and Bujumbura city (Cibitoke neighborhood) took place the night of November 23. The assailants had some Kalishnikovs and grenades, but mostly machetes, bows and arrows. A bag of Kalishnikovs and another of grenades were found in Bujumbura. In most places there were only isolated firearms. The assailants' targets were more predominantly military in 1991 than they had been in 1988.

Soldiers and police chasing down suspects killed and wounded several bystanders. Prisoners taken by the police, or by citizen volunteers, were questioned and released in many instances,

killed on the spot in others. Our interviews indicated that the army leadership sent relief commanders into Cibitoke and Bubanza provinces after the first few days, with orders to try to work with, not against, the population. They were extraordinarily successful, both sides report. In this predominantly Hutu area, they could have been in conflict with local administrators as well as the population. To the people who had already fled over the border they spoke with megaphones, saying that they wanted to protect them and offer food relief. Slowly they began to return. One old woman was so astonished at the newly "humanized" army approach that she touched an officer's sleeve and asked him whether he spoke Kirundi!

The army depended on the population to identify those guilty of attacks, and some teenagers enlisted by the rebels were quietly returned to their parents. The population was so impressed with the calming effect of these actions that they recommended the commanders be promoted.

These accounts confirm that the military is getting better at controlling its response, and the government is more committed to transparency in dealing with crises. The military officers interviewed were deeply encouraged by their success in cooperative conflict resolution in 1991, compared to 1988. They say that the differing experiences of 1991 have been thoroughly discussed within the military. Casualties in 1991 were one-tenth of those in 1988, even though the attacks were much more widespread. On the other hand, everyone is frustrated that the cycle of killing and abuse keeps recurring.

In April 1992 another column of infiltrators arrived in Cibitoke and Bubanza from Rwanda, and attacked a couple of military units. This time the population reported their arrival to the army, and helped in their capture. There were five or six casualties among the army, and very few among civilians. The events were barely noticed in the press. We note that in the 1988-1992 events the instigators were apparently infiltrators from the radical PALIPEHUTU faction based in Rwanda. Their actions still show an essentially anarchist approach, taking far more innocent civilian victims than military targets. On the other hand, their reliance on machetes for the most part, the finding of only one significant firearms cache, suggests that no major international conspiracy is at work.

The government's policy on transparency allows full civilian investigations by both foreign and local human-rights observers, but stops short of opening up access to the military. Many abuses show up, on both sides. Government policy is to give "assailants" fair public trials and just punishments. Some two hundred cases are pending. Two to five military personnel are reportedly being investigated for possible courts martial in connection with abuses during 1991.

The solutions proposed by civilian officials are mainly education: (1) educate the police and military regarding respect of basic human rights, (2) educate the population to avoid generalizing, false accusations based on personal feelings, and paranoia. The military is already working through its internal training programs to generalize its new deliberately humane, friendly approach to relations with local populations.

The present Minister of Justice is also pushing prison reform. He is the first to regularly visit prisons, to allow radios and television in them, and to seek to develop educational and vocational programs. Outside assistance in this area would be appreciated.

Reformers within the government and opposition groups advocate additional measures: (1) charge and try military abusers of human rights, (2) improve the ethnic balance in the armed forces, particularly in the officer corps (overwhelmingly Tutsi since Micombero's purges).

C. HUMAN RIGHTS IN PEACETIME

Treatment of citizens by authorities in peacetime is much less controversial than during crises. Personal observation by one of the authors over twenty-five years would suggest that the Burundian authorities' peacetime behavior is comparable to that in long-term Francophone African democracies such as Senegal, and far better than conditions in Zaire, Guinea, or Benin, for example. This does not mean that it is good; just that the problems are widespread and deeply rooted in traditional culture. Police, for example, often beat suspects until they confess. In fact, ordinary people who capture a thief or other criminal *in flagrante delicto* will often beat or stone him. It is part of the political culture for serious offenses to merit immediate punishment. The idea of waiting for formal justice and delayed punishment came only gradually in the West. It is gaining ground faster in Africa, probably in part because of international accords on standards and the role of watchdogs like Amnesty International and the diplomatic missions. But it cannot be expected to change instantly among whole peoples. The present Minister of Justice and Attorney General insist on the need for civic education of police and soldiers, so that they learn to respect prisoners' rights.

Of more concern to ordinary Burundians are practices that were not traditional: arrest and confinement, for example, which open the way to torture and starvation. Since the colonial era communal administrators (then called *Burgomeisters*) have had the right to arrest and detain suspects. Prisoners are supposed to be formally charged within 24 hours and to come under a judge's authority within five days. In the past, however, indefinite

detention without charge became widespread. Rural prisoners were rarely given formal charges and trials.

Political detention was usually the work of the security forces, who were previously not accountable to the Ministry of Justice. Now the Attorney General (*Procureur Général*) has won purview over *Sureté's* detainees, assuring at least the beginning of the transparency needed to eliminate torture and other abuses.

In Burundi, a prisoner's family normally is told where he is held. This is important throughout Africa, since institutions (prisons and hospitals) rarely have budgets adequate to feed their occupants. Families accept the responsibility of bringing food, and become frantic when they cannot. The few cases in which authorities during the Third Republic have deliberately refused the family knowledge of a prisoner's place of detention have had some common denominators: (1) the security forces (not the civil administration, nor the Army) were in charge, and (2) it concerned either a period of active strife or a former high official feared to be conspiring for a coup d'état.

One of the most common points rural people made in discussing the changes during the Third Republic (since 1987) is that they can now speak their minds without fearing arbitrary arrest. This has already happened, even in localities where appointed CAs have poor relations with the local population. The immediate future offers a deeper, more lasting security to rural populations.

Local justice is in the hands of the Communal Administrator (CA). The constitutional provision for local election of communal administrators will, in our estimation, have an irreversible, healthy impact. CAs are now appointed through the hierarchy of the civil administration, often earning their posts through Party service. In the past the worst of them were local tyrants, reigning like lords, pocketing "tax" receipts, etc. The best understood their people and kept open communications. There are many Hutu CAs already, but this has been no guarantee of gentler administration. Members of formerly oppressed groups elevated to positions of authority, ironically, often practice what they have experienced rather than what they have hoped for. Changing the source of the CAs' mandate holds much more promise than integrating this administration from above.

