

Opportunities for Citizen Participation in Local Governance in Burundi

*A Research Report prepared in collaboration with the
Governance and Human Rights Programme of Trócaire-Burundi*

by

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Executive Summary

One of the three objectives of Trócaire's new Governance and Human Rights programme (2011-2014) is *"to increase the effective participation of citizens, especially women, the poor and marginalised, in local government decision and policy-making processes."* (Trócaire, 2011b: 11). As a first step towards this objective, this research aimed at investigating the effectiveness of and opportunities for citizen participation within the country's evolving decentralisation process. The research was conducted over the period May-September, 2011 with a feedback workshop presenting preliminary findings held with programme partners in Bujumbura in September.

Research findings are presented and analysed in three principle sections. The first section draws from a wide range of studies conducted on decentralisation processes elsewhere in Africa to identify the benefits of the process and draw lessons from experiments in decentralisation elsewhere. The potential benefits of the process are identified as increasing local government responsibility and accountability to citizens; increasing local government flexibility to address diverse needs of citizens; reducing corruption through enhanced oversight; and fostering the dispersal of power across citizens and communities. These benefits are thought to lead to greater social and political stability while affording citizens a greater voice in both overseeing and influencing local government. The lessons on the ground from decentralisation experiments elsewhere reveal that these benefits are not guaranteed however. Key lessons include the fact that decentralisation is a long-term process, not a short-term solution and that, in the absence of active citizen engagement, can result in negative outcomes. Studies of processes elsewhere reveal that legal and political frameworks on their own are not enough; the importation of Western structures and institutions without due recognition of local structures results in failure; state commitment is key, as is fiscal and financial transparency at a local level; and that citizen participation is by no means guaranteed with widespread public distrust of and disaffection from political structures and processes mitigating against such participation.

A brief section on the history of decentralisation in Burundi reveals that, although the current process and procedures are new, decentralisation has had a long history in the country dating back to the colonial period. Contrary to the policy and procedures currently in place, decentralisation in the past has been implemented in a top-down manner, with accountability running upward from citizens to political authorities rather than downward resulting in a depletion of local resources and the political and social exclusion of citizens. Examining the government's relevant legislative and policy texts for decentralisation today, it becomes clear that the government's aim is now to reverse this exclusion with policy and procedures aimed at the active participation of citizens in planning and decision-making on developmental priorities within their local areas. The different opportunities for citizen participation in local processes together with local government accountability mechanisms are set out in this section.

Having examined the theory and policy of decentralisation, the second main findings section draws from field research in eight communes across the country to analyse how decentralisation works in practice. This section builds on comprehensive studies

carried out on the process to date (see OAG, 2007, 2009, 2010; ABELO, 2009; Baltissan and Sentamba, 2011; Sentamba, 2011), to focus on an as yet understudied area – levels of citizen participation and local government accountability on the ground. The principle finding is that although locally elected officials at commune level demonstrate a good understanding and knowledge of the ethos, procedures and mechanisms for local accountability and citizen participation, local citizens themselves remain largely unaware of these. At hill level it is found that both hill council members and citizens are aware of just one of the three principle functions of hill councils. Consequently, as there is little incentive or pressure to operationalise these procedures, valuable opportunities for citizen participation are being overlooked, and local processes at present are falling short of the outcomes and results set out in government policy.

The third section discusses research findings in more detail to explore why this is the case. Four key issues pertinent to the roll-out of Trócaire's GHR programme are identified. First, the importance of political history and culture are underlined and it is argued that, in the past, Burundi's people have been treated more as subjects than citizens, with echoes of this past filtering through into contemporary political and social relations. Second, it is argued that, contrary to many other donor and NGO interventions in this area, the key obstacle may not be local capacity but rather local willingness to go against the grain and engage in the radical transformation of political and social relations required by the process. Third, given the enormity of the task in challenging these relations, it is argued that information provision / awareness raising / sensibilisation techniques alone will be insufficient. An intensive accompaniment of citizens in participating in the various structures is proposed. Fourth, and finally, a key challenge identified is overcoming both widespread (and understandable) disaffection with political life and the active exclusion – by both the state but also by family, friends and neighbours – of certain groups (notably women and members of the Batwa community) from public life.

The final section of the report re-sets the decentralisation process within the broader context of Burundi's difficult past. Acknowledging that Trócaire's partners face a formidable task in supporting citizens in their active and sustained participation within local structures, it is argued that the comprehensive and robust framework in place at local level for citizen participation offers a real opportunity to transform the inherently inequitable and oppressive system of the past. Failure to do so, it is argued, will lead only to frustration, anger and more conflict and it is clear that there is no appetite for more conflict and devastation on hills and within communes across the country. In this context a series of recommendations are made aimed at a coordinated, inclusive and intensive support to the process in targeted areas leading to tangible, meaningful and transformative outcomes for government and citizens alike.

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Abbreviations

ABELO	Burundian Association of Locally Elected Leaders
ACAT	Christian Association for the Abolition of Torture in Burundi
AJCB	Association of Catholic Lawyers/Jurists in Burundi
APRODH	Association for the Protection of Human Rights and Prisoners
CEJP	Episcopal Commission for Justice and Peace
EU	European Union
FONIC	National Fund for Commune Investment
FORSC	Forum for the Strengthening of Civil Society (in Burundi)
GHR	Governance and Human Rights
HRW	Human Rights Watch
NGO	Non-Governmental Organisation
OAG	Observatory for Governmental Action
PCDC	Community Development Plan at commune level
PRADECS	World Bank's project for social and community development
UNDP	United Nations Development Programme
UNIPROBA	Let us unite for the promotion of the Batwa people (NGO)

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These contributions notwithstanding, the usual disclaimer applies and the views and opinions expressed in this report are my own and do not represent the views of Trócaire, Uniproba, the CEJP, Dushirehamwe nor any of Trócaire’s other associates.

1. Introduction

Following a one-year pilot programme in 2009-2010, in January 2011 Trócaire's eight local partners² came together to reflect on the governance and human rights (GHR) situation in the country and to elaborate a new three year programme to help tackle relevant challenges. One of the key problems identified during the course of this week was the political marginalisation of the majority of citizens and their lack of control over and participation in decisions affecting their lives and livelihoods together with the lack of accountability of public authorities to these citizens (Trócaire, 2011a, Trócaire, 2011b). Arising from this, one of the objectives of the new three year GHR programme (2011-2014) is "to increase the effective participation of citizens, especially women, the poor and marginalised, in local government decision and policy-making processes." (Trócaire, 2011b: 11). As a first step towards this objective, this research aimed at investigating the effectiveness of and opportunities for citizen participation within the country's decentralisation process.

1.1 Research context

Since attaining independence in 1962, Burundi has been plagued by internal conflict and violence, most recently a civil war which, breaking out in 1993, lasted over ten years. Involving widespread human rights violations, political manipulation and intimidation, this has resulted in the social, economic and political exclusion of wide swathes of the country's population.

A peace agreement signed in 2000 was followed by new Constitution in 2005 and, with one rebel movement (FNL-Palipehutu) continuing to fight, elections were held in 2005 leading to a new power-sharing executive with both ethnic³ and gender-based⁴ quotas. While there was hope and stability for a short time, the 2010 elections were marred by intimidation and violence by all contesting parties (HRW, 2009, 2010; Sentamba, 2010; Vandeginste, 2011). At the time of writing, unrest continues, with ongoing reports of political intimidation, repression and extra-judicial political assassinations.

These recent developments reinforce the view of many commentators (Lemarchand, 2006; Ndikumana, 2000; Ngaruko and Nkurunziza, 2000; Reyntjens, 2005; Uvin, 2009, 2010) that the causes of Burundi's conflict are more complex than ethnic grievances alone. For these analysts, the roots and ongoing drivers of conflict lie in the state apparatus itself – both the "predatory bureaucracy which cares only for its own interests" (Ngaruko and Nkurunziza, 2000: 370) and the struggles for resources among and across different groups of political elite, both of which combine to

² ACAT-Burundi, AJCB, APRODH, CEJP, Centre Ubuntu, Dushirehamwe, FORSC and Uniproba

³ National and commune level political institutional quotas are 60% (Hutu); 40% (Tutsi) with three places reserved in the national assembly and in the Senate for the ethnic minority Batwa.

⁴ There is a 30% quota for female representation in national and commune level institutions.

perpetuate economic and political inequality across ethnic groups and regions. Peter Uvin synthesises it well...

This system is at the core of Burundi's problems. It is an institutionalized system of corruption, social exclusion, impunity, unpredictability, a total lack of accountability and clientelism. It has gorged itself for decades on aid money. Every Burundian knows this system, in which small groups of people use the state to advance their personal interests. It is the key problem and the main cause of war, not ethnicity or poverty.

(Uvin, 2008: 109-110)

The key to peace and stability in Burundi therefore appears to lie in reform of the system, reducing the systematic exclusion and exploitation of vast swathes of the country's population, and promoting greater equality – in access to resources, services and opportunities - across society broadly rather than just for the elite few. The critical question is where the demand for such reform can come from. In a system benefiting the select few a lot of the time, many some of the time, and the majority none of the time, it can only come from these marginalised citizens who have been systematically exploited and excluded from social and political life. The recently introduced system of decentralised governance⁵ which affords a central place to citizens within this system presents a real opportunity for such reform. It is in this context that the present research was carried out.

1.2 Research aims

The broad aims of this research were as follows:

1. To assess the opportunities for and challenges to political engagement of Burundi's citizens at the level of the collines⁶ (including how, if at all, this might feed upward to higher levels);
2. To assess how such engagement might affect political dynamics / relations on the collines.

The design and methodology employed, together with challenges encountered in this regard, are discussed in the following section (Section 2).

⁵ Decentralisation, in its current form, was written into the Constitution and signed into law in 2005 – see Section 3.1.5 for more background on this.

⁶ The colline (or hill) is the most local administrative unit in Burundi. The country is made up of 2,910 collines grouped into 129 communes and 17 provinces (Manirakiza, 2009: 11).

2. Research Methodology

The research was conducted over three principal phases culminating in the preparation of the present report. This section begins by outlining the research design employed. The different phases of the research are then outlined and finally the section ends with a discussion of some of the principle challenges encountered in carrying this out on the research – challenges which are pertinent to the overall roll-out of the ensuing programme.

2.1 Research design

The research was designed to achieve three things – to draw relevant lessons from existing research and studies on decentralisation elsewhere; to complement existing research on Burundi’s decentralisation process by focusing specifically on opportunities for citizen engagement within the process in line with one of the objectives set out in Trócaire-Burundi’s GHR programme; and to actively engage the programmes’ partners in deliberating and reflecting on the implications of the findings for their ongoing work within the GHR programme. The steps and methodology employed in carrying this out are outlined below.

2.2 Preparatory phase: secondary research

A review of relevant secondary materials and literature was conducted over the period May-July. As well as gathering materials on the country’s overall political, economic and social situation, the review focused in particular on drawing out the key lessons and learning from previous studies of decentralisation, in Africa in general (including those on the Burundian process) and in post-conflict situations in particular.

Drawing from this review, the framework of analysis set out in Section 3.2 was developed. A series of semi-structured interview schedules / focus group guides which aimed at gathering data within each of the core areas within the framework was then prepared.

2.3 Fieldwork: primary research

Primary data collection took place over a four week period during the months August to September. This phase of the research aimed at eliciting the experiences and analyses of a wide range of actors – some key informants and many randomly selected officials and citizens within the sites chosen. Filling out the gaps in previous research on the Burundian process and focusing specifically on the research aim of exploring opportunities for citizen participation in the process, a particular focus was placed on eliciting the views and analyses of ‘ordinary’ citizens (women and men) on the effectiveness and usefulness of local governance structures. Field work comprised one week of interviews with relevant donor agencies, local NGOs and commentators working in the area of local governance together with three weeks of interviews and

focus groups with both officials within decentralised commune offices and citizens on the ground (see Appendix III for the full schedule of fieldwork).

Primary research was conducted in eight communes distributed across five provinces as follows:

Table 2.3a: Locations of primary research

Province	Communes
Bururi	Bururi, Matana, Songa
Bubanza	Gihanga, Mpanda
Bujumbura Rurale	Mugonga Manga
Cankuzo	Cendajuru
Cibitoke	Rugombo

These provinces and communes were selected by three of Trócaire’s partners (Uniproba, CEJP and Dushirehamwe) and represented areas where they currently work, as well as a relatively diverse cross-section of Burundi’s population (in terms of population density, history, socio-economic conditions, ethnicity, and current levels of low-level conflict).

Overall, 44 individual interviews and 21 focus groups (of between three and 12 people depending on availability and willingness to participate) were conducted over the period of field research. A breakdown of how these were divided across different actors is provided in Table 2.3b below⁷:

⁷ See Appendix III for the full schedule of fieldwork.

