

Fields of Bitterness (II): Restitution and Reconciliation in Burundi

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

EXECUTIVE SUMMARY

Since the end of Burundi's decade-old civil war in 2000, the country has faced a problematic land legacy, with the need to resettle hundreds of thousands of unfairly deprived refugees and displaced persons. Restitution is essential to consolidate peace, but amid acute land tensions due to demographic growth and the scarcity of available arable lands, the current policy is weakening peacebuilding efforts and reviving ethnic resentment. It gives advantage to repatriated citizens to the detriment of current land owners, who were not all complicit in land thefts during the civil war. In order to avoid restitution being perceived as revanchist, a new land reconciliation policy is required, more aligned with the spirit of the 2000 Arusha peace agreement.

More than 700,000 Burundians have lived in refugee camps in neighbouring Tanzania, the main host country for Burundi's refugees. In 2010, the Tanzanian government granted citizenship to 162,000 of them, but also reaffirmed its willingness to repatriate all those not naturalised. In late 2012, Burundians lost their refugee status and 35,000 residents from the last camp were repatriated, sometimes forcibly. A land restitution policy, provided for in the Arusha agreement, has been implemented for several years. Addressing repatriation disputes requires a subtle combination of equity, flexibility and diplomacy. Instead, however, the current policy is characterised by a lack of impartiality, hasty restitutions, and confusion between those who bought the land in good faith and those who knowingly dispossessed others. Such a policy could rekindle ethnic divisions without securing land rights for refugees and displaced persons.

The Burundian government has passed a law, without any consultation, to revise the mandate of the National Land Commission (CNTB) and is also trying to establish a special court to address disputes arising from the commission's decisions. This is creating fears, especially within the minority Tutsi community, and risks undermining both restitution and reconciliation at the same time.

Before the beginning of the 2015 electoral campaign, during which land issues will feature prominently, the government should, with the support of international partners, implement the following measures:

- revise the new law on the CNTB and the draft law on the special court based on public parliamentary hearings to ensure broader debate and greater buy-in from the population;
- renew the CNTB leadership to make it more consensual and strengthen its integrity;
- return to the practice of sharing out lands and properties between land owners and complainants;
- harmonise the principles that will inform the decisions of the CNTB and the courts; and
- elaborate a land compensation policy, designed by an interdepartmental committee, based on available land resources as well as land needs for economic development.

This report, the second in a two-part series on failures and deficiencies of land reform in Burundi, analyses

the dilemma between reconciliation and restitution. If these two national objectives are not properly balanced, restitutions can lead to a revival of past ethnic tensions and, by repairing one injustice through another, create frustration and resentment.

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