

## BURUNDI

The indigenous Batwa<sup>1</sup> of Burundi form part of the wider population of Batwa living in the Great Lakes region of Central Africa. While no census has been taken, and estimates in recent years have varied widely, it is currently estimated that between 80,000 – 100,000 Batwa live in Burundi,<sup>2</sup> representing approximately 1.25 percent of the total population. Having lost their ancestral forests decades ago due to clearing for agricultural uses, the majority of the Burundian Batwa are landless and their traditional hunter-gatherer lifestyle has long been eliminated. While the majority of Burundian Batwa are labourers, potters and beggars, some are now practising agriculture and animal husbandry.

Despite constitutional protections against servitude, an estimated 8,000 Batwa are still living in conditions of servitude under Hutu and Tutsi “masters”.<sup>3</sup>

Unique for the region, the 2005 Constitution provides for three Batwa representatives in both the National Assembly and the Senate.<sup>4</sup> There are currently three Batwa representatives in each house. The Honourable Liberate Nicayenzi, one of the Batwa Members of Parliament, is also the President of *Unissons-nous pour la Promotion des Batwa* (UNIPROBA), one of the principal Batwa NGOs in Burundi, based in Bujumbura.

### Main developments in 2006

The political situation continued to stabilize in 2006, particularly with the signing on 18 June 2006 of a provisional truce between the government and the rebel group *Forces nationales de libération* (FNL) and the subsequent ceasefire agreement in September 2006. Despite



delays in implementation, the truce and the ceasefire agreement have helped Burundi in its efforts to emerge from 13 years of civil war. Nonetheless, problems continued during the year, including reports of a possible intended coup and the subsequent arrest of several individuals, including former President Ndayizeye and former Vice-President Kadege, and reports of summary extrajudicial executions. The country's second vice-president, Alice Nzomukunda, resigned in 2006, accusing the government of human rights violations and corruption. ONUB, the UN peacekeeping mission in Burundi, completed its mandate on 31 December 2006. It was succeeded by the United Nations Integrated Office in Burundi (BINUB), established by Security Council

Resolution 1719 of 25 October 2006, the mandate of which includes supporting the peace process, providing assistance in the reform of the security sector, supporting the reintegration of displaced persons, and promoting and facilitating economic development.<sup>5</sup>

With 271 people per sq km, the second-highest population density in Africa, Burundi continued to face severe land pressure.<sup>6</sup> Land issues were a main concern for the Batwa organization UNIPROBA in 2006. The majority of Batwa ancestral lands that have not been consumed by agriculture have either been transformed into parks or forest reserves, and the vast majority of the Batwa are consequently either landless or with very small plots of land that cannot sustain their livelihoods. Land laws in Burundi latently discriminate against the Batwa as they base the protection of customary land rights on visible and material occupation of the land, ignoring the traditional hunter-gatherer lifestyle of the Batwa, which left little visible sign of their occupation on the land.<sup>7</sup> The land redistribution that occurred at independence failed to significantly benefit the Batwa. However, through the efforts of the Batwa MPs and provisions by some local authorities, some communities have acquired land and improved housing.

A new law was passed in May 2006 establishing a national land commission, *la Commission Nationale des Terres et Autres Biens*,<sup>8</sup> which has the daunting primary task of solving the land and property issues of all victims of war, including thousands of refugees and displaced persons from recent decades whose land was appropriated by others, thereby rendering them landless when they eventually returned home. It is hoped that this Land Commission will also address indigenous land issues and, in this respect, the law's provision that one seat out of 23 on the Commission be reserved for a Batwa representative is a positive step. A staff member of UNIPROBA was appointed in 2006 as the sole Batwa member of the Commission. The Commission undertook preliminary activities in 2006 and will actively commence its substantive work in 2007.

With the support of IWGIA, UNIPROBA carried out a survey in 2006 to document the land situation of the Batwa in six Provinces in Burundi.<sup>9</sup> The survey found that almost all the Batwa in the six provinces surveyed were either totally landless or had less than 1,000 m<sup>2</sup> of land for a whole household. Hopefully, the survey will serve as a use-

ful input to the work of the Land Commission in 2007, ensuring that sufficient land will be distributed to the Batwa people.

UNIPROBA continued its work to improve livelihoods, combat servitude and sensitize communities on health and education issues. In 2006, the organization conducted a field inquiry in the Cibitoke, Bururi, Gitega, Ngozi, Ruyigi and Bujumbura Rural provinces to determine the numbers of children attending school and their level of schooling. This found a total of 10,234 Batwa children in primary school, 450 in secondary and 7 in university, with 3 additional Batwa having recently completed their university studies. The study also found a growing recognition among Batwa parents of the need to send their children to school, although many still lack the necessary means to do so. UNIPROBA also launched a new legal and human rights programme in collaboration with the British NGO Forest Peoples' Project (FPP), in order to increase the knowledge and use of legal and human rights norms and mechanisms to claim and defend indigenous rights.

Key staff of UNIPROBA participated in a training session on the African regional human rights system organized by FPP in November 2006 and, with the support of IWGIA, the organization continued its active participation in the ordinary sessions of the African Commission on Human and Peoples' Rights. UNIPROBA was granted observer status at the African Commission at its 40<sup>th</sup> Ordinary Session in November 2006. □

## Notes and references

- 1 The Batwa are also known as the Twa.
- 2 According to information obtained from UNIPROBA.
- 3 African Commission on Human and Peoples' Rights Working Group of Experts on Indigenous Populations/Communities, *Rapport de la Mission d'information au Burundi du 27 Mars Au 9 Avril 2005*, p. 15.
- 4 Constitution of Burundi (2005), Articles 164 and 180.
- 5 United Nations Operation in Burundi website at <http://www.un.org/Depts/dpko/missions/onub/> (accessed 27 February 2007).

- 6 *BURUNDI: Huge challenges in solving land crisis*, UN Office for the Coordination of Humanitarian Affairs, Integrated Regional Information Network (IRIN), 23 November 2006.
- 7 See note 3 above, p. 12.
- 8 *Loi n°1/18 du 4 mai 2006 portant missions, composition, organisation et fonctionnement de la Commission Nationale des Terres et Autres Biens.*
- 9 The provinces surveyed were: Bujumbura Rural, Bururi, Cibitoke, Gitega, Ngozi and Ruyigi.