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BURUNDI ARCHIVES: POLICY AND LEGISLATIVE FRAMEWORK

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Abstract
The paper discusses the situation at Burundi Archives in modern society, its role, development and future. It provides an overview of the current socio-political and economic environment after four decades of civil war that prevailed in Burundi, as is well known, at periods from independence in 1962 to the present.

Recent research findings regarding current record keeping initiatives in the public and private sector in Burundi and their effect on service delivery are presented. Included is the recent project initiated by the International Records Management Trust through its East Africa regional research project conducted by archivists and records managers on "Aligning records management with e-Government/Information Communication Technology and freedom of information in East Africa".

The key characteristics of economic advancement in Africa are transparency, responsibility, accountability, participation of all the people, both men and women, and responsiveness to the peoples' needs. The general intention behind this paper is to present the legal and policy framework regarding freedom of information, ICT and e-Government initiatives and national plans, records management and archives issues. Nowadays, development is to a large extent achieved through the documentation of decision processes and actions, and by making the resulting documentation accessible to the citizens. This presentation will provide an opportunity to describe key government bodies, their mandate, structure, staffing, training and role in preserving the memory of society, through, for example, the creation, management and dissemination of trustworthy records, which will further be referred to as record-keeping.

The paper concludes by positing that Burundi archives are underutilized as information sources. This is partly due to professional problems like lack of recognition of archives by governments, obsolete legislation, lack of professional training and advocacy, inadequate service, and inadequate or non-existent access tools. Another factor is lack of appropriate hardware and software and user-friendly systems, lack of knowledge using information technology, costs, and the vulnerability of digital information. Finally, the paper will discuss the challenge of record-keeping and some of opportunities in the digital society.



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 of 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 archival materials: some 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, others were stored without care because of the lack of experience in safeguarding archives. The corollary to this is gradual disappearance if no well-directed conservation policy is put in place.
- The illiteracy of the Burundi population is estimated at 85%. Not even the few educated people are interested in research.
- There is no clear policy to safeguard archival materials and other information tools.

Opportunities: recent research findings regarding current record-keeping

- Both individual initiatives and NGOs are just beginning or are facing challenges also from better established record-keeping programmes. The programmes are structured around the theme "Record-keeping for good governance, transitional justice".
- The 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 the 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 the 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-Cooperation (Coopération Technique Belge) is undertaking, with the Burundi Ministry of Justice, to collect and preserve all judiciary archives from different tribunals and courts, with possible document scanning as the second step.

Information Communication Technology (ICT) initiatives

Efforts in this area that should be underscored are:

- the expressed intention of the Government to institute "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, 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 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; and
- the connection to the Internet via 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, even 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 and similar devices. Nor does the law address any of the outstanding data-archiving issues raised by the implementation and usage 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 from bilateral and multilateral partnerships 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 those matters that could endanger the lives of citizens, compromise national security or incite hate in the population.

There are however also weaknesses and gaps in access and freedom of information. We would underscore problems, related to the management of records, that block access to potential sources of information; these problems also include 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 the ruling party.

- We must admit that at present almost the entire public sector uses archaic information management methods. The lack of computers and other hardware and software in most administrative services means that few public servants know how to use a computer; this demonstrates how far ICT is 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 sphere 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 include lack of recognition of archives by Government, 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. The National Archives is governed by a simple decree which is not enforced. A new law is required.
- Since the creation of the National Archives, the political instability in the 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 the inadequate preservation of archival records often cause problems, in addition to the problem of finding qualified records management staff. Burundi National Archives is staffed by only one Professional Archivist and four non-professionals.
- Other factors impacting on the situation are the lack of appropriate hardware, software and user-friendly systems; a lack of knowledge in using information technology; costs; and the vulnerability of digital information.

Sources

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