



REPUBLIKA Y'UBURUNDI
UBUSHIKIRANGANJI BW'IBIDUKIKIJE, UBURIMYI N'UBWOROZI
IKIGO C'IGIHUGU KIJEJWE GUKINGIRA IBIDUKIKIJE



**AGATABO KO GUHIMIRIZA GUKWIRIKIZA AMATEGEKO AGENGA IBIKUMBA
VY'IBITI N'IBIBANZA BIKINGIWE MU BURUNDI**

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Agatabo kanditswe na :

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Biciye mu « mugambi w'ubushakashatsi, guhanahana inkuru, guhimiriza no gukingira ibinyabuzima mu Burundi » washizweho n'amasezerano y'umvikanyweko n'Ikigo c'Igihugu kijejwe gukingira ibidukikije hamwe n'Ikigo kijejwe ubuhinga kama c'Ingoma y'Ububirigi.

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0. Intangamarara

Amashamba cimeza n'ibitara birimwo ibibeshaho abantu kugira ubuzima bwabo bube bwiza. Muri rusangi, ibitara bigizwe n'ubwoko bw'ibiti, bumwe canke bwinshi, mva mahanga (umukaratusi, ipinusi...) bikukira Leta, amakomine n'ibisata vya Leta canke abigenga. Hariho ubundi bwoko bw'ibitara batera mu ndimo kugira bukingire kandi bwongereze uburyohe isi. Ibiti biri muri ubwo bwoko bw'ibitara bishobora kuba ari mva mahanga canke kama.

Amashamba cimeza nayo tuyasanga ahanini mu bibanza bikingiwe dusanga mu mihingo nka yose y'igihugu. Ayafise akamaro cane kandi akaba manini gusumba ayandi tuyasanga mu mpongore kama z'igihugu nka Kibira, Ruvubu na Rusizi, mu turere kama dukingiwe twa Bururi, Kigwena na Rumonge eka no ku mitumba kama ikingiwe.

Ubwo bwoko 3 bw'amashamba bufise akamaro kanini mu gutanga ivy'abantu bakenera mu buzima bwabo bwa misi yose, ivyo navyo bikaba vyerekeye cane cane ivy'ubutunzi n'imibano, imibereho y'ibinyabuzima n'aho biba bituma ibikorwa vy'abantu vyo kugwiza umwimbu no kuwukoresha bikingirwa k'uburyo burama. Hambavu y'ivyo, amashamba afise uruhara mu kuyungurura umwuka duhema na cane cane muri kino gihe ivyuka bibi bimaze kuwonona. Ariko, naho biruko, ivyo vyiza bitangwa n'amashamba birabangamiwe cane n'ibikorwa bigayitse abantu bakorera muri ayo mashamba bikazotuma bigirira ubutakigaruka.

Kugira hakingirwe amatungo kama y'amashamba, Uburundi bwarashizeho amategeko agenga amatungo y'amashamba muri rusangi (itegeko n°1/07 ryo ku wa 15 mukukaro 2016 risubiramwo itegeko rigenga amashamba) hamwe n'irindi ryerekeye ibibanza bikingiwe (itegeko n°1/10 ryo ku wa 30 rusama 2011 rigenga ishirwaho n'itunganywa ry'ibibanza bikingiwe mu Burundi). Muri rusangi, ayo mategeko 2 yashizweho kugira yerekane ingene amatungo y'amashamba yokoresha no kubuza ikoreshwa ribi ryayo.

Ariko, naho ayo mategeko yagiyeho, ukurwanya ibibangamiye amatungo y'ayo mashamba biri kure nk'ukwezi kubera kumbure ivyiza bitangwa n'ayo mashamba, akamaro n'uruhara rwavyo mu butunzi bw'igihugu, iterambere n'imibereho y'abanegihugu bitazwi. N'inyuma ry'iyemezwa ry'ayo mategeko, ntiyasiguwe ngo yongere akwiragizwe ku bakorendera n'abakoresha ubutunzi kama, abajejwe intwari hamwe n'abafundi baba bari k'urubuga kandi aribo basanzwe bazoyakoresha.

Biciye mu magambi "w'ubushakashatsi, guhanahana inkuru, guhimiriza n'ugukingira ibinyabuzima mu Burundi" ufashijwe n'ikigo c'ubuhinga kama c'Ingoma y'Ububirigi, aka gatabo ko guhimiriza kanditswe. Ako gatabo gafatwa rero nk'igikoresha co gukabura ngo amategeko nyamukuru agenga amashamba n'ibibanza bikingiwe ashirwe mu ngiro n'abajejwe kuyakoresha hamwe n'ugukingira ubutunzi bw'amashamba k'uburyo burama kandi butanga akarusho mu vy'ubutunzi. Ikurikizwa ry'amategeko n'irikinga ubwononyi n'ingaruka mbi zabwo zishobora kubangamira umutekano w'ababa kungera y'ayo mashamba, wo gukingira ibidukikije no k'uburambe bw'ivyiza buzanwa n'ivyo bibanza mparirwabuzima.