Rural people interviewed for this assessment unanimously lauded the new constitutional provision that allows them to elect their CA. Many said that they would be more comfortable with someone from their own area whom they had chosen. No one in rural areas raised objection to the indirect election process proposed in the Constitution and criticized by the opposition parties. Local control of the process was their first concern. Most of the CAs we interviewed hoped to run for election. Several said that they already enjoyed the confidence of the population, but that

standing for election had inspired them to pay more attention to improvements for all districts in the commune. Where there were tensions between an administrator and the population, it was clear that he would not run for office in next year's elections. This is likely to remove one of the common flashpoints of ethnic unrest in the past. Often local incidents flared in districts where there was tension between the population and the CA, then spread to other districts also experiencing strain.

D. THE JUDICIAL SYSTEM

Autonomy and equity are widely used as criteria to measure democratic judicial systems. Both are partly structural and partly a matter of custom and individual integrity.

Burundi's judiciary is structurally separate from the executive. The two structures come together at the top and bottom, in the Minister of Justice and the Communal Administrators (CAs). The Minister of Justice is nominated by the Prime Minister and serves at the pleasure of the President. Magistrates and judges are also appointed. Such a system can lack true autonomy of judgment unless judges have secure tenure. The new constitution gives Supreme Court justices fixed six-year terms, one year longer than the Presidential term, which provides some structural autonomy. There are reformers in the Bar and opposition parties who want much greater autonomy for the courts. They have agreed to work in the new constitutional framework to obtain such changes legally.

The Constitution also provides that service in the magistrature or armed forces is incompatible with membership in political parties. Those who want to participate in party politics must take a formal leave of absence to do so. Civil servants may belong to a party, but are expected to observe strict neutrality in their work. Some CAs said that to preserve their neutrality they would have to abstain from political parties, even though this is not required by the Constitution.

Equity within the system of law is more difficult to estimate. Most people seem to feel that the courts function equitably most of the time. Although judges and lawyers are typically Tutsi and male, systematic ethnic or gender discrimination has not been a complaint in peacetime. The fairness of trials of "tribalo-terrorists," i.e. PALIPEHUTU activists accused in the last year's series of attacks on army posts and Tutsi civilians, is openly questioned by the defendants. Some have insisted on the right to a lawyer, but then rejected those offered by the Court, since all but one are Tutsi. The government has kept the process open and procedurally correct, but the prosecutors seem to regard membership in PALIPEHUTU *prima facie* evidence of terrorist acts.

The formal court system in Burundi has been largely spared one of the most common problems in developing countries: the financial corruption of judges. In some countries judgments are practically auctioned. By all testimonies this is not common in Burundi. The root causes are there (poor pay, inadequate staff, overcharged calendars), but Burundian magistrates respond differently. The more common response to poor conditions of service, however, has been to leave for greener pastures in other branches of the civil service or the private sector.

While financial corruption is not a trait of Burundi's judicial system, there is basis to the opposition movement's charge that the judicial system is "corrupt, root and stem." Observers both within and outside the judiciary say that judges cannot resist the claims of family and friends, also that there has been political interference in a significant minority of judicial decisions. Thus, the judicial corruption is in the nature of bias rather than bribe.

The autonomy and transparency that lawyers need to work effectively are fairly well observed under the Third Republic, in sharp contrast to the past. Under the First and Second Republics, lawyers were chastised, threatened, once or twice even imprisoned for defending unpopular clients. They worked in a climate of fear. Now they have autonomy in respect to their clients and access to a client's full file before going to trial. They are allowed confidential interviews with their clients, with no officials present. The chair of the Bar Association (*Bâtonnier*) indicated that lawyers would like access to the prosecution's evidence earlier, during the investigative process, but he considers recent changes a major improvement over prior practices.

A fundamental weakness in the judiciary and legal professions is lack of trained personnel. There are only 17 practicing lawyers for a population of six million, and far too few judges to deal with the case-loads. Only one of the private lawyers is Hutu. One Notary handles legal documentation for the entire country. In the process of increasing the numbers, attention is needed to improving ethnic and gender balance. This begins in secondary schools and the University, where ethnic tracking to different faculties used to be common. The President has specifically addressed the University urging it to overcome these tendencies, and many faculties are doing so.

An effective partial solution to backlogged cases has been the institution of specialized tribunals using lay assessors: the Business Court, the Labor Court, and the Administrative Court. Over the last decade the efficacy of the judicial process where businesses are concerned has improved substantially. The low number of lawyers is considered less of a problem, as Burundians are not accustomed to confiding their secrets and defense of

their affairs to a third person, much less paying him. Demand for lawyers' services is low.

VIII. ACCESS TO EDUCATION

Education is the passport to success in Africa, the heart of family and individual aspirations. Fairness here is the crux of a viable democracy. This is why one of the first actions of the Third Republic was to institute a national secondary-school admissions-examination system in which papers are identified by number only and there is transparency in the correction and admissions process. In the final years of the Bagaza regime, a scandal broke out over the ethnic monitoring of secondary-school admissions. Documents that leaked to the press and international community showed primary-education officials being secretly asked to identify the ethnic background of pupils sitting for secondary school entrance exams. Interviewing in both rural and urban areas, we asked whether people were satisfied that the new examination system was fair. Unanimously they agreed it was.

One of the most important provisions of the new constitution is the right to equal educational opportunity. The government is obliged to organize public education, but the right to found private schools is also guaranteed. Freedom to found private schools was announced at the beginning of the Third Republic, and has already helped reduce tensions over access to secondary schooling. At the beginning of the Third Republic there were about 7000 places in secondary schools. In the last five years private initiatives have added 3000 more places and public schools another 2000, a total increase of 72 percent.

Equal opportunity is important at every level. Our hypothesis is that the level of education allows better participation in governance. The more highly educated dominate every sector of public and private life. They are assigned the responsibility of educating the population, but may also use their advantage to dominate them. (Ndimurukundo: 1991, 285-309)

Adult literacy in Burundi is estimated at 42-43 percent for men and 20-26 percent for women (over 10 years of age). Illiteracy is concentrated in rural areas, as is true throughout the developing world. Women have been particularly disadvantaged in rural areas, as reflected in the following Table:

TABLE 2. ILLITERACY IN BURUNDI, URBAN AND RURAL

	Total	Male	Female
Bujumbura City	29.4%	21.8%	39.9%
Muyinga	75.0%	67.0%	81.8%

In Burundi political insecurities have distorted the educational system. Discriminatory practices of the colonial era have already been described. The educational system was greatly expanded, and equal opportunity encouraged in the early years of independence. After the troubles of 1973 the language of instruction was changed from French to Kirundi. This was meant to reinforce traditional values and make it easier for young children to learn to read. But it was also an ill-disguised vehicle for cutting Burundi off from outside influences. In the late 1970s and early 1980s a nationwide campaign began to reach 100 percent enrollment in primary school. To do it, split sessions had to be instituted in most schools. At the same time, religious primary schools were closed down, and secondary schools enrolled less than one tenth the student population who attended primary. The net result was to offer less diverse and lower quality education to a wider population. A major effort in adult literacy was begun during the Second Republic, but then abruptly halted.

