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***Ubushingantahe* as a Base for Political Transformation in Burundi**

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I. Introduction

The idea of rehabilitating the virtues of *Ubushingantahe* and the “*bashingantahe* council,” or the group of people who embody those virtues on the community level, is not a new one in Burundi. In 1991, when the government of Burundi organized discussions on democratisation throughout the country, many people brought up the concept of *Ubushingantahe* and suggested that any reputable polity must be based on persons who had these virtues. This paper will focus on the ways that *bashingantahe* councils can enhance human security, peaceful coexistence, and stability. The project of revisiting the usefulness of *Ubushingantahe* responds to current political crisis in Burundi as well as to the social and political upheavals in that country caused by its many cycles of violence.

In the understanding of a Burundian, whether Hutu or Tutsi, *Ubushingantahe* describes a set of personal virtues, including a sense of equity and justice, a concern for truth, a righteous self-esteem, a hard-working character – all of which could perhaps be summed up in the word “integrity.” A person who has these qualities is *Umushingantahe*.¹ If in addition, that person is willing to assume public responsibilities and is willing to pass through the required training, monitoring, and acceptance by the community, he then can join the *bashingantahe* council. Traditionally, such a council had three levels of power: moral, social, and political. On the moral level, the *abashingantahe* served as models of these traditional values and pass them on to the next generation. On the social level, they played key roles in dispute resolution, being the people to whom others bring complaints, and who stand for order and peace within the community. On the political level, they acted as representatives of the local community and also, through a system of messengers, advised the King on important matters, for example in the declaration of war.

After a joint Burundi-UNESCO study in 1999,² the Burundian authorities attempted to bring back this institution. However, instead of pursuing the traditional local process by which the *abashingantahe* went through a process of training and monitoring that eventuates in community acceptance, the individuals in the new national council of *bashingantahe* were appointed by presidential decree. The *bashingantahe* so designated were thus far less accountable to the community than to the authority who appointed them.

II. History of the conflict

“Congo, Rwanda, Burundi, Lumumba, Rudahirwa, Rwagasore...The independence in the three countries has been marked by the brutal disappearance of the leader who embodies the nationalist demand and wants to realize the unity beyond the ethnic cleavages. It is not a simple coincidence and the weight of this disappearance will border a long time the ancient Belgian colonies.”³

¹ The word *abashingantahe* is the plural of *umushingantahe*, and means more than one person of integrity. See Glossary for definitions.

² J. Bigirumwami in P.Ntahombaye & al. , *L'institution des Bashingantahe au Burundi* (Bujumbura, np, 1999).

³ C.Braeckman, *Terreur africaine*, Fayard, 1994, p. 135.

The current conflict in Burundi began in the 1960s. However, the end of the cold war, the era of human rights, and the following reforms accelerated the move toward the explosion of violence to a degree that was never reached before.

Burundi had never encountered an ethnic conflict until 1965. The nation was a monarchy led by a respected king (King Mwambutsa Bangiricenge, 1915-1966) who governed along with the *abashingatahe*. The people were called Burundi from the four “categories” (*ubwoko*): Bahutu, Batutsi, Batwa and Baganwa.⁴ “Ba” forms the plural in Kirundi, the language of Burundi. The Bahutu are what English-speakers call the Hutu, and the Batutsi the Tutsi. The Batwa, or Twa, are a group not located in a particular area but identified by their lifestyle, living in the forests. English-speakers often call this group the Pygmies. The Baganwa are the descendants of the kings who ruled over Burundi before the colonial era, and are identified with none of the three other groups. The absence of ethnic conflict before independence may well have been due to the existence of *bashingantahe* councils throughout the area that mixed three of the four groups (with the exception, as we will see, of the Batwa).⁵

a. Ethnicity and the region.

The Uprona party, whose platform advocated immediate independence, won the September 1961 elections and defeated the Common Front of political parties supported by the colonial authority. The leader of that party, Prince Louis Rwagasore, was then appointed Prime Minister of the transitional government. On October 13, 1961 Prince Louis Rwagasore, the independence leader and founder of the Uprona party, was assassinated. Independence was proclaimed on July 1, 1962 and Burundi became a constitutional monarchy. The Hutu and Tutsi members of Uprona engaged in an internal struggle for leadership of the party and for the position of Prime Minister. It was in the context of that competition between Hutu and Tutsi elite that a later Hutu Prime Minister, Pierre Ngendandumwe, was also assassinated on January 15, 1965. This struggle continued and produced significant institutional instability, leading King Mwambutsa Bangiricenge to nominate as Prime minister Leopold Biha, one of his relatives, in September 1965. This appointment resulted in a Hutu military coup against King Mwambutsa on October 18 of that year.

In the face of this menace, King Mwambusa Bangiricenge, who was neither a Hutu nor a Tutsi but a Ganwa, went into exile in Europe, where he died in 1981. The Prime Minister, mortally wounded by the mutinies, was urgently evacuated, leaving behind a political vacuum. This 1965 attempt by Hutu to seize power was accompanied by the massacre of the Tutsi population in the province of Muramvya, which was considered a fief of the monarchy. Many Hutu were killed and others fled to the neighbouring countries of Rwanda and Tanzania. The youngest son of the king, Prince Charles Ndizeye, replaced his father and became King Ntare V of Burundi in July 8, 1966. Capitain Micombero, then Prime Minister, deposed King Ntare three months later. This

⁴ Histoire du Burundi: des origines jusqu'a la fin du 19 eme siècle, Hâtier, page 96.

⁵ Accord d'Arusha pour la Paix et la Réconciliation au Burundi, page 15.

move instituted the Republic of Burundi November 28, 1966. Uprona became the only legal political party in the country.

Another attempted coup took place in April 1972. This coup was attributed to Hutu elements from Tanzania and supported by Congolese *mulelistes* (a group opposed to the government located across the border in the eastern part of Congo). As in 1965, this coup was also accompanied by a massacre of Tutsi civilians in the province of Bururi. Following this coup the army killed many Hutu and again many Hutu went into exile.

In 1985, a United Nations report categorized the massacres of 1965 and 1972 as genocide of the Hutu population by the Tutsi.⁶ However, no action followed to establish responsibility or punish the authors of the many atrocities committed against the civilian population following the two events. This neglect gave rise to great distrust and fear among Burundians. During the electoral campaign of 1993 (and more broadly since the late 1980s) the political parties were quick to exploit this distrust and fear.

August 1988, the Palipehutu, a political movement created by exiled Hutu to oppose the Bujumbura regime, attacked the Northern part of Burundi at the border of Rwanda and killed Tutsi in the areas of Ntega and Marangara. Many Hutu perished in the reprisals and many more went in exile. However, the repatriation took place very quickly. The international community was pressing president Pierre Buyoya to reform, open the administration to Hutu, and democratise. The pressure from the west from the 1980s onward toward democracy and human rights, combined with Hutu agitation, is bound to provoke further upheavals.

Within this larger region, Burundi had been the “good pupil” of democratisation. The democratisation process created the elections in June 1993 and the subsequent “democratically” elected institutions. Yet after only three months the entire edifice crumbled. Mechor Ndadaye, a Hutu civilian of the major political party (Frodebu) who defeated major Pierre Buyoya (president from 1987 to July 1993) in the 1993 election, was assassinated in a military coup on October 21, 1993. In response to the coup and the assassination of the Hutu president, the Hutu population massacred their Tutsi neighbours throughout the country.

The first step to resolve the conflict, which placed in opposition the 1993 election winners, the army and the electoral opposition, was held in Bujumbura from November 1993 to January 1994. The talks resulted in a consensus to replace the assassinated president with Cyprien Ntaryamira, another Hutu from the Frodebu party. Sworn on February 5, 1994, he was killed April 6, 1994 in the same airplane crash that caused the death of Rwandan president Juvenal Habyarimana.

The negotiations continued to try to select a third president as well as settling all the other issues of power sharing (with the aim of producing about 60 percent of the government positions and governmental benefits to the Hutus and 40 percent for the Tutsis). The negotiators proposed a *gouvernement de convention* or “Convening Government,” which would act according to the power-sharing formulas and end the violence. Sylvester Ntibantunganya, a Hutu of the same Frodebu became president, again by consensus.

⁶ Whitaker Report, 1985 p 12.

A Hutu leader, Leonard Nyangoma, a member of the Frodebu and former minister of Home affairs and security, rejected this power sharing agreement and the Convening Government. He declared a civil war in October 1994. He created a movement, the National Council for the Defence of Democracy (CNDD), which became the major armed group with its armed wing, the Force for the Defence of Democracy (FDD).

From October 1994, the violence increased because of both the civil war and the mistrust among leaders at the top. President Ntibantunganya was accused of supporting the CNDD/FDD. Officials of the Tutsi opposition were accused, correctly, of supporting Tutsi militias involved in violent activities, particularly in the capital city where they launched *ville-morte* (or “dead city”) operations. The Forces for Defence of Democracy, along with the FNL–Palipehutu and other Hutu movements created in the mid 1980s, launched attacks in villages and throughout the country, thus challenging the government to control the country’s security.

These parties ended up denouncing the convention and Tutsi threatened to withdraw from all the institutions. July 1996, an attack on the IDP’s camp of Bugendana in the central part of Burundi killed more than 300 Tutsi. That attack brought about a change in the political order settled by the Convening Government. Confronted with the anger of the victims’ parents, President Ntibantunganya was obliged to resign and hid in the American embassy. July 25, 1996 the army launched a military coup and brought back major Pierre Buyoya to power.

