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BURUNDI ARCHIVES : POLICY AND LEGISLATIVE FRAMEWORK

by

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Burundi Archives are seen merely as old and irrelevant materials to destroy



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INTRODUCTION

Archives constitute the memory of nations and of societies, shape their identity, and are a cornerstone of the information society. By providing evidence of human actions and transactions, archives support administration and underlie the rights of individuals, organizations and states. By guaranteeing citizens' rights of access to official information and to knowledge of their history, archives are fundamental to democracy, accountability and good governance.

The purpose of this paper is to present the situation of Burundi archives, research findings on record keeping projects and the legal and policy framework regarding freedom of information, ICT and e-government initiatives and national plans, records management and archives issues in Burundi.

The Situation at Burundi Archives : Challenges

- The civil war that prevailed in Burundi, as is well known, at periods of time since independence in 1962, not only negatively impacted on human lives, but also affected the archival materials : some of the archives have been stolen while others have been burned. Retailers unconscious of the importance of the archives used them to wrap their items in markets. Furthermore, other archives were stored without care because of the lack of experience in terms of archival safeguards. The corollary to this is gradual disappearance if no well directed conservation policy is put into place.

- The illiteracy of the Burundi population is estimated at 85%. Even the few educated people are not interested in research.

- There is no clear policy to safeguard archival materials and other information tools.

Some of Judiciary Archives of the Supreme Court of Burundi











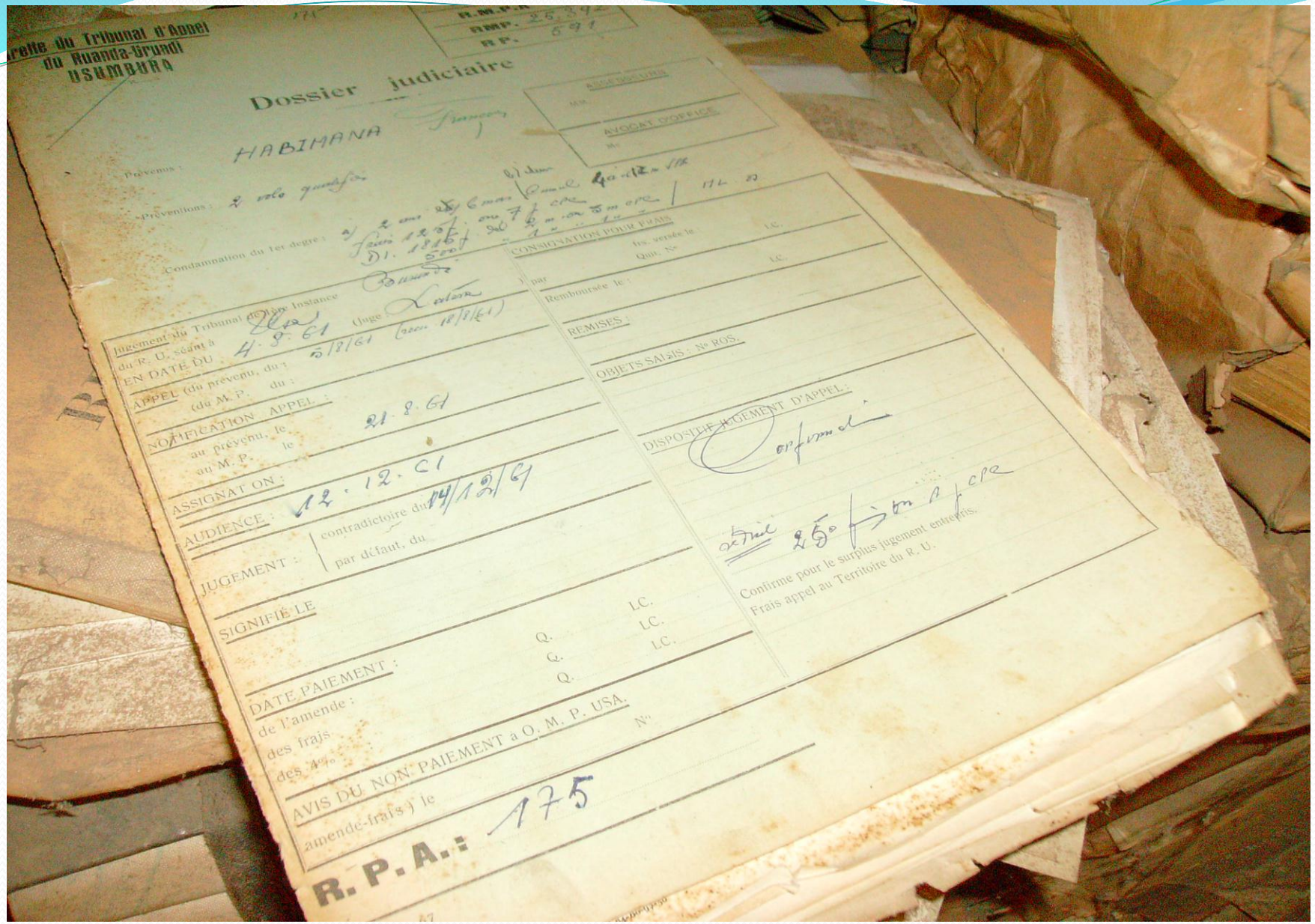
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Opportunities :
Recent research findings regarding current recordkeeping