Table 2.3b: Interviews and focus groups with different stakeholders broken down by gender

Methodology	Number
Interviews with donors, local NGOs and national commentators	9 (2 female, 7 male)
Interviews with local government officials in each of the 8 communes	8 (6 Administrators (3 female, 3 male) + 2 technical advisors (both male))
Focus groups with elected councillors at commune level	2 (one mixed and one female group)
Focus groups with elected councillors at hill level	3 (two male, one mixed)
Individual interview with elected hill councillor	1 (female)
Focus groups with randomly selected citizens on the hills	16 (7 female, 7 male, 2 mixed)
Individual interviews with randomly selected citizens on the hills	26 (14 female, 12 male)
Visit to Batwa sites*	2
TOTAL	67

** Focus groups and interviews were not possible at these two sites as people had been alerted in advance and had gathered in numbers too large (over 150 in both cases) to facilitate in-depth discussion and exchange (see Section 2.6 below).*

These interviews sought to identify areas of focus among actors working in this area to date, together with gaps / opportunities for a value-added contribution from Trócaire in this regard. Moreover, given the importance of political context to decentralisation (see the following section), the interviews also explored the current socio-political context within which the process is embedded.

2.4 Workshop with Trócaire partners

Following the phase of fieldwork, preliminary findings were collated and presented at a two day workshop held in Bujumbura with programme partners facilitated by Mr. Mark Cumming of Trócaire-Ireland. The aim of this workshop was to give partners an opportunity to comment on and discuss the preliminary findings and recommendations as well as to reflect upon and consider how these might feed into the GHR programme overall and their own projects within this in particular.

2.5 Final report

This final report was prepared and finalised in the weeks following the author's return to Ireland.

2.6 Challenges and limitations to the research

Departing from the more traditional consultancy model⁸, this research represents a novel, innovative model of collaboration in that the research aims, design and terms of reference⁹ were jointly negotiated and agreed between the researcher and Trócaire-Burundi so that benefits could be maximised for both parties. As with all research projects, the research met with a number of challenges and limitations. These are discussed under five main headings below.

- **Generalisability of findings from samples:** The principal limitation of any research examining broad-ranging, complex processes involving a wide number of actors is the impossibility of conducting in-depth research with all actors across all fields. The solution is to sample. In this case, a purposive sample of communes was selected with the aim of covering a diverse cross-section of administrative units and actors. While the findings uncovered relate directly to just these sample areas and populations, the logic in sampling across a diverse range of cases is that the greater the similarities in findings, the greater the probability that such findings relate to other cases also – i.e. the stronger the case for generalisation of findings. Given the diversity of cases selected for this study, the level of similarity in findings across all cases examined is striking. This strengthens the case for generalisability of the findings.
- **Range vs. depth:** Very much related to this first point is the range versus depth issue – i.e. how much time to spend at each site engaging with interview and focus group participants. In this research we experienced some tension in perhaps trying to cover too much ground in the time available and initial field research programmes were modified to allow for more time to engage with research participants. While some programme partners were keen to include as many communes and collines as possible, it was necessary to restrict this range in order to have time to engage meaningfully in the communes and collines we did work in. This approach may also be pertinent to strategies of action within the GHR programme (see also Section 4).
- **Random selection of participants:** A further challenge encountered in the research involved difficulties in randomly selecting participants for focus groups and interviews in a context where NGOs (and citizens) are used to organising and calling people to meetings in advance. The logic of the random sampling was to ensure that a cross-section of people were involved and not just local leaders or elites with particular experiences or interests. Difficulties in this regard were experienced in particular in the first week of

⁸ The more common practice of employing an outside consultant to carry out research has been critiqued as undermining research capacity within African universities (see Sawyerr, 2004) and may also be regarded as missing out on opportunities for research capacity building within NGOs themselves.

⁹ See Appendix II for the Terms of Reference.

the field research where a number of meetings with local citizens had been organised in advance and the large numbers at these meetings made in-depth discussions on issues impossible. These difficulties were countered by adding some impromptu visits to villages and settlements with no advance notice. This method was also used in the subsequent weeks of field research.

- **Talking with vs. talking at:** Primary research is above all about listening to and engaging with respondents in an effort to comprehend where they are coming from. It is about listening and learning, not ‘sensibilising’ or advising. Judgements are withheld and the floor is given to respondents to share their views and analyses. At times this posed a challenge in the research process as some NGO partners were eager to react immediately to responses given, occasionally admonishing respondents for not interacting with local authorities even though we had not yet explored why this was the case. Again, this point is perhaps pertinent to the roll-out of the GHR programme where it will be important to engage with citizen’s rationale for choosing to interact or not to interact with local governance structures rather than simply urging them to do so regardless of their views and experiences (see also Section 3).
- **Ownership and application of the research findings/recommendations:** The final challenge is common to all policy and practice-oriented research. Once the report is produced, what happens next? While the research process itself aimed at involving programme partners as much as possible, with the workshop in particular aimed at moving discussion forward onto the implications for the GHR programme, it now remains for programme partners themselves to take ownership of the findings and recommendations (and this can mean agreement or rejection of these – this is entirely up to partners), using these to reflect on the future direction and strategy of the programme. This is always a challenge, but one worth tackling.

3. Research findings and analysis

The following section sets out the principle findings from both primary and secondary sources. The first sub-section draws on broader literature together with the relevant Burundian texts to examine a) what decentralisation means in different contexts; b) what lessons have been learned from experiences elsewhere; c) what decentralisation has meant in the past in Burundi; and d) what it means in Burundi now. The second sub-section presents findings from the fieldwork, analysing these in the context of opportunities posed for enhanced citizen participation and voice. Drawing the key findings together, the final sub-section discusses four important issues which, it is recommended, should underpin Trócaire's GHR programme over the next number of years.

3.1 *Background to Decentralisation*

3.1.1 *What exactly is decentralisation?*

Like many complex concepts, decentralisation means different things to different people and the term can be used to refer to a range of forms of power-sharing arrangements and also a range of objectives to be achieved. Rondinelli (1998) characterises decentralised governance as taking one of the following three main forms:

Delegation: This is where there is a transfer of responsibility for specifically defined functions and activities. The central state retains overall control.

Deconcentration: This is where there is a transfer of power to an administrative unit of the central government at local level. Local officials are typically not elected, but appointed. The central state retains control over resources and priorities.

Devolution: This is where there is a transfer of power to locally elected officials. Financial resources are devolved from the centre to local government. Local officials gain a degree of political autonomy.

Across these different forms, there are three further aspects to decentralisation.

Administrative decentralisation involves a transfer of responsibilities for local services (e.g. schools, health clinics, water points, roads etc...).

Economic/financial or fiscal decentralisation involves the transfer of financial resources together with the authorisation for the local authorities to generate their own revenues through tax collection etc...

Political decentralisation involves the transfer of political authority to the local level through the establishment of elected local government, together with opportunities for active participation of citizens.

In short, decentralisation is a process which evolves over time rather than a final product delivered in the form of a set range of structures and institutions which become instantly functional. It can take many shapes and forms and these can (and necessarily will) evolve over time. It is the active engagement of a range of different actors – state and civic – within this process which, in large measure, determines the benefits that decentralisation can bring.

3.1.2 Why bother?: The potential benefits of decentralisation

The potential benefits of decentralisation are many – though it should be noted that, in practice, many of these remain to be seen. Among the many attributes ascribed to it, it is thought to:

- Increase government responsiveness and accountability to citizens;
- Increase government flexibility to address the diverse needs of often highly heterogeneous populations;
- Reduce corruption through enhanced oversight;
- Foster the dispersal of power from what have often been highly monopolised political structures.

It is argued (Crook, 2003; Smoke, 2003; Devas and Delay, 2006; Siegle and O'Mahoney, 2008) that decentralisation enhances political legitimacy while strengthening a sense of citizen ownership of their government, in turn fostering greater social and political stability. Thus, in theory at any rate, decentralisation offers the potential to increase stability and peace while affording citizens a greater voice in both overseeing and influencing local government. In short, decentralisation offers the potential for those previously exploited and marginalised by the 'system' (see Section 1.1) to engage with it, to press for its reform, and to ensure it operates for the good of society at large rather than a select few.

However, many of these attributes are aspirational (what decentralisation, if it works well, should do) rather than real (what is seen in practice). It has already been noted that decentralisation is a process to be engaged with – with this level and strategy of engagement determining its effectiveness and success, rather than an end product delivered in the form of set institutions and practices which are complete and effective in themselves. When reflecting on how to engage with the process therefore, it is useful to examine what lessons may be learned from experiences of decentralisation elsewhere. The principles lessons from research carried out to date are set out in the following sub-section.

3.1.3 Lessons from elsewhere

Decentralisation policies and structures have been introduced in 80 per cent of all developing and transition countries over the past two decades (Crawford and Hartmann, 2008: 7). There are therefore some lessons to be learned from other experiences although care should be taken in inferring too broadly from these studies, particularly since studies on decentralisation both in Africa generally and in post-conflict contexts more specifically are somewhat limited. Moreover, many of these

take the form of broad-based cross-national surveys based on secondary sources which, though providing valuable ‘big picture’ analyses, miss out the varying contextual factors specific to particular countries and their experiences.

These caveats notwithstanding, there are seven lessons which we can usefully draw from experiences of and research on decentralisation to date.

1. ***Decentralisation is a long-term process and its success is not guaranteed:*** As noted earlier, decentralisation is a process rather than a final product. It requires a high level of investment from state and civic actors to make it work and this takes time. According to one view (OECD, 2004), decentralisation takes well over ten years to reap tangible benefits for local communities. Moreover, there is no single prescription for which form of decentralisation proves most effective. According to Siegle and O’Mahoney (2008), different forms of decentralisation (from delegation to deconcentration to devolution) are suitable in different contexts and complete devolution, although it is often interpreted and understood as the most advanced form of decentralisation, may not be the best form if the commitment and capacities are not in place to manage it effectively.
2. ***Decentralisation can result in negative outcomes:*** In theory, decentralisation is said to lead to increased local accountability and responsiveness of political leaders. However, this is against a backdrop of what may often be a highly centralised, controlled and controlling regime where state control of resources for political mobilisation through neo-patrimonial networks is deeply entrenched (UNDP, 2009). And so for example, following a study of three regional governments in Ethiopia, Chanie (2007) concludes that decentralisation remains unsuccessful in these cases due to the clientelistic relationship between the central and regional political parties. In a wide-ranging study of the Ghanaian process, Crawford (2009) argues that decentralisation has proven more effective in centralising national state control and mobilising support for the ruling party than in bringing benefits to citizens as a whole. As we have seen, for proponents of administrative decentralisation, the potential for improved service design and delivery lies at the heart of aspirations for the process. Yet studies to date show little evidence of link between decentralisation and improved service delivery (Conyers, 2007; Booth, 2010). Indeed, Treisman (2000) has found correlations between decentralisation and increased corruption while Linz and Stepan (2000) find links to increasing inequality. Moreover, the limited research on decentralisation in post-conflict contexts indicates a lower success rate than elsewhere (Lake and Rothchild, 2005; Siegle and O’Mahoney, 2008).

The key question here is why. Why have a number of other experiences proven unsuccessful and what are the key issues to be addressed in maximising the potential for success in the Burundian context? The next five points highlight some specific issues of pertinence when engaging with decentralisation and working towards positive outcomes.

3. ***Legal and political frameworks alone are not enough:*** Many analysts (see for example Uvin, 2008; Barrios and Ahamed, 2010) have noted that much of the support to decentralisation processes worldwide takes the form of support in setting up the legal and political frameworks and the structures and procedures through which the process may operate. While these frameworks and procedures are undoubtedly important, these analysts argue that this is an overly technical approach which is pushed by donor agencies in particular and that it conceals the highly political nature of the process. Consequently, as Trócaire has observed in its review of a number of processes in Southern African countries, very often legal frameworks and policies are in place but they are not implemented in practice (Trócaire, 2008). Support to decentralisation processes need to move beyond legal and political frameworks alone and engage with the power relations and political dynamics which underpin what is an explicitly political process.

4. ***Importation of Western structures and institutions does not work:*** Within decentralisation, as within governance more broadly, it is now recognised that that the wholesale importation of Western models/structures/institutions without due recognition of and efforts to feed into local governance structures simply does not work (see Uvin on Burundi, 2008; Chabal, 2009; and Booth, 2010 on Africa more broadly). Therefore, decentralisation processes need to build on and work from local governance arrangements. As Ogbahara (2008: 396) notes, *“Reforms in local governance structures succeed when they complement, rely on and accommodate the social institutions of disaffected and historically marginalised communities, while also taming informal ‘client-network’ relationships”*. They do not work when they ignore both the history of state formation (Trócaire, 2008) and existing forms of governance, whether inclusive or exclusive. Nor do they work when they seek to ‘socially engineer’ new forms of social and political organisation which are more suited to particular Western than local contexts – see for example Vervisch and Titeca (2010) on donor enthusiasm for local associations in a Burundian context.

5. ***State commitment is key:*** In a wide-ranging review of decentralisation processes across the world, the OECD in 2004 concluded that state commitment to the process overall has been weak. As we have seen above, studies from Ethiopia and Ghana demonstrate that states have used the process to consolidate and build their clientelist networks and political support base rather than distribute power across citizens as envisaged by architects of the process. As Crawford (2009: 58) argues, *“the political intent behind supposed decentralisation reforms can often be increased centralisation of control.... [national governments] attempt to extend and strengthen their control at local level or as a means to mobilise support for the ruling party in peripheral areas.”* (2009: 58). These contributions are significant in the Burundian context, a political context where, according to Brachet and Wolpe (2005: 7) *“Authoritarianism, corruption and nepotism have shaped institutions and relations between government and citizens... There is a huge chasm between the country’s national leaders and Burundi’s grassroots”*.