With the Third Republic educational opportunity is expanding and deepening, but the structural adjustment process slowed growth in funding and first-year enrollments. French has been reintroduced as a language of instruction. The public system has been decentralized to give communes responsibility for their schools. The central government keeps authority over curriculum and provides operating subsidies (notably teachers). Each commune is to build its own secondary school, called a *Collège Communal*. Adult literacy has reemerged as a national effort.

Girls' education has made continuous progress, most noticeably in the last decade. Girls comprised 17 percent of primary school enrollment in 1959, and 47.4 percent by 1987/88. At higher levels the proportion drops off: 35 percent in secondary school, 25 percent in post-secondary in 1987/88. Similar patterns of reduced access at higher levels of the system are reported for rural as opposed to urban residents, for peripheral rural provinces compared to those of the north and center. Ethnic statistics are not kept, but this pattern is reported to apply to disadvantaged ethnic groups as well.

IX. ECONOMIC GOVERNANCE

Burundi has undertaken voluntary economic reforms since the advent of the Third Republic in 1987, and particularly after the disturbances in 1988, that have dramatically improved the investment climate.

Over the last two decades over eighty percent of Burundi's investment was public. The governments of the first two military presidents aimed at centralized planning and state monopolies in every major sector of the economy. The private sector, mostly in the hands of Greeks, Asians and Belgians who settled in Burundi

during the colonial period, was subject to complex, arbitrary and authoritarian regulatory procedures for many years. Burundian businessmen and women were rare, and were concentrated in retail commerce. Many of the African merchants were from Zaire, Rwanda or Tanzania.

The first and most durable change introduced by the Third Republic was transparency in government operations. During the last years of Bagaza's regime ministries and the Central Bank released virtually no analytical statistics to international agencies and other outsiders. Since the early years of the Third Republic any and all information has been available. Low-level officials constrained by traditional Burundian discretion and used to their private domains do not always release it on first request, but the government's policy has been clear: openness, accountability to the public.

A. PRIVATE-PUBLIC COEXISTENCE

In a very short time this produced a sea-change in attitudes. Private business is suddenly a respectable activity in Burundi, after years of economic isolation, statist development and mistrust of *commercants*. New investments considered for the advantages of the Investment Code in 1987-91 were up 44 percent over the 1982-86 period (57 new projects against 40). Of these 29 were in agribusiness areas, 21 by private entrepreneurs and 8 public or mixed corporations. The private investments were much smaller in scale than those of the public sector. In terms of value, overall investment is up an average of 14.5 percent per year in 1986 through 1990, but private investment is still only 17.8 percent of the total.

A total of 908 formal private-sector firms were identified in a recent study of the Burundian private sector. (USAID/MC&I, 1991) More than half are in retail trade and import-export (53 percent), 17 percent in industry, and 30 percent other (services, construction, transportation and leisure).

Constraints to private investment remain, both in the macroeconomic and policy context, and at the company level. As a landlocked, mountainous country, Burundi is poorly placed to integrate its economy fully into world markets. Transportation links are still unreliable and costly, which obliges firms to stock unusually large inventories of inputs and spare parts. Even then they face occasional costly breakdowns. Transportation costs provide a measure of protection for local import substitution industries, but they work to their disadvantage in export markets. The domestic market is small. The 1991 population of 5.7 million people (1991) generated a current GDP of only US\$ 1.150 billion, or \$203 per capita. The primary sector accounted for 49 percent of GDP, down from 58 percent in 1980-81. Within that sector food crops are still the largest

factor (43 percent in 1990). In the decade 1981-91 industry increased its share from 7.4 to 11.5 percent of GDP.

It is estimated that formal public- and private-sector businesses in all areas generate 28 percent of GDP. Public enterprises account for at least two-thirds of that. (USAID, 1990, 30) In employment the situation is reversed. Private enterprises employed 24,526 people against 18,044 in public employ in 1989. (Politique de l'emploi au Burundi, 1990)

The private sector is fulfilling the role of tax-payer envisaged for it by the government, perhaps too well. Private enterprises in Bujumbura city paid an estimated 6.1 billion Fbu in taxes in 1990, 7.4 percent of that in income taxes, 54.2 percent in transaction tax (VAT), and 31.1 percent in customs duties. Taxes accounted for 48 percent of private sector GVA, against 30 percent for labor, 14 percent for depreciation and 6 percent for profits. (USAID: 1990, 34) Comparable figures are not available for public corporations. It is clear, however, that private enterprises generate a disproportionate share of tax revenues. While the urban ones in the USAID study accounted for only 7.3 percent of national GDP, they collected 58 percent of the national total VAT, 55 percent of the tourist tax, 24 percent of corporate income tax, 40 percent of import duties and 9 percent of export taxes.

The manner in which taxes are collected concerns private firms more than the amount paid. Repeated audits for corporate income tax have become routine. Up to four reviews are carried out for larger, expatriate-managed firms, each requiring new payments and penalties. The penalties are very high, and are sometimes imposed on very short notice. Some business people went so far as to speak of fiscal harassment. Presently grievance procedures go through the hierarchy in the Ministry of Finance, but officials have proved reluctant to review even clear cases of error lest they be accused of taking bribes. The Employers' Association and Chamber of Commerce have proposed a tripartite review commission to arbitrate disputes that cannot be settled through that process. This is an example of how problems can be resolved by local initiatives in a democratic society.

Unequal competition between public- and private-sector firms continues to be a constraint on the development of the private sector. Public enterprises continue to receive preferential access to credit and tax favors. They cannot very well be seized for delinquent taxes, as private firms are, as the government already owns them. One difference since reform began is that they are expected to show a profit, and not come seeking direct subsidies. They still have duty-free agricultural inputs, while private ones have had to pay duty. The government has made a commitment to eliminate duties on agricultural inputs for all users, but has not yet issued implementation orders.

B. PRIVATIZATION OF PUBLIC ENTERPRISES

Burundi has made less progress in the area of privatization than in other economic reforms. It has sorted public corporations according to plans for eventual disposition. Those judged strategic are to remain public, those that are profitable to be the last to be privatized. The unprofitable ones are by far the most numerous. Those that can be revived are to be sold, and the rest liquidated. The monopolies that once protected nearly all industries, public and private, have been eliminated or restricted.

