

A BRIEF DISCUSSION OF DONOR SUPPORT TO LOCAL GOVERNANCE IN BURUNDI

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There is hope in Burundi. Hope that the war is finally over, that people can settle back into a more normal life, and that economic growth might return. But behind, there is also a silent despair: that the poor will stay poor, that corruption and nepotism will continue, that the crimes of the past will be left unpunished. Whatever their political affiliation, most Burundians fear, as so many told me, that “the faces will change but the system will remain the same.” They hope that the system will change, but prepare for the worst. I am afraid this is the way aid agencies must work as well.

This “system” is at the core of Burundi’s problems. It is an institutionalized system of corruption, social exclusion, impunity, unpredictability, total lack of accountability, and clientelism, which has gorged itself for decades on aid money. Every Burundian knows this system is *the* key problem, the main cause of poverty and misery – and that continued blind development assistance merely strengthens it. Some examples. In a recent exhaustive study on ethnic perception in Burundi, people of all ethnicities overwhelmingly identify the causes of ethnic violence as corruption (30%), social exclusion (22%), the behaviour of elites (20%). Poverty is in 4th place, with only 6%; the 1972 crisis 4%; and ignorance 3%! (Nimobona 2005: 18). Similarly, the popular consultations that were part of the PRSP process often have “mauvaise gouvernance” in first place, ahead of the war, poverty, sickness, land scarcity, and all other factors. Even the highest levels of Burundian politicians and aid officials now claim this to be the central problem and profess their willingness to improve it.

The traditional way of changing this system – through the creation of the formal institutions associated with a liberal-democratic western system does not work. While a liberal-democratic western system would undoubtedly be a major improvement over current practice, its wholesale and formal import fails to produce much effect as the mindsets, power relations, and social dynamics associated with the current, deeply rooted system erode and undermine the imported institutions. The form is more or less there, but the substance is far removed indeed. This is the case for both the political institutions of western democracy as the economic policies and institutions of liberal policy. (see Thomas Carothers, Mick Moore, or Peter Uvin for analyses of this).

The creation of better institutions in Burundi cannot but be the result of internal politics, bargaining, and social learning: this will take a lot of time, and the main question for donors is how they can promote it without controlling it. This does not mean that there is no place for donor activism in this field, but it must take the form of guaranteeing a process, a space in which people can learn and bargain, rather than creating the actual final institutions.

This paper focuses on the local level – the level at which most state-society interaction takes place; the level that constitutes for most people most of the time “Leta,” the state. It is here that change needs to start for it is here that people interact with the state and where they can begin changing the terms of this interaction. In addition, given donor and state interest in decentralization, there is a margin of opportunity here to begin making a difference. This does not suggest that the national level is without importance – on the contrary. Any smart aid programme would explicitly seek to build links between local and national programming in this field.

¹ This paper is entirely the product of the author alone, and does not at all engage the responsibility of either DfID or UNDP, with whom I worked while here. Feedback please send to peter.uvin@tufts.edu

Some general features of local governance in Burundi

Back to some more analysis of “the system” at the local level. There are at least three important general points that need to be made. First, the system is not created by the war, as many foreigners think: it has much deeper roots. Second, to make matters more complicated, the system is much more deeply rooted in (civil) society as well: it is not simply some aberration of the state, or some “bad” people. And third, one of the main features of the system is its enormous variability at the local level, where outcomes are dependent on personal relations of people. All of this makes life a lot harder for donors.

First, the system we describe here is not new; it does not result from “la crise,” and will not disappear with the end of the war, or indeed with elections. Both of these surely help, but they are insufficient to break the power of the system. Some of the impacts of the war on local governance include:

- enormous reduction in the economy. → the state is even more important to personal livelihood security for those lucky enough to have jobs with the state; at the same time, it is also much poorer, almost devoid of resources (very much so at the local level). People have suffered and still suffer tremendously, and their vulnerability is enormous; as a result, conflict potential between them is enormous as well
- shift to humanitarian aid, with different impacts on the system → more money bypassed the state (incl. the commune), being directly delivered to populations, thus weakening the administrateur communal; on the other hand, as a result of speed, ignorance, and dependence for distribution on local authorities, abuses became worse, more blatant, more dramatic
- widespread indifference of elites to the suffering of ordinary people became abundantly clear, and subsequent anger by the population → spontaneous strategies of keeping one’s head down and making alliances with the more powerful are being weakened?
- An increasingly competent and experienced free press, incl. radio’s, came into being

In short, the local state was enormously weakened by the war. Administrators have vastly fewer resources than before, and much escapes them. At the same time, they have become increasingly brutal in their quest for resources, and, as always, have found many inventive ways to enrich themselves and maintain networks of privilege. The brutal impoverishment of the population and the blatant theft by its rulers have created mass anger and hopefully some willingness to make change happen.