6. ***Fiscal and financial transparency is key:*** Studies across a wide range of countries all point to the importance of financially resourcing local structures in a completely open and transparent manner, ensuring equity and accountability in resource distribution. Finance should come through the devolution of national budgets together with possibly local revenue generation (although some studies (see Schou and Haug, 2005) indicate that this latter activity may enhance conflict in post-conflict situations). This lesson notwithstanding, the average budget allocation to local government in sub-Saharan Africa is less than 5 per cent of the overall national budget, while the global average stands at 14 per cent (Siegle and O'Mahoney, 2008). Most important is that the local community be informed and consulted on budgetary matters, and that correlations between increased levels of local government expenditures, local employment and service provision be readily apparent to all (Conyers, 2007; UNDP, 2009).

7. ***Citizen participation is not guaranteed:*** While citizen participation, which lies at the heart of decentralisation, can and should (in theory in any case) lead to increased local democracy – with decentralised structures acting as ‘schools of democracy’ in Bierschenk and Olivier de Sardans’ (2003) words, such aspirations perhaps overestimate citizens’ enthusiasm for participation in these structures. Trócaire (2008), in its review of decentralisation in Southern Africa, found a high level of disinterest locally in the process. Various reasons for this include the partial autonomy of local areas and the closer links between citizens and local aid / NGO projects than between citizens and political leaders (Bierschenk and Olivier de Sardan, 2003), together with a distrust of political leaders from “...*a deeply alienated and cynical population that views its leaders as self-serving, corrupt and unresponsive*” (Brachet and Wolpe, 2005: 7; Uvin, 2008 on Burundi; see also Siegle and O'Mahoney, 2008 more broadly).

And so what can we learn from the research into other country's experiences? We learn that decentralisation offers the potential for significant benefits to local communities and citizens. But we also learn that these benefits are certainly not a given. In particular, the compatibility of new structures and procedures with those existing already together with the existing and evolving political climate both in terms of state commitment and citizen interest represent key determining factors in the success or otherwise of the process.

In this regard, it is important to recognise that, although decentralisation in its current form in Burundi – where it explicitly aims at affording a voice to and sharing power with citizens (see Sections 3.1.5 and 3.1.6) – is new in Burundi, the country has a long history of decentralised administrative structures which go back to the colonial era. As we have seen, history matters, and the history and culture of state formation matters considerably. It is therefore important to examine this and its implications for the current process. We explore this in the following section.

3.1.4 History in Burundi

Although introduced in its current form through the Constitution of 2005, decentralisation is not in any way new to Burundi. As Sentamba (2011: 4-6) outlines, the history of decentralisation goes back to the colonial period when, following the Decree of December 25th, 1959 on the political organisation of the then Rwanda-Urundi, decentralisation was first introduced. Commune elections which followed in 1960 resulted in the establishment of commune councils comprising an elected 'Bourgmestre' and councillors serving a term of three years. However, as Sentamba notes, the experience was not positive...

« ...la gestion fut catastrophe, les conseillers communaux et les bourgmestres se conduisant comme les chefs et les sous-chefs d'antan, notamment en dilapidant les biens de la commune. »

« ...the management was a catastrophe, the communal councillors and the burgomasters acted like the chiefs and sub-chiefs of long ago, notably depleting communal resources. »¹⁰

(Sentamba, 2011: 4)

The question is – and it was one raised and hotly debated by participants at the research feedback workshop in September – to what extent have these experiences changed through the decentralisation process today? Some small administrative changes did occur back in the 1960s however. Following reforms in 1965, elected Bourgmestres were replaced by communal Administrators nominated by the central government, and therefore answerable and accountable to the Provincial Governor and the central administration. Thus, the lines of accountability and responsibility moved from the head of the communal council to citizens, to the head of the communal council to the central authority, his employer. The system of decentralisation from the 1960s forward has been described as serving as a system of political and social control, with authority exercised in a rigidly hierarchical top-down manner, while accountability runs upward¹¹ in a manner redolent of experiences in other countries elsewhere.

This system continued, albeit in a much weakened form during the civil war, up until 2005 when a new decentralisation law¹² was adopted.

¹⁰ All translations from French to English have been done by the author.

¹¹ Interview with Elias Sentamba, August 19th, 2011.

¹² Gouvernement de Burundi (2005b) « la Loi (No.1/016) portant organisation de l'administration communale » (avril, 2005)

3.1.5 *Current policy and procedures in Burundi*

Decentralisation in its current form, both in its policies and its procedures, marks a radical shift from this earlier form. First introduced during the peace negotiations in Arusha, a new commitment to a new form of decentralisation was written into the new Constitution of March 18th, 2005. The major milestones in embedding the process within policy and law in Burundi are outlined below.

- Decentralisation is written into the new Constitution (March 18th, 2005 – see Gouvernement de Burundi, 2005a)
- A Local Government Law is adopted (see Gouvernement de Burundi, 2005b)
- A Government ‘Policy Letter’ on Decentralisation and Community Development is produced (see Gouvernement de Burundi, 2007)
- A new Government Policy on Decentralisation is published (see Gouvernement de Burundi, 2009)
- Some minor revisions to the 2005 Local Government Law are adopted (see Gouvernement de Burundi, 2010a)

Burundi is currently divided into 17 provinces. These are further sub-divided into 129 communes. Commune councils are made up of 15 elected members (of which at least five are women) who are elected in a block as lists presented by political parties, rather than as individual candidates. Thus, commune elections tend to be highly politicised with a number of interviewees noting that party loyalty and allegiances are far more important for candidates than either competency or accountability to the electorate.

Communes are further divided into ‘collines’ or hills. There are currently 2,910 collines with an average population of 2,853¹³. As part of the 2010 election process, elections were held at hill level to elect five member ‘conseils de colline’ / hill councils. These elections were ‘non-political’ in a party sense in that candidates were elected in an individual capacity rather than as party lists as at commune level. There is currently no 30 per cent gender quota at hill level although many women’s rights NGOs are lobbying for its introduction.

Some of the broad structural features of the new form of decentralisation adopted in 2005 appear similar to those of the past – locally elected councils led by Administrators who, although now elected by the councillors themselves (at the first sitting of the council following its election), continue to be answerable to the Provincial Governor and central authority¹⁴. However important differences also exist. These relate to the overall aims and aspirations of the new power-sharing arrangements, and are clearly articulated in the National Policy on Decentralisation adopted in 2009 (Gouvernement de Burundi, 2009).

¹³ Calculated by dividing the country’s total population by the number of collines.

¹⁴ See OAG (2007), OAG (2009) and Gouvernement de Burundi (2009) for more on this point.

Two key aspects in this regard in particular stand out. The first is the radical change in political culture required wherein, reflecting broader global shifts from governing to governance, elected and appointed state officials begin to work in open partnership and collaboration with local citizens rather than exercising centralised control as in the past. This is described as requiring nothing less than a ‘silent revolution’ – a complete bouleversement of traditional relations (revolution) in the absence of violent conflict (silent)¹⁵.

« [La Décentralisation] favorise une « **révolution silencieuse** » qui engendre un changement qualitatif de la société. La Décentralisation exige **une nouvelle culture étatique**, un nouvel état d’esprit politico-administratif... **Tout le monde, pas seulement les élus locaux** comme on a tendance à le croire un peu partout, est acteur de la Décentralisation. »

« [Decentralisation] favours a « **silent revolution** » which brings about a qualitative change in society. Decentralisation demands a new state culture, a **new politico-administrative spirit within the state** ... **Everybody, not just locally elected leaders** as we all are inclined to think, is an actor within Decentralisation. »

(Gouvernement de Burundi, 2009: 56 – translation and emphasis my own)

The second related radical difference from the ethos, policy and practice of decentralisation in the past is the active role accorded to citizens in the process. In a process aimed at the inter-related areas of governance and development, citizens now have a role to play in both determining development priorities and overseeing initiatives to address these priorities. In the governments’ own words...

« .. la Décentralisation vise l’objectif de la **participation active de l’ensemble de la population** à la définition et à la mise en œuvre des politiques de développement économique et social de leur localité. Les résultats attendus d’un processus de Décentralisation sont d’une part le développement local et communautaire, et d’autre part la démocratie locale et la bonne gouvernance. »

« ...Decentralisation aims at the **active participation of all the population** in defining and implementing economic and social development policies in their localities. The envisaged outcomes from a process of Decentralisation are, on the one hand, local and community development and, on the other, local democracy and good governance. »

¹⁵ The term ‘silent revolution’, when cited during the research feedback presentation, generated a lengthy debate as to what this meant and whether the word ‘revolution’ was appropriate in the Burundian context. It was noted that this was the state’s own wording (appearing as it does in the Government’s National Policy) and that the use of the word reflected the enormity of the political, attitudinal and behavioural changes required in how local state and civic actors relate to each other and conduct affairs in an open, transparent and participatory manner.

(Gouvernement de Burundi, 2009: 10 – translation and emphasis my own)

Elsewhere, within this same policy, it is noted that citizen participation goes beyond merely consulting local citizens on their views and ideas. Moving toward the higher end of the participation spectrum, citizen participation within local governance in Burundi now involves shared decision-making between state officials and citizens in relation to development programmes and interventions within their localities.

*« Le Gouvernement de la République du Burundi a pris l'option politique de rapprocher les services publics de la population et **d'impliquer cette dernière dans la prise des décisions** et le choix des programmes et projets de développement de leurs collectivités. »*

*« The Government of the Republic of Burundi has taken the political option of bringing public services closer to the people and of **involving the people in decision-making** and choice in relation to development programmes and projects in their localities. »*

(Gouvernement de Burundi, 2009: 61 – translation and emphasis my own)

Thus, as set out in the Government's own decentralisation policy, decentralisation within Burundi today represents a radical transformation from that of the past. Included in this transformation is a shift from top-down to bottom-up planning; from talking at people / telling them what to do, to talking with them; from a societal divide between rulers and ruled to partners in governance; from ruling over to ruling with; from subjects to citizens. These transformations, as lucidly set out in the Government's 2009 policy, certainly require nothing less than the 'silent revolution' called for in the same policy. The question is how does this policy translate into procedure and practice on the ground in the communes and hills throughout the country? We firstly turn to an examination of the structures and procedures as they are set out in the relevant legislation of 2005 and 2010, as well as within the Manual of Administrative and Financial Procedures published by the government in 2011.

Current procedures in Burundi

The broad aims and objectives articulated in the 2009 policy find more concrete expression in the associated texts produced over the last number of years – notably the Decentralisation Law of 2005 and the Manual of Administrative and Financial Procedures of 2011, both produced by the Government of Burundi (Gouvernement de Burundi, 2005b, 2011). A number of the key features of both the commune and hill councils, deriving from these and associated texts, are outlined below:

Procedures for commune councils

- The commune council comprises 15 members elected through proportional representation from party block lists of candidates.
- Co-options are permitted to achieve power-sharing quotas – no more than 67% from any one ethnic group; no less than 30% female representation.
- The role of the commune council is to ensure that public services respond to the needs of the population (Article 5¹⁶).
- The commune council meets three times a year in ordinary session where a quorum of ten or more members is required (Article 10).
- These meetings are public (Article 19).
- Before March 31st each year, the communal Administrator presents a progress report to the council. The report is sent to the Provincial Governor and is made publicly available following validation by the communal council (Article 31).
- Decisions at council meetings are by simple majority, public voting or, for sensitive issues, by secret ballot of all members (Gouvernement de Burundi, 2011: 15).
- A record of deliberations of each meeting is kept and extracts from all deliberations are posted on the public notice board at the commune offices (Government of Burundi, 2011: 15).
- Twice a year, the council holds open information sessions with hill council members and members of local associations. Participants at these meetings may pose questions and propose ideas and solutions to the commune council (Article 15).
- The commune council is responsible for appointing a consultative committee (following propositions from the Administrator) to advise on priorities for the communal community development plan (PCDC) (Article 38)
- The Administrator presents a bi-monthly progress report to the commune council on implementation of the PCDC (Article 39).
- The annual budget is adopted by the council and transmitted to the Governor for approval, at the latest by October 31st (Article 58).
- The transfer of responsibilities is accompanied by a transfer of the necessary financial and human resources to carry these out (Articles 77 and 71).