1. Kubera iki ako gatabo ko guhimiriza kanditswe?

Tumaze kubona ko itegeko rigenga amashamba hamwe n'irigenga ibibanza bikingiwe ashirwa mu ngiro k'ugwego rubayabaye kandi hibonekeza ibikorwa bitandukanye vyonona ivyo bibanza vy'igihugu, vyabaye ngombwa ko Ikigo c'igihugu kijejwe ibidukikije gifata iya mbere mu kwihweza ingene amatungo y'amashamba atokoresha mu kajagari hatishunzwe ineza y'abazovuka misi iri mbere. Mugihe ibimenyetso vy'ikoreshwa nabi ayo matungo mu gihugu cose vy'ibonekeza kandi Uburundi bwarashize umukono ku masezerano mpuzamakungu ajejwe ibidukikije, hategerezwa gufatwa ingingo ruhasha kuri uwo wese yonona kandi agasahura amatungo y'amashamba.

Mu Burundi, amatungo y'amashamba arakoreshwa birenze urugero ku mvo zitandukanye: bamwe bayakoresha mu kwikenura mu vyo bakenera mu ngo zabo, abandi nabo bakayakoresha nk'urudandazwa. Ikoreshwa rikabije ry'ayo matungo y'amashamba rirateye agahinda k'uburyo atagikoze ngo haronderwe ibiyasubirira, bizogorana muri kazoza gutunganiriza abayakeneye ku bwinshi (amakara, ibishoro, inkwi zo gucana hamwe n'ibiti bisigaye bikoreshwa mu gutarura bariko barabuka amazu n'ibindi).

Aka gatabo rero n'igikoresho co guhamagarira gukwirikiza neza amategeko agenga amashamba muri rusangi kugirango bayakoreshe kandi bakingira amatungo y'amashamba k'uburyo burama kandi buteza imbere ubutunzi bw'igihugu. Ikurikizwa ryiza ry'itegeko n'irikinga ubwononyi, iyo bikenewe naho, rigahana bimwe biboneka k'ubarirenze hisunzwe amategeko, ivyo bituma abenegihugu babaho neza kandi ivyiza bikomoka kuri ivyo bibanza mparirwabuzima bikaguma navyo bikingiwe.

2. Ubwoko bukuru bukuru bw'amashamba mu Burundi, ibiyabangamiye n'akamaro kayo

2.1. Ubwoko bw'amashamba

Nkuko twabivuze mu ntangamarara, amashamba ari mu gihugu cose ashobora kuja muri rusangi mu mirwi 3: Ibitara (amashamba materano), amashamba agizwe n'ibiti bijanye n'indimo hamwe n'amashamba cimeza.

- Ibitara (amashamba materano): ni igitara cose kirimwo ibiva mu biti, gikomoka k'umuntu kandi kigatunganywa ku mvo zijanye n'ivy'amashamba. Kirashobora kuba ari ca Leta, komeye n'ibisata vya Leta canke abigenga. Ivyo bitara bigizwe hanini n'ubwoko bw'ibiti atari kama mu Burundi nk'ubwoko bw'imikaratusi, amasederi, pinusi, n'ibindi. Rimwe na rimwe, usanga bigizwe n'ubwoko bumwe bw'igiti canke ubwoko bwinshi.
- Ibitara bijana n'indimo: ni ibitara usanga hanini biri mu mirima y'ibiterwa aho bikingira kandi bikongereza akanovera isi. Bigizwe n'ubwoko bw'ibiti bitari kama

(mva mahanga) nk'igereveriyo canke ubwoko bw'ibiti kama bibana neza n'ibiterwa atangorane

- Ibibanza bikingiwe biri mu mirwi 4: impongora kama z'igihugu, uturere kama dukingiwe, ibibanza ndangamico kama n'imitumba kama ikingiwe. Uko vyitwa kwose canke turavye uburinganire bwavyo, harimwo imirwi myinshi y'amashamba igizwe n'ubwoko bw'ibiti kama, hakiyongerako mu mashamba amwamwe, ubwoko bw'ibitegwa mva mahanga birandagata cane iyo atagikozwe ngo bihonywe. Mu bibanza mparirwabuzima bidakingiwe, birashoboka ko habamwo udushamba cimeza ariko usanga ari duto duto kandi tukaba tubangamiwe cane ugereranije n'ibibanza bikingiwe.