The reform program concentrated first on improving management. Most of the major corporations are still public. The main export, coffee, is now partly auctioned, so that private buyers can participate. The government still controls the washing stations, although private investors have been allowed to buy up to fifty percent of the shares.

Tea, the second-ranked export, is grown around five factories. The Office of Tea of Burundi (OTB) currently markets all of their output, and manages all five complexes. It is supposed to put them on autonomous budgets during the current structural adjustment program, to prepare them for eventual sale.

Cotton is grown on plots originally allocated by the government for that purpose. Peasants are now supposed to be free to plant whatever they want on that land, but tend to continue to cooperate with COGERCO, the cotton company. The latter is being prepared for public auction in 1993, but the French African conglomerate SODEFITEX is trying to buy it outright first.

The country's only textile factory, COTEBU, still has a *de facto* monopoly. As it is capable of making a profit, the government has not been moving quickly to privatize it. It can no longer monopolize purchases of locally produced cotton, however. Other textile industries are theoretically allowed.

The firms that have been privatized had mostly been in bankruptcy. Some had stopped functioning. Those already sold include the flour mill at Muramvya, a storage facility there, an import-export firm and five state farms.

C. REFORM OF THE REGULATORY FRAMEWORK

Changes in the regulatory framework in Burundi have simplified procedures and facilitated the establishment and functioning of private businesses. The investment climate is substantially improved from the situation two years ago. The change has been most effective at higher levels of the government. At lower levels business people still encounter roadblocks, but they are better able to deal with them now. Business people are more

vocal in the new situation, and they can expect to be heard. Leadership from the President and Prime Minister have established a new tone in the administration, more favorable to business interests.

Uncertainty remains over the transition to multi-party democracy. The pattern of deliberate, peaceful change over the last three years gives rise to optimism in most observers.

Prices were liberalized in 1986. They are still monitored by the Ministry of Commerce and Industry, but businesses now feel freer to set their own rates. Import and export licenses are now issued by commercial banks if for less than FBU 25 million. The ceiling is due to be increased to FBU 100 million. It is still necessary to register as an importer or exporter, but the formalities have been reduced to a minimum. Imports come in freely, and the pattern of periodic shortages of staples has ended.

Foreign exchange controls have also been relaxed for business travel. Reserves are not strained. In fact they are at a healthy twelve-month level.

Three major mechanisms of the first structural-adjustment program meant to favor investment in the productive sectors (the Investment Code and APEX) and export promotion (the drawback) have had disappointing results. These programs proved to have too heavy administrative procedures to benefit many of the participants in the economic revival. The USAID private-enterprise-promotion program (BEPP/BEST) is now helping to move to simpler, more fundamental changes. It is financing the drafting of Free-Trade-Regime legislation, which could apply to existing or new investments. It will also fund a total revision and modernization of business law. BEPP/BEST offers export promotion, training, travel and professional-organization support to private entrepreneurs.

Procedures for simplifying business registration have been implemented. The 1.2 percent tax on corporate capital remains in effect. It tends to favor undercapitalization, which is already a problem.

Labor laws have changed to liberalize recruitment in the private and parastatal sectors, and to subject it to competitive examination in the public sector. Layoffs and firings are still very difficult. A new Labor Code has been prepared, and should be enacted soon. Freer labor laws will also be tested in the free-trade regime. This approach is usually more politically acceptable. On the other hand, the emergence of free trade unions may enliven what have been unusually pacific collective-labor relations.

The impact of the new climate of reform shows up in interviews. It is not yet convincingly demonstrated by macroeconomic statistics. Overall investment is up an average of 14.5 percent per year in 1986 through 1990, but private investment is still only 17.8 percent of the total. There may be a lag of several years before the statistical impact is significant. When ten small firms begin exporting new products, their statistical importance may not outweigh the decline in (subsidized parastatal) exports of bottles, cotton or beer. The trend is nevertheless positive for the long term.

D. PROPERTY RIGHTS

The right to private property is and has been guaranteed by all Burundian constitutions. An innovation this time is to include constitutional protection of intellectual property.

Practice has fallen short of that promise in the past, mainly for political enemies and some non-nationals. Most of the time property rights are respected, and transfers take place according to transparent legal procedures. Top officials of this government are determined to strengthen that protection, to enhance investor confidence, both local and foreign.

The previous military regimes seized property of the monarchy and various political opponents by administrative decree. Land, homes and businesses were seized through a very loose interpretation of reasons of State and the right of eminent domain. The private desires of top officials seemed to be a factor. Compensation was sometimes a symbolic franc, and even when it was more than that, those dispossessed considered that they received far less than fair-market value. This practice is actually rooted in traditional political culture. It was normal to destitute one's rivals in order to weaken them.

The present government is trying to bring this under the rule of law. Several properties, and two major businesses in which members of the former government had interests, were seized by decree in the first months of the new government. A Court of Accounts was then created, and given jurisdiction over political and administrative corruption. Until now its procedures required those investigated to prove that they had earned honestly the assets they possessed, a reversal of the normal presumption of innocence. In keeping with the new Constitution's reiteration of the presumption of innocence, Accounts Court procedures are being studied for revision.

Meanwhile, however, the government has nationalized the Burundi Tobacco Company, the largest privately built industry in the country, which belonged to a protegee of Bagaza. The temporary nationalization decreed to keep it operating in 1988 was followed by definitive nationalization in 1992, aborting the court

proceedings and out-of-court negotiations then underway. The new constitution would make this impossible in the future. It specifies that seizure can take place only under law, and that compensation must be fair and prior to dispossession.

In a new departure, the Constitution (article 36) protects intellectual property. When the implementing legislation for this article is drafted, respect of international copyrights and brand-names will surely be included. As a practical application, the audio-visual-tape copying and distribution operations that have sprung up should be suppressed, and false origin-labeling in the garment industry should be stopped.

E. CORRUPTION

Corruption in business-government relations is a major concern of democratization assessments. It is recognized, particularly by American investors, that bribery, graft, nepotism and extortion can undermine the business climate as well as politics. How does Burundi fare? A necessary, but complex question. There is no country in the world that lacks corruption. It is certainly present in Burundi, but based on one of the author's experiences in some twenty other African countries, it seems relatively well controlled here. Under the Third Republic top-level officials believed to have diverted funds have been removed, but not brought to trial. Under the previous government top-level corruption was open and tolerated. Businesses sometimes even had trouble firing people for theft. Trials before the Court of Accounts have been primarily of officials of the previous government.