Many hundreds of thousands of people – indeed, a majority of the civilians – perished in this violence. The figures are usually underestimated, but the media state that there have been more than 300.000 victims from 1993 to the present. In addition, almost ten percent of the populations were displaced to the interior of the country (becoming “internally displaced people,” or IDPs), and hundreds of thousands more went into exile, primarily in Tanzania. The extraordinary scale of the violence after the coup d’état of October 1993 explains the depth of the ensuing institutional, social and economic crisis, which encouraged most western donors to suspend their assistance to Burundi’s economy.

Prior to the political reforms of the 1990s, Burundi was a single party system, under military rule from 1966 to 1993. During this period, the president of the republic was also the president of the party. All the three presidents who ruled over Burundi (Captain Michel Micombero from 1966 to 1977, Colonel Jean Baptiste Bagaza from 1977 to 1987 and Major Pierre Buyoya from 1987 to 1993 and 1996 to 2003) are from the southern province of Bururi and members of one Tutsi clan. They are military officers who came into power through military coups.

With the revolution, the republican governance did not improve the human rights dimension in the politics of the country. But the violence that caused the loss of many lives in Burundi before the end of the cold war did not draw much attention from the international community.

Since the mid 1980s international organisations -- namely the World Bank and the International Monetary Fund (IMF) – have imposed economic reforms on Burundi. The Structural Adjustment Program introduced economic reforms that pressed the government to downsize its public

investments. The privatisation of public enterprises in the fields of transport, industries, and banks changed many people's lives, as many workers lost their jobs. Because of the corruption of the public administration, the social dimension of the new economic policy did not follow. This corruption interfered with the dynamic that pushed for reforms. At the end of the 1980s, social conditions had deteriorated while financial assistance was subject to conditional ties. At the French-African summit of Chaillot (November 1991) for example, the Canadian delegation affirmed that its government would give aid only if the country repatriated the refugees and engaged in political reforms.

The pressure from both the outside and the inside precipitated the democratisation process, which brought in democratic institutions without any transition. The 1992 Unity Charter and other legal measures taken as protections against potential ethnic violence did not work.

The ethnic divisions that arose in the 1960s increased and "regionalism" became an important component of politics. The regime was dominated by a Tutsi clan (Bahima) from the southern part of Burundi. In the pre-colonial era, there had been a tradition in which at the swearing-in ceremony of each new Burundian king, a young man from the Hima clan of the Tutsi was sacrificed. When the monarchy ended and the Republic was instituted, a Hima man became president, and that clan continues, through coups d'états, to hold the presidency to the present day. Once they became powerful in this way, the Hima leaders took revenge on the Baganwa by killing some and excluding others from governance.⁷ The resentment of the Hima also led to the assassination of the last King, Ntare V, in the wake of the 1972 mass killing.⁸

The Tutsi took the assassination of Prince Rwagasore as a motive to persecute the Baganwa, especially the Batware clan in the north of Burundi. Their houses were burned and many of them went into exile. This persecution was extended to Tutsi believed to be supportive to the monarchy in the province of Muramvya. In 1971, intellectuals of this area were accused of plotting against President Michel Micombero and were sentenced to death despite the fact that the prosecution had discharged them in the absence of proof of guilt.⁹

During the democratisation process, president Pierre Buyoya banned political parties that promoted a monarchical system,¹⁰ arguing that such parties could not be authorised in a republican regime.¹¹ During the whole peace process, the Baganwa had claimed in vain the right to be represented in the Arusha government. Finally, it was conceded that a peaceful movement favouring the monarchy had the right to operate and organize political activities within the country.¹² The Batwa group, whose status had never changed since colonial times, was also not represented in Arusha, where parties to the conflict gathered as Hutu (called "G7" because they combined seven political parties, including the Frodebu party and its "satellites")

⁷ J.Gahama, Le Burundi a la recherche de la démocratie: un regard retrospectif sur ses institutions politiques et administratives 1962/1996 www.francophonie.org.)

⁸ R. Lemarchand, The Burundi Genocide, university of Florida.

⁹ M.Manirakiza, Burundi 1966-1977: De la révolution au régionalisme, le Mat de Misaine, 1992.

See also B.Kiraranganya, La verite sur le Burundi, Edition Naan, Sherbrook, Canada, 1985.

¹⁰ Article 39 of the 1992 Constitution.

¹¹ F.Banciyeko & A, Nindorera, Renouveau, 1991.

¹² Arusha Accord for Peace and Reconciliation in Burundi, Arusha 2000.

and Tutsi (called “G10” because they combined ten groups, namely eight political parties including the UPRONA plus the government and national assembly). However, after the Arusha Agreement for Peace and Reconciliation in Burundi the Batwa were granted two seats in the Senate and the Parliament.

Since the 1990s and during the power-sharing negotiation one could see the regional tendency throughout the nominations at the top level of powerful institutions. President Ndandaye (July 1993 –October 1993) from the Frodebu was a Hutu native of the central province of Muramvya. His successor Cyprien Ntaryamira (February –April 1994) was also a Hutu, native of rural Bujumbura, while Sylvestre Ntibantunganya (1994-1996) (again a Hutu) was born in Gitega province. Allocating power to individuals from these different provinces indicates an opening of power to other groups than the Tutsi, especially away from the Hima clan from the south, who had traditionally held power and continued to hold control of the army. Both Ntaryamira and Ntibantunganya were members of the major political party, Frodebu, which is predominantly Hutu. All these nominations denoted a shift of power away from the Tutsi of the south. This shift of power away from the Tutsi was also observed at the level of the position of Prime Minister and the speaker of the National assembly. Meanwhile, some Hutu also undertook an armed struggle for political change and reform of the army. As the armed group did not participate in the Arusha talks, the civil violence continued. Within the army, which holds the real power, Tutsi outside of the south (where the Hima clan is located) voiced their disagreement with Hima dominance, thus increasing the pressure to include in the army natives of the other regions. However, because of the war situation, this voice has been tempered. The strength of the political movement led by Colonel Epitace Bayaganakandi from the central part of Burundi, Muramvya (divided today into two provinces, Muramvya and Mwaro) shows that regionalism (that is, opposition to the dominance of the south and the Hima clan) is still strong in politics. Before Bayaganakandi created his own political party, six out of the ten Tutsi parties that had been called the “G10” in the Arusha talks supported him as a challenger to Major Pierre Buyoya for the leadership of the transition.¹³

b. Impunity.

Power in Burundi has always been confused with ethnicity, a confusion that has provoked much violence. After the 1965 and 1972 mass killings, the army became mostly Tutsi when the repression of the coup d’etat and the mass killings purged all the Hutu within the institution. Therefore the army has been perceived as mono-ethnic institution, a threat to the Hutu. In the same manner, the State and the administration do not distance themselves from the ethnicity of the winning party. The State has failed to serve its different citizens or to ensure continuity in governance because ethnicity has been a mobilizing tool for ambitious politicians who want to dominate. The civil servants also cannot transcend their political orientation and their ethnicity.¹³ The institutionalisation of the ethnic quotas settled in Arusha appears, in this context, as a call for the repetition of the same history and the same horrible events.

¹³ A.Ould Abdallah, *La diplomatie pyromane*, Calmany-Levy, 1996.

Yet the signatories of the Arusha accord, who decided to institute the ethnic quotas, recognized that the Burundi conflict is part of a political situation that has some ethnic manifestations. Instead of solving problems, the ethnic quotas and their reification of ethnic identity have already had a catastrophic impact in the case of the Rwandan genocide and the mass killing in Burundi. Today the physical stereotypes related to the ethnic identity are bound to bring risks to whomever resembles either Hutus or Tutsis.¹⁴

As we have seen, the 1965 and 1972 Hutu massacres have been categorized as “Hutu genocide by the Tutsi population.”¹³ This categorization implies that all Tutsi are responsible for those crimes. In the same manner, all Hutu are perceived as potential enemies for Tutsi. This kind of emphasis on ethnicity condemns future generations to fear and mistrust, which have always led to confrontation and violence.

The impunity regarding the ethnic crimes committed up to now and the collective ethnic responsibility hides the perpetrators and condemns Burundians to live with very strong feelings that provoke hate among innocent people and condemn them to the repetition of the violence. Rama Mani has illustrated this risk in her recent research:

There may be a legitimate fear that treating an entire society, as one of perpetrators will do exactly what current attempts at certificatory justice try to avoid, creates_ collective guilt instead of individualizing criminal accountability for violations. Collective guilt is unhelpful as it leads to perpetuating stereotypes of perpetrators and victims, holding all Hutus, rather than identified individuals, guilty of genocide and considering all Tutsi to be victims is counterproductive and recharges cycle of revenge and violence.¹⁵

After the 1988 attack and mass killing, President Pierre Buyoya declared an amnesty for all the crimes committed from August 15 to 18. Thus, the soldiers who killed innocent Hutu and the Hutus who killed Tutsi were covered by the amnesty. That measure removed the legal consequences of the acts. Reconciliation was the aim of the measure, which was taken in the aftermath of the democratisation. It is not clear if this measure encouraged the repetition of mass killing after the 1993 coup d’etat. But in the areas of Ntega and Marangara, Hutu have responded to the coups d’etat and the assassination of President Ndadaye by killing Tutsi peasants, just as has happened elsewhere in rural areas.