2.2. Akamaro n'ibibangamiye amashamba

Muri kahise, akamaro k'ibibanza mparirwabuzima bigizwe n'amashamba vyafatwa nk'ibigega bakuramwo amatungo kama bakenera (ivyamwa, ibizinu, imiti, ibiti, ibikoko bafungura, imboga, ibikoresho vyo kujisha n'ibindi), kandi iyo nyifato iracibonekeza mu Burundi.



Ishusho 1: Igitara c'imikaratusi kiri hambavu y'ishamba cimeza rya Kibira i Busekera (Teza)

Muri kino gihe, amashamba ntagifatwa nk'ibigega bakuramwo gusa amatungo kama ariko nk'ibibanza vyo kwinezereza n'ukuruhuka ari naco gituma vyoguma bimeze neza na cane cane amashamba cimeza. Iruhande y'ivyo vyiza, amashamba arafise uruhara mu mibereho

y'ibinyabuzima n'aho biba hamwe n'ugukinga impanuka zikomoka kw'ihindagurika ry'ibihe. Amashamba arakingira isi, akayungurura amazi n'impwemu. Amashamba arakingira kandi ibinyabuzima akongera agatuma hataba uburemere y'ibinyabuzima bimwe bimwe bigira ku bindi mu kubiha aho bikura ivyo birya, biruhukira bikongera bikaharwirira.

Kibijanye n'ivy'ubutunzi, igihugu kirahungukira amahera y'agaciro kubera ingenzi (bamukerugendo) n' ukurwiza umwimbu kubera igikorwa c'udukoko duto duto tugurukira ku mashurwe. Ugukoresha n'ukudandaza ibiva mu bita n'ibitari ibiti bituma igihugu n'abenegihugu baharonkera amafaranga yo kwiteza imbere.

Ishuso 2 & 3: Ibiva mu biti bikoreshwa mu gisata c'ubudandaji



Imbaho ziva mu biti vyo mu bitara bazijana mu bisagara hirya no hino mu gihugu aho bazikoramwo ibikoresho bitandukanye nk'ibitanda, ububati, intebe, inzugi n'ibindi.

Ishusho 4: Imodoka yuzuye amakara, Ishusho 5: Ibiti bikoreshwa mu bw'ubatsi



Naho biruko, amashamba arabangamiwe cane n'ibikorwa vyo kurondera indimiro, guca ibiti n'uburovyi hatisunzwe amategeko, uruhigi, inyubako (amabarabara, ingomero, amazu n'ibindi), ibinyabuzima vy'ivyaduka, itosekara, imiriro ya nyakanga eka n'ibindi.

3. Kubera iki amategeko agenga amashamba n'ibibanza bikingiwe yashizweho?

Itegeko rigenga amashamba rigizwe muri rusangi n'ayandi mategeko agenga ikoroshwa, gukingira amashamba n'ibibanza mparirwabuzima n'abenegihugu batunzwe n'ivyo bibanza. Itegeko ritegerezwa gushirwa mu ngiro mw'iterambere, ikoroshwa n'uguha agaciro ibiva mu mashamba mu gihugu cose. Muri rusangi, ayo mategeko yose ategerezwa gukwirikizwa. Yashizweho hanini kugira ngo intumbero zikwirikira zishikweho:

- Guheba burundu igabanywa ry'amashamba mu kuyakoresha neza biciye mu kuyakingira, mu kugwiza ibitara no gushira inguvu nyinshi mu kugwanya ivyo vyose biyangamiye;
- Gushimangira ubutunzi buvuye ku mashamba mu kwongereza uburyo bwo kubaho bw'abanegihugu batunzwe n'ayo mashamba;
- Kwongereza uburinganire bw'ibibanza bikingiwe n'ibitara k'uburyo burama hamwe no kwongereza umwimbu w'ibiva mu mashamba.

Mu gihe c'ubu, biragoye gushika ku nshinga nyamukuru n'aho ayo mategeko agenga amashamba ateganywa ingingo ngenderwako zokwisungwa mu gutunganya amashamba neza. Izo ngingo zitegerezwa gukurikizwa kugira ngo ayo mategeko agenga amashamba n'ibibanza bikingiwe akurikizwe. Izo ngingo nazo zerekeye ibi bikwirikira:

- Ugutunganya k'uburyo burama;
- Ugutunganya harimwo abo bose vyega;
- Uwuciye igiti atera ikindi;
- Ugukorera mu muco;
- Intwari ibereye;
- Ukumenya akamaro k'ivyiza vy'amashamba;
- Ukugumizaho imico n'akaranga;
- Ukugumizaho n'ugukingira ivyiza bivuye ku bidukikije;
- Ugukingira ibinyabuzima.