Low-level favoritism and corruption seem to be widespread among tax collectors. Tax law is one area in which the law itself is insufficient, and collection procedures far from transparent. The result is that low-paid tax collectors pass over a large number of informal sector enterprises, and impose arbitrary and abusive rulings on formal sector enterprises, particularly those run by expatriates. The assessors are paid a commission on taxes collected. Appeal to higher officials has become of little use since the Court of Accounts was created. Ministry of Finance officials hesitate to take away commissions their low-paid employees have earned, and are afraid to rule in favor of a businessman lest they be accused of taking a bribe and brought before the Court of Accounts.

The award of public contracts is subject to some constraints from similar confusion. Often contracts are awarded to the lowest bidder, even when the difference is small change and the bidder may not be competent to fulfill the contract. On other contracts there are pitched camps in favor of one bidder or another, each insinuating that the other has arranged for commissions on the

contracts. Demands of ten percent shares from contractors are not unusual.

Despite these examples, Burundi is relatively clean and its officials accountable. It has never reached the stage present in some countries where people have to pay for every official act. In fact the President and Prime Minister put the entire administration through a procedural analysis to simplify procedures and make them transparent. With that came a new responsiveness to citizens and residents, businessmen in particular. Lower-level administrators have an understandable tendency to cling to their prerogatives, but citizens and businesspeople now can expect fair treatment from most officials and help from higher levels of government in resolving instances of injustice or corruption.

XI. THE ROLE OF THE ARMY

Is the army ready to become the guarantor of democratically elected power, instead of its own? How can the army be integrated to reflect the principles of National Unity? No one fails to ask these questions, from top to bottom of the power structure. It has clearly been discussed at length within the army. During the years of national debate on the Charter of National Unity and the Constitution, parallel debates were conducted within the army at each stage. It was an internal debate, with no written minutes. We therefore go by the reports and views expressed by the three commanding officers and five junior officers we interviewed, and by the actions of those who are not talking. This synthesis also takes into account outside opinions.

Two constitutional provisions concern the army directly:

1. members of the military cannot belong to political parties, although they can vote.
2. the President will be a civilian, but still Commander-in-Chief. A military man presumably will be Minister of Defense. Further ramifications of this restructuring imply that the Gendarmerie, which has been part of the army career path and nearly indistinguishable from it, should have responsibility for internal order and report to the Ministry of the Interior. The Ministry of Interior currently has Security forces and urban police under its purview, but not the Gendarmerie.

The Army recognizes that it faces a particular dilemma in the search for National Unity. Admitting that the Army is disproportionately Tutsi from Bururi province, one officer commented that there had been not only exclusion but also self-

exclusion. When openings are advertized the applicant pool is over half from Bururi. An observer commented that one has to know the history of 1965-1972 events. Bururi Tutsi were hardest hit in 1972--in many communities only women and children were left after the first attacks. The young men therefore enlisted in the army to make sure that that never happened again. Also in reaction, there were purges of the army in which Hutu and North/Central Tutsi officers were eliminated. Thereafter young people from those groups were afraid to enlist.

As in other institutions, leaders in the army are now trying to apply the principles of National Unity. They point out that they can do nothing about their point of departure -- they have inherited it historically. All they can do is to go forward from here.

Two major axes mark their plans to improve their role:

1. Recruit nationwide in all ethnic groups. There have been only four recruiting stations. Now one is to be installed in each of the 15 provinces. Make sure examinations are anonymous, promotions are based on strict competence and merit criteria.
2. Encourage troops to make friends with the population where they live or have manoeuvres. Insist on protecting everyone. The enemy is not members of an ethnic group, but particular individuals.

Like everyone else, the military feel liberated by the power of speech. The kind of interviews we had would have been inconceivable five years ago. The military are even experimenting with a their own press. Two numbers of the *Bulletin d'Information Militaire* have been issued.

There is still strong discipline and respect for rank. Ordinary soldiers and junior officers do not express themselves freely in the presence of their superiors. If the officer is there, it is supposed to be he who thinks.

The first test of the role the army was willing to accept came at the end of 1990 when Buyoya replaced the formerly sovereign Military Council of National Salvation with the elected UPRONA central committee. The move was prepared ahead of time within the army, and was accepted calmly.

Most officers now described their role as assuring national defense and law and order. They realize that they can help make democracy succeed--or fail. One officer likened the army role to that of an arbiter in the process of building National Unity.

An attempted coup by Tutsi conservatives in the army took place the weekend before the constitutional referendum. Only two units took part, and they were quickly apprehended by loyalists. Only a couple of shots were fired. The Foreign Minister, whom the plotters had planned to make president, was arrested. Commentary on this event has been much like the question of whether the glass is half-full or half-empty. Some see it as proof that conservative elements in the army will resist to the end. Others argue that the facility with which it was put down, and the manifestations of loyalty from the army in following days, prove the commitment of the army to Buyoya and his reforms. The present authors agree with the latter interpretation.

In our judgment, however, the loyalty is very personal. It could be very difficult for another leader to mobilize the army around democratic reforms. The officers do show some recognition that there is a world-wide, and African, movement to democratization - a movement that could promise a healthier future for their region. They see Burundi as a leader, and are proud that it has made progress as a result of its own decisions taken before or early in the global reform movement.

The officers seem deeply aware that the democratization process needs to come to the region as a whole. Otherwise tensions, even over positive steps taken in one country, are likely to reverberate into refugee communities and neighboring countries. It is in this context that the officers indicated to the assessment team their interest in holding a seminar, with colleagues from neighboring countries, to discuss the role of the army in democracy throughout the region. (See below, Section XIII.A.)

XII. CONCLUSIONS

Is there really a democratic opening in Burundi?

The answer to this question has to be yes, so far.

The initiative comes from and is percolating through every institution in the country. Opinion on it is overwhelmingly positive, if a bit tentative. In Burundi, harmonious ethnic relations are more important than democracy, *per se*, to nearly everyone. Most people believe that democratic principles are the best way to bring about that ethnic harmony. Just how far this can go, and how fast, people hope to test through free and fair elections.

Is democratization and governance reform improving the context for economic development? Again the answer is yes, thus far. The same caveats apply. The team in power right now has made substantial progress toward building investor confidence. Business people have confidence in them. Most fear to see an

opposition party take power, as they do not want to go through the learning process again. It has taken years to construct healthy business/government relations.

Is the democratization process likely to continue?