The hardliners of the Uprona party and other anti-genocide organizations, as well as Human Rights Watch and Amnesty International, have opposed the Arusha peace talks with its institution of amnesty on the grounds that this negotiated solution and amnesty would not produce justice and would maintain impunity for the criminals. Until the end of February 2003, a Hutu faction of the FNL – the armed wing of the Palipehutu -- was not at the table. Nor did that faction sign a cease-fire with president Buyoya. This group also argued against amnesty for

¹⁴ Foreigners who resembled Hutu were also killed in 1972, as were Rwandans in the violent events from 1994 to 1995, when the CNDD/FDD killed Tutsi selectively.

¹⁵ Rama Mani, *Beyond Retribution; Seeking Justice in the Shadows of War*, Blackwell Publisher Inc., 2002, p 122.

the crimes committed against Hutu populations in 1965 and 1972. Although the signatories of the Arusha accord instituted a national commission for truth and reconciliation, many Burundians believe that the reconciliation will take a long time while many criminals will stay unpunished.¹⁶

c. Regional influence on the conflict.

Starting in the mid 1960s, Burundi has been attacked from its neighbours, Tanzania and Rwanda. In addition to the 1972 Hutu attack in the south and in the capital city, which was launched from Tanzania, Hutu refugees have humiliated the Burundian president Jean Baptist Bagaza in 1979 while he was attending a French-African summit in Kigali. The Rwandan government that was Hutu since 1959 up to 1994 has received many Hutu refugees who fled the repetitive violence from 1965 to 1993. The 1988 attack on Ntega and Marangara was launched from Rwanda. During the preparation of the Rwandan genocide, some of those who committed 1983 “acts of genocide” received military training from the Rwandan presidential guard. The Burundi government did not protest against this until some of the presidential guard took part in the genocide before they fled to the Democratic Republic of Congo along with the Interahamwe (the Rwandan militia) and the ex-FAR (Rwandan Armed Forces).¹⁷ The Interahamwe and the ex-FAR were estimated at 20.000 soldiers and 50.000 Interahamwe in North Kivu and 14.000 to 35,000 in South Kivu.¹⁸

Radio Mille Colline, a Rwandan “private” radio station funded in part by the Rwandan government (the same station that called for the Rwandan genocide in 1994) exploited the 1993 coup d’etat¹⁹ and put on air three ministers, two from the Frodebu party and one from the People’s Party (PP). Tutsi accused those ministers with having incited Hutu to kill Tutsi by using a code language called “Code Juin.” However those accusations were refuted. Another radio station called Radio Democracy-Rutomorangingo broadcast from Bukavu spreading hate speech against Tutsi. The Kinshasa regime in the Democratic Republic of Congo has supported the FDD and the FNL. This support has allowed the Burundi government in Bujumbura to justify its involvement in the war in the Democratic Republic of the Congo (DRC).

Burundi has also sheltered Tutsi refugees from Rwanda from 1959 until 1995. For both Burundi and Rwanda, the refugee question has always been a threat to their security. They have had a hypocritical relationship. Under the regime of Jean Baptist Bagaza in Burundi, some Rwandese had a hard time. Their cultural activities, which allowed the huge community to gather, were banned following a Kigali protest. These cultural activities were perceived as opportunities to raise money to support the RPF (Rwandan Patriotic Front)

As for Tanzania, in 1989 the Frolina, one of the armed Hutu groups that signed the Arusha accord, attacked the south of Burundi. The attack had military targets. In 1991, many Hutu from the Tanzanian refugee camps infiltrated Burundi and dispersed into many areas of the country.

¹⁶ E. Nindorera, “Le Long chemin de la Réconciliation au Burundi,” juin 2002, Bujumbura

¹⁷ Human Rights Watch report, 1999

¹⁸ N.Mayndika Ngimbi, *Désire de Vérité*, Edition Havaux, 1997 p 195-213.

¹⁹ Human Rights Watch report, 1999

From November 23 to 26, these Hutu returning from Tanzania launched a guerrilla war in the Burundian capital city of Bujumbura.

The Cairo and Tunis summits on Burundi, which took place in February and March 1995, appointed a former president of Tanzania as a facilitator in the Burundi conflict. However, the refugee and the military activities in the Tanzanian camps tarnished the relationship between his country and Burundi. The location of the camps was sometimes at less than 30 kilometres from the Burundi border. According to the Burundian government in Bujumbura, those camps were sanctuaries from which the FDD and the FNL attacked and recruited. After skirmishes between the Tanzanian and Burundian army, the two countries accused each other of violations of the territory. The ONU decided in 1994 to send a commission to investigate the allegations but the Tanzanian government refused. In addition to that, Tanzania had allowed the installation of the CNDD leaders in the Burundian embassy in Dar Es Salaam but had never publicly admitted giving any support to Hutu. Because of this situation regarding the military training and recruitments in the refugee camps, the Tutsi perceived Tanzania as “hostile soil” before the peace talks started. The former Tanzanian president, Mwalimu Julius Nyerere, had been seen as partial toward the Hutu. However, Nyerere died in October 1999 before the signing of the Arusha accord and Nelson Mandela took over the leadership of the facilitation team.

Rwanda, Tanzania and the Democratic Republic of Congo (DRC; ex-Zaire) have played a role in the current crisis. Burundi’s security is still dependent on the regional stability. The continuing violence in the DRC sends Congolese refugees in Burundi. In early January of 2003, those refugees numbered more than 20,000.

d. A military rule.

Burundi state is classified as an under-developed state. From the 1960s until 1993 it resembled “*Un etat mou*” [“failed state”].²⁰ From 1993 to the present, it has failed to protect its citizens and ensure the delivery of basic services. A permanent instability characterizes its institutions and the military coup has been instituted as a frequent mode of access to power. With the crisis, the elite have adopted the processes of dialogue to consensus and power sharing. Nevertheless the mistrust and permanent insecurity have twice led to the violation of power-sharing agreements. Because of that instability, violence, and disrespect for human rights, the government has changed four times from 1961 to 1965 and the assassinations of political leaders have never been elucidated. From 1966 to 1997, except for the short periods in which Hutu civilians led the country, three military officers and relatives from the Him clan and the same province of Bururi have ruled over the country. From 1965 until 1993, the army was dominantly Tutsi but 60% were from Bururi.²¹ Before 1992, there were almost no independent media except a monthly that belongs to the Catholic Church. That newspaper was closed before the fall of the Jean Baptist Bagaza’s regime.

The 1966 revolution produced a military dynasty. Since the republic was instituted, Uprona was the only legal party, not easy to distinguish from the State, because the head of State was also the

²⁰ M. Lininger Goumaz, *La démocratie*, edition Harmattan, 1992, p 43-46.

²¹ UN reports on the 1993 military coup and the assassination of President Ndayishimiye S/1996/682.

leader of the party. Under Bagaza's regime, cabinet ministers were also members of the parliament and sometimes members of the central committee of the party.

The rural population that represents 90 of the whole population of Burundi gets its livelihood from agriculture. Even if the Hutu are dominant, they are not the only victims of the bad governance. Eliminating the Hutu elite in 1965 and 1972 certainly gave the rest of the Hutu traumas and kept them at the lowest social level. But the violence has also affected Tutsi through the 1971 trail. As we have seen, Tutsi elite from the Muramvya were accused of plots against president Micombero and sentenced to death even though the prosecutor had discharged them in the absence of any evidence.²² The conflict, which had opposed the Church and the State during the Bagaza's regime, had also suppressed the right to the freedom of worship. The victims were from both sides, as the Catholics represent 60 percent of the population. In the mid 1980s, Bagaza's regime was considered a dictatorship, in which people had no freedom, even religious freedom. The government privatised seminaries and the Catholic school Yagamukama, kicked out many of the Catholic priests, banned the mass on weekdays, and closed many churches. The conflict raised indignation at the international level and had some effect in bringing the Bagaza regime to an end in 1987.

The lack of a genuine balance in power relations, the modification of the rules in the interest of the ruling group, and the violation of the existing law by those in power produced many injustices. The government controlled the conditions of production and export of the main sources of foreign currency – coffee, tea and cotton. The peasants worked hard to increase the quality and the quantity of these products, but never received proper remuneration.

The Burundi currency has lost its value over the years. From 1992 to the present depreciation has past 150%. Meanwhile, the development projects are concentrated only in certain areas, especially the capital city and the southern third of the country (where the Hima clan predominates). The northern third (where the majority of the population lives, receives less than a quarter of the investment.

The structural adjustment program imposed from abroad also contributed to lowering the people's living conditions. Its social dimension would have allowed the compensation of civil servants who lost their jobs because of the economic reforms undertaken by the Third Republic (1987-1993). But no social provision followed the privatisation and the downsizing of the public industries. The creation of the *zone franche* (tax-free zone) in the 1990s aimed to increase exports and encourage foreign investment. However it has not reached this goal because of the corruption it introduced in the political arena during the euphoric moment of political change. Drug traffic became an issue as politicians looked for money to support their election campaigns. That drug traffic in turn generated violence. The police were unable to initiate legal pursuits against the big drug traffickers. Two companies involved in gold traffic ended up taking sides in the Burundi conflict, corrupting some members of the government, the Tutsi militia, and the Hutu armed groups.

III. The *bashingantahe* councils in the dynamic of the conflict

²² M.Manirakiza, Burundi 1966-1977: De la révolution au Régionalisme, 1992.

While analysing the causes of the Burundian conflict, the nineteen parties in Arusha peace talks recognized that “old” Burundi had in its repertoire a way of handling conflict that had made it possible for no ethnic conflict to have emerged before 1965. The Arusha Accord for Peace and Reconciliation in Burundi states that the prevention of ethnic conflict was due to the *abashingantahe*, who were a feature of the culture among the Baganwa, the Batusi, and the Bahutu. The *abashingantahe* were the judges and the councillors at every level of power.