Procedures for hill councils

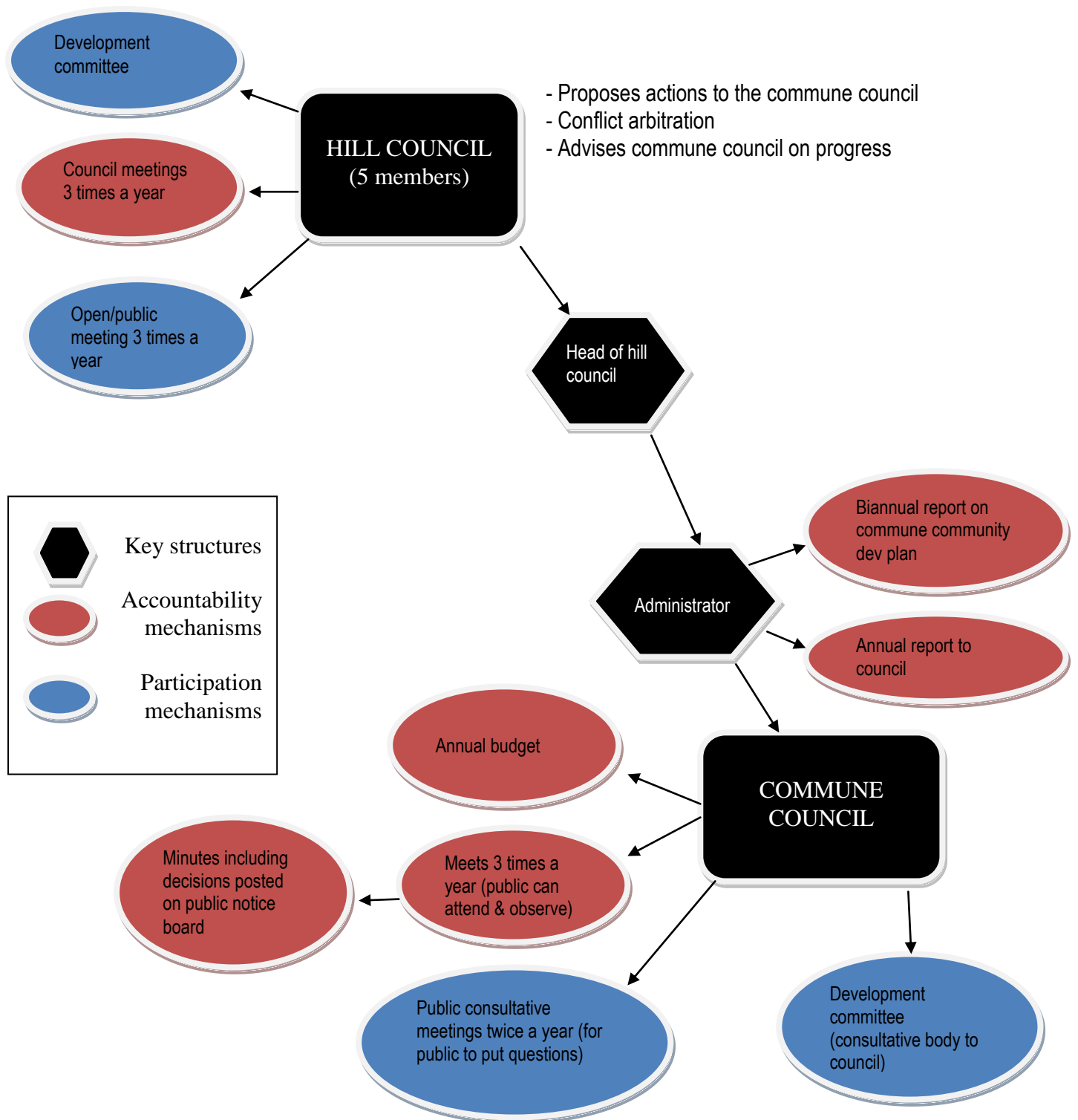
- The hill council comprises five members elected on an individual first-past-the-post basis. The candidate with the most votes is the head of the council / ‘chef collinaire’ (Article 34).
- The hill council meets three times a year following notification from the council head (Article 35)
- The role of the hill council is... (Article 16)

¹⁶ All articles cited in this section refer to articles from the relevant law (Government of Burundi, 2005).

- to propose to the commune councils actions leading to development and the preservation of peace;
- to mediate / arbitrate on conflicts between neighbours;
- to advise the commune council on possible projects for the hill;
- to monitor the implementation of commune activities on the hill.
- At least three times a year, the head of the council organises an open meeting for all hill residents to analyse the political, social, economic and security situation on the hill (Article 37).

Following these procedures therefore, the decentralisation process in Burundi today offers numerous opportunities for citizen oversight and engagement. Representing this diagrammatically, the process looks something like the following.

Figure 3.1.5: Opportunities for engagement at different levels of Burundi's Decentralisation process



In theory therefore, Burundi's decentralisation process represents an historical transformation from the rigidly hierarchical, top-down administrative apparatus of past decades to a framework and set of procedures predicated on horizontal, lateral relations where deliberations and decision-making proceed from the bottom up and where heretofore marginalised citizens exercise a real voice in matters concerning their lives and livelihoods together with those of their families. To expect such a radical transformation to take place overnight is both unrealistic and naïve however. As we have learned from experiences elsewhere, decentralisation is a process which takes time and requires a strong and sustained engagement by all parties. Notably, we have learned from elsewhere that continuities with the past are ever-present – the history of state formation and traditional state-civic relations are important. But we have also learned from elsewhere that such relations are not static, but are ever changing. The decentralisation process provides us with an opportunity to steer these in a progressive, liberating direction. In order to do so, we need to proceed from where we currently find ourselves – engaging with current practices, procedures and opportunities with a view to further opening the space for citizen participation within local structures. The following section draws on the primary research conducted with key stakeholders both in Bujumbura and throughout the eight communes visited over the course of the fieldwork to examine the degree to which policy and procedures are being translated into practice within the Burundian process at present.

3.2 From policy to practice: Progress to date and opportunities for engagement

It is clear that decentralisation is a complex and multi-faceted process and that the opportunities for successful and transformative outcomes are largely dependent on a number of key implementation issues. Drawing on a framework developed by Crawford and Hartmann (2008: 14-16), in this section we examine the degree to which policy and procedures in Burundi have translated into practice to date, as well as identifying the opportunities offered for citizen engagement.

The findings from the fieldwork are examined under seven headings. These move from the procedural issues to the more substantive components as we move down the list. Bearing in mind the fact that procedural issues alone do not necessarily lead to effective decentralisation, and also building on the comprehensive work carried out to date on these earlier issues (see ABELO, 2009; OAG, 2007, 2009, 2010; Sentamba, 2005, 2011; and Baltissan and Sentamba, 2011), particular emphasis is placed on the three final more substantive components which, as we have seen in Section 3.1.3, constitute vital elements in a functioning and potentially transformative decentralised apparatus.

3.2.1 The legislative framework

According to Thede (2009), the strongest form of legal support for decentralisation is its inclusion in the national constitution, consolidated by specific local government laws. Weaker legal frameworks include incorporating it into central government policy or through decree. As we have seen in Section 3.1, Burundi exhibits the strongest form of legal support for the process, with decentralisation written into the national constitution, a local government law and policy. Burundi is thus well-advanced at this level. However, as we have also seen in Section 3.1, a legal framework alone is not enough to ensure that the process is effective.

3.2.2 Division of responsibilities

Smoke (2003) notes that a clear division of responsibilities between local and central government is essential for decentralisation to work. The absence of such clarity can equate to a lack of local government autonomy and discretionary powers. Moreover, it can mean, on the one hand, that central authorities maintain a relatively high degree of control over local development priorities, or, on the other, that central authorities abdicate their responsibilities for local development altogether. Either way in the absence of clarity over the division of responsibilities, confusion reigns over the roles and responsibilities of the different layers of administration, and accountability for key administrative functions remains blurred.

A number of researchers have already highlighted this problem within the Burundian context (ABELO, 2009; OAG, 2007, 2010) with the OAG (2010: 70) describing this as a ‘remarkable gap’¹⁷ given its importance to the success of the process. The

¹⁷ “...une absence remarquable de définition des compétences dévolues à chaque entité administrative.” (OAG, 2010: 70).

findings from this research support this. The problem was repeatedly raised by representatives of donor agencies interviewed while Administrators and officials within the communes investigated routinely responded to the question as to their core role and responsibilities with the response that everything that happened within the commune was their responsibility. This is questionable given the presence of multiple government agencies and institutions at Provincial level¹⁸, together with the numerous development agencies – some of whom operate through the commune offices, and others who do not. Moreover, public sector wages (for teachers, healthcare staff etc...) are organised and paid from the central exchequer while a primary school building project underway in communes throughout the country is a project of the state President¹⁹. What the widespread assertion that commune officials – or more specifically, Administrators – ‘do everything’ does appear to indicate is that many issues are left to the Administrator and his/her team. However, it remains unclear which of these issues officially fall under their remit and which are the official responsibility of other state agencies. While confusing and frustrating for all officials involved, this lack of clarity is also a concern in that it undermines any basis for public accountability with citizens remaining very unclear as to who is accountable for what.

During the course of interviews conducted for this research it was noted by one interviewee that a Presidential decree clarifying this division of responsibility is imminent²⁰.

3.2.3 Local government functioning and capacity

Much attention has focused on the issue of capacity and capacity building within local government institutions to date. A low level of capacity – most specifically financial and managerial – has been highlighted by a number of researchers (ABELO, 2009; OAG, 2007, 2010; Sentamba, 2005) as one of the key impediments to successful implementation of the process. Consequently, a significant proportion of support to the process has been in the form of training workshops to build capacity at local level. These have been designed and delivered by both international agencies²¹ and local NGOs. Administrators and local officials were asked how much training and capacity

¹⁸ For example, each province has provincial level offices of health, education, agriculture and livestock development. The policing and judicial systems are also administered from a central level.

¹⁹ This emanates from an electoral promise. A building programme is underway with the aim being to furnish all hills with a primary school. Local communities provide bricks and labour and ‘the President’ provides the corrugated roofing, windows and the mason’s wages.

²⁰ Interview Anonciate Ndikumasabo, Co-operation Suisse, August 19th, 2011.

²¹ The principle international agencies involved in capacity building training are the World Bank (through its PRADECS programme), the EU (through its Gutwara Neza programme), and Co-Operation Suisse which provides an intensive support to the process in Ngozi province in the north of the country. A wide range of local NGOs – some contracted by international agencies – have carried out training also.

building workshops they attended. The average across the eight communes visited was two training sessions of between three and five days a month. This amounts to between a third and a half of officials' total working hours and is certainly significant. In addition to this, a number of 'technical manuals' on financial and administrative procedures have been produced by the EU's Gutwara Neza programme and these have been distributed throughout the country with training provided in their use²².

A recent comprehensive evaluation on training carried out (Baltissan and Sentamba, 2011) finds that there has been little or no coordination of this training however. More specifically, researchers report the following:

- A non-harmonisation of modules between different trainers and organisations;
- An overly theoretical content to the modules delivered;
- An overly short period (3-5 days) for training;
- Unsuitable sites for training – too far to travel;
- Inappropriate criteria for citizen selection for training (selected by commune officials (the researchers suggest that *perdiems* and political loyalties play a significant role in citizen selection rather than other strategic concerns);
- An inappropriate lecturing style ('*la formation magistrale*');
- An insufficient level of animation and use of practical examples to illustrate theoretical points.

While it lay beyond the remit of this particular research to examine capacity building initiatives in any detail (much can be learned in this regard from Baltissen and Sentamba, 2011), an effort was made to explore the impact of such training on Administrators and local officials, together with assessing their capacity more broadly. While, when asked to identify what in particular had been learned from capacity building workshops, none of the local officials interviewed were able to come up with specific issues, all emphasised the importance of accountability to citizens and appeared well aware that their overall role lies in working for local citizens and communities and that, in principle, accountability works upwards from these communities. This is apparent from statements such as "*la commune sert la population*"²³ / "*the commune serves the population*"; "*ce que nous faisons vient d'eux [la population]*"²⁴ / "*what we do comes from them [the people]*"; "*la décentralisation est une processus qui donne à la population la voix*"²⁵ / "*decentralisation is a process giving people a voice*"; "*nous devons travailler pour la population*"²⁶ / "*we must work for the people*"; "*notre rôle est d'aller avec les besoins de la population*"²⁷ / "*our role is to go with the people's needs*". Despite this awareness however, local government accountability remains low (see Section 3.2.6

²² Interview Eric Charvet, EU Mission in Burundi, August 10th, 2011.

²³ Interview Administrator, August 17th, 2011.

²⁴ Interview Administrator, August 22nd, 2011.

²⁵ Interview Administrator, August, 25th, 2011.

²⁶ Interview Administrator, August 30th, 2011.

²⁷ Interview Administrator, September 1st, 2011.

below). There is clearly work to be done at this level. However, given the relatively high level of local officials' awareness and understanding of the principle tenets of accountability to their citizens, the findings from this research indicate that the problem is perhaps more one of commitment and willingness than capacity (see also Section 3.2.7 below).

Local officials' awareness and understanding of the other key element in the decentralisation process – participation – remains extremely low however. Among the majority of officials interviewed, questions on how to enhance / assure citizen participation were answered with reference to monetary contributions for specific projects, brick making (for building projects), and various other community works²⁸. Thus, participation is understood as being limited to citizen involvement in projects designed and decided upon elsewhere, by others, emphasising citizen responsibility without rights. This is an extremely limited form of participation which effectively denies citizens their right (as set out in the decentralisation policy) to substantive participation – i.e. a voice in decisions on local community development priorities and projects. This finding is reinforced by the findings around the extremely limited opportunities for substantive citizen participation (see Section 3.2.5 below) as decentralisation is rolled out in practice.