4. Ivyanditswe nya mukuru buri muri ayo mategeko

4.1. Itegeko rigenga amashamba

Muri rusangi, itegeko rigenga ibitara rigizwe n'ingingo 227 ziri mu bice 8 bitandukanye. Ikigabane ca mbere cerekeye aho rigeza, igituma c'itegeko n'insiguro y'amajambo nyamukuru kugira ritahurike neza. Ikigabane ca kabiri cerekeye politike y'igihugu n'inzego bigenga amashamba. Ikigabane ca gatatu cerekeye inzego zitunganya amashamba, ibishasha nyamukuru vyerekeye ubugenduzi bukuru bw'amashamba (ing.19), ibisata bijejwe ibiva mu mashamba bishobora gufasha mu gufata ingingo (ing. 22). Ingingo ya 24 iteganywa gushiraho igisata c'igihugu c'amashamba kijejwe gutorokanya ibiharuro vyose vyerekeye amashamba.

Igice ca gatatu, kigizwe n'ibigabane 4, cerekeye ubwoko bw'ibitara burabwa n'iri tegeko. Mu kigabane ca mbere cerekeye ibitara vya Leta, ibiyagize, aho agera, ingene atunganyijwe canke asenyurwa (ing.26 -38).

Mu ngingo ya 39 gushika 45, ikigabane ca kabiri cerekeye ibitara vy'amakomine. Ikigabane ca gatatu cerekeye ibitara vy'ibigo vya Leta (ing. 46-48).

Ikigabane ca kane (ing.49-50) cerekeye ibitara vy'abigenga. Mu ngingo yaco ya 50 kivuga ko uwigenga ashobora, ku neza ya bose, gutera no gukorera igitara gifise uburinganire, bivuye ku ntara, bishinzwe n'itegeko nshikiranganji.

Igice ca kane, kigizwe n'ibigabane 4, cerekeye ugukoresha ibivuye mu mashamba. Ikigabane ca mbere kivuga ibijanye n'amashamba muri rusangi, ibigabane vya kabiri, gatatu na kane vyerekeye ikoreshwa ry'ibivuye mu mashamba ya Leta (ing.53-57), ya komine n'ibigo vya Leta (ing.58-59) hamwe n'ayabigenga (ing.60-61). Ikoreshwa ry'ibivuye ma mashamba ya Leta, ya komine n'ibigo vya Leta hamwe n'ayabigenga birashoboka mugihe hisunzwe amategeko. Ku vyerekeye amashamba y'abigenga, ingingo ya 78 iravuga ingene mwene ishamba rifise uburinganire buri musi y'inusu y'ihagitari ategerezwa kubanza kwerekana ingene azokoresha iryo shamba ryiwe, ivyo navyo bikabanza kwemezwa n'abajejwe amashamba ku rwego rwa komine n'intara.

Igice ca gatanu kivuga ingene amashamba atunganywa muri rusangi. Ikigabane ca mbere kivuga intumbero zijanye n'itunganywa ribereye ry'ibiva mu mashamba. Iterambere n'iringanizwa ry'amashamba, ikoreshwa ry'ibivuye mu mashamba, ugukingira amatungo nkomoko y'ibinyabuzima bitegerezwa gukorwa ku neza y'abantu bose, abubu nabo muri kazoza (ing. 62). Amashamba yose aratunganywa ariko inzego za Leta nizo zibiraba mu kwubahiriza amategeko ahari hamwe n'ingendo yo gushira hamwe abo vyega bose (ing.63). Ingingo ya 68 irerekano ko ukuja inama mu kubungabunga vyerekeye ukugabangana ibikorwa, imitahe n'inyingu hagati yabo vyega bose kw'ishamba runaka. Ingingo ya 86 yerekana ibiri mu masezerano y'itunganywa ry'ishamba.

Ikigabane ca kabiri cerekeye iringanizwa ry'ishamba (ing.71-74). Nk'akarorero, ingingo ya 73 ivuga ko iringanizwa ry'ishamba.ritegerezwa gutangurirwa n'icigwa gitohoza inkurikizi ku bidukikije. Ingingo ya 75 ivuga ko ibikorwa vy'indinganizo ry'ishamba bitegurwa harimwo n'abenegihugu begereye iryo shamba, bakerekana ihangiro y'iryo shamba n'uburyo bazorishikako; ingingo ya 78 yerekana intambwe nyamukuru zo kuringaniza ishamba.