The debate over democratisation between 1989 and 1992 opened the gates to freedom of expression. In this debate many contended that the new processes of democratisation should recognize the value of *Ubushingantahe* and insure that the leaders who emerged through the processes of democratisation were *abashingantahe*. Those who argued for *Ubushingantahe* expressed concern about past experiences and the desire to protect against the evils of tribalism and ethnic hatred in politics.

The multidimensional crisis that resulted from the coup d’etat and the response of the Hutu has provoked thought not only among political leaders but also among researchers and academics.

In 1999, the United Nations High Commissioner for Refugees suggested the establishment of the “fundamentally democratic” institution of the *bashingantahe* councils derived from pre-colonial Burundi. The Commissioner affirmed that in the *bashingantahe* councils power was exercised “in the interest of the people and for the maintenance of order in the society.”²³

Joseph Kizerbo describes the *bashingantahe* council as a “sophisticated and hierarchical system of judges, of men chosen for their knowledge of customs and their integrity, who exercise the polyvalent and extraordinary power of judge, notary and ombudsman.”²⁴ C. D’Espinau also investigated the institution, concluding that the council of the *bashingantahe* combined legislative and executive power, exercising power that is at the same time collective and individual. He believes that the *bashingantahe* council could have been a true expression of civil society if it had not been taken up, at a particular moment, by the state and the one-party system.

It was the progenitor of executive power of the electoral kind, independent of the political parties but acting as an intermediary between the people and state. [check original for punctuation here] The institution of the *Bashingantahe* had a judicial function in the sense that it arbitrated and prevented conflicts, as well as assuring witness of contracts such as customary marriage. A similarity to legislative power comes from the fact that the *Ubushingantahe* constitutes a “system of judge-made or common law.” The task of “speaking the law” in arbitrations and contracts [creates] a jurisprudence that can facilitate the modification of customary law in the service of social evolution.²⁵

²³ Burundi core document, p. 8, 1999 www.unchr.ch.org.

²⁴ P. Ntahombaye, *Étude pluridisciplinaire*, 1999, Bujumbura.

²⁵ C. de Lespinay, *Valeurs traditionnelles, justice de proximité et institutions (Rwanda et Burundi)*, translation mine. De Lespinay seems to have misinterpreted *Ubushingantahe* as “a system of judge-made law” when it is in fact a set of virtues.

The *bashingantahe* council had a power such that even the king submitted to it. In 1958 the Belgian administration was becoming worried about the growing independence movement. The Belgian authority decided to cut off the king from his people by buying one of the royal palaces in the centre of the country. The *bashingantahe* council in the region where the palace was located learned of this plan and decided to oppose it, arguing that the palace belonged to the monarchy and therefore to the Burundi people. They pointed out that the situation of the Burundian king was comparable to that of the Belgian king, who could not sell the royal palace in Brussels without the consent of the parliament. The council forced the colonial administration to annul the contract and the king of Burundi to refuse the check that the Belgian government had offered²⁶

The *bashingantahe* council of Muramvya defied the colonial authority, but the people they represented no longer had the power of self-government. Their courage derived from their conviction that they should act morally and in the interest of the Burundian nation. If they had submitted to the power of the Belgian administration, they would have betrayed their traditional role. The head of the district (*circonscription*), by contrast, worked for the colonial administration. He was obliged to support the colonial administration or would lose his position and its advantages. He was accountable to the colonial authority, not to the Burundian people. The *Bashingantahe* council of that district acted beyond the power of the head of the district and preserved the interests of the people.

In this case, the advice of the *Bashingantahe* council preserved the interest of the nation when the king himself was indecisive and was being pressed to conclude an affair that went both against him and his people. The *Bashingantahe* council from this area was able to rise above all the forces and pressures bearing in on them because they saw themselves as accountable only to the people.

The members of the *Bashingantahe* council had a “contract,” or “mutual understanding” with the community of that region. This implicit contract assumed a moral obligation to act as models for the society and to preserve the virtues of justice, honesty and truth in order to secure permanent peace and the security of goods and persons. These members had social obligations to transform conflict, to stand for peace, and to intervene to maintain order and protect the weak. They also had political obligations to give council to the Burundian king as to the best way to govern the country.

This case illustrates the way the *Bashingantahe* council fulfilled its political obligations by opposing a possible deal between the colonial administration and the king. Their intervention prevented an eventual unilateral decision by the king in a matter of the national patrimony.

I give this example of the sale of the palace for two reasons. First, it illustrates well the great power of the traditional *bashingantahe* council and its sense of the common interest, which is so often absent among contemporary political leaders. Second, the action of the *bashingantahe*

²⁶ P.Ntahopmagaze & al., *Étude Pluridisciplinaire*. , Bujumbura, 1999.

council in Muramvya demonstrates the independence of its members, their sense of responsibility, their commitment to preserve the common good and serve the public interest.

This case also allows us to ask which groups were excluded -- namely the women and Batwa. If the few writings that exist on the on this institution affirmed its democratic character, they also recognize that these two categories of Burundi people were excluded. These writings also show how this institution had been deteriorating because of political reforms undertaken from the colonial time. Finally, they affirm that the spirit of *Ubushingantahe* survived in spite of the colonial and the 1966 reforms. The first reform, in colonial times, replaced the *bashingantahe* by Catholic Church leaders in some of their traditional roles, such as advising couples on marital conflicts. The postcolonial reforms further denatured the notion of *ubushingantahe* and the *bashingantahe* council by appointing the *bashingantahe* from above. The criteria for appointment were no longer the traditional possession of the virtues of *Ubushingantahe* but rather membership in the single ruling party, an educational diploma, or simple monetary payment. For both the colonial authorities and the revolutionary leaders, removing the *bashingantahe* and what they represented was the only way to take control over the Burundian state. The major losers were the governed and the country. The governed no longer had the right to designate their own representatives. Consequently, their voice was not longer heard. The country lost to the extent that it risked rejecting systems for which the evaluative criteria were indigenous to the political culture of the Burundians, the values shared by all, and the will of the governed.

IV. The potential role of women in the *Bashingantahe* council

The period of democratisation had the advantage of giving the people of Burundi a chance to express their long-suppressed ideas. In the course of the discussions about democratisation in Burundi, many spoke in favour of rehabilitating the *bashingantahe* council. This institution could, they argued, serve as the base for democracy in Burundi. At the same time, another debate ensued on exactly how to rehabilitate this institution, particularly in regard to including groups that had been excluded in the traditional form. As a consensus was forming for admitting women, some pointed out that the word “*Umushingantahe*” did not apply well to women. In fact, the name “*Umupfasoni*” is used to designate a woman in whom one recognizes the qualities necessary for a “*mushingantahe*” or the spouse of an invested (*bashingantahe*) man.

The legend regarding the exclusion of women is silent on the exact period in which Burundian women sat in the *Bashingantahe* council. Nor is it clear what political context prevailed when it was decided to exclude certain members of the Burundian people from the institution of the *Bashingantahe*. However, it does seem clear that women were allowed to be members of the *Bashingantahe* until at some point the king decided to forbid their taking place in the deliberations. At that point they were excluded because they “were not able to keep a secret.”²⁷ According to the legend that recounts this moment, the king put his subjects to a test to determine who could sit in the *Bashingantahe* council to regulate conflicts, hold deliberations, and give justice. The desired qualities were “keeping promises or secrets” in the case of women

²⁷ J.Gahama, in P. Ntahompagaze & al., Étude pluridisciplinaire, L'institution des Bashingantahe au Burundi.

and “common sense” in the case of the Batwa [Pygmies]. In this legend, an old woman betrayed a secret that the king had told her and violated her promise to say nothing.

Keeping promises or secrets is undoubtedly important not only in the context of *Bashingantahe* but also in other professions. However, even if the legend does derive from an actual historical incident, claiming that women are incapable of keeping secrets or keeping their promises creates stereotypes that disqualify them from office and progressively distance them from power.

In Greek mythology we find the story of a king with ass’s ears, whose secret was revealed by his barber. A Burundian story²⁸ also tells of a prince who fell into disgrace because of the lies of his courtiers. This prince had four tufts on his head, a hairstyle that intrigued many. One day the prince confided the meaning of each tuft to his wife and forbade her to talk about it. But her lover obliged her to share this secret with him through blackmail and threats. Although the lover promised not to betray the secret to anyone, he eventually told the story of the tufts to the king and to the other courtiers and even to the king. Both cases reveal that the capacity for not being able to keep a secret is not reserved to the women.

History also depicts women as carriers of culture from one generation to another. In every era and in every society mothers teach their children the ideas of good and bad. This is also true in Burundian society, where mothers play a major role in the education of their children, teaching them the very virtues that are looked for in *Umushingantahe*. This reality contradicts the idea that a woman could not possess the same qualities of *ubushingantahe*.

It is also important to distinguish *Ubushingantahe*, a set of universal virtues, from any particular virtues unique to one sex. We have already seen that not all males were admitted to the council. Some were excluded while others did not express any interest in the rules and norms of the institution. *Ubushingantahe* is a philosophy of life, a way of self-being, and a life style within a community. It implies a set of virtues, qualities that are acquired through education, life experience within a community, obedience to the values, customs and rules of the community, and a personal commitment to serve others and the public interest.