Taken overall, these findings demonstrate that much emphasis has been placed on training and capacity building – although the harmonisation and style of delivery of this requires attention – and that this has resulted in a good awareness of the importance of accountability to citizens, though a somewhat limited understanding of what is meant by citizen participation in the context of decentralisation. The findings suggest that, to put into practice the policy of decentralisation as set out in the government's own texts, perhaps the emphasis needs to move from training / capacity building to 'learning by doing' – active participation by citizens through the procedures available (see figure 3.1.5 above) which will ultimately bring about, in a collaborative and mutually respectful manner, the 'silent revolution' articulated in the government's own policy.

3.2.4 Local decision-making capacity (including budget devolution)

An associated issue to that discussed above is the crucial issue of decision-making. While consultation with and deliberation among relevant elected officials is essential, the key indicator of any democratic process lies in the decision-making process. How decisions are made and who gets to decide are crucial factors determining the legitimacy of democratic processes. Local government officials have been elected to have a real voice in decision-making and control over eventual outcomes.

As we have seen in Section 3.1.5 above, the procedures set out by the government for commune councils stipulate that decisions on different matters are made through a public voting system where all members are accorded a vote (although, for sensitive issues such as procurements, employment contracts etc., decisions may be reached through secret ballot).

²⁸ Travaux communautaires

The decision-making process was explored in each commune visited. Despite the procedures stipulated, different methods are used in different communes. In three communes, both officials and elected members noted that decisions are made by consensus and there is rarely a vote. While consensus decision-making can lead to greater solidarity and agreement as considerable time is taken to hear, reflect and deliberate upon each person's contribution, it can also lead to so-called 'false consensus', where the voices and views of a powerful few dominate and over-ride those of others. Constituting a non-democratic 'elite-capture' of deliberative processes, this practice can lead to growing instability and conflict among actors involved.

Two communes follow the recommended procedure of public voting (hands are raised for or against motions), while within a further two communes, officials stated that the President of the Council²⁹ takes the final decision himself, following interventions from different members. Again, this latter practice invests decision-making authority and control in one individual and goes against both the democratic mandate of the council and its members and recommended procedure. One official claimed that council meetings were attended by approximately 100 citizens and that these all voted on decisions. However, this testimony is somewhat unreliable as a) the room used for council meetings in this commune (which was visited) clearly does not have the capacity to accommodate such a number, and b) this contradicts the testimonies of other interviewees from the same commune who stated that only one or two citizens ever attend council meetings.

Articles 71 and 77 of the Local Government Law refer to the necessity for a transfer of financial resources to communes. As other researchers and commentators have noted – and as repeatedly pointed out by national level stakeholders in interviews – this has not yet happened in Burundi. In the absence of a transfer of resources from the central budget, local communes rely on two principle sources for their budgets. First, revenue is raised through local taxation. Given the significant disparities in wealth between different communes and indeed different provinces (including the high level of poverty and economic marginalisation in many communes), revenues raised in this manner differ greatly. For example, figures collated by ABELO relating to the years 2006 and 2007 show a mean income of US\$ 50,088 and US\$ 57,664 for these years respectively with huge disparities between communes (US\$8,101 in one commune to US\$ 1,767,483 in another (2006 figures) and US\$ 9,321 in one commune to US\$ 2,364,158 in another (2007 figures)) (see ABELO, 2010: 52-54).

The second principle source of funds is donors and NGOs. Both the EU's Gutwara Neza and the World Bank's PRADECS programmes provide funding for micro-projects in the areas of health, education, local infrastructural projects etc. The PRADECS programme provides funding for projects up to US\$ 100,000 with approx. 3 per cent counterpart funding required. 1.5 per cent of this comes from local communities and between 0.5 and 2 per cent from commune budgets³⁰. Communes

²⁹ The President is elected by the 15 member council at the first sitting of this council. His role is to chair council meetings.

³⁰ Interview Thomas Minani, Executive Secretary PRADECS, August 11th, 2011.

can apply to an additional fund, the FONIC – a public investment fund, for their commune contribution or indeed for additional projects. It remains somewhat unclear on what basis FONIC funds are allocated however³¹ and the Director General for Decentralisation reports that this fund is now to be allocated on a ‘performance’ basis, although again the precise performance rating criteria remain to be elaborated³². Commune officials state that they apply for FONIC funds for particular projects but are unaware of the criteria on which their applications are judged or the basis on which funds are allocated. Additionally, commune officials and Administrators seek funds from other international NGOs that may operate in their commune. This, however, officials report, is necessarily on a somewhat ad hoc basis and projects funded are often determined by funders own priorities and interests rather than priorities set out in the commune plan for community development.

Evidently, as reported by other commentators heretofore and as noted by many interviewees both at commune and at national level, many communes are severely short of funds and much of the projects and activities set out in the commune plan for community development remain unaddressed. A strong case can certainly be made, as it has been by ABELO (2010) and others, for a devolution of funds from central to local level as set out in the Law of 2005. However, in this regard it is worth a reminder that studies elsewhere (see Section 3.1.3) have shown that such fiscal and financial devolution is not always ideal, most particularly in cases where there is no clear public transparency in relation to both the targeting and usage of such resources. Studies show that a devolution of funds with insufficient or ineffective public accountability and transparency mechanisms results in exacerbated local tensions and conflicts. In this respect it is noteworthy that all commune council members interviewed professed to being unaware and uninformed as to how priorities in budget expenditure are determined within their commune currently. Given the experiences elsewhere, it is important that effective and transparent mechanisms of public participation and accountability be put in place and operationalised before such a financial devolution takes place. Given the extremely weak resourcing of many communes at present, it is in the interests of both locally elected leaders and officials and citizens more broadly to ensure that this happens.

3.2.5 Opportunities for citizen participation

At the heart of the project of decentralisation, as reflected in the various government texts on the process, are the twin objectives of citizen participation and citizen accountability. While, as we have seen in Section 3.1.5 and Figure 3.1.5 above, the procedures set out in government texts provide many opportunities citizen participation as well as for citizens to seek accountability, as this and the following sections show, many of these opportunities are overlooked or ignored by state and civic actors alike.

³¹ It proved impossible to get documentation in this regard during the phase of field research and a request for an interview with the Head of the FONIC was denied.

³² Interview Théophile Niyonsaba, DG Decentralisation in Ministry of the Interior, August 9th, 2011.

Little research has been carried out to date on how citizen participation works in practice within the Burundian process. This research focused on particular on this aspect by examining participation levels at both commune and hill level.

As we have seen, the key decisions in relation to resource allocations, developmental priorities and service provision at local level are made at the commune level. Yet the findings of this research reveal that citizen participation at this level is extremely low. None of the citizens interviewed have ever attended a council meeting (where citizens may attend but not speak). Indeed, just 12 per cent of respondents (five male, one female) professed to any knowledge as to what the commune council does – and this was a rather vague response in the areas of development and the maintenance of peace and order. There is a clear gender divide in terms of both knowledge of the council's role and activities and in terms of access to the council members and/or the Administrator (whose role is slightly better known). There is also a rural/urban divide in this regard. Thus out of a total of 26 individuals and 16 focus groups interviewed, more men (four, including two from the Batwa community) than women (one – consulting a female Administrator) have consulted with their Administrator over particular matters and each of these live in or in the vicinity of the commune centre. For many others, in the words of one respondent, “*c'est [le conseil communal] pour les gens d'une niveau superieure*” / “*it [the commune council] is for people at a higher level*”, and many noted that it is not possible to personally access commune council members – only heads of the hill council can do this. Furthermore, there is little evidence of the twice-yearly open council meetings on the hills. The only evidence of such meetings are meetings called by the Administrator to collect revenue for particular projects or to inform citizens that they need to participate in community works.

For most citizens therefore, the activities and actions of council members are remote and removed from their everyday lives. Moreover, having been elected from block lists of party candidates, many citizens view elected council members as representative of and accountable to their party leaders rather than to their citizens. In a highly charged political climate, loyalty to and allegiance to the party is indeed extremely important (see also Section 3.3.4).

However, as Uvin (2008, 2009) in particular has noted, the hill councils – five member councils elected as individual rather than party candidates for the first time in 2010 – represent a real opportunity for citizen participation in local economic and social affairs.

Among the citizens interviewed for this research, there is a much greater awareness of the existence and the role of local hill councils. Most respondents are aware of who their council representatives are. Eighty per cent of respondents (two-thirds male, one third female) identified a role for the council. It is important to note however that the role identified – arbitration and resolution of local conflicts – represents just one of the roles envisaged by the government and neither citizens themselves nor members of hill councils interviewed mentioned either of the other two roles – advice and proposals of action to the commune council (see both Section 3.1.5 and Figure 3.1.5).

Although local conflict resolution was identified as the main role of the hill council by 80 per cent of respondents, only six out of 28 people interviewed (four male, two female) stated that

they have gone to their hill council with issues to be resolved (the issues were disputes with neighbours over land boundaries (three male); theft in the home (one male, one female); and family disputes arising from the widespread practice of ‘polygamy’³³ (one female)). For those that have not approached their hill council, when asked why not, some note that they have not yet had issues which needed resolution, while others (predominantly women) point out that the issues they face (conflict within their family) are of no interest to (predominantly male) council members. For others, a sense of resignation with the hand they are dealt is palpable. As one (female) respondent notes ‘toute est la parole de Dieu’ / ‘everything is God’s word/will’.

In terms of the qualities sought (and presumably voted for) in an effective council member, there is remarkable consensus across all research sites, and between women and men. Across the sample areas, people identify local ‘notables’ / people who are well known with integrity, an ability to listen, a sense of fairness, and a ‘bon comportement’. Repeatedly respondents note that a good track record as an effective community leader is important. These findings indicate that, while election of hill council members is a relatively new phenomenon, the people elected are not necessarily new to the role of community leaders. It may therefore be difficult for new entrants to gain a foothold in this forum (most notably women who have not enjoyed political prestige or leadership roles at a local level in the past and who face formidable obstacles in attempting to enter what is widely seen as a male arena³⁴). It may also mean that these fora are captured by local elites. Moreover, despite this introduction of a new local institution, continuities with the past in terms of relations with commune authorities are extremely apparent. When asked to define their role vis à vis the commune council, hill council members often used the phrase (and this was also repeated by Administrators themselves when questioned as to the role of the hill council) “*les yeux et les oreilles de l’Administrateur*” / “*the eyes and ears of the Administrator*”. This characterisation suggests more of a surveillance / control role as in the past than a role as a conduit for the views and proposals of constituents, as set out in current government texts.

This is reinforced in the light of the lack of meetings of hill councils as set out in Article 35 in the Law (the OAG also found this in their research – see OAG, 2010) and the lack of public, open meetings between the hill councils and their broad population on the hill as set out in Article 37 (the only public meetings any respondent has attended are those organised by the Administrator who uses the hill council members to call citizens together for either revenue collection or collective community works). Indeed the only regular meeting that is held is a weekly meeting between heads of hill councils and the Administrator. As “*the eyes and ears of the*

³³ ‘Le concubinage’ or ‘la polygamie’ refers to the widespread practice of husbands deserting their wives (at times they pay some maintenance, at times not) for another woman. This practice was repeatedly raised within focus groups of women (and also raised by one focus group of men) as the biggest problem in the area. As well as leaving women in an economically fragile position, this practice also leaves them vulnerable to physical and sexual assault. It is also the cause of many local conflicts.

³⁴ It is pertinent to note that the traditional institution of the Bashingantahe – an institution in which international aid agencies have expressed some interest in reviving – is traditionally all-male.

Administrator”, each Monday morning the head of each hill council comes to the commune centre to report on security and development issues on their hill.

Overall therefore, although hill council members (to varying degrees) do perform an extremely valuable function in resolving local disputes and ‘keeping the peace on the hill’, with female members, in the rare instances where women have had the courage and determination to both pose their candidature and get elected (see also Section 3.3.4), proving extremely effective in addressing some of the issues ignored by more traditional all male councils, the findings demonstrate that hill councils are fulfilling just one of the three role set out for them by current policy and law. While effective on the hills, their representation at the level of the communes falls far short of what is envisaged in government texts. In short, hill council members at present perform a reporting rather than a proposing action role (as per Article 36), thereby passively rather than actively participating in their hill’s development. Representation appears more top-down than bottom-up with hill council members (notably the heads of councils) representing the Administrator on their hill rather than representing their constituents at commune level. In echoes of the past, as currently operating, hill councils exercise more of a surveillance/control function than that of democratic representation.