The whole Loi Communale is subtly set up to remove many of the empowering elements of local democracy, and to reconstruct the vertical and potentially unaccountable system of the past. It does so through, for example:

- no direct election of the administrator; also closed party lists for local elections. It even seems that the administrators, by name, have been centrally designated in negotiations between the parties. Let’s face it, administrators likely continue to depend much more on central politics than on local politics for their stay in power.
- the members of the Conseil Communal had to have at least high school education; in addition, one third do not live in the commune. Historically, there has always been a tremendous social and attitudinal gap in Burundi between the educated and urban on the one hand, and the uneducated and rural.
- the CDCs, which have been made legal, are appointed by the communal administrator and given no defined competency whatsoever.

In short, it is very likely that the prime concerns for communal administrators will remain, like in the past, to satisfy those in the centre who appointed him, while staying on good terms with at least 13 of the members of the communal council, many of whom are also not locals and all of whom belong to the intermediate elite. The risk is thus real that the traditional approach of top-down governance will continue to prevail with the new communal law. The only body with some real potential representativity is the *conseil de colline*, elected close to the people in a non-partisan manner; in addition, although weak, it does have legal powers. One other potentially positive note is that the elections have brought to power a new party with many new and young faces in it, and, at least rhetorically, a commitment to profoundly change

the nature of Burundi's state. Donors need to build on these last two opportunities while being cognizant of the constraints discussed earlier.

Second, the way we have written about the system until now is partly misleading, suggesting as it does that as a matter of actual fact, Burundi is divided in neatly distinct groups, with at the one side poor, good, people in (civil?) society who all uniformly and passively suffer from the bad behaviour of the other side, i.e., mean and corrupt government officials. This simplifies the deeply inter-linked nature of civil society and state, and transforms what are structural issues into matters of personal characteristics. Public institutions in Burundi do not function "badly"² because by accident only "bad" Burundians happened to get these jobs. For all I know, I, and most of us reading this paper, would behave the exact same way if we were to be state officials here. For the nature of the state and of state-society interactions in Burundi truly *is* a system, and not just an aberration of some bad people. It is a system that is deeply institutionalized, i.e., a set of repeated practices and norms around which expectations converge. And this is what makes the situation more difficult, then: people may complain about the system, but often their true gripe is that they are not part of it, that they do not benefit from it. Given the chance to be included in the system, many take over its behaviour – that is why often some of the most condescending and authoritarian and corrupt behaviour is found at the lowest rungs of the state, by petty officials who are just slightly above the ordinary people from whom they emerged just the day before. This is also why so many NGOs do not function democratically internally, are directed by the same presidents seemingly forever, etc. What characterizes an institutionalized system is precisely that it is normal, it is everything most people have known, it is the field within which people think and work. We all live with inefficient systems that are normal to us: the development aid system, for example, is a perfect case in point.

Third and last, it is important to realize the extent to which the functioning of Burundian state institutions, especially at the lower levels, is determined by the individual characteristics and alliances of the people who occupy them. The real functioning of Burundi's political economy is based on relations of power, combined with relations of region, family, ethnicity, ideology, party affiliation, and indeed personality. The freedom of manoeuvre and much of the behaviour of an *administrateur communal*, then, is tributary to a complex web of relations with the local elites within the commune, with the governor and the Ministry of the Interior, his independent access to military men, businessmen, aid agency employees; they also depend on his sense of alternatives, his political prospects, and indeed his personal values, ethics, and empathy; they finally depend on how efficient he is, how ruthless, how capable of delivering on promises to those higher up in the hierarchy, of controlling the territory, of co-opting and threatening those who are threatening, of allying himself with sources of money, etc. The specifics of these relations and dynamics differ for all people, and may change over time for any given person. In the absence of much meaningful predictability stemming from the exercise of the law (courts, police, etc.), this makes it so hard to control or predict the behaviour of state agents, especially by those who are much poorer or more powerless and less informed than he is.