- Both individual initiatives and NGOs are just starting or are facing challenges, and from better established record keeping programmes. The programmes are shaped around the theme « Record keeping for good governance, transitional justice ».

  Examples are multiple, such as :

- The recent research project entitled « Aligning Records Management with e-Government/ICT and Freedom of Information in East Africa » , a regional project sponsored by IDRC and conducted by the International Records Management Trust, UK, with our organization, Burundi Association of Librarians, Archivists and Documentalists.
- The project entitled « Sources and live memories of Burundi ». This project envisages collecting all sound archives and other information tools on horrendous crimes that ruined Burundi from 1959 to 2005. The project is endorsed by the Swiss Government and started in March 2010. The project is spearheaded by our organization, the Global Rights Burundian Office and another local organization called « Centre UBUNTU » mainly concerned with human rights defence and transitional justice issues.

- Endorsed by the Kingdom of Belgium through its federal department on international affairs, my organization and another local organization « Great Lakes Region Production » are drawing up a documentary project on human rights abuses in Burundi. The project plans to collect all archives (written and oral testimonies) on human rights violations that marked the Great Lakes Region since the 1960s to date.
- The Belgian Technical CTB- ooperation (Coopération Technique Belge) undertakes with the Burundi Ministry of Justice to collect and keeping all judiciary archives in different tribunals and courts, with the possibility of document scanning in the second phase.

Information Communication Technology Initiatives

Efforts in this area that should be underscored are:

- Expressed intention by the Government to instituting 'good governance' via transparent administration and the use of ICT.
- Legislation creating a National Committee tasked with the coordination and the follow up of ICT, and creation of an Executive Secretariat for ICT that is tasked with elaborating system development strategies as well as ratifying international conventions on the development of ICT.
- Initiatives by bilateral and multilateral partnerships to support state and parastatal institutions, taking into account the simple presence of the Government of Burundi website that has already taken steps towards instituting e-government functionality. The implementation of the Government website constituted one of the first initiatives of the United Nations Programme for Development in promoting ICT in the southern countries.

- The computerization of payroll processing in the Ministry of Public Function and the Finance Ministry.

- The connection to the internet via the fibre optic cable as of next year is a laudable initiative in the promotion of ICT in Burundi.

Legal and Policy Framework

- ***Records Management***

  Decree n°100/49 of 17 March 1979 concerning the creation of legal deposits of archives of the Republic of Burundi

  In terms of archives and records management there is no significant legislation, decree or ordinance. Nevertheless, if consistently applied, this sole existing decree, though it has many lacunas in many areas,, stipulates that all archives produced by both public and private entities should be deposited at the National Archives. It also indicates that current and partially current records should remain in the service providers' archives (provincial depots).

- Unfortunately, its implementation has been delayed due to the unwillingness of public authorities to enforce the application of laws and regulations.
- This archival law is obsolete in that it is silent on matters related to the management and preservation of special media and new technology such as: magnetic tapes, videos, CD-ROM, floppy discs, flash drives etc. Nor does the law address any of the outstanding data archiving issues brought about by the implementation and use of information communication technology.

- Finally the law is deemed confused because the title creates confusion: 'Decree n°100/49 of 14/03/1979 concerning the creation of legal deposits of archives of the Republic of Burundi.' We cannot distinguish exactly whether this decree concerns archives or libraries.