3.2.6 Local government accountability

The second objective at the heart of decentralisation is accountability. Drawing from his study of the much celebrated decentralised system in Ghana, Crawford (2009) argues that, even in cases where citizen participation is high (such as in Ghana), it is possible to have this without accountability. And so in Ghana, according to Crawford (2009), while citizens regularly participate in local policy-making processes, this has not resulted in citizens attaining greater oversight and control over their local governments as mechanisms of downward accountability remain weak and ineffective with central authorities striving to retain power and control. In the Burundian case examined here we have already seen that, although opportunities for participation as set out in policy and procedures are numerous, the opportunities on the ground – through the practice of decentralisation – are less. With broad-based participation low and with, as we have seen in earlier sections (see also Section 3.2.7 below), the centralising tendencies of political authorities high, the incentive for downward accountability of local authorities to citizens is likely to be low. With little incentive or indeed pressure for downward accountability in practice, we can therefore expect actual accountability practices and activities on the ground to be therefore low. This is indeed the finding from this research.

As we have seen in section 3.1.5, as stipulated in government texts, commune councils are obliged to display both the content of deliberations and details of decisions reached at council meetings on public notice boards outside the council offices. Of the eight commune offices visited, just two had any relevant information posted on their notice boards. One had posted a notice (in French which is not widely spoken) of upcoming meetings, while the other had, in line with the procedures set out, posted a record of deliberations and decisions taken from last meeting. No information regarding council meetings was posted on the notice boards of the remaining six commune offices.

As already noted, the research found no evidence of the public commune council meetings scheduled twice-yearly for council members to be held to account by citizens on the hills. Council members interviewed noted that they had neither the time (many work full-time elsewhere) nor the funding to carry out such meetings even though they are aware that the procedures for commune councils stipulate that these be carried out. Meanwhile, as noted earlier, citizens on the hills remain largely unaware of what the council does or who its members are.

Paralleling this, the research found no evidence of the public hill council meetings scheduled three times a year with citizens on the hills although, in contrast to commune councils, the majority of citizens interviewed are aware of who their hill council members are. The only public meetings that do take place on the hills are those organised by the head of the hill council to organise collective community works.

The overall picture that emerges is one of representation without mediation – a hollow form of representation which, in contrast to the policy of decentralisation set out by the government, both fails to accord a voice to citizens except once every five years through a ballot paper (and even this is severely limited at commune level due to the block party list system in place) and fails to provide downward accountability for local authority decisions and actions. Although a radically new system and policy has been introduced since 2005 with the aim of turning traditional political relations on their head and moving from a hierarchical top-down, centralised structure to one which seeks to actively engage citizens and local authorities in lateral, decentralised structures and procedures, such changes in practice are hard to find.

The findings from this study echo those of studies elsewhere. Downward accountability does not just happen on its own, most particularly within a context where the tradition has been one of centralised authority and upward accountability. As the government itself has noted in its decentralisation policy, a radical change in political culture – a ‘silent revolution’ is required. The question is – is the political commitment there to bring this about, and if not, how might this commitment be nurtured?

3.2.7 Political commitment and political culture

In Section 3.1.3 we saw that one of the key lessons from studies of decentralisation elsewhere is that state commitment to the process is key. Yet studies conducted elsewhere show that state commitment in many cases has been weak with central authorities using decentralisation processes and structures to build clientelist networks and support bases for their own consolidation rather than to distribute power and afford autonomy and a voice to partnerships of local authorities and citizens.

These findings are extremely pertinent given the Burundian context – a context in which the roots of past economic, political and social inequalities, grievances and conflict has been described as lying within the state – both within the ‘*predatory bureaucracy*’ (Ngaruko and Nkurunziza, 2000: 370) and within the ‘*institutionalised system of corruption, social exclusion, impunity, unpredictability, a total lack of*

accountability and clientelism’ (Uvin, 2008: 109-110) (see also Lemarchand, 2006; Ndikumana, 2000; and Reyntjens, 2005).

In this context, the decentralisation process designed by the Burundian state offers a unique opportunity to transform this system, ending the cycle of exclusion and conflict and opening up the space for a more equitable and peaceful future. In its initiative in designing the framework and the procedures for the process, the state has demonstrated its commitment to such a transformation. However, as the state itself has noted, both state officials themselves and Burundi’s citizens have to play an active role in ensuring these structures and procedures operate effectively to bring the aspirations underlying the process to fruition.

The establishment of a dedicated Ministry of Decentralisation and Commune Development in January 2009 was one indicator of state commitment in this area. However, its downgrading following the 2010 elections to a sub-ministry within the Ministry of the Interior is a worrying development and one which could be taken to indicate reduced state commitment to the process.

A further complication, and one which has been noted by other commentators (ABELO, 2009; OAG, 2007; 2009), is the fact that commune Administrators appear accountable both upward – to their Provincial Governor – and downward to their citizens who elected them. Thus while, as noted in Section 3.2.3 above, Administrators are aware that, in theory, they represent their citizens, a number also define themselves as “*agents de l’état*”³⁵ / “*state agents*” or “*représentants de l’état dans le commune*”³⁶ / “*representatives of the state in the commune*”. As we have seen in Section 3.1.5, the annual budget, once adopted by the commune council, is transmitted to the Governor for approval. This is despite the fact that a significant proportion of the revenue (both financial and in terms of collective community works/counterpart funding) for this budget comes from local citizens.

These challenges are further compounded by reports (ABELO, 2009; OAG, 2007; 2010, Sentamba, 2011) of frustration and a lack of motivation among commune officials at local level. While this was undoubtedly the case in the past, many officials and council members interviewed for this research noted that this situation is now much improved and discussions suggested that many (although inevitably not all) council members and Administrators are genuinely committed to contributing to the development of their commune. There is no doubt, as in interview Administrators detailed their many tasks, that they are being torn in many directions and that theirs is an extremely complex and extremely demanding job. Moreover, questioned as to previous posts they had held, it is apparent that this more demanding post commands a lower salary than previous posts. While a genuine wish to contribute to the development of their commune is certainly one factor explaining Administrators’ acceptance to take on their demanding role, political motivations are also not far from the surface. As one Administrator noted³⁷, he has been nominated by Presidential

³⁵ Interviews Administrators August 17th and August 25th.

³⁶ Interviews Administrators August 22nd and August 30th.

³⁷ Interview August 22nd.

decree (albeit having been chosen by his commune council). This brings officials – Administrators and council members alike – to the attention of senior party officials and there can be no doubt that council membership represents a strategic political move as much as anything else.

The development and consolidation of political commitment and the transformation of political culture required to make decentralisation a success in Burundi is challenged on a number of fronts therefore. First is the downgrading of the Ministry responsible for the process. Second is the somewhat schizophrenic accountability of both commune and council members – upward to traditionally powerful ‘chefs’ while downward to their citizens who have yet to exercise their potential power and voice within the process. And third is the fact that, while a number of new people have taken the courageous step to enter the process’ structures and institutions, many party faithfuls from previous regimes are also present in different posts (including within hill councils).

Clearly traditional top-down hierarchical structures remain and, in an environment where demands from the top have always taken precedence, this will be a difficult culture to break. To do so will necessitate stronger demands and pressures, in the spirit of the decentralisation policy set out by the state, from the bottom – from citizens and communities themselves. As the decentralisation policy itself articulates, it is up to everybody, local authorities and citizens alike, to transform the traditional exclusionary and divisive political culture and bring about a more prosperous and more peaceful future for all.

3.3 Synopsis of key issues

The findings outlined above highlight a number of issues of particular relevance to Trócaire’s engagement in the decentralisation process under examination. These are brought together under four headings below.

3.3.1 Citizens or subjects? - The importance of political culture

In his famous book *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Mahmood Mamdani (1996) argues that the British colonial administrative system, operating through local chiefs and leaders, made subjects of Africa’s peoples, denying them their rights as equal citizens within their own territories. Mamdani further argues that this form of rule persisted into the post-independence era whereupon newly elected African leaders continued to view their citizens as subjects, accountable to their leaders rather than the other way round.

While Mamdani is writing specifically about ex-British colonies, his analysis is pertinent also to Burundi. As accounts of colonial Burundi attest (Gahama, 1983; Hammouda, 1995), the country was ruled in a strongly hierarchical, oppressive manner with its population answerable to an administrative elite. This was the context into which decentralisation was first introduced in the late 1950s.

The critical importance of history and the inevitable continuities with the past have been repeatedly emphasised within this report. So too has the fact that change does not happen on its own. Active engagement within political-administrative structures – beginning at the local level and working upward – is absolutely necessary to challenge and transform enduring colonial legacies and to move from being subjects to active citizens within a peaceful, open contemporary democracy.

3.3.2 Capacity or willingness? - The effectiveness of workshops

The issue of capacity of local actors to effectively engage and work within decentralised structures is one which repeatedly surfaces within texts and literature on the Burundian process, and is one which was repeatedly raised by all research participants over the course of this field research. Yet, as has been discussed in Section 3.2.3 above, findings from this research revealed that a) a tremendous amount of work in the form of capacity building workshops and technical guides is already being done in this area by a wide range of well-resourced actors and agencies; and b) arising from this support, local administrative leaders appear relatively well aware of their role vis à vis their citizens (although, as noted, their understanding of citizen participation is a little less developed).

Capacity building is certainly a valuable and necessary support. However, as the gap between local authorities' understanding (in theory) and actions (in practice) demonstrates, capacity building on its own does not bring about change, particularly given the immense transformative changes required and the implications these have for traditional power relations and therefore access to scarce resources and assets.

The political form of decentralisation set out in the government's own texts and policy envisages a sharing of power, voice and influence across society – a partnership between citizens and authorities. Such a distribution means that traditional power-holders must relinquish some power while the traditionally powerless gain influence and control. There are losers and winners in the 'silent revolution' which sees subjects once more reclaim their rights as citizens. And the potential losers will naturally be reluctant to cede power. This inevitable fact must be acknowledged and interventions with local authorities should move beyond technical capacity building workshops to seek to address the lack of willingness (whatever individuals' knowledge of how decentralisation should work) of traditionally powerful actors to embrace the changes required.

3.3.3 'Sensibilisation' or accompaniment? - Working with citizens

It is never easy to embrace change and to try something new and it is certainly never easy to go against the grain and begin to engage with local authorities on a more equal footing when relations in the past have been based on social hierarchy and status. Yet, following the law, policy and procedures set out by the state, this is what is required within the new democratic dispensation set out within the decentralisation process. Like the workshop approach discussed above, this will not happen through passive information-transfer / sensibilisation approaches alone. Peoples' eyes as well

as their minds need to be opened to the opportunities offered by new decentralisation structures.

Building on the traditional sensibilisation methods employed by NGOs to date, what is now required is an intensive accompaniment of citizens – going with them to meetings, standing with them in their demands for accountability and their active participation in the different fora open to them and actively supporting them in their transformation of traditional relations. This is a new and demanding approach, but one which is required if the opportunities available are to be ceased and decentralisation, as set out in the political and legislative texts, is to be embraced and rendered effective.

3.3.4 A politics for all – Overcoming disaffection and exclusion from public life

Decentralisation is a political process. As the decentralisation policy repeatedly notes (Gouvernement de Burundi, 2009: 10, 56, 61), to succeed it requires the active and sustained engagement of all citizens in public – and hence political – life. There are two key challenges in this regard.

First, a significant proportion of citizens have been – and continue to be – repeatedly and systematically excluded from political life. Specific groups in this regard include most women (half the population) and the Batwa, although many others have also been systematically excluded from active engagement in public life. Moreover, this exclusion is actively exercised not exclusively by formal political authorities but, most strikingly, by communities, neighbours, individuals and family members themselves³⁸. And so, simply urging individuals from these severely marginalised groups to become involved in local structures is not enough. Nor is working exclusively with these marginalised groups. Efforts to overcome this systematic marginalisation need to address broader societal obstacles – among family, friends, neighbours and communities – women and men.

Second, the egregious abuse of power by political authorities in the past coupled with current politically motivated insecurity and violence (see Boschoff and Ellermann, 2010; Human Rights Watch, 2009, 2010; Sentamba, 2010, Uvin, 2010 and Veneginste, 2011) has resulted in a widespread distaste for and disaffection from politics among ordinary citizens across the communes visited (and reportedly, more broadly). Politics is popularly viewed as the principle source of insecurity and conflict. Citizens are tired of violence, insecurity and unrest and many express the wish that they just be left alone – wanting nothing to do with politics or politicians. This is an entirely understandable, yet extremely worrying situation.

If the political system is the problem, the political system needs to be changed. Withdrawal from this system and its structures leaves it, with all its imperfections,

³⁸ For example, on hills where there are no female hill council members, the suggestion put to female focus group members that the election of a female candidate might increase the likelihood that some of the issues raised by the groups might be taken more seriously by their hill council was met with some incredulity and amusement. In the words of one interviewee, “*la politique - c’est l’affaire des hommes*” / “*politics – that’s men’s business*”.

intact. The only way to change it is through engaging with it. The decentralisation process offers the potential to do so in a peaceful, constructive and mutually beneficial manner. Those supporting such actions need to take the time to openly engage with widespread public disaffection for politics and political systems. Through their actions of open engagement with citizens and accompaniment in participation within local administrative (and hence political) structures, they can begin to demonstrate that politics begins at home and change is possible.

4. Conclusion and recommendations for Trócaire’s Governance and Human Rights programme

For most citizens, life in Burundi is a struggle. Against a backdrop of political unrest, insecurity and acute marginalisation, citizens get on with their daily lives, making the best of what they have yet aspiring toward a more peaceful, secure future. It is painfully apparent to all Burundians that the political system has failed and, with recent unrest and intimidation, is continuing to fail them.