Ikigabane ca gatatu cerekeye ugukingira amashamba kurimwo n'ibishasha ugereranije n'amategeko ya kera. Ico kigabane kigizwe n'uduce 8 tujanye n'ibitegekanijwe muri rusangi (ing.83-87), ugutema amashamba (ing. 88-94), ugukingira isi n'ibiti (ing.95-96), ugukinga imiriro mu mashamba (ing.97-105), ukubuza kuragira ibitungwa mu mashamba ya Leta, ya komine n'ibigo vya Leta (ing.106-107), ibibanza bikingiwe (ing.108-115), ugukingira ibikoko n'ibiterwa (ing.116-118), ugukingira abantu n'ibintu (ing.119-120).

Ikigabane ca kane kijanye n'ikoreshwa ry'ibivuye mu biti (ing.121-152), kikaba kigabuwe mu duce 3 twerekeye ingingo zijanye n'ikoreshwa (ing.121-129), ikoreshwa ry'ibivuye mu biti (ing.130-143), ikoreshwa ry'ibitavuye mu biti (ing.144-154).

Ikigabane ca gatanu cerekeye ingingo mperekeza z'ibivuye mu mashamba (ing.155-173) kikaba kigabuwe mu duce 5 tujanye n'uguhimiriza mu gutera ibiti (ing.155-161), ukunwanisha ibiti n'indimo, bikaba ari bishasha muri ritegeko (ing.162-167), ukugira ubushakashatsi, bishasha navyo nyene (ing.168-170), uguteza imbere ubwoko bw'ibiti (ing.171-173).

Igice ca gatandatu kijanye no gushira uburyo mu gisata c'amashamba, bikaba bitari mu mategeko ya kera, ico gice kikaba kigizwe n'ibigabane 3. Ikigabane ca mbere cerekeye uburyo bwo gusubiriza ishamba ku buringanire bwoba butakiriko ibiti iyo bahashize uwundi mugambi (ing.174-175). Ikigabane ca 2 cerekeye Ikigega c'igihugu c'amashamba, ivyo navyo bikaba ari bishasha ugereranije n'itegeko rya kera. Ikigabane ca 3 naco nyene kikaba cerekeye bishasha bijanye n'ikori ku mashamba. Ingingo ya 180 irerekana neza ingene ibivuye mw'ikoreshwa ry'amashamba n'amafaranga abivuyemwo bigaburwa.

Igice c'indwi kigizwe n'ibigabane 2 bijanye n'ibihano bifatirwa abononyi. Ikigabane ca 1 cerekana ukugene bigenda (ing.181-197). Ikigabane ca 2 cerekeye gusa ibihano (ing.198-225). Ibihano bitandukanye vyarongerejwe kugira bihashe abononyi.

Igice c'umunani, kikaba ari naco ca nyuma, cerekeye ingingo za guheraheza.

4.2. Itegeko rigenga ibibanza bikingiwe

Mu nyubako ryaryo, itegeko rigenga ibibanza bikingiwe rigizwe n'ingingo 51 ziri mu bice 4 bitandukanye.

Igice ca mbere kigizwe n'ingingo ngenderwako ; ikigabane ca 1 gitanga insiguro z'amajambo nyamukuru kugira ngo ryorohe kwumvikana (ing.1). Ikigabane ca 2 cerekana ivyo fatirwako mu gihe bagomba gutunganya ikibanza gikingiwe mu Burundi (ing.2- 4).

Igice ca kabiri kivuga ibijanye n'ibigenga ibibanza bikingiwe (ing.5-33), kikaba kigabuwe mu bigabane 3. Ikigabane ca 1 cerekeye ugukingira ubwoko bw'ibikoko n'ibiterwa (ing.5-8), ikigabane ca 2 cerekana ubwoko bw'intwaro y'ibibanza bikingiwe mu Burundi aho ubwoko 4 aribwo bwemejwe : ibibanza bikingiwe na Leta (ing.10-11), ibibanza bikingiwe na Leta n'abenegihugu babibako (ing.12-18), ibibanza bikingiwe n'abigenga (ing.19-21), ibibanza bikingiwe n'abenegihugu (ing.22-25). Ikigabane ca 3 cerekeye imigambi yo gutunganya n'indinganizo y'ibibanza bikingiwe kwari ngombwa (ing.26-33). Kugira bahimirize abenegihugu mu kugira uruhara mu gukingira ibibanza bikingiwe, itegeko ritegekanya imigambi yo guteza imbere abenegihugu baba ku nkengera y'ibibanza bikingiwe: gufata ingingo zo guhimiriza nko kugira uburenganzira bwo gukoresha amatungo kama (ing.27), guteza imbere ivyo subirira amatungo kama ageramiwe (ing.28), guteza imbere ivy'imibano n'ubutunzi mu benegihugu bari ku nkengera y'ibibanza bikingiwe (ing.29-32), kwigisha no guhimiriza abenegihugu (ing.33).