The set of virtues that collectively take the name of *Ubushingantahe* are quite comparable to the *Ubuntu* in South Africa. Many African languages are Bantu and as such share some words. The word *Ubushingantahe* refers generally to the same principles that one can find in other African societies. *Ubuntu*, which at the Arusha peace talks the Burundian negotiators have defined as “humanism” or dignity, are common values in many African cultures. In Rwanda, for example, individuals who are called *Inyangamugayo* have the same set of virtues that one needs in Burundi to be called *Umushingantahe*. The two words *Umushingantahe* in Burundi and *Inyangamugayo* or *Infura* in Rwanda are used to designate one who has a number of qualities that honour him and are useful for the community. In Burundi the *Umushingantahe* has tasks that include a role as judge, while in Rwanda the *inyangamugayo* play the same role in the Rwandan traditional courts. After the negotiations, the objective of those traditional courts has become to

²⁸ N.Barbara, “La femme Burundaise et l’Institution des Bashinganathe,” *Étude pluridisciplinaire*, Bujumbura, 1991, p. 228.

find out the truth about the perpetrators of the 1994 genocide, to learn where the victims have been buried, to compensate the parents of the victims, and finally to reconcile Rwandans.²⁹

In this regard the *Inyangamugayo* in their courts aim to rehabilitate the sense of humanity and dignity in a society where the crime of genocide resulted from human barbarism. Revealing the truth about even one crime and the finding the common graves where the victims lie releases the perpetrator to some degree from his guilt and recreates his sense of humanity as he recognizes the crime publicly. As for the victims, finding the graves allows exhumation and reburial with the dignity due to any human being. Such an exhumation and reburial already generates an important form of reparation, along with the public recognition that the victim did not deserve that kind of horrible treatment.

As an American writer put it, the *Ubuntu* philosophy goes beyond one person and shows all lives interdependence within a community.

This broad-based understanding of the interconnectedness of all life reflected in the Ubuntu saying ... ‘A person is a person by and because of other people.’ Such a philosophy emphasizes the goodness, dignity and integrity of all persons and affirms a mutual dependency.³⁰

The perception of *Ubushingantahe*, like that of *Ubuntu*, applies to humanity as a whole and leads to a common responsibility to strengthen life in the community.

The philosophy of *Ubuntu* resembles *Ubushingantahe* in the way it assumes that resources have to be equally shared, that individuals depend on the community, and all members of any human community are interdependent. As *Ubuntu* has inspired the Truth and Reconciliation Commission in South Africa, so the tradition of *Ubushingantahe* in Burundi has inspired a perceived obligation to manage conflict by hearing the disputants and finding out the truth before making any decision. Following the inspiration of *Ubushingantahe*, a decision would be made in the spirit of arbitration and reconciliation instead of repression.

While the traditional form of the council of *bashingantahe* did not include women, some women have in the past shown the required virtues and earned the respect due to members of the institution. Normally this is also part of the Burundi culture, which has the saying *ubuntu burihabwa*, that is, one can earn a reputation by his/her deeds and behaviour within a community or on the professional level. Thus, the word *umushingantahe* is nowadays used to identify women who have earned reputation and respect as family chiefs or as judges. A female magistrate who distinguishes herself as one who resists corruption and political interference in cases under her responsibility earns people’s respect and is professionally recognized as *umushingantahe*, although this title was not traditionally attributed to females.

²⁹ IRIN, Rwanda: Les juridictions Gacaca commencent à fonctionner dans tout le pays, Nairobi, 26 novembre 2002.

³⁰ T. Richard Snyder, The Protestant Ethic and the Spirit of Punishment, Wm. B. Eerdmans Publishing, 2001, p. 105-109.

Because of the traditional exclusion of women from the institution of *bashingantahe*, it is critical to assess whether or not the community could rely on them as persons who could play the same role as their male peers.

In traditional Burundi women were never members of the security institutions, which comprised *Intore*, the royal guards in peacetime, and *Abatezi*, the combatants in wartime.³¹ However, as spouses of *bashingantahe*, princes or chiefs, women were often consulted on crucial matters. There is a saying in Burundi that “*Umuhusha tunga ahusha umugore*,” that is, “A loser mischoses his wife,” which stresses the importance of a woman as a spouse. Another saying, “*Ikigaba ca nyina*,” tells us that “A mother watches the education of the children.” Without such careful watching, the saying implies, the bad child will always be an insult to her.

Some research exists on the role of the first queen, *Umugabekazi*. One scholar affirms that traditionally she ruled in place of her son (acting as regent) until his majority, when the new king co-ruled with his mother.³² If the legend describes the first king as sharing power with his mother, it would contrast markedly with the exclusion of women in the *bashingantahe* council. Such exclusion would be logically anomalous, as we have already seen that the men sworn into the *bashingantahe* council were seen as acting in lieu of the king.

The history of Burundi also has it that *Mukakaryenda*, the other woman who lived at the royal court, was responsible for *Karyenda*, the royal drum, symbol of royal power. *Karyenda*'s belly was supposed to contain the mystery of the kingdom. A member of the Hutu category, *Mukakaryenda* stayed single all her life. Supposedly she once had sex with the king during the swearing in ceremony. This is the legendary origin of the fourth category of Burundi, the Baganwa. While researchers and historians have not reached a consensus on this thesis, it reflects the wisdom of the political organization of Burundi and eventually emphasizes the fact that little or no ethnic conflict seems to have taken place during most of the precolonial period.

Traditionally midwives also played a political role in Burundi. Burundians believed that the baby who would become king would be born with sorghum seeds in his hand as symbol of prosperity for the country. It is also said, however, that midwives put the seeds in the baby's hand. Thus these women had the power to designate the future king.³³

The important roles of these women in Burundian tradition calls into question the justification for excluding women from the *bashingantahe* councils. How could the kingdom rely on women for things that symbolized mystery if women in general were not trustworthy or incapable of keeping a secret?

The conclusion that women were not trustworthy seems to have been given primarily as an excuse for discriminating against women.

³¹ A. Gahama, *La reine mère et ses prêtres au Burundi*, Lebattho, 1979.

³² A. Gahama op. cit.

³³ E. Bamboneyeho, R.Nzishura, *La femme Burundaise dans la sphère publique*, CIMLK, Bujumbura 2001.

Burundian women have had the right to vote since 1960, when Burundi was still struggling for its self-determination. It is not clear whether at the moment of achieving suffrage women protested against their exclusion from the *bashingantahe* councils. As they represent 52 percent of the population, one could hardly imagine how Uprona (the party that in 1961 advocated immediate independence) could have won without their support. Accordingly, one might have expected the Uprona party to recognize women in some way. However, the unstable character of the newly independent state, with the assassination of the leader of the Uprona party, and the ensuing violence created a situation in which there was almost no room for women.

V. Nation building and *Ubushingantahe* as tool for sustainable peace.

a. The Arusha Agreement for Peace and Reconciliation in Burundi.

In 2000, in accordance with the new Burundi political, social and economic order, the nineteen parties to the Burundi peace talks agreed on the cultural principles and other measures that they wanted to recreate through education. Among these principles were *Ibanga* or the sense of confidentiality/secret and responsibility, *Ubupfasoni* or dignity and respect, and *Ubuntu* or humanity and sense of personality.³⁴ In addition, the Accord planned the rehabilitation of the *Ubushingantahe* order and the national truth and reconciliation commission. The mandate of the commission includes the investigation and the establishment of the truth regarding the violent acts that have been committed since independence. The commission is expected to clarify the history, act as arbiter, and reconcile opposing parties. Although the negotiators of the accord were divided between Hutu and Tutsi, they managed to reach a consensus on *Ubushingantahe* as a shared culture. They also recognized unanimously the need to restore the *bashingantahe* councils within the country. In doing so, they put into effect the suggestion made earlier by the people during the debate on the best way to democratise Burundi. This agreement shows again that *Ubushingantahe* consists in shared values on which Burundi can always rely in any difficult time.

It should be understood that the rehabilitation of the virtues of *ubushingantahe* and the council of the elders is not intended to replace the modern democratic institutions that may be implemented after the three-year transitional period that started on November 1, 2001. On the contrary, as Burundian political leaders have shown in the past a tendency to manipulate ethnic sentiments instead of producing clear political proposals, reinstating some form of the *bashingantahe* council and cultivating the *ubushingantahe* virtues among the young are both ways to strengthen people's tolerance and mutual respect, especially within the rural areas where people survive in the much the same way they have always done. Indeed, because Burundians have always lived together in rural areas relatively peacefully, it is clear that ethnicity became a matter to divide them only when politicians wanted to use this distinctive characteristic in order to gain more votes in their election campaigns.

To understand the importance of the *ubushingantahe* in the Burundi society, one has to look at how members of the *bashingantahe* council were perceived in a society where people were so

³⁴ Accord d'Arusha pour la Paix et la réconciliation au Burundi, Arusha 2000, p. 22.

deeply interdependent. An individual *umuntu* (person) comes into the world in a particular society and sets his or her goals within the same society. According to the kind of education one has received, one's ambition for oneself, and one's sense of responsibility, one will tend to act or not in accordance with traditional norms and the rules. In doing so, one earns a reputation as a good person who does the right thing or an evil person who does not.

In the culture of Burundi, a child is a gift from god: *Ingabirano y'Imana, umwana ni katihabwa*. A child belongs to his family and to the nation: *umwana si uwumwe, Ni uw'igihugu*. For this reason, the child's education involves every adult, every parent. Everyone is expected to help a child, who deserves both family and community attention until he or she becomes an adult. Both the family and the community intervene whenever the child tends to ignore the social norms. They keep an eye on children, following their development and behaviour, because each child is a potential model for new generations. To sum up, the children are the future: *Umwana ni Uburundi bw'ejo*. This saying implies that the community is responsible for those on whom it will rely later.