The decentralisation process in place since 2005 offers a unique opportunity to transform this system at local level. Embedded within the constitution and within national legislation, the process offers a comprehensive and robust framework for citizen participation in and control over plans and projects affecting their families and neighbours on their hills and in their communes. And in the many legislative and policy texts detailing how decentralisation should work in practice, the government has set out its commitment to the process.

Yet despite this robust framework and set of procedures, levels of both citizen participation in local governance and local authority accountability to citizens remain weak. This is not surprising. Studies elsewhere have shown that it takes many years for decentralisation to yield positive outcomes. Studies have also shown that a legislative framework and set of procedures will not, on their own, yield positive results. An active and sustained citizen engagement with decentralised structures and procedures at a local level is necessary.

In promoting such engagement Trócaire-Burundi’s GHR programme faces a number of formidable challenges. Among these are a strongly hierarchical political and societal culture where, with people treated more as subjects than citizens, accountability demands are in an upward rather than a downward direction, together with an understandable widespread disaffection with political and public matters.

These challenges notwithstanding, it is clear to all that continuing the inherently inequitable and oppressive system of the past will lead only to frustration, anger and more conflict. And on hills throughout the country, most certainly the hills visited during the course of this research, there is no appetite for this. Through a dedicated, active and sustained support to local citizens, including those most marginalised from public life, Trócaire-Burundi’s local partners can help bring about a transformation of the system which has failed so many people in the past. In this regard, and drawing on the findings and analysis presented within this report, the following recommendations are made:

4.1 Supporting citizen participation in existing structures

The various government texts on the process which set out the procedural requirements of the process point toward a number of opportunities for citizen engagement within the structures currently in place (see Section 3.1.5 and Figure 3.1.5). Moreover, interviews with local authority officials reveal that they are well aware of the requirement that such meetings and interactions take place. Interviews with local citizens reveal that they remain unaware of these opportunities for

participation however. Moreover, both hill council members and local citizens remain unaware that hill councils are carrying out just one of their three functions. The predominant form of accountability remains upward toward (reporting to) the Administrator rather than downward from the Administrator and his council members to the hill council and local citizens. Hill council members and their citizens' participation in commune council meetings have yet to take place.

One of the key strengths of the Burundian process is that the procedures for citizen participation and engagement are set out in the relevant texts and are, in the main, well known by local officials. All that remains is to ensure that they are organised in practice and to participate fully within them. If such procedures were to function as envisaged within the relevant texts, they would offer ample opportunities for citizens to become actively engaged. This would be an excellent beginning in the long-term process of systemic transformation toward a more equitable and peaceful future.

It is therefore recommended that partners within the GHR Programme acquaint themselves fully with the different opportunities currently available for citizen participation (see Figure 3.1.5 for a synopsis) and work with local councils and officials to ensure that these opportunities are put in place on the ground and that citizens, locally elected, and public officials participate fully within them.

4.2 From 'sensibilisation' to accompaniment: Less zones, more engagement

The enormity of the task to promoting active engagement within local structures should not be underestimated. Active participation means more than just attendance at council and public meetings. It means more than just posing a select few questions. It means nothing less than supporting citizens in an ongoing, sustained engagement with local leaders, actively contributing toward plans and projects and actively seeking accountability from these leaders in their resultant actions.

Given the challenges faced in promoting such active participation, the more traditional NGO approach of 'sensibilising' people / informing people of what they need to do will be insufficient and will not work. As discussed previously (Section 3.3.3), NGOs need to significantly change their approach from a more passive awareness raising to an intensive accompaniment of citizens – going with them to meetings, standing with them in their demands for accountability and their active participation in the different fora open to them, and actively supporting them in their transformation of traditional political relations.

This will require spending far more time in the field and far more time with targeted communities – days instead of hours at any one time and weekly/biweekly contact on an ongoing basis. The number of planned zones of intervention for this aspect of the GHR programme (as set out in a mapping exercise by partners during the research feedback workshop) as it stands makes such an intensive accompaniment impossible. Again, a new strategy is required. It is recommended that partners reduce the number of zones of intervention for the duration of this three year phase of the programme and assure an effective, intensive accompaniment in just two-three communes each rather than attempting to cover a wide number. As with this research (see Section 2.6), given the challenges involved, depth and intensity of engagement is what is

required. Supporting substantive and lasting transformation in a small number of communes is far better than achieving little or nothing in a large number. Again, it is important to remember that decentralisation is a long-term process, not a short-term solution. Concrete and tangible successes in a small number of communes will set the path for similar intensive accompaniment in a further select number of communes in future programmes.

4.3 Overcoming the obstacles to women's participation: a gendered approach

The formidable obstacles faced by women in attempting to become involved in local structures has been already noted above (Section 3.3.4). While the quota system for commune councils allows for 30 per cent female representation at this level, there is no similar quota system at the level of the hills councils. For many, the solution appears to be the introduction of a 30 per cent quota at hill council level also.

In this context, it is worth bearing in mind two things. One, there is as yet little evidence of the effectiveness and usefulness of the quota system in addressing particular issues faced by women. Many studies show that women sitting on councils and committees continue to find it difficult to have any influence. A number of courageous and highly committed female members of hill and commune councils interviewed for this research repeatedly underlined their difficulties in wielding any influence in structures and fora dominated by powerful men. Their successes have been more on an individual level for individual women rather than on a broader scale. This is not to say that quota systems do not have their uses. Rather, it is to say that, like the legislative framework for decentralisation, they open the door but, on their own they will not bring about change.

This raises the second point which is the crucial fact that gender is not just about women. Political exclusion is not just about women. And the obstacles to women's participation within decentralised structures will not be addressed by working with women alone³⁹. The marginalisation and exclusion of any group, be it women, Batwa, those from particular families, hills etc... stems from the existence and persistence of particular values and norms across society – a common understanding of what is normal, what is acceptable – the way things are. Investigating the roots of the marginalisation of both women and Batwa within this research, it is apparent that the roots of their marginalisation lie not exclusively with political authorities but with communities, neighbours, individuals and family members themselves. Therefore efforts to overcome this systematic marginalisation need to address broader societal obstacles – among family, friends, neighbours and communities – working with these in tandem with specifically marginalised groups.

³⁹ Similarly, the obstacles to the participation of members of the Batwa community will also not be addressed by working with the Batwa alone.

4.4 Periodic evaluation of existing structures

While there is some talk (although little evidence of action) of governmental evaluation of the effectiveness of local decentralised structures⁴⁰, following the government's own logic of downward accountability, whereupon commune and hill officials are accountable their citizens, there is clearly a need for citizen evaluation of these structures and the actions of their actors also.

It is therefore recommended that partners working on the citizen participation component of Trócaire's GHR programme work together in developing an evaluation framework for these structures (drawing on previous work done by others in this area) and support citizens in evaluating the actions of their leaders.

4.5 Coordination of actions

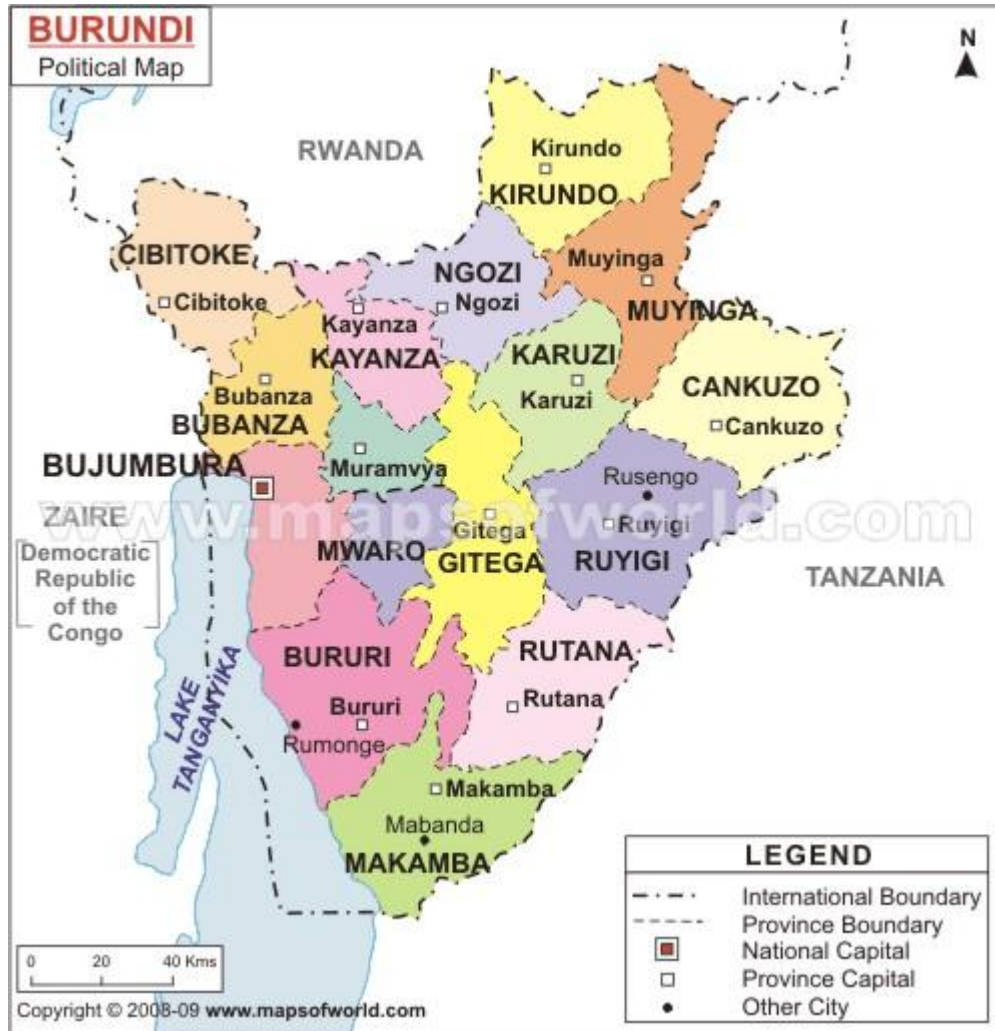
The fragmentation and lack of coordination of actions across both projects and programmes focused on decentralisation and those across the development field more broadly, both in Bujumbura and also at commune level, was repeatedly noted by interviewees.

While involvement in the Trócaire programme offers valuable opportunities for coordination and exchange between partners within the programme, it is important to also be aware of the interventions and actions of others. Bearing in mind the necessarily limited scale of Trócaire's programme (limited in scale, not intensity), both the programme officer and programme partners should become acquainted with other programmes and initiatives working in this area. The coordination meeting of donors and NGOs working in the area, organised by the DG Decentralisation and Cooperation Suisse, is an important resource in this regard.

⁴⁰ Plans in this regard were mentioned by the DG for Decentralisation (interview, August 9th, 2011). The government has also prepared an evaluation manual – see Gouvernement de Burundi, 2010b.

Appendix I

Map of Burundi



Source: <http://www.mapsofworld.com/burundi/burundi-political-map.html>

Appendix II

Terms of reference

Trócaire Burundi - Governance and Human Rights Programme (BUN11-01)

Final Terms of Reference (25/7/11): Research on Decentralisation in Burundi

1 Introduction

Trócaire Burundi in partnership with its civil society partners has developed the ‘Burundi Good Governance and Human Rights Programme’. This is a new programme; it has 2 objectives, linked to the GHR organisational outcomes on Participatory and Accountable Governance (PAG) and Access to Justice. The Access to Justice Work has been the focus of prior programming while PAG work will be a new area of intervention. The decentralisation process is a recent development within Burundi and as such has been identified by this programme as a key space to support citizen participation in public life. The objective of the Participatory and Accountable Governance work is;

to increase the effective participation of citizens, especially women, the poor and marginalised, in local government decision and policy making processes.

The third programme objective relates to increasing the capacity of civil society groups to engage with public accountability mechanisms.

The preparatory planning work for this programme has been undertaken with partners and been assisted by a researcher from Dublin City University. This researcher has strong academic interests in citizen participation and has had significant links to Trócaire’s work over several years leading to a strong understanding of our way of working. Trócaire and the researcher have a mutually shared interest to pursue this piece of research.

2 Shared interest in this work

Trócaire Burundi’s strategic interests: The programme wishes to undertake and complete a baseline process in the coming 6 months; in part this will seek to measure citizens’ participation or empowerment, understood as awareness and action to claim their rights from within the decentralisation process. A necessary precursor to this will be determining which rights in particular this programme will seek to measure levels of empowerment on. In turn, to achieve this, this research is necessary as it will assist the programme develop an in-depth understanding of the decentralisation process - its scope and effectiveness in relation to citizen voice and rights and service provision⁴¹. An understanding of the functioning of these processes will also be necessary so that the programme is clear by which mechanisms and modalities citizens are expected to access duty-bearers and secure their rights. The subsequent

⁴¹ This remained unclear and not clarified at the time of the formulation of the decentralisation policy (2009) – part of the research will be to uncover are there different understandings or has this been further clarified since the Decentralisation Policy was produced

baseline process will thereafter help the programme to develop appropriate intervention strategies, set targets and create a basis for on-going monitoring of change in the levels of citizen's empowerment. Appendix 1 to this TOR provides a timeframe and tentative plan for the baseline process.