Igice ca gatatu cerekeye ibihano uhereye ku kigabane ca 1 kijanye n'ingene bigenda mu gukurikirana abononyi, ubushobozi bijanye (ing.34-38) hamwe n'ibihano bihabwa abagiriwe n'ubwononyi hisunzwe ingingo ziri muri rino tegeko (ing.39-44).

Igice ca kane cerekeye ingingo za nyuma kandi kigategekanya ingene basaba inzego mpuzamakungu (UNESCO, Urwego ruraba uturere turimwo amazi) zifise uburenganzira mu kugena ko ikibanza gikingiwe c'Uburundi kija mu ntonde z'ibibanza vyazo (ing.45). Muri iyo ntumbero nyene yo gukingira ibibanza, itegeko rirabuza gutanga canke gutiza uwariwe wese, uturere dusanzwe turi mu bibanza bikingiwe bitunganijwe na Leta canke Leta n'abenegihugu (ing.46). Ariko, mu gihe imvo zatumye ikibanza gikingirwa zitagifashe, itegeko rirategekanya ko ico kibanza gikoreshwa ibindi (ing.47).

5. Ni ibihe vyiyongereye vyotuma amategeko mashasha aja neza mu ngiro ugereraniye n' aya kera ?

Mu gihe bategura amategeko ya kera agenga amashamba (ibitara canke ibibanza bikingiwe), nta ruhara ruhagije bigize baha abo vyega bose (abanegihugu, abashinzwe intwari, amashirahamwe); ivyo vyatumye haba rimwe na rimwe ukwinubana hagati yabajwe amashamba hamwe n'abenegihugu bari ku nkengera y'ayo mashamba. Mu gutegura amategeko mashasha ahari ubu, abo vyega bose barabigizemwo uruhara naho kumbura hakiri agahaze.

Itegeko rigenga amashamba muri rusangi rirategekanya imigwi ijejwe amashamba kugira ngo itunganywe ry'amatungo y'amashamba rikorwe mu mwumvikano w'abo vyega bose. Ingene amashamba asubirizwa vyarashizwe mw'itegeko rishasha rigenga amashamba.

Ikigega c'igihugu c'amashamba carategekaniye kugira ngo ubutunzi n'intwari vy'amashamba vyigenge mu gusubiriza n'ukwagura amashamba. Ukugabura neza inyungu zivuye mu mashamba vyarabaye umwitwarariko w'abashiraho amategeko ku vyerekeye itegeko rigenga amashamba. Uruhara rw'abenegihugu mu gutunganya amatungo y'amashamba rwarahawe ikibanza gikwiriye.

Bisubiye, ingingo nshasha zofasha guhimiriza kwisunga no gukoresha aya mategeko zarashizwemwo. Izo nazo ni zerekeye kugira uburenganzira ku matungo n'intwari ibereye y'amashamba hisunzwe ibisabwa n'aya mategeko. Kandi, ukugabura inyungu hagati ya Leta, komeye na ca kigega c'igihugu c'amashamba, n'imwe mu nzira zohimiriza kwisunga na ntaryo itunganywe rirama ry'amatungo y'amashamba hamwe n'amashamba ubwayo.

Ugutegekanya k'Ubugenduzi Bukuru bw' Amashamba, Urwego rw'igihugu rwo gutorokanya ibiharuro vyose bijanye n'amatungo y'amashamba hamwe n'amashamba ubwayo, n'imigwi mpanuzwajambo k'ubutunzi bw'amashamba vyategerezwa gufasha gufata ingingo, ivyo navyo bikaba ari bishasha mw'itegeko rigenga amashamba.

Ku rundi ruhande, ugushiraho amategeko yerekana ingene ikoreshwa ry'ibiva mu biti (ing.130-143) n'ibindi bitava mu biti ni akaryo ko gutunganya neza ikoreshwa ry'amashamba ; nivyo bikaba ari bishasha muri iryo tegeko rigenga amashamba.

Ku vyerekeye itegeko rigenga ibibanza bikingiwe, rirategekanya ishishirwaho ry'imigambi yo guteza imbere abari ku nkengera z'ayo na cane cane mu kwisunga ingingo ziha uburenganzira bwo gukoresha amatungo kama amwamwe, gushiraho imigambi yo guteza imbere imibano n'ubutunzi bw'abenegihugu baba ku nkengera y'ivyo bibanza, kwigisha n'uguhimiriza abo benegihugu ; ivyo vyose bikaba ari ivyofasha guhimiriza kwisunga no gushira mu ngiro iryo tegeko.