Traditionally, the community members in Burundi lived in a context where they relied on one another. In the preparation for a wedding ceremony, for example, the organizers will need friends and community contributions of food and drink. The members of the community then attend the ceremony and share the joy. In a society where there was no money to purchase goods and services, an exchange like this sealed solid relationships among people and facilitated mutual respect and understanding within the community.

Although the king was at the top of the hierarchy, he himself depended on the people and their representatives. *Umwami agirwa n'abashingantahe*: the king does not exist without the *bashingantahe*. Or *Kananira abagabo ntiyimye*: a prince who does not listen to the wise men (the *bashingantahe*) will not access the throne. The legend about the origin of the institution of *Bashingantahe* suggests the idea of the king's interdependence with his subordinates. A palace comic, or court buffoon, called *Samandari* suggested the creation of the *bashingantahe* institution. One day he was cooking vegetables in the palace and asked the king to keep an eye on his pot for a short while. He went away and when he came back, he found that the volume of his vegetables had been greatly reduced. He then accused the king of having eaten his vegetables. Confused and ashamed, the king asked him to keep silent and promised him whatever he wanted. *Samandari* laughed and told the king he was trying to show that sometimes people could lie and accuse others in an unjustified way. *Samandari's* message was that the country needed an institution to avoid injustice and unfairness³⁵.

Traditionally, for adult men, the utmost ambition was to join the circle of *bashingantahe* and be a model for the society. Parents tried the best to help their children earn this place in the social hierarchy and this honor. To achieve this goal depended on the degree to which a child conformed to the norms and rules of the society. The individual (*umuntu* in the singular or *abantu* in the plural) could choose which way to behave toward the principles of the society. A child who did not obey his parents, did not like to work, preferred quarrels than peaceful talks, and did not help the elderly or handicapped was not likely to become a model for the future.

³⁵ P. Ntahombaye, *L'institution des bashingantahe au Burundi*, Bujumbura, 1999.

generation. Instead, he was one who did not deserve trust. He was not one on whom people could count. Both his parents and the village would consider him *Ikigaba*.

On the contrary, one who obeyed and helped his parents, worked hard, respected and assisted others, did not lie, and respected the good of others was more likely to earn consideration. Within a family, such a child might be appointed *Samuragwa*, or one who inherited the father's authority within the family. Normally, the *Samuragwa* position goes to the elder son if he is considered a good son according to his conformity to the education he received. But he could be one who chooses not to obey and thus joins the *ikigaba/ ibigaba* category. A *Samuragwa* also inherited his father's seat in the *bashingantahe* council. He was invested with that role within the family.³⁶ While it was easy for a *Samuragwa* whose father was a well-known wise man to become a *mushingantahe*, it was relatively a long process for other aspirants.

b. Training and monitoring.

During a two-year period, a young aspirant was put under a mentor, or *Umuhetsi*, who guided him through a learning process. This training helped the young man to be clever and a good public speaker, to know how to listen carefully others' complaints, to summarize and to propound the main ideas in a situation in an objective way, and to ask questions in order to understand what others have said.

During the training period, the aspirant also learned, importantly, a sense of equity. For example, he might be asked to supervise a banana beer sharing during a weeding ceremony. The *bashingantahe* attending the ceremony followed him but not openly. Watching his deeds were a way to check if he does as a mother would do if had one orange for four children. As there was never a ceremony without a speech (*Ijambo*) normally delivered by a *mushingantahe*, this was also an opportunity for the candidate to learn about public speaking and listening. As Burundi does not have a writing tradition, the speech played an important role in people's life. *Umugabo yihindukiza mu kirago ntiyihindukiza mw'ijambo*: a wise man (*bashingantahe*) will always keep his word. The candidate had to follow his mentor wherever he gave *Ijambo* and was expected to engage people to take responsibility that they would have to honour absolutely. The aspirant to *Bushingantahe* had to learn how to manipulate speech as the privileged tool for communication. He was supposed to speak without hesitation but with control.

For example, in case there was a dispute about beer or a quarrel between drunken people, the aspirant to *bashingantahe* had to intervene, separate the parties and eventually resolve the conflict or refer it to the elders. In addition, the candidate had to take initiatives to promote order and peace. This meant he had to be a man of courage, one who would not be afraid before a difficult situation and who would not be afraid to say the truth. For Burundian, *ukuri guca mu ziko ntigusha*: the truth might go through a fire without burning. In a situation where someone's cattle were devastating somebody else's fields, the candidate had to do something. In all these situations, the aspirant's deeds were carefully observed and monitored by the community. After the training period came the swearing in ceremony. The villagers, including the already-invested *bashingantahe* and the women gathered and participated in the ceremony.

³⁶ P. Ntahombaye, *idem*.

c. Commitment and consent to membership.

Although women and Batwa were not allowed the access to the council, the membership was otherwise somewhat voluntary. To become a member of the *bashingantahe* council, one had first to be committed to peace and order. He also had to share the traditional virtues and values and be willing to serve the community. Through his actions and the way he carried himself within his family, village and the entire society, he had to transfer the wisdom and qualities of *Bushingantahe* to the young people.

Yet commitment and the will to serve alone were not enough. The candidate to membership had to be accepted and have the consent not only of the older members but also of the society he wanted to serve. This was the reason why the villagers controlled and monitored his lifestyle. They checked that he was a person on whom they could rely. As anyone could seek his intervention, the villagers had to give their consent to his access to the hierarchy of honourable people of the society. Once he had earned the consent of the elders and the people, he was legitimate. He could then swear publicly that he would respect the customs, obey the rules, and serve a role model, a peacekeeper and a judge. Swearing the oath in the face of the community, he sealed a kind of moral contract not only with the people but also with the country. The investment ceremonial consisted in an oath and the people's expression of the consent through a ritual grounded both in the traditional beliefs and the political culture. Through a series of questions the aspirant committed himself to serve the community, to obey the rules of the council, and act in the sake of goodness, the way that Mwami (the king), believed to be *Sebarundi*, the father of the nation, and Imana (God) were also acting to help the people.³⁷

This is one transcription of such a ceremony:

Question: Do you accept to obey the rules of the country, to be a man of compassion for the unhappy? Do you accept to be the light for the nation, to render justice in equity, to avoid corruption in deliberation (palavers)?

Accompanied by his spouse and the anchor, the candidate responded as follows to the question:

Answer: I agree and swear in face of the king and the bashingantahe to always serve the cause of the truth whenever I will have to arbitrate conflict.

The council's delegate then gave the following remarks about the obligations to which the candidate committed himself:

I put in your hands the stick of Justice (intahe). The Father of all accords it to you. According to the customs of Burundi, I give it to you in the name of the bashingantahe of this country because you have fulfilled the conditions for being a man of truth. If you pass by a place where there are conflicts, you must resolve

³⁷ idem.

*them. You will stand for the honor of Burundi; you will not repay in kind to one who insult you. There will always be words of truth in your mouth. And you will always obey the rules that advance this country. Be wise and do not be afraid to tell the truth even if you have to die for it. Those who died for the truth are still praised; there is consideration for their graves. It is their blood that became the seed of the braves who live in this country. You are given Intahe to help the king work for Burundi. You will always keep this country in your heart. You will combat all those who wish dishonor the country. You will struggle for the orphans. You will be the rest for the lonely. Be courageous in helping the poor. It is only on this condition that God will assist you. Be aware that you are in the place of God and the King. Combat all laziness in your work. Be insightful during the deliberations; do not search for richness or material interest. You will be the straight path in which the country can trust. You will be the basket full of peace. You will be the joy for the king and for the bashingantahe.*³⁸

After those remarks, the candidate was given a seat, symbol of the respect due to the elders' *bashingantahe* while hearing a dispute:

*Take this seat. It is the sign of your investment, as you become mushingantahe; you will use it to arrange deliberations. Be respected by the youngsters and the elders. Seated here, you will be in the place of God.*³⁹

These recommendations emphasize God or *Imana*, the people, the qualities of *ubushingantahe*, the King, and the country. The new *mushingantahe* needed a set of virtues such as the sense of equity, honor, respect and commitment required to serve in obedience to the rules that will advance the country. He had to be trustworthy, perspicacious, and courageous, and have love for people, especially the poor and the lonely. The quality of his service to the people and the country would grant him God's rewards and assistance. He was also acting as the representative of God and the king.

As God and fathers are always looking out for the good of their people and their children, one can say that those *bashingantahe* were accepted as the right persons to do the right things for the common good. Even though the common good is not clearly defined, it can be read from the recommendations and the obligations. The community had a clear definition of what they would expect from the *mushingantahe*.

To show their consent to the investment of the new wise man, the assembly who gathered for the swearing in ceremony applauded and raised up the newly invested man, while the women struck up songs and started to dance, praising the name of the newly sworn-in and his wife. Both the men and the women would then share some banana beers that were contributions from friends, relatives and the village.

³⁸ Idem.

³⁹ Idem.