DCU Researcher's strategic interests: The researcher's areas of interest are in governance in particular citizen's engagement in decentralisation processes. The researcher is keen to undertake research in Burundi as its experiences have much to offer to analysts and policy makers of governance in a post-conflict context more broadly. Literature in the area of governance in Burundi, and indeed in many post-conflict African countries, tends to focus on developments and dynamics at the national level. However, little is known about local level governance and how this interacts with evolving structures and institutions of decentralisation. As well as being made available to Trócaire staff and partners, the findings of the research will be communicated and disseminated more widely through academic conferences (e.g. Irish Aid's Development Education Conference; the European Conference on African Studies; the International Studies Association Annual conference etc) and in the form of 1-2 journal articles. This will bring the findings of the research to a broad audience of researchers, analysts and policy makers. Additionally, it is hoped that the research will be useful to and build on the work of civil society groups within Burundi. The researcher is committed as far as is possible to partner with local academia as part of her work.

3 Aims of research

This research is part of the baseline process that Trócaire, in view of ensuring accountability, considers as indispensable in the beginning of each programme in order to allow staff and partners to know where they are starting from and therefore be able to measure impact and results of programme implementation. As experience has shown, a baseline is a phased process with various stages.

The Broad aims of this research are as follow:

3. To assess the opportunities for and challenges to political engagement of Burundi's citizens at the level of the collines (including how, if at all, this might feed upward to higher levels)
4. To assess how such engagement might affect political dynamics / relations on the collines (gender and conflict sensitivities)

More specifically

1. To identify the key modalities of Burundi's decentralisation policy at all levels, including colline and commune levels – roles and resources – on paper and as understood by the different stakeholders with a particular focus on citizens perceptions
2. To identify the responsibilities of duty bearers at both colline and commune levels in public consultation and services provision
3. To understand and assess the inter-linkages (where existent) between the various levels of decentralisation

4. To assess the appetite of communities on the collines for engagement in politics / their views on contemporary politics / politicians
5. To identify the expectations (if any) communities have of the CC and CDCs⁴² and their locally elected members
6. To identify the expectations and/or linkages (if any) communities have of the Commune councils and their locally elected members

4 Research Plan / Sources of data

4.1 Primary materials (to be collected in Burundi and added to...)

- Burundi Constitution
- Local Government Law (Law No.1 of 2006 on the Organisation of Municipal Administration)
- National Decentralisation Policy
- Strategic Action Plan for Decentralisation
- Letter of Decentralisation Policy
- National Guide for Communal Development Planning

4.2 Elite Interviews

(to collate different views on decentralisation; expectations of process (including CDCs); division of roles and resources; linkages; donor coordination; challenges/any lessons learned)

- Representatives in the Ministry for Development and Local Development
- Ecole Nationale de l'Administration (ENA)
- Key donors of Decentralisation including
 - Swiss; EU 'Good Governance (Gutwara Neza) Project'; World Bank 'Support for Community and Social Development Project'
- Elected and public officials at commune level
- Leaders of national civil society and popular organisations involved in the decentralisation process

4.3 Focus groups / Interviews at Colline level

(Approximately 6 collines (~ 2 per partner) with some diversity in demographics, ethnic composition, resources and developmental challenges)

Through various participatory exercises including social mapping, focus group discussions and one on one interviews;

- identify key resources as perceived by different groups (opening a discussion later on access to and control over resources – together with blockages to this).
- explore how the issues raised within the social maps (access to resources and rights around these) were managed in the past, how they are managed now,

⁴² CC – Village committee; CDC – Village Development Committees

how effective this is, and how resources might best be managed looking to the future

- explore power dynamics on the collines together with resource distribution, management and control, and moving onto challenges in this regard and how they relate to the rights people feel they have
- explore expectations of the newly elected CCs/CDCs, who their members are, why they were elected, what the ideal characteristics of their members should be, what they should be doing, and how (or if) they should interact with / relate to elected leaders at commune levels

5 Outputs from this research

- The researcher will collate, analyse and disseminate research findings at a number of academic/policy conferences and through a number of publications. These will contribute toward a wider understanding of the opportunities afforded by and the limitations of decentralisation in a post-conflict context.
- The researcher will produce a report with the learning and findings from the research. This report will be an accessible and practical document that will assist the programme in its considerations and reflections on its work. The learning from the research may be something that the programme may use in policy and advocacy work on decentralisation issues.
- Prior to the researcher's departure from Burundi, a 2-3 day workshop will be held which will present and analyse key findings of the research. The purpose of this workshop will be to assist Trócaire and its partners to further explore its understandings of the decentralisation process and elaborate key rights areas which the programme will baseline. A separate event may also be held to present some initial findings of the research to government officials and people interviewed from multi and bi-lateral donors.
- Through accompanying the researcher in her field research, partners will gain exposure to handling focus group discussions and producing social maps; these skills will be useful for the later stages of the baseline process.

6 Coordination

This initiative will be overseen by the Trócaire Burundi Programme Officer and the researcher and will be managed in a spirit of mutual support and respect for the strategic needs of both parties. The initiative will be supported by the GHR Programme Officer in Maynooth who will also be supporting the baseline process and on-going development of the programme. A schedule of appointments for the first week will focus on interviews with key stakeholders in Bujumbura (Ministry officials; commune elus; EU, WB, Swiss, other key donors and national groups), the subsequent 3 weeks will be spent in the collines. Week 5 will involve preparation for the workshop and the workshop itself. The research will, as far as possible, involve

partner staff of those 3 organisations contributing to this objective of the programme. It is envisaged that partner staff would certainly be involved in meetings with local officials and with communities. This will greatly facilitate the work of the researcher. It will also serve to introduce the programme to authorities and to introduce staff of partner organisations to participatory methods of engagement within communities. Field research should ideally take place in villages where partners have already or are planning to implement their work.

Trócaire will provide desk space, access to internet and alongside partners will provide logistical support for travel into rural areas.

7 Timeframe

It is envisaged that the duration of this research and subsequent workshop will be 5 weeks, commencing early August and finishing by Friday 9th September.

8 Budget

Trócaire will support the researcher with a return flight, Ireland-Burundi, the visa cost and cover hotel and daily living expenses. DCU will cover the researcher's salary and her insurance.

Appendix III

Programme of field research (August 7th – September 9th, 2011)

August 7th

- Arrival in Burundi

August 8th

- Meeting with Mr. Didace Kanyugu, Programme Officer Trócaire-Burundi
- Organisation of other meetings

August 9th

- Interview with Mr. Théophile Niyonsaba, Director General in the Ministry of the Interior
- Interview with Mr. André Nduwimana , Executive Secretary of ABELO (Burundian Association of Elected Officials)

August 10th

- Interview with Mr. Eric Charvet, Head of EU Mission in Burundi
- Interview with Mr. Déo-Marcel Niyungeko, Vice-Country Director, the World Bank

August 11th

- Interview with Mr. Pontien Bikebako, Director of the Management Unit, Twitezimbere
- Interview with Mr. Thomas Minani, Executive Secretary, PRADECS Programme, World Bank

August 12th

- Interview with Mrs. Pascasie Kana, Executive Secretary of OAP (Organisation of Support for Self-Help)

August 16th

(with Mr. Bayaga, UNIPROBA & Mr. Kanyugu, Trócaire)

- Travel to Bururi Province
- Meeting with Technical Advisor to the Governor of Bururi Province
- Meeting with Technical Advisor to the Administrator of Bururi Commune
- Visit to Mututu colline to meet with Batwa (approx. 300 assembled), Bururi commune
- Overnight in Bururi

August 17th

(with Mr. Bayaga, UNIPROBA & Mr. Kanyugu, Trócaire)

- Meeting with Technical Advisor to the Administrator of Matana commune, Bururi Province
- Focus group with women and men of Gikoma colline, Matana commune, Bururi Province
- Meeting with Administrator of Songa commune, Bururi Province

- Visit to Jenda colline (Songa commune) to meet with assembled group of Batwa together with the Chef de Colline and Chef de Zone
- Overnight in Bururi

August 18th

(with Mr. Bayaga, UNIPROBA & Mr. Kanyugu, Trócaire)

- Focus group with women and men Kabuye colline, Bururi centre
- Travel to Bujumbura

August 19th

- Interview with Mrs. Anonciate Ndikumasabo, National Programme Officer for Decentralisation, Swiss Cooperation
- Interview with Dr. Elias Sentamba, IDEC / University of Burundi (Political Science Department)

August 21st

(with Mr. Willie Nkurunziza, CEJP)

- Travel to Cankuzo Province
- Overnight in Cendajuru

August 22nd

(with Mr. Willie Nkurunziza, CEJP)

- Interview with Administrator Cendajuru commune, Cankuzo Province
- Focus group with chefs de collines (x5), Cendajuru commune, Cankuzo Province
- Focus group with women (x8) in Nyamugari colline (at centre village), Cendajuru commune, Cankuzo Province
- Focus group with men (x12) in Nyamugari colline (at centre village), Cendajuru commune, Cankuzo Province
- 2 individual interviews – one man, one woman – at the market, Nyamugari colline (at centre village), Cendajuru commune, Cankuzo Province
- Overnight in Cendajuru

August 23rd

(with Mr. Willie Nkurunziza, CEJP)

- Focus group with women (9) Nyakuguma colline, Cendajuru commune, Cankuzo Province
- Focus group with men (10) Nyakuguma colline, Cendajuru commune, Cankuzo Province
- 2 individual interviews – one man, one woman – in Kiruhura Urbain, Cendajuru commune, Cankuzo Province
- Focus group with women (x9) – Kiruhura Urbain, Cendajuru commune, Cankuzo Province
- Focus group with men (x7) – Kiruhura Urbain, Cendajuru commune, Cankuzo Province
- Travel to Ruhuri, overnight there

August 24th

(with Mr. Willie Nkurunziza, CEJP)

- Travel from Ruhuri to Bujumbura

August 25th

(with Mr. Willie Nkurunziza, CEJP)

- Travel to Bujumbura Rurale Province, Mogongo Manga commune
 - Interview with Administrator of Mogongo Manga commune
 - Focus group with 7 members of different hill councils (including one woman) at the central market, Mogongo Manga commune
 - Individual interviews with 3 women and 2 men at the central market, Mogongo Manga commune
- Overnight in Mogongo Manga

August 26th

(with Mr. Willie Nkurunziza, CEJP)

- Focus group with 6 women at the market in Kayogo colline, Mogongo Manga commune
- Focus group with 7 men at the market in Kayogo colline, Mogongo Manga commune
- Individual interviews (x3) at Kankima colline Mogongo Manga commune
- Travel to Bujumbura

August 27th

- Email communications with Dushirehamwe to explain the purpose of the research and propose a modified programme to that proposed

August 28th

- Desk-based research on the background legislative and technical texts on decentralisation gathered.

August 29th

- Discussion with Mr. Didace Kanyugu on plans and format for feedback workshop.
- Discussion with representative from Dushirehamwe to organise the week's field work.

August 30th

(with Mr. Elie Ndikumana of Dushirehamwe)

- Travel to Province of Bubanza, Gihanga commune
- Interview with the Administrator of Gihanga commune
- Interview with three female members of the commune council, Gihanga commune
- Interview with two female members of hill councils (Gihanga centre and Rumoto moto hills respectively), Gihanga commune
- Focus group with 12 women in Buringa colline, Gihanga commune
- Focus group with 3 men in Buringa colline, Gihanga commune
- Individual interviews with 3 men and 3 women in Buringa colline, Gihanga commune
- Travel to Bujumbura

September 1st

(with Mr. Elie Ndikumana of Dushirehamwe)

- Travel to Mpanda commune, Province of Bubanza
- Interview with Administrator, Mpanda commune

- Interview with 4 members (2 men, 2 women) of commune council, Mpande commune
- Interview with female member of hill council at Rugenge colline, Mpande commune
- Individual interviews with 1 man and 1 woman at Rugenge colline, Mpande commune
- Focus group with 9 men at Rugenge colline
- Travel to Bujumbura

September 2nd

(with Mr. Elie Ndikumana of Dushirehamwe)

- Travel to Rugombo commune, Province of Cibitoke
- Interview with Administrator, Rugombo commune
- Focus group with 8 women in Munyika 1 colline, Rugombo commune
- Focus group with 10 men in Munyika 1 colline, Rugombo commune
- Individual interviews with 3 men and 3 women Munyika 1 colline, Rugombo commune
- Travel to Bujumbura

September 3rd, 5th and 6th

- Collation and analysis of research findings to draw preliminary conclusions and recommendations for feedback and discussion
- Preparation of powerpoint presentation

September 7th and 8th

- Participation in feedback and planning workshop with Trócaire-Burundi's 8 partners, facilitated by Mr Mark Cumming of Trócaire-Ireland
- Presentation of and discussion on preliminary findings from research on Day 1 of workshop

September 9th

- Travel to Ireland

Appendix IV

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