The period of openness and reform in the early years of the Second Republic under Bagaza were followed by withdrawal, corruption and repression. Burundi simply cut itself off from the outside world -- little news, little contact with foreigners, rare travels -- it was easy for a mountain people. This could happen again, but it does not seem probable. The current leadership draws on its own convictions, and has carefully thought out every aspect of this movement. Inner direction is enhanced by outside support. Worldwide trends reinforce their efforts, giving them legitimacy in the eyes of their own population. A wide range of citizens and officials expressed gratitude to democratic nations who take the trouble to understand their new direction and support them. They are the first to recognize that they have a long, difficult road to travel.

XIII. PROGRAMMATIC IMPLICATIONS

This assessment did not undertake specific project identification or design. It was intended more to inform USAID/Burundi program strategy than program content. Still, the interviews and analyses did suggest some programmatic implications growing out of USAID/Burundi's interest in promoting democratic governance in Burundi. And the assessment evoked both specific and illustrative program options in this area.

A. TRAINING

Virtually any action that is undertaken, including election organization and observation, should be regarded primarily as training, strengthening and deepening local capacities, creating opportunities for wider experience and knowledge.

1. The Ministry of Justice, with the help of German funding, is building a new Center for Human Rights, whose primary function would be civic education. It has been suggested that, in addition to ordinary citizens, military, police, gendarmes, security services, and administrative personnel participate. We recommend that training focus on personnel who are in direct contact with ordinary citizens, particularly poor ones.

2. Short-term travel/training opportunities could help strengthen the new institutions of civil society. Trade Unions, for example, could benefit either from a long-term program, such as through the African-American Labor Institute, or from travel and training programs in third countries or the United States.

The work that USIS has already done with journalists should continue, and be enhanced if possible.

3. Public seminars on democratic governance topics could be very useful. After three years of national debate, Burundians have given much thought to democratization. The isolated geographic position of the country, however, limits exposure to a full range of outside experiences. Burundi's Army Chief of Staff has proposed an international seminar to discuss the role of the army in a democracy, to be held in Burundi. We highly recommend this proposal. A regional focus could be very constructive, both for comparative purposes as well as for comfort level of Burundian hosts. Lasting solutions to Burundi's ethnic and geopolitical problems may often best be approached on a regional basis.

4. Conflict-resolution theory and practice, techniques of negotiation and arbitration, could be a useful theme for short term training programs or seminars held in Burundi. It is an area where the United States has substantial technical expertise. Burundians have shown strong interest in management and governance technical training.

5. Travel and seminars for parliamentarians, legal reformers, communal administrators, journalists, members of PVOs and law-enforcement officials, if properly structured, could make a very important contribution to the development of civil society. The degree to which Burundians have been isolated in the past cannot be overstated. Breaking out of that isolation, it is very important for a wide range of Burundians to have direct knowledge of counterpart democratic institutions in other countries.

B. EXPANDED USE OF NGOS IN DEVELOPMENT

As mentioned above, most Burundian non-state public organizations (NGOs) have limited organizational experience and capacity. They have mobilized local intellectual energy to focus on a wide range of problems, from adult literacy to communal colleges to women's credit to modernized farming. As in many other African countries, USAID could through technical assistance strengthen Burundian NGO long-term institutional capacities while, at the same time, engaging the NGOs to perform health, training, agricultural input distribution and other development tasks. (Cf., e.g., the USAID-funded PVO/NGO "umbrella" projects in Mali, Senegal, Malawi, South Africa, etc., and currently in design for Rwanda.)

C. ELECTION ASSISTANCE

A recent A.I.D.-funded electoral assessment in Burundi by the International Foundation for Electoral Systems (IFES) proposed a concrete strategy for providing election assistance in Burundi.

It includes training, organizational help, voter education and resources to facilitate a voter census and registration campaign. The assessment team recommends that USAID/Burundi consider assistance through the recently established Africa Regional Electoral Assistance Fund (AREAF, Cooperative Agreement No. 698-0486).

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ANNEX I

ORGANISATIONS RELIGIEUSES

SYNTHESE

La plupart des représentants des confessions religieuses que nous avons rencontrées semblaient remarquer une nette progression en ce qui concerne les relations entre l'église et l'Etat. Ils reconnaissent également avoir participé aux débats sur la démocratisation des institutions. Ils acceptent aussi pour la majorité de collaborer avec le Gouvernement et à participer aux activités de développement social.

Aussi des représentants des églises ont participé dans les commissions telles la commission chargée d'étudier la question de l'unité nationale et la commission constitutionnelle.

Quant à l'engagement des confessions religieuses dans la politique du pays et à leurs relations vis-à-vis des partis, certaines semblent ne pas s'y intéresser directement alors que d'autres tels les musulmans trouvent en eux un moyen de lutte.

D'après le représentant de la COMIBU par exemple, il pense que la communauté islamique a été longtemps exclue de la scène politique. Il remarque la primauté de certaines confessions au détriment des autres dans la chose publique, que des privilèges sont accordés aux fidèles d'autres religions notamment les catholiques, alors que le Gouvernement ne fait rien pour promouvoir la communauté islamique. Il pense donc qu'il appartient aux Musulmans de lutter pour leurs droits et pour ce faire il compte militer dans un parti qui va s'engager à défendre et à promouvoir les intérêts des musulmans.

D'après lui pour arriver à une démocratie durable, il ne faut pas seulement attacher toute l'importance sur le problème ethnique, mais il faudrait y ajouter également d'autres paramètres notamment religieux. C'est dans ce cadre qu'il est aussi contre la loi sur les parties qui interdit les partis à caractère religieux.

Pour l'église catholique, l'Evêque de Burundi et président de la conférence des Evêques Catholiques du Burundi que nous avons pu rencontrer pense que le rôle de l'Eglise est d'éclairer les Chrétiens sur l'égalité de dignité de la personne humaine et de donner un message qui s'adresse à l'homme dans toute sa totalité, incluant l'aspect politique. De manière générale, l'église n'organisera et ne soutiendra pas de parti, et les leaders ne devraient pas manipuler les fidèles à qui on laissera la liberté d'adhérer au parti de leur choix.

L'église catholique participe au développement du pays par l'édification d'oeuvres sociales telles les écoles, les centres de

santé, les adductions d'eau... Elle est aussi soucieuse d'aider les autorités politiques à bâtir un Burundi meilleur et plus uni. C'est dans ce cadre que l'Evêque de Bururi et président de la conférence des Evêques du Burundi faisait partie de l'équipe qui s'est rendu en Europe pour essayer de mener une médiation avec les membres du Palipehutu résidant à l'étranger pour recueillir leurs points de vue, les convaincre à renoncer à la violence et éventuellement aboutir à une réconciliation avec le peuple Burundais. Néanmoins les conclusions auxquelles ils ont abouti étaient disparates et faisaient croire que ça prendra du temps.

