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**Title:** Transitional Justice and State-Formation in Burundi

**Abstract:** This PhD project analyses the linkages between the dealing with the past process and the post-conflict state-formation process in Burundi. It questions the normative and rather legalist approach of transitional justice which posits that with the ‘right’ set of institutions and with an ‘appropriate’ mix of processes states can be successfully rebuilt after a violent conflict, and will thus emerge as modern Western democratic states based on the rule of law. Following newly emerging scholars and approaches on statehood and state-building (e.g. Bayart 1989, Lund 2006, Schlichte/Migdal 2005, Pécld/Hagmann 2007, Berman/Lonsdale 1992) this present study conceptualises transitional justice as a negotiation arena where statehood itself is constantly negotiated. It is based on the assumption that in the broader process of state-formation state and non-state actors continuously seek to institutionalise their power by presenting themselves as the (only) legitimate agents of a state which is moulded according to their perceptions. It follows that transitional justice is thus also used as an instrument of such political struggles. This study hypothesizes that transitional justice is shaped by power relations and therefore transitional justice tools may not contribute to state-building in ways predicted or assumed by legal scientists.

Burundi presents a particular case of interest, since the transitional justice process, as it has been agreed on during the peace negotiations in Arusha (1998-2000), is on hold and contested by various political parties, civil society organisations and the government. The empirical case study concerning the Arusha Peace and Reconciliation agreement analyses the specific political, social, cultural or ethnic causes of the conflict and the power balances which influenced the choice of transitional justice provisions and their mandate in the agreement. A second empirical case study is dedicated to the national (popular) consultations on the implementation of the transitional justice mechanisms and the growing role of the civil society in Burundi’s dealing with the past process. Finally, the significance of monuments designed for remembering various violent events in the country’s history and their political use in the post-conflict state-formation process is analysed.

**Field research:** This research project is based on an empirical approach and will put a strong emphasis on qualitative field research. In October 2009, a first preliminary field research visit (5 weeks) was conducted in Bujumbura to refine the research questions and to develop a detailed research strategy. Therefore, qualitative expert interviews have been conducted. During the second field stay (6 months) in 2010 qualitative interviews with various political parties, civil society organizations and state representatives were conducted. Moreover, participant observation was carried out and various official and unofficial documents, newspaper articles, broadcasts and studies have been collected. In 2011, in addition to interviews with experts and political representatives, two qualitative small-n surveys were conducted.

**Period:** start – January 2009; projected end – June 2012