Although the spouse was not sworn in as *mushingantahe*, she also was promoted by the same occasion to the category of *Bapfasoni*. As such, she could give advice to her husband on difficult matters, helping to make the right decision. The right decision might be, for example, a recommendation in the case of family dispute. The *mushingantahe* will always put first the family and try to reconcile disputes about land and cows in ways that would preserve the family union. The stake for the wise man was to avoid at all cost a revenge action, because for Burundians *Ihorihori rihonya umuryango*: once a revenge starts in a family, it will end up with the extermination of all members. In a case of a blood feud or a feud over land (for example, the land of a child whose father is not recognized, that is a *umuzanano*), a conflict could oppose families in the neighborhood. Because members of a family shared blood and land, each person would take the side of his kin and this could degenerate into endless revenge, endless war between two families.

Within the council of *Bashingantahe*, decisions were made by consensus. Consensus was expected to favor the common interest, the interest of the family over the individual, and the interest of the community over any particular family. If a *mushingantahe* failed to honor his commitment, the usual sanction was to chase him and his family from the neighborhood. He had to go and hide somewhere for a while, but he was given a chance to come back and had an opportunity for repentance, *kwiogorora*. He was even allowed to rejoin the *Bashingantahe* council. Although I do not recommend this kind of sanction, it may be seen as a form of social rehabilitation of criminals.

Single men were not allowed to become members of the *bashingantahe* council, because the *bashingantahe* council had sometimes to make decisions about very complex matters involving the interest of the community, and it was considered that single people did not have enough wisdom, did not know enough about life, and could not easily keep a secret. Once you are married, in the culture of Burundi, there are matters that you would never make public. When married couples had a disagreement, even a disagreement over sexual, they would be expected to take that disagreement to a member of the council. If the members were not wise, and did not have family experience himself, he would not be able to give wise advice and also could not be trusted to keep the matter secret.

d. Women and the recreation of *Ubushingantahe*.

The culture of *ubushingantahe* has survived many upheavals for more than fifty years. This survival makes it more likely that it can be recreated today. Such a recreation may be challenging, however, because the original culture of Burundian has deteriorated while the institution of *Bashingantahe*, which was the guardian of the customs and culture, has also changed over years. I will argue that *Ubushingantahe* as a set of virtues survives on a personal level. Although different regimes have tried to keep the institution of *Bashingantahe*, different systems have used it in such a way that its members served those in power without taking the common interest into account. The question is: What might we consider the common interest today at the grassroots level?

One could say that the common interest for Burundians today is to live together peacefully. Peace at this stage means tolerating others that are not like oneself and also actively promoting the cause of peace.

The current crisis and the violence that has been devastating the country since the end of the 1950s originates partly in the fact that the country was cut off from its culture while the new values imposed on it could not be integrated into people's lives. However, the Burundi political order based on the culture of *ubushingantahe* has a universal dimension. For this reason, I argue that Burundians were not mistaken during the debates on democratization to suggest this culture of *Ubushingantahe* as a base for political reforms. In political contexts where ethnicity is both a mobilizing tool and a weapon of destruction, peaceful coexistence among Burundians at the grassroots level has become an issue on which women could make a difference if the political elite show its willingness to cooperate.

The recent experience of Burundi has shown a tendency to discriminate against women while not exploiting their potential to help the politics of Burundi. The use of violence for political change has been a serious obstacle that paralyzes human effort for self or the community. However, the family linkage and the *bashingantahe* institution have both been key factors for cohesion in the past. They could both be tools for renewal even today. The violence and its psychological impact in people's life have discouraged the positive linkage through intermarriage between Hutu and Tutsi for the last ten years. However the existence of a legal status which protects married people without any family interference can solidify more blood links and challenge the negative tendency to destroy whoever does not belong to one's own group.

In addition, choosing to make a family with someone should require going beyond ethnic stereotypes. Traditionally, personal qualities were the most important criteria in choosing a fiancé. The good wife would be a hard worker who has *ubupfasoni*, or dignity and humanism, and a good husband was determined by *ubuntu* or *ubushingantahe*. With a stress on these virtues, the traditional family was more likely to keep united in the face of any danger. The ethnic divide, which came to supplant humanism and dignity, defines a Burundian as no more than a Hutu or as a Tutsi. But being a Hutu or a Tutsi does not give any value to an individual. Nor does it determine people's merit. Being a Hutu or a Tutsi does not confer *ubuntu*, *ubupfasoni*, or *ubushingantahe*. Burundi culture emphasizes *Ubuntu Burihabwa*: a person earns his reputation, his respect and consideration within the society through his or her deeds and behaviour.

In terms of marriage, a young girl fails in love not because of the shape of the nose or the height of a person. Nor are these characteristics the main reason for men to fall in love. The history of Burundi is full of tales about the process of *Kubenga*, or rejecting the hand of an aspirant for marriage. Because of the ethnic hate that has recently tarnished relationships among Burundians, young people in love have missed a chance to live their lives because of the fears that they will have an "enemy" in the family. But stories about *Kubenga* referred traditionally more to rejection on the basis of a lack of dignity, courage, altruism, or the capacity for hard work, which would qualify someone as *imburakamaro*, a worthless type. A young man could also reject an *umugeni*, or potential fiancée, if she did not have a reputation as *umupfasoni*.

Traditionally the frequent reference to the set of virtues summed up in the word *ubushingantahe* for males and *ubupfasoni* for females had a meaning not only for the couple but also for the community as a whole. The sworn man or *mushingantahe* was a model for the community and so was his spouse. The two of them were also role models for the future family as parents pass on to the children the values that will help them to become really good people. The couple will ensure the continuation of the cultural values and the customs through the education that they give to their children.

Building a peaceful society in Burundi implies recreating the kind of Burundian who appreciates others for their character and intrinsic virtues instead of injecting the poison of ethnicity. The Belgians introduced a stress on ethnicity as a way of dividing and conquering. Unfortunately the new political culture based on ethnicity has just dehumanised and reduced Burundians to the point where they are referred to in terms, not as human beings, but as Hutu or Tutsi.

More dangerous is that numbering Burundians according to ethnicity has emphasized stereotypes that are today used to grant rights to some groups and deny the same rights to others. Since the mid 1960s it has become a kind of shame for some Burundians to identify themselves as Hutu or as Tutsi because of the stigma embodied by those words⁴¹ and the collective guilt caused by the culture of impunity that surrounds the different crimes committed in the past by each group. In the same manner, one is not able to say “I am Burundian” without answering the question, “Are you Hutu or Tutsi?” Those questions are rarely asked of one who lives in the country, because the question itself suggests an accusation either of past criminal behaviour or the present potential for attack. Such ethnic identification is also dangerous because, in time of ethnic confrontation or revenge, some people have lost their lives only because some one has assumed that they were Hutu or Tutsi. Since 1965 at least one million Burundians have died because of the ethnic divide. So one should question the interest of building a nation and its institutions on such a destructive social identifier.

After the 1980s other reforms have been introduced in African societies that again distance the people from their culture. To combat this distancing, the South African “Moral Regeneration Movement” is intended to recreate “a spirit of *ubuntu* and morality” in order to end criminality and corruption.⁴² As for Burundi, the only guarantee for rebuilding Burundi is to enhance human values and merit instead of institutionalising ethnicity. This is a challenge not only for Burundians but also for local and international leaders.

The stake for women is to save the sense of the family and to build the future for their children. This means that women will have to find ways to enhance the move toward peaceful coexistence. There is a need for any woman, especially mothers of both sides, to stand up for their rights to freedom from fear and to the equal rights of all Burundians no matter what categories they belong to. After signing the Arusha accord for Peace and reconciliation for Burundi, all the signatories have the moral obligation to finally give peace to Burundians. Since the beginning, all parties assumed that they were representing their ethnic groups. They assumed a commitment

⁴¹ M. Manirakiza, *la Fin de la Monarchie Burundaise 1962-1966*, Le Mat de Misaine, 1990, p 58.

⁴² C. Freedman, “The Nelson Mandela Metropolitan Municipality officially launched its Moral Regeneration Movement in Port Elizabeth” www.allafrica.com/storie/printable.

to serve their ethnic groups. Yet everyone needs peace. Hutu and Tutsi women have an equal need for peace. Even if women do not have the power to make decisions as the most dominant group in the society, they still represent an important influence. While ethnic arithmetic does not serve peace as shown in the past, the numeric majority of women could make a difference in many ways.

In the world of globalisation, the culture of *ubushingantahe* would be useful for it would allow the people of Burundi to recognize themselves first and from there to borrow from other cultures what might advance their path toward a healthy development.

The idea of the *bashingantahe* council as a tool to enhance peace and stability in Burundi goes with the global move for a better world. Because of long-lasting civil war, Burundi is among the poorest countries in the world. Because of the war, the economic sanctions, and the suspension of financial support, poverty increases every day. That poverty makes more and more Burundian vulnerable to all kind of diseases such as malaria, tuberculosis, and HIV infections. Rape has increased the risk for HIV infection, thus reducing resources not only for families but also for community development. War has also undermined the condition of people living in refugee or displaced camps where women and children survive in high degree of poverty and promiscuity. Many children have joined the army or the armed groups to avoid the bad conditions in camps. Many children, including girls, live in the street. They have been orphaned either through the civil war or because the HIV infection has taken their parents and they have been asked to leave school to take care of the youngest children in the family.

