The Politics Of Institutional Proliferation And The Management Of Repatriation-induced Land Disputes In Post-war Burundi

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OUTLINE

- Background and Research focus
- Argument and Theoretical debate
- Methodology
- Research findings
- Concluding remarks
Figure 1: The study site in Burundi
Argument

- In post-conflict settings, land relations are drastically reconfigured and contested, and the settlement of repatriation-induced land disputes are transformed into broader contestations and competition over the authority to adjudicate disputes.

Theoretical contribution

- In post-war setting, returnees are confronted with critical transformations in the local and national institutional landscapes.
  

- Post-war land governance is challenged by institutional competition and political control.
  
  Badiey 2013; Lund 2011; Stefansson 2006
METHODOLOGY

- Explanatory research – Ethnographic fieldwork
  - Semi-structured interviews
  - Focus groups; workshops
  - Non-participant observations
  - Informal conversations
  - Documentary review: law documents, reports, newspapers, etc.

- Mid 2013 – late 2014

- Wide array of informants: land claimants, community members, male/female, I-NGO workers, decentralized land governing institutional actors, traditional elders
SPECIFIC FEATURES OF REPATRIATION-INDUCED LAND DISPUTES

• Multiple, competing and overlapping layers of claims

• Claims over: agricultural productive resources, belonging, citizenship

• Trans-generational disputes (1-4)

• ‘Returnees’ versus ‘Residents/occupants’: Political subjectivities (Unruh 2011); ethnicity, politically-colored categorizations
### INSTITUTIONAL MULTIPLICITY AND LAND DISPUTE RESOLUTION

<table>
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<tr>
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<th>Non-state</th>
<th>Executive</th>
<th>Judicial</th>
<th>Extra-judicial</th>
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<tbody>
<tr>
<td>Local</td>
<td>Bashingantahe – Elders</td>
<td>Ten-households heads; sub-hill chiefs; hills chiefs; area chiefs</td>
<td>CNTB affiliates: hill chiefs</td>
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<tr>
<td>Communal</td>
<td>CBOs</td>
<td>Communal administrator &amp; advisors</td>
<td>Local court (<em>tribunal de résidence</em>); police</td>
<td>CNTB agents &amp; affiliates</td>
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<tr>
<td>Provincial</td>
<td>I-NGOs</td>
<td>Governor &amp; advisors</td>
<td>High court (<em>tribunal de grande instance</em>); police</td>
<td>CNTB agents</td>
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<tr>
<td>Central</td>
<td>I-NGOs</td>
<td>Burundian President</td>
<td>Supreme court; police</td>
<td>CNTB agents and chairman CSTB</td>
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- Wide variety of actors and normative systems
- Competition between and within different levels and structures
INSTITUTIONAL AND POLITICAL HEGEMONY IN LAND DISPUTE RESOLUTION

- Interpretations of the role and missions of the CNTB dependent on its leadership

- Reinforced authority and power of the CNTB over other institutional actors: 2009-2015

- “Illegality” of the work of the previous national commissions

- Creation of the CSTB as the supreme jurisdiction to deal with appeals on decisions issued by the CNTB

- Concentration of power in the hands of the central government leadership
MAIN CHALLENGES

• Forum shopping: Continuous appeals, endless disputes

• Exclusion: local governance, CNTB vs judiciary/local deputies/NGOs

• Horizontal integration of local institutional actors

• Institutional competition within and between local and communal/provincial authorities

• Increased local resistance against enforcement of CNTB rulings – increased local/national cooperation between CNTB and police forces
CONCLUDING REMARKS

- Land restitution is not a one-size-fits-all solution to repatriation-induced land disputes.

- Institutional reform is a key pivotal mechanism for exercising power and imposing authority in land governance.

- Not all statutory land governing institutions exercise equal authority in returnees’ related land dispute resolution.

- Delegitimizing local and customary institutions in mediating land disputes contradicts with the decentralization agenda.

- Land is crucial for consolidating central power control within local spheres.

  → Tenure insecurity, Disincentive for agricultural investment, Re-displacement, Poor economic growth
Thank You For Your Kind Attention!

Merci!