Pour le responsable de l'église Adventiste, avant l'avènement de la III^e République, les fidèles de son église et lui-même ont subi une forte pression politique. L'église a été formée en 1984 et les membres persécutés et emprisonnés. Les bâtiments ont été saisis et occupés par l'Etat. Mais maintenant la situation s'est beaucoup améliorée. Les Adventistes ont pu récupérer la plupart de leurs biens excepté le Collège de Kivoga dont les négociations sont toujours en cours. Concernant la démocratisation des institutions dernièrement amorcée, les adventistes ont participé aux débats comme tout le monde. Ils soutiennent le multipartisme sauf le Palipehutu qui selon l'avis du représentant légal devrait changer de nom et de méthode car le Palipehutu ne représente pas tous les Hutus comme ils prétendent. Maintenant que les relations entre l'Etat et l'église Adventiste se sont améliorées, cette dernière est prête à participer aux programmes de développement du pays par une reprise et une multiplication des actions sociales.

Pour le représentant des Eglises de Pentecôtes, il remarque aussi une nette amélioration dans les relations entre Eglise et Etat sous la III^e République. Il trouve que l'autorité est maintenant sensible au dialogue et associe les églises au processus de développement du pays. Dans ce cadre l'Etat leur facilite la tâche pour l'octroi des parcelles où bâtir des infrastructures sociales, l'exonération sur les marchandises achetées au pays comme à l'étranger. Concernant le multipartisme, le représentant des églises de Pentecôte comme la plupart de ses collègues pense que les leaders des églises ne devraient pas s'ingérer dans les affaires de partis. Quand aux fidèles, ils auraient la latitude de choisir leurs partis.

Nous remarquons donc que toutes les églises sont presque unanimes sur le fait que les relations avec l'Etat sont aujourd'hui bonnes. Les églises ont participé aux débats sur la démocratisation des institutions au Burundi dans le souci de construire ensemble un pays d'unité et de paix. Elles sont également toutes d'accord à participer au développement socio-économique de notre pays et à assurer le devoir et la mission de promouvoir et de faire respecter l'unité des Burundi.

LISTE DES CONFESSIONS RELIGIEUSES AYANT INTRODUIT LEUR DEMANDE
OFFICIELLE D'AGREATION AU BURUNDI

1. Armée du Salut
2. Les Témoins de Jehovah
3. Association des Gédéons
4. Eglise de Dieu
5. International Holnest Church
6. Eglise Biblique pour la vie profonde
7. Eglise Apostolique du Burundi
8. Eglise Evangélique Reformée au Burundi
9. Ministère International d'Evangelisation en Afrique
et dans le monde
10. Trinity Assembly of God
11. Fondation Musulmane AHLI BATT
12. Christadelphian Bible Mission
13. Ministère Chrétien de la Délivrance
14. International Pentecostal Holiness Church
15. Eglise Evangélique Luthérienne
16. Eglise Pentecôtiste Unie
17. La Secte Islamique AH Madia
18. Ministère d'Evangelisation
19. La Gronde Biblique Universitaire

N.B.: Toutes ces confessions ont introduit leur demande de reconnaissance officielle entre les années 1980 et 1990, donc pendant la même période que l'Eglise Néo-Apostolique. Leurs dossiers sont toujours à l'étude et selon des sources bien informées, leur reconnaissance devra attendre encore. En effet, compte tenu des contigeances politiques du moment, les autorités Burundaises tournent leur préoccupation à la démocratisation des institutions politiques du pays et à l'œuvre entamée de l'Unité Nationale.

EGLISES QUI VIENNENT D'ETRE AGREES

1. Les Tentes du Bon Berger/Léopold Banzubaze
2. Eglise Vivante de Jesus-Christ au Burundi/Artémon Simbananiye
3. Eglise de Jesus-Christ des Saints des Derniers Jours
Eglises Mormones/Egide Nzojibwami.

ANNEX II

NON-GOVERNMENTAL ORGANIZATION

I. SYNTHÈSE

Le rôle des ONGs est très important dans la réussite de la démocratie car elles opèrent auprès de la population. Celle-ci croit à la démocratie dans la mesure où elle bénéficie d'un encadrement permettant un développement économique continue, une amélioration de leurs conditions de vie.

La floraison des ONGs et des associations diverses est un facteur déterminant pour l'amélioration de la vie de la population. Les personnes qui créent ces ONGs et associations sont des gens déjà responsables dans l'administration centrale ou dans le secteur privé. Ils font partie de l'élite intellectuelle, engagée dans le processus de démocratisation des institutions burundaises. Ils ont, pour la plupart, été membres de la commission chargée d'étudier la question de l'unité nationale ou membres de la commission constitutionnelle; et à défaut de cela, ils ont au moins participé aux différents débats sur la charte de l'Unité et la Constitution. Toutes ces personnes engagées ne peuvent plus faire marche-arrière. Ils ont compris que le processus en cours est difficile à renverser. Comme leur action est dirigée principalement vers le monde rural, les ONGs et les associations sans but lucratif naissantes ont, sinon supprimé progressivement, du moins contribué à diminuer la coupure entre le monde rural et le monde urbain. Ceci est un appui important à l'action du gouvernement: l'Etat ne peut pas tout faire.

Les ONGs et les ASBL aident les paysans à prendre conscience de leur contribution dans le développement en les initiant aux méthodes modernes d'organisation. La population pourra ainsi s'auto-développer. Les promoteurs des ONGs comprennent que les libertés individuelles dépendent du niveau de vie. C'est pour cela qu'ils jouent un rôle de formateurs et d'informateurs par l'action d'alphabetisation là où la population est encore analphabète.

En renforçant les mouvements associatifs, les ONGs conscientisent la population sur le destin commun de tous les gens qui vivent dans un même milieu et renforcent chez eux l'esprit communautaire. Cette formation au mouvement positif d'association fera des ONGs un contre-pouvoir, une sorte de garde-fou pour les institutions, et donc un moyen de collaborer avec le gouvernement pour que la démocratie aille de pair avec le respect des droits de l'homme et la paix sociale.