- However, we can credit many laudable efforts to promote archives and information communication technologies which emanated out of bilateral and multilateral partnership with organisations such as the East African Community, the Belgian Technical CTB-Cooperation and international organisations such as the United Nations Office in Burundi and the World Bank via project PAGE.

ICT and e-Government

- E-Government, has become popular since the advent of information communication technologies and seems to be appreciated by African countries, including Burundi. It consists of the adoption of new ICTs by public collectives in their reporting with citizens, collaborators and partners in public services.

- *Ministerial Ordinance n°580/391/2000 of 31 May 2000 concerning the creation and organisation of a national committee tasked with the coordination and follow up on new information communication technologies ;*

- The Ministry of Transport, Mail and Telecommunication is responsible for ICT in Burundi, under *Decree n°100/286 of 12 October 2007 concerning the re-organisation of the Ministry of Transport, Mail, and Telecommunication.*

- *Ministerial Ordinance n°580/392/2000 of 31 May 2000 concerning the nomination of committee members tasked with the coordination and follow up on new information communication technologies ;*

- *Decree n°100/287 of 15 October 2007 concerning the creation, composition, mandate and operations of the National Commission for the Information Society ;*

- *Decree n°100/288 of 16 October 2007 concerning the creation, organisation, mandate and operation of the Executive Secretariat of Information and Communication Technology.*

In Government administration, although there has been a marked will for ICT implementation, this has not translated into concrete actions.

Currently there is no special budget allocated to the development of ICT in public administration such as in the central services. Moreover public administration is suffering from a deplorable lack of computers and hardware to facilitate the management of day-to-day office duties. This is accompanied by a lack of qualified IT personnel to manage and implement appropriate services.

The various legislation and laws, cited above, do not clearly delineate the Government's responsibilities and implementation strategies to develop ICT and e-Government

Freedom of Information

- There is no Freedom of Information legislation in Burundi.
- However, particular kinds of government records are accessible by the public.
- Regarding access and freedom of information, there are significant advances being made in Burundi today. At the National Archives, there is free access. Freedom of expression and the press are a reality in Burundi. Newspaper publishers and radio stations are free to express themselves and have access to sources, with the exception of matters that could endanger the lives of citizens, compromise national security or incite hate in the population

However, in terms of access and freedom of information there are also weaknesses and gaps.

We would underscore problems related to the management of records that block access to potential sources of information. Also, the impossibility of accessing certain sources of very sensitive information, and formal bans on broadcasting or publishing information that does not conform to the ideologies of ruling party.

- Today, we must admit that almost the entire public sector uses archaic information management methods. The lack of computers and other hardware and software in most administrative services mean that few public servants know how to use a computer, which demonstrates how ICT are far from becoming mainstream within Government. ICT and e-Government implementation initiatives are still in their initial phases.

- In Burundi, laws have been enacted but are far from being enforced and implemented. For example, since the passing of the decree concerning the legal deposit of records into the Archives (1979), there has not been a single transfer of records. Since the creation of the National Committee tasked with the coordination and follow up of ICT in 2000, there has not been a noticeable or significant advance in this area. Presently, in the areas of archives, ICT and e-Government do not receive much attention from the Government or senior civil servants.

Conclusion

- Burundi archives are underutilized as information sources.

  Amongst the greatest challenges facing records and archives management in Burundi, we would highlight the following:

- Gaps and lacunae in the archives legislation, such as lack of recognition of archives by governments, obsolete legislation, lack of professional training, inadequate service, and inadequate or non-existent access tools.

- Records management remains an intellectual exercise which concerns few senior civil servants. Actually, the National Archives is governed by a simple decree which is not enforced. We require a new law.

- Since the creation of the National Archives, the political instability in our country has affected the archival infrastructure. The National Archives is treated like a ball that supervisory ministries exchange every time there is a politico-administrative change in the country.

- The lack of coherent infrastructure and insufficient preservation of archival records often causes problems, not forgetting the problem of finding qualified records management staff. At this time, Burundi National Archives has only one Professional Archivist and four non-professionals.

- Other factors are lack of appropriate hardware and software and user-friendly systems, lack of knowledge for using information technology, costs, and the vulnerability of digital information.

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Thank you

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