Beside the fear that the transitional institutions are weak, the institutionalisation of ethnicity, the exclusion of other groups, and the elections scheduled after a three-year period, many issues in Burundi are still unresolved. Many analysts doubt that a real reconciliation can be achieved⁴³ unless some other forces get involved. At the end of February 2003, President Pierre Buyoya (a Tutsi), who was supposed to be replaced by a Hutu, announced that he would leave his position only if a full peace had already been achieved, which is extremely difficult to accomplish. This refusal to leave his position jeopardizes the entire peace process.⁴⁴

The New Partnership for African Development (NEPAD) appears to be a promising path for sustainable peace and development. The international community that supported the Arusha accord should also support a movement that may accelerate the move toward peace. The African Union mission may not succeed in keeping peace in Burundi while politicians remain likely to violate the Arusha accord. Failures in other countries have shown that the existence of agreements does not prevent catastrophes like the genocide in Rwanda. Nor were troops able to stop the forces that used their number and ethnic hate to destroy more than 800.000 human lives. For Burundi, the MIOB (Mission Internationale d'Observation au Burundi) had little impact on the violence.

The violence increases as both belligerents compete in the use of force. But all parties agree that political dialogue is the best way to get to peace. Because it was a precondition to the talks, the

⁴³ E.Nindorera, *Le long Chemin de la Reconciliation au Burundi*, Bujumbura, 2002.

⁴⁴ Pretoria Accord July 23 2001 signed by Buyoya and Domitien Ndayizeye.

nineteen parties to the Arusha talks signed the first cease-fire in June 1998. But this cease-fire has never been respected. International organizations involved in Burundi should support the Arusha agreement by insisting that the parties respect what they have agreed upon. In addition, these organizations could support peaceful forces, such as women and the local organizations advocating for human rights, in their efforts to impose an implementation of the cease-fire. The Arusha accord has been signed 31 months ago. It is time for Burundians to get the dividends of this agreement.

The stage of refugee and IDP'S settlement should be accompanied by a project to enhance the "living together" among those who have been out of the country and those who stayed within the country. In 1998, UNESCO gave an award to the individuals who had helped others of different ethnicities in the conflict and granted them (although by untraditional means) the traditional title of *bashingantahe*. This renewed use of the title combined with the suggestions made throughout the popular discussions of democratisation in 1991 has led to a distinctly untraditional use of the familiar institution. This was a completely novel practice, because until this time *bashingantahe* had always been selected and confirmed in their authority at the local level by people who knew and trusted them. The first group of these new *bashingantahe* were nominated in 1999. The second group, of ten wise men, are accountable to the parties that delegated them in the Committee for the implementation of the accord.

The observance of the cease-fire and the implementation of the Arusha accord will not restrain Burundians from using ethnicity in the elections scheduled after the transitional period. Indeed, past experience shows that the political parties did not obey the charter of Unity or the law that organized them. Strategies need to be planned ahead to neutralize any tendency to use ethnicity during the election campaign. Disarmament and demobilization do not mean an end to violence. In the past Hutu did not need firearms to kill. Machetes, spears are still available and could be used any time. Those weapons are not part of the disarmament. Because these weapons are always available, the potential for violence is always there. The existing rules and the law should be thus applied to whoever uses ethnic arguments or hate speech during political meetings.

The experience of the 1992-1993 political campaign showed how far our political leaders could go in manipulating ethnicity. Women may make a difference if they refuse to join or cooperate with those who incite others to ethnic violence or hate. The field for this action is the family first. Female leaders involved in the polity should give an example already in discouraging the use of ethnicity, which appears to be a serious threat to human security.

At the moment, there are two bodies at the national level that embody in some form the remnants of the *bashingantahe* tradition. The first is the national *bashingantahe* council, which is, however, problematic because the president has appointed its members. The second is the Monitoring Committee of the Arusha Accord. The Monitoring Committee is made up of two members each of the nineteen political parties plus six "wise men," of whom two are women. The negotiators appointed these "wise men," which are supposed to represent the traditional virtues, at the time of the Arusha Accords. The problem with this form of appointment is that the "wise men" do not have authority given to them from the people.

The two new national bodies could be a way to check whether the political sphere does respect the traditional cultural values that so many have suggested should be recreated within Burundi in order to increase chances for sustainable peace. Even if the new *bashingatahe* do not have authority from below, they could deliver messages for peace through the media. It could be morally convincing to use media in a way that could restrain politicians from spreading ethnic hate. However, this role should not be mistaken for the traditional role of the *bashingantahe* council.

The situation in Burundi today is highly uncertain and, for many, politically dangerous. The institution of a national council of *bashingantahe* and a Monitoring Committee are steps in the right direction, but they are tiny steps and their authority does not come from below. Until the country has a full peace and the violence stops, it will probably be impossible to engage in a full-scale institutional reform that will bring back the old values. However, some actions can be undertaken already. Burundians could cultivate the *ubushingatahe* through education at the family level. Because of traditional beliefs, some parents give more consideration to a boy than to a girl. Women could make a difference here by offering equal chances for a boy and a girl at home. Enhancing this culture of equality in dignity and work at the very early stage of the childhood would be the first step toward more power for women. Such a culture would contribute toward changing the perception of women as inferior to men. The culture of *ubushingantahe* offers an opportunity to create a situation where women are complementary to men at home as spouses and equal to men in the workplace as colleagues. Teaching these traditional values, but in a version that recognizes the equality of all, is the best path that I know to bring Burundi to a state in which peace can last. On these virtues, Burundians can build justice as well as peace and turn from the easy resort to the machete.

VI. Looking forward

a. Security and gender equality.

This paper has already provided good reasons for including women at this point in history in the council of *Bashingantahe*. The council has traditionally excluded women, and there was considerable reluctance to include women even at the stage when the nation was debating ways of rehabilitating the councils for the modern era. In 2000, however, the Arusha Accord declared that the new Burundi political, social and economic order should be gender sensitive. Because many men still tend to discriminate against women, however, some positive action needs to be taken to promote this end. The proposed project is conceived with this end, as well as with long-run peace for Burundi, in mind.

b. The first goal.

The first goal will be to establish a non-profit organisation, with the name of “U2,” standing for both *Ubuntu*, meaning humanism and dignity, and *Ubutwari*, meaning leadership. The organization would aim to achieve five goals:

1. To promote gender equality
2. To produce a new generation of leaders who will help bring about more peace and security within Burundian society.
3. To create job opportunities
4. To promote solidarity among women
5. To promote education.

The first step would focus on the creation of a structure for childcare-givers in the capital city of Bujumbura. The city of Bujumbura holds more than 400,000 people, including working mothers, who need to hire providers of childcare. Because most families are made up of at least 5 persons, almost all of these families need someone to provide childcare. This is a huge unmet need. Based on that need, U2 will:

1. Create a system for the recruitment of childcare-givers.
2. Teach the virtues of *Ubuntu* first to the childcare-givers and then, through them, to their charges, beginning with the earliest stage of their education.
3. Promote equal chances and gender equality by creating a self-development program for and through the childcare-givers.
4. Create an award for outstanding childcare-givers and the children they have educated. The selection criteria will focus on the kind of education that the care-givers have promoted, which must be based on the value of *Ubuntu* and must teach gender equality.
5. Provide professional education to the childcare-givers. This education must underline the solidarity between educated women who are working mothers and the childcare-givers, who will be generally girls who have abandoned school for many reasons. The working mothers will agree to allow their childcare-givers to go to the educational program for three hours a week in the evening, to learn skills such as counselling, cooking, crocheting, sewing and embroidery, administration and management.
6. Promote these newly oriented childcare-givers as leaders within community.

The care-givers themselves will come from girls who have abandoned school for many reasons and who apply for the job as childcare-giver. They will help fill the needs of working mothers or any parent searching for a childcare-giver. The organization will work closely with local NGOs who work with orphans (children orphaned because of AIDS or civil war), and with the local media and local and overseas experts in education.

b. The second goal

The second goal will be to develop a school based on the principles of U2. The education will be based on the standard formal school program but will in addition emphasize the principles of humanity and the virtue of *Ubuntu*. It will teach that the human being must be the center of any

policy, and will teach the importance of equality among human beings. The objective of the educational process will be to produce leaders with integrity.

It will be necessary to consult widely to define the rules, procedures, ethic and objectives of the school. It will also be necessary to recruit widely to find teachers who favour the recreation of the virtues of *Ubuntu* and human equality. The school will establish extra-curricular activities that promote peace and security, with the hope and expectation that participation in these activities will develop both the students who participate in them and others who are touched by them. The hope is that these students will stand for those values once they finish their studies. These extra-school activities, which will include debates and a Bible study program, will promote a sense of political responsibility.

As with the childcare organization, the school also will create an award for those who will have shown in their deeds their commitment to peace and security

The school will attract men and women who wish to follow, and recognize in themselves, the virtues of *Ubuntu* and who have a will to enhance peace and security in Burundi. It will work through teachers and youth organizations, and local and International NGOs.

The overall purpose of both child-care giving organization and the school are to help begin at the very beginning, at the level of the individual, and, in particular, with the education of the child. This is where peace and security must start.

Appendix: English glossary:

Ubushingantahe (pronounced *ubu shing' ga ta' he*): The set of virtues that include having a sense of justice, as well as honesty, righteous self-esteem, and an ethic of hard work -- roughly summed up as “integrity.”

Umushingantahe: An adult man who exemplifies *ubushingantahe*; a “wise man,” “man of integrity,” “*honnête homme*”

Abashingantahe: More than one of such men (plural)

Bashingantahe council: The traditional council made up of *abashingantahe*.

Umntu (*singular*) or *abantu* (*plural*): a person, people

Ubuntu: The value in which a human being shows that he or she is a true human being.

Ubufasoni: dignity, the quality of being a good human

Ikigaba: A bad person, who does not have *ubuntu* or *ubufasoni*.