Ubwa nyuma, hihwejwe ubutunzi buva mu mashamba, abajejwe gushiraho amategeko ntibibagiye gutegekanya ibihano ruhasha ku bonona ivyo bibanza bikingiwe ugereranije n'itegeko rya mbere.

6. Amategeko agenga amashamba n'ibibanza bikingiwe yoba ashirwa mu ngiro nkuko bikwiriye ?

Muri rusangi, ayo mategeko n'ibikoresho vyikwije kugira amashamba n'amatungo ayavamwo bikingirwe. Arategekanya intumbero zo kwisungwa ngo ibiti n'amashamba bitunganywe k'uburyo burama. Kandi, arategekanya imibereho myiza y'abenegihugu, ukugwiza umwimbu w'amashamba mu buryo imibereho y'ibinyabuzima iguma ku rugero rubereye kandi amashamba akaguma atekanye.

Naho biruko, twihweje ibikorwa vyinshi bigayitse bikorerwa muri ayo mashamba n'ibibanza bikingiwe ugereranije n'igitigiri c'ababikora bajanywe imbere y'ubutungane, ntaworeka kwibaza ko ayo mategeko adakurikizwa bihagije kubera imvo zikwirikira :

- Ukutamenya ibiri muri ayo mategeko kw'abarondera n'abakoresha amatungo y'amashamba. Ivyo bikava ku kutayatahura neza kuko atanditswe mu Kirundi canke atashizwe ahabona. Itegeko rigenga ibibanza bikingiwe ryonyene niryo ryahinduwe mu Kirundi, ririgishwa, riragwizwa kandi ritangwa mu benegihugu, mu ntwaro no mu butungane ;
- Abajejwe gukwirikiza amategeko agenga amashamba ku rwego rwo hasi batagira inzandiko z'ayo mategeko;
- Iyo amategeko yanditswe hama akemezwa, nta wusubira inyuma ngo ayasigurire abo vyega bose kandi akayabaronsa, cane cane abarondera n'abakoresha amatungo y'amashamba ;
- Ubukene bw'amategeko mperekeza y'ayo mategeko n'intambamyi nya mukuru mu kuyashira mu ngiro. N'ayateguwe haraheze imisi ntarashirwako igikumu n'abajejwe ;
- Uguhana abononyi bidakurikiza amategeko, rimwe na rimwe bigaherera aho nyene vyabereye ;
- Ubukene bw'abakozi n'ubushobozi buke bw'ibigo bijejwe amashamba ;
- Ukurya ibiturire canke agufadikanya n'abajejwe gushira mu ngiro ayo mategeko ;

- Inzego canke imigwi itegekanywa muri ayo mategeko zitagiyeho kandi zari zijewe kugenzura neza ikoresha ry'amatungo y'amashamba ; nizagiyeho nazo zikabura amategeko nshikiranganji yerekena ububasha bwazo n'ingene zikora.

Ubwanyuma, aka gatabu kerekeye abantu benshi (abenegihugu, abajewe intwari, amashirahamwe n'abajewe amashamba ku rwego rwo hasi). Ico twokebura ngaha, nuko ishirwa mu ngiro kw'aya mategeko riteraba abajewe amashamba bonyene, ariko ryerekeye abo bose bari mu gisata kijejwe gukingira amatungo y'amashamba.

7. Ingendo zotuma aya mategeko akurikizwa kandi agashirwa mu ngiro bimwe biboneka

Usomye aya mategeko, bikirubakira vyarategekanywe mu bijanye no gutunganya neza amatungo y'amashamba. Hakenewe gusa ko boyisunga imbere ko hari igikorwa cose, haba abarondera n'abakoresha amatungo y'amashamba, haba abajewe amashamba canke abandi bose babifisemwo uruhara. Kugira tugere kuri urwo rugero, politike y'igihugu ijanye n'amashamba, amategeko n'inzego zijewe amashamba vyarashizweho. Muri rusangi, itunganywa ry'amashamba ku buryo burama ryotegerejwe kwisunga intumbero nyamukuru zikwirikira :

