

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

**ROSINE TCHATCHOUA-DJOMO**

***AFRICAN STUDIES CENTRE LEIDEN, LEIDEN, THE NETHERLANDS***

**[TDROSINE@GMAIL.COM](mailto:TDROSINE@GMAIL.COM)**

**2017 World Bank Conference on Land and Poverty**

**Washington DC, March 20-24, 2017**

# OUTLINE

- Background and Research focus
- Argument and Theoretