

Fields of Bitterness (I): Land Reform in Burundi

 [crisisgroup.org /en/regions/africa/central-africa/burundi/213-fields-of-bitterness-i-land-reform-in-burundi.aspx](http://www.crisisgroup.org/en/regions/africa/central-africa/burundi/213-fields-of-bitterness-i-land-reform-in-burundi.aspx)

Africa Report N°213 12 Feb 2014

The full report is available in [French](#).

EXECUTIVE SUMMARY

Burundi, whose population lives mainly in rural areas, is facing two land problems. The first is structural and due to poor land management, particularly in a context of high population growth, which generates violence and crime. The second is a legacy of the civil war that deprived hundreds of thousands of refugees and displaced people of their properties. Only renewed focus and fresh thinking can help prevent rural criminal violence. However, instead of meaningful reform, only a review of the land code has been implemented. The impact of the absence of a comprehensive change in land governance, especially on conflict resolution, will continue to fuel public resentment, especially for those who have been dispossessed of their properties or have limited access to land ownership. The sense of injustice and the pressing need for land will likely contribute to future conflicts unless the government adopts a new approach.

Burundi's overcrowded rural population is a challenge to its land management system and is the source of deep socioeconomic resentment that in part fuelled the civil war. With one of the highest population densities on the continent (about 400 people per square kilometre) and 90 per cent of the population dependent on agriculture, Burundi needs to be a good example of land management. On the contrary, however, bad land governance is deeply rooted and old regulation mechanisms are obsolete, thus contributing to conflict, social tensions and a malnutrition rate close to 75 per cent. Fourteen years on, the ambitious land reform provided for in the Arusha agreement has been superficial at best and has not met expectations.

Several shortcomings explain this failure: the absence of tight control over state prerogatives, which generates abuses and increases land insecurity; lack of coordination between reform initiatives, which leads to a duplication of roles and reduces the efficiency of land institutions; lack of independence of the judiciary; inequalities in land access (especially for women); and disappearance of traditional conflict resolution mechanisms.

Resolving land conflicts will require much more than a simple change in the political balance of power between the Tutsi elite, which has dominated the political arena since independence, and the Hutu majority, in power since 2005. Burundi needs a global vision on land that will take into account socio-economic realities and break with bad governance practices of the past.

Preparations for the 2015 elections have started and land issues will be a divisive topic during the campaign. The government should, with the support of international partners, implement the following measures:

- elaborate a new rural development strategy that fully integrates the land policy;
- pass a law on inheritance to promote gender equality, to include all land users (particularly women and children) in land certification and to allow the advance registration of estates for the purposes of succession (ie, before the concerned person's death);

- launch a national campaign to promote peaceful land dispute resolution; and
- develop mediation and conciliation within the courts, as well as establish sustainable local land management services.

This report, the first in a two-part series, examines why reform has failed to improve land governance since the 2000 Arusha agreement. It suggests a way forward to relaunch land reform initiatives in a comprehensive and coherent manner. A second report will analyse the complex land restitution policy for refugees and displaced persons.

Nairobi/Brussels, 12 February 2014