- Kugira integuro y'iterambere y'igisata c'amashamba k'uburyo abantu n'igihugu bironka ivyo bakeneye k'uburyo amatungo y'amashamba adaherengeretse ;
- Guteza imbere n'ugutunganya bimwe birama amatungo y'amashamba n'amatungo nkomoko y'ibinyabuzima ;
- Gukoresha k'uburyo burama amatungo y'amashamba kugire haboneke iterambere mu vy'imibano n'ubutunzi ;
- Gukingira ibinyabuzima n'amatungo nkomoko y'ibinyabuzima vy'ishamba ;
- Gukarishiriza ubwenge abakozi no guha uburyo ibigo bijewe amashamba ;
- Gufadikanya no guha uruhara abenegihugu kuva mu nteguho, gushira mu ngiro no gukwirikirana ibikorwa bijanye n'amashamba, biciye cane cane mu gutunganya amatungo y'amashamba ku nzego zitandukanye;
- Ibigo bijewe gutunganya amashamba, bifadikaniye n'ibisata bijewe ubuhinga, bihamagariwe gufata ingingo zibereye mu gukingira no guteza imbere amashamba vyisunze politike y'igihugu ijejwe amashamba hamwe n'ingingo zitegekanywe muri aya mategeko agenga amashamba;
- Igisata kijejwe amashamba gitegerezwa gukorana n'ubundi bushikiranganji mu gihe ibikorwa bimwe bimwe bishobora kugira inkurikizi ku mashamba. Muri icyo gihe, nticokwirengagiza n'abandi bari muri icyo gisata nk'abikorera utwabo, amashirahamwe y'igenga n'abenegihugu;
- Igisata kijejwe amashamba, kibicishije mw'itegeko nshikiranganji rishizweko umukono n'abandi bashikiranganji, kirerekana ingene cikorana n'izindi nzego za Leta; ku bandi batari muri Leta, kibicisha mu masezerano abagenga;
- Gushiraho inzego zose canke imigwi nk'uko amategeko agenga amashamba n'ibanza bikingirwe abitegekanya bifise akamaro ntangere mw'itunganywa rusangi;

- Gushira imbere intwaro ibereye y'amashamba nkuko amategeko agenga amashamba n'ibibanza bikingiwe abitegekanya mu gufadikanya n'abenegihugu baba ku nkengera y'amashamba, hadashizwe inyuma guhana abo bose bafise uruhara mu bikorwa vyonona;
- Gutera ibiti aho hose hatorimwa, kiretse mu myonga, kugire twagure uburinganire bw'amashamba, hanyuma twongereze umwimbu;
- Gushira imbere ibikorwa vyo guhimiriza abo bose begwa (abajejwe intwaro, abenegihugu, amashirahamwe y'igenga n'abajejwe amashamba ku rwego rwo hasi) n'itunganywa ry'amatungo y'amashamba n'amashamba ubwayo biciye mu binyamakuru n'amanama vyofasha cane mu gushira mu ngiro aya mategeko;
- Gushira mu ngiro imigambi yo guteza imbere inkengera z'ibibanza bikingiwe mu guha uburenganzira bwo gukoresha amatungo, guteza imbere ivyosubirira amatungo y'ibinyabuzima ageramiwe, guteza imbere ivy'imibano n'ubutunzi vy'abenegihugu baba ku nkengera y'ibibanza bikingiwe;
- Kwandika mu Kirundi itegeko rigenga amashamba no gusigirira abo vyega bose amategeko agenga amashamba n'ibibanza bikingiwe;
- Guteza imbere ivyosubirira amatungo akoreshwa nk'inkwi zo gucana (umwuka, umuyagankuba uva ku zuba) hamwe n'ubuhinga bwo gusubiriza ibikoresho bimwe bimwe (amashiga aziganya inkwi mu gukinjika, ivyuma bisubira ibiti mu bw'ubwubako bw'amazu ..).

8. Gusozera

Kuva hemezwa itegeko rishasha rigenga ibibanza bikingiwe n'irindi risubiramwo itegeko rigenga amashamba mu Burundi, ibibanza birimwo amashamba vyagumye vyononekara naho ibigo vyari bijejwe kuyakingira hisunzwe aya mategeko vyari biriho. Harageze rero ko abo bose begwa n'itunganywa ry'amashamba bikubita agashi mu kugira umwitwarariko udasanze k'uburyo uburinganire n'umwimbu vy'amashamba hamwe n'ugukingira ibibanza biriko amashamba vyiyongere.

Aka gatabu ko guhimiriza ntikaje nk'itegeko mperekeza ry'itegeko rigenga amashamba canke itegeko rigenga ibibanza bikingiwe, ariko kaje nk'igikoresho co gukebura n'uguhimiriza abegwa bose n'ishigwa mu nigiro nyaryo ry'aya mategeko.

9. Ibitabo vyafashije kuronka inkuru

République du Burundi, Loi n°1/10 du 30 mai 2011 portant création et gestion des aires protégées au Burundi ;

République du Burundi, Loi n°1/07 du 15 juillet 2016 portant révision du Code Forestier.