Many outsiders do not grasp this nature of the state, for Burundi (and its neighbour, Rwanda, even more so) at first sight seem strong central states: small countries, with roads and administrative structures down to the lowest levels, a culture of top-down and authoritarian exercise of state power, mirrored by political and military structures that cover all of the country, and sometimes highly competent people at the top. Yet authoritarian and vertical as the state may be (and elections may slowly begin changing some of that), the same state is also very weak, tributary to local dynamics, different in different places, unpredictable.

² i.e., corrupt, unaccountable, exclusionary – note that it may well be that not all of this is judged ethically "bad" by all Burundians: it may be perceived by them as the way things have always been, as a divine order, as the normal laws of politics, whatever.

This has a number of interesting implications. First, the poor usually lose out - period. In line with World Bank research about poverty as voicelessness and powerlessness, the poor in Burundi are often kept poor, made poorer by the deliberate actions of those who are supposed to serve them: public sector agents and authorities foremost, but also businessmen, church officials, soldiers, and project employees on the payroll of aid agencies. Anyone who reads the very well researched CARE/APDH study on land issues in Ngozi will come away impressed by the depths and variety of land appropriation by chefs de zone, administrateurs, businessmen, priests, prefects, project employees, politicians, and indeed ordinary people who happened to be in the right place at the right time and made the right friends.

Second, the almost complete ignorance of all this on the part of the Bazungu means that they are eminently manipulable if they content themselves with appearances and formalities, but it also means that they can have more power as they are understood to be largely outside of these networks. It is widely understood that Bazungu do not know the way Burundian politics work, and can with their ignorant brains and deep pockets inflict some considerable damage on carefully crafted systems of enrichment. Yet, to the greater relief of those who benefit from the status quo, most foreigners do not use their power, preferring to hide behind vague notions of ownership, respect for local culture, public sector capacity building, and all kinds of good words. I believe foreigners should use their power, but in a careful way: not to create particular outcomes, but rather to keep open processes that allow the broadest range of Burundians to bargain about outcomes. And this starts within the projects managed by aid agencies: how employees are recruited and what standards of professional behaviour are set for them; the quality of the workplace and whether there is an atmosphere of respect and discussion or not; the transparency agencies display towards Burundians about their aims, budgets, methods, etc. Bazungu have less power than they think in one way (they can not import wholesale effective institutions or policies into countries, even as aid-dependent as Burundi), but more than they are willing to admit in another way (they can refuse to go along with all the excesses of the clientelist state and can ensure that a multitude of mechanisms and processes that could allow Burundians to change their state remain open).

The above discussion about the variability of the local state in Burundi also relates to a number of other points, namely the issue of lack of capacity and absence of the rule of law. Thus far we have stressed the political nature of the weakness of local governance in Burundi — the way it serves the interests of the powerful and well-connected and is maintained and used by them to protect the status quo. But it is true that there are structural or contextual variables that have created this situation or allowed this situation to happen (permissive conditions), most notably the lack of capacity and resources of the state, and the state of lawlessness and impunity that characterizes Burundi³. The latter is somewhat related to the political imperatives discussed earlier: weak, or arbitrary, or no justice is not necessarily a god-given state of nature, but something that serves the interests of the powerful and the well-connected, and it is in many ways maintained by them to their own advantage. Even lack of capacity and resources are not simply a direct product of the simple fact of being a poor country, but at least in part also a politically created situation. Still, there is no denying that Burundi *is* indeed a stunningly poor country, and that the levels of human and financial resources available at the commune, for example, *are* woefully inadequate.

This issue —lack of human and financial resources, lack of capacity— is of course one that the development enterprise loves to encounter, for it just so happens that it possesses exactly the answers to that: an abundance of money, and an enormous willingness to throw training at anything... The default switch for most development practitioners is to see local governance problems as precisely technical matters, requiring injections of knowledge and money, and maybe some technical advice. Even in my conversations these last weeks in Burundi, it is amazing how many people continue to adhere to this blatantly simplistic approach to development and governance. Admittedly, one of the reasons that allow them to do so is the fact that,

³ As well as historical factors dating to the colonial period, but these are hard to change without the prior invention of time travel.

objectively speaking, there *is* indeed no doubt that major capacity constraints exist. They need to be addressed somehow, some day. But the question is in what context, as part of what broader approach, in what sequence, and by what means?