Quant aux associations communales, qui sont une nouveauté au Burundi, la population rurale les accueille avec beaucoup d'espoir. Les initiateurs de ces associations sont des intellectuels natifs de chaque commune, en collaboration avec les autorités communales,

notamment l'Administrateur. Celui-ci est appelé à être un acteur indéniable du développement des collectivités locales, c'est pour cela que la population souhaite qu'il soit natif de la région qu'il administre. Ces associations communales revendiquent une place dans la conception, l'élaboration et l'exécution des projets et des programmes de développement local. Par la création des collèges communaux qui sont aussi une nouveauté au Burundi, les membres des associations communales incitent l'administrateur à être un leader et un encadreur de tous les projets de développement de sa commune. Ils oeuvrent à la promotion des associations pour la production agricole et l'élevage moderne dans un élan de solidarité sans discrimination aucune. De plus, si la population remarque que tous les enfants, ou du moins la majorité des enfants, accèdent à l'enseignement grâce aux collèges communaux, elle se sentira encouragée pour travailler: elle n'aura plus le temps de s'investir dans les enseignements divisionnistes.

La force des ONG/ASBL nationales est une nouveauté qui amènent beaucoup d'espoir et de confiance dans la population, contrairement aux ONGs étrangères qui sont souvent sans lendemain. C'est une motivation qui va avoir une continuité dans le temps: c'est-à-dire que si elles se développent, elles vont jouer un rôle politique notamment dans l'éducation et la formation; elles créent un cadre d'unité qui implique un engagement objectif et privilégie l'intérêt générale. Elles vont jouer aussi un rôle socio-économique régional et/ou national réel, et peut-être favoriser un régionalisme positif: c'est aussi une nouveauté que des intellectuels se mettent ensemble pour réfléchir à leur rôle de promoteur de développement dans leur propre région. Cette collaboration entre le monde urbain et le monde rural est un facteur important dans le renforcement d'une démocratie bien comprise, sérieusement vécue et volontairement intégrée dans la vie de chaque jour.

II. OBJECTIFS ET ACTIVITES DES 10 ONGS

1. Village d'Enfants S.O.S.

1.1. Objectifs: Venir en aide aux enfants abandonnés et faire en sorte que les villages S.O.S. constituent un facteur de progrès social au XXè siècle. Les VESOS offrent un foyer permanent, soutiennent l'effort personnel et contribuent à la réorganisation sociale en aidant les enfants à devenir autonomes, sans les éloigner de leur environnement culturel et social.

1.2. Activités:

- Accueil des enfants abandonnés (de 0 à 12 ans)
- Formation des jeunes
- Foyer de jeunes

2. Alliance des Eglises Protestantes

2.1. Objectifs: Promouvoir le développement socio-économique et spirituel de l'ensemble de la collectivité. Favoriser le développement de l'homme dans son ensemble et donner au Pasteur le rôle de leader dans son milieu.

2.2. Activités:

- Agriculture, élevage, pisciculture
- Reboisement; aide aux réfugiés
- Alphabétisation, formation du personnel national et des agents de développement
- Adduction d'eau
- Petites entreprises artisanales et coopératives
- Soins et médecine préventive

3. Centre d'entraide et de développement, d'assistance et de promotion humaine (CED-CARITAS)

3.1. Objectifs: Réaliser le mandat de l'Eglise catholique dans sa dimension humaine et caritative en favorisant la promotion sociale, économique et culturelle des individus et de leur communauté.

3.2 Activités:

- Encadrement de coopératives
- Petit élevage, agriculture
- Promotion de l'habitat
- Assainissement du milieu
- Animation socio-sanitaire
- Aide d'urgence, réinstallation des réfugiés
- Prêts et crédits à des individus et à des groupements en vue du développement communautaire
- Création et encadrement de C.S.E. et de S.F.R.
- Formation informelle, artisanale et technique

4. Croix Rouge du Burundi

4.1. Objectifs: Prévenir et soulager la souffrance physique par la mise en application des sept principes fondamentaux de l'organisation: 1) Humanité; 2) Impartialité; 3) Neutralité; 4) Indépendance; 5) Volontariat; 6) Unité; 7) Universalité.

4.2. Activités:

- Education sanitaire
- Formation de secouristes
- Mise en place de comités de santé scolaire
- Assistance humanitaire aux malades atteints de SIDA.

5. Institut Africain pour le développement économique et social: IADES-Formation

5.1. Objectifs: Fournir aux adultes du milieu rural des informations à caractère général et technique (production agricole) leur permettant d'améliorer leurs conditions de vie et leur productivité.

5.2. Activités:

- Formation par correspondance
- Formation ad hoc au cours de sessions et de stages

6. Les amis du Père Damien

6.1. Objectifs: Lutter contre la propagation de la lèpre et traiter ceux qui en sont atteints.

6.2. Activités:

- Dépistage de la lèpre et de la tuberculose
- Traitement des malades
- Suivi des malades
- Prévention des infirmités par l'éducation des malades
- Formation continue des paramédicaux
- Fabrication et pose d'orthèses.

7. Catholic Service Reliefs

7.1. Objectifs: Aider les victimes des conflits. Programme orienté vers les secours d'urgence et pour le développement à plus long terme.

7.2. Activités:

- Protection de l'environnement
- Adduction d'eau
- Appui institutionnel

8. IGAA (Association pour le Progrès de la Femme et de l'Enfant

8.1. Objectifs: Formation et information de la femme afin qu'elle puisse se prendre en charge et s'intégrer au processus de développement économique et social.

8.2. Activités:

- Alphabétisation et postalphabétisation
- Initier des groupements de femmes pour la culture et la commercialisation de produits vivriers;
- Installation des moulins et formation des femmes à leur gestion.

9. Centre de Développement et de Solidarité (C.D.S.)

9.1. Objectifs: Accompagnement de la population surtout rurale dans son processus d'auto-promotion; Appui aux groupements de production tout en promouvant des attitudes de partenaires responsables pour que le C.D.S. ne risque pas de se substituer aux bénéficiaires de son appui.

9.2. Activités:

- Création des associations à la base
- Aider les associations jeunes et sans appui
- Formation et sensibilisation pour la création des associations

10. La Formation pour l'Enfance au Burundi

[Précision: Avec son statut d'ONG philanthropique, la F.E.B. diffère du Conseil National pour l'Enfance qui est un organe consultatif auprès du Gouvernement]

10.1. Objectifs: S'attaquer aux besoins tant moraux que matériels des enfants, en priorisant l'enfance défavorisée. Premier projet à réaliser est la prise en charge des enfants orphelins dont les parents ont été victimes du SIDA.

10.2. Activités:

- Parrainage des enfants par le biais des familles d'accueil
- Prise en charge des enfants déshérités ou handicapés