A critique of past approaches for governance

Here I want to briefly discuss three basic approaches, or even instinctive reflexes, donors have towards governance questions: capacity building, bypassing public institutions, and supporting NGOs.

The first one, *capacity building*, is the oldest: it dominated Burundi for decades, and is coming back strongly now in the post-emergency context. It consists essentially of channeling resources through the state system down to the local (commune) level. Usually, this approach goes together with a vision of the problem as one of weakness of capacity, lack of knowledge, inadequate structures and regulations, etc. There may be a lot of talk here about participation and empowerment and accountability – no document would be complete without that, certainly not in Burundi now!- but it is assumed that this will follow from “getting the state right”, and that the latter is done through training and money.

This approach often goes hand in hand with a literal and highly optimistic belief in political declarations and a voluntaristic (as opposed to historical or structural) vision of social change. Governments say they want to improve governance – it is their number one priority, straight at the very beginning of the PRSP- and we take this literally, happily supporting the government to achieve this great aim. That the government is a political player, divided on the matter; that many power-holders in the government are the beneficiaries and creators of ill governance; that they must relate to other power centres in society who do not want to lose their privileges; that ill governance has evolved over decades and is hardly likely to be solved by some technical assistance— all that disappears under a voluntaristic approach, in which we take declarations literally, and assume that good will all round is all that is needed. The source of this is partly situated in the “organized hypocrisy” of sovereignty of the international relations system in which development aid (mostly a state-to-state or a UN-agency-to-member-state matter) is embedded. Another factor that pushes in this uncritical and optimistic direction is the correct observation that for development to work and to be sustainable, it needs to be locally owned and carried – and given our deep relations with governments, this local ownership in practice usually means government ownership.

Finally, people who work through the state this way typically have another strong argument in favor of their approach, apart from the “there objectively is a major lack of capacity” one, namely: whatever you say about it, eventually public structures do need to be at the heart of Burundi’s development, and so weakening them through systematic neglect is simply not the best strategy. A related argument is this: it is *de facto* not possible to bypass these structures: at the very least, their capacity of nuisance is enormous. Hence, they must be worked with. These points are both correct. But they do not automatically mean that the “strengthen the state by throwing resources at it” approach is necessarily the best one. The question is: how does one strengthen the accountability and quality of public institutions? Is it by directly supporting them (and if so, in what form)? Is it by supporting the creation of an organized “demand” for their services (as opposed to investment in the “supply”)? Is it by working on more systemic conditions that create incentives for each side to interact?

The second approach characterizes part of the emergency world, as well as, generally, a good section of the NGO development community. It consists of working directly with the population. This position is often, explicitly or implicitly, based on a deep distrust of the state: too many resources were squandered on the state, it is an institution of exclusion and inefficiency, and we go round it as much as possible in order to help the population, create local popular economic and self-help dynamics, etc. Typically, as it is hard to work directly with “the population,” (hundreds of thousands of people, after all...) this approach consists of the creation of committees and other intermediary organizations which should be representative and committed to development (within the budgetary and programmatic parameters of the aid agency).

This is a very popular option these days, applied in many different forms by many different actors throughout Burundi. These committees play a role in managing or overseeing many humanitarian or development programmes. The most famous such institution, the CDC, has even received an unclear legal status in the new local institutional landscape. Yet, frank analysis shows that the track record of these committees is significantly worse than is often assumed – or presented - by the agencies who use them.

Problems include:

- too many of these structures, un-coordinated, duplicative
- usually created by projects and for projects or outside actors, i.e. ad-hoc, dominated by the external needs of projects and the desire to capture short-term benefits, with very little capacity for autonomy or sustainability. This holds both for many farmers' groups and the like, and for the more deliberative institutions.
- more often than not, much more weakly representative than their promoters desire or realize (and typically this worsens over time). They are filled with many of the same people over and over; often, their members are hardly representative of the weak or poorest, and even those who do belong to these groups (precisely because of their weakness and poverty) are under enormous pressure
- these parallel structures of decision-making and resource allocation may be perceived as threatening by the local (and national) government: uncontrolled by them, in charge of major resources, duplicative of public structures, they will in all likelihood be resented, sabotaged, undermined, co-opted, captured, marginalized, etc.
- for those associative structures that, due to great leadership and intense *encadrement* are successful – and they *do* exist, whether in agricultural production or in conflict resolution — the question of impact and size often remains difficult: what difference do they really make beyond their immediate members? What does it take to scale up their impact, in terms of level, size, durability?

But there is a much more devastating critique: this approach may unintentionally reinforce unaccountable, clientelistic states and patterns of behaviour, as it

- leaves the levers of political change untouched;
- creates clientelistic relations between foreign aid actors and the parts of the populations that can get the Christmas presents supplied by aid;
- reinforces the role of intermediaries and political entrepreneurs who understand the aid system and can play it;
- by its ignorance of local politics and the way elites manipulate processes, often ends up reinforcing the power of the latter; and
- by its scattered and ad-hoc approach creates major and unjustified inequalities between people.

This is very similar to the critique by Anuradha Jodhi and Mick Moore (2000, 7) of two of the most popular instruments in the development policy-maker's toolbox today, namely NGOs and Social Funds. Indeed, they argue (2000, 29-30) that the use of these two institutions creates a disabling institutional environment

Especially NGOs that are a) not strongly rooted in the populations they serve; b) are oriented mainly to obtaining external financial resources; and c) are engaged more in service delivery rather than advocacy. These types of NGOs provide pure benefits, not rights in either the moral or legal sense of the term. (...) NGO programs typically are diverse, fragmented and unstable (they lack program predictability), and b) they are not even potentially formally enforceable in the way that programs run directly by governments may be. (...) Social Funds are supposed to provide demand-driven, locally adapted development services, (...) and contribute to the mobilization of beneficiaries. But the reality is very different. While they are characterized by tolerance, they are deficient of predictability, credibility and rights. Communities are presented with their Social Fund opportunity out of the blue; they face what appears to be a once in a lifetime opportunity. The

Social Funds case is very similar to that of the NGOs: a new set of institutional arrangements for delivering public services to the poor are justified through the rhetoric of “community”, client demand”, localism” and “decentralization,” while little real attention is paid to creating an organizational context that will enable the poor actually to organize to help ensure that programs work in their favor. Both cases illustrated the main point of our argument: mobilizing the poor effectively might better be done by paying less attention to sending emissaries, organizers and propagandists down to the grassroots, and putting more effort into providing the poor with an enabling external bureaucratic and program environment –one characterized by more tolerance, credibility, predictability and rights than one is used to encountering.

A third, more recent, approach to improved communal (or national) governance is similar to the former, but goes a step further. It explicitly understands governance change as a socio-political process, and it puts its faith in NGOs and media (if they are free, as is the case in Burundi) to act as advocates, sources of ideas, pressure for change, etc. Certainly, this approach is already vastly better than the previous two (and note that, increasingly, it is often combined with the previous two, for people do learn, of course)

Yet, it suffers from a whole slew of practical problems as well, and these have been well-known for many years, so I need not dwell on them here. To start, the representativeness of these NGOs is usually very limited, and often their anchorage outside the capital is weak. The rhetoric is great, and often so are the intentions and the real human investments, but the objective fact of disconnection is not easily solved. Some donors try to remedy it by rather expensive programmes for outreach – creation of provincial antenna’s, funds for travel, etc.—and this does help those organizations lucky enough to get this sort of support (and as long as they get it), but the overall picture remains much the same, for these are drops in the ocean.

Also: civil society support overwhelmingly takes place with the oldest and weakest tool in the development toolbox: project aid. The litany of the deficiencies of project aid has been repeated for two decades now, and yet still remain painfully relevant: projects tend to be small, last for ridiculously short periods of time, are devoid of any serious long-term vision, are non-transparent in their criteria for support, and are strongly influenced by remote headquarters in the West. They are administratively heavy and costly, with large delays between identification and actual implementation, offer little flexibility, and contain weak monitoring and evaluation systems. While such aid may keep many NGOs alive – indeed, in the poorest countries like Burundi, foreign aid underwrites almost the entire NGO sector— it does so while keeping them in a dependent, weak, and outward-oriented, position.

But there is an even deeper problem with this approach. Indeed, this strategy of supporting existing NGOs deals with the symptoms, but not the causes, the underlying dynamics, of a civil society. Building a genuine civil society is not the same as funding a set of popular or “good” NGOs (even if these NGOs could somehow be objectively proven to be the “best” around). The kind of civil society that eventually can create rights and democracy grows out of the engagement of people at all levels of society, as they interact in ways that affect and make up the public good. This requires people to engage in collective action, to build trust and confidence in their own capacities and the actions of others, to develop the ability to oppose and negotiate and ally themselves with other groups within civil society and with government as need requires. What I am describing here amounts to a transition from a set of highly personalized relationships, in which individuals and organizations seek access to ad hoc benefits as clients (of the state, of local elites, *and of the development aid system*), to much more institutionalized relationships governed by predictable, transparent rules, in which individuals and groups are able to demand access to rights as citizens⁴.

⁴ Sue Unsworth, *Understanding Pro-Poor Change*. DfID 2002; Anuradha Joshi & Mick Moore, *The Mobilizing Potential of Anti-Poverty Programmes*. IDS 2000; Peter Uvin, *Development and Human Rights*. Kumarian Press, 2004.

Some conclusions

What does all this mean for a strategy of local governance support for Burundi? There are of course good parts in each of these strategies. Lack of capacity -money, knowledge - is indeed a widespread problem that needs to be addressed; promoting self-help groups and other groups of people with joint interest (HIV/AIDS, schools, etc.) can be a great way to tap into local energies and knowledge; and a vibrant and diverse NGO sector is surely a nice thing to contemplate. None of these are a priori bad things to invest in; rather, the way they are supported, and the lack of political and historical context within which this takes place, typically all but ensures that the impact of these programs will be disappointingly low and unsustainable.

A priori, it seems that some of the key features of any local governance support strategy that it should

- *create opportunities for people to lead, to bargain, to organize, to learn*: such opportunities are matters of programme design, of attention to process; they can be mainstreamed in all sectors – not just in what we call civil society building or governance programmes. What this means for governance, in other words, is that we should be preoccupied less with products – the right laws, institutions, and office equipment — and more with processes – creating spaces, adapted to the local situation, in which people can bargain for their own institutions.
- *anchor projects in citizens' representative institutions*: it would be a waste *not* to grasp the opportunities provided by Burundi's ongoing democratization; work with the conseils de colline, the representative institutions that are closest to the citizens is important here. To the extent possible, we should use the institutions of citizenship rather than those of clientship, created by ourselves.
- *reflect critically on the way much development aid directly contributes to weak governance*: its clientelist relation with the people, its own total lack of transparency, its biases in hiring practices and its blindness to the political behaviour of its own employees, the way it substitutes for state-society negotiations, its uncoordinated and essentially unpredictable nature which amounts to institutional destruction. The number one thing aid agencies control is their own behaviour, so it is time to start critically looking at that and creatively improving on it.
- *work in a two-pronged way, from above and from below*: a local governance programme should both strengthen the state's capacities and strengthen society's capacities. These are not the same, and ought not to be mixed.
- *promote bottom-up planning*, which runs counter to the long-standing top-down and clientelist nature of Burundi's governance processes. This does not mean there is no place for macro-level planning and coordination – far from it — but rather that too much of what is called “participation and input” here hardly deserves these appellations.
- *dramatically improve on the ground co-ordination*, in function of people's expressed needs and initiatives, and in close collaboration with the communal and provincial structures in charge. Indeed, lack of co-ordination – both on the ground and at the national level — remains one of the prime ways in which aid agencies weaken both state and citizenship institutions; the short-term-ness of most aid is another way.
- *mainstream personal transformation and conflict resolution approaches*, focusing not only on ethnicity but also on power differentials, the rural-urban gap, a restoration of community, etc. When institutions are weak, working on personal transformations is important. This must be mainstreamed into projects through creative non-costly mechanisms. This is not about missionary zeal – we do not know what is good for people — but rather about allowing people to discover other ways of relating to each other.
- *work with utmost transparency towards all players* (public and private) in order to empower them; do so by improving the behaviour of aid agencies themselves and by building on Burundi's free press. Lack of transparency by development actors – about overall aims, budgetary availabilities, procedures, criteria for engagement, cost structures, contractual conditions, etc — is another major way in which aid actors continue to dis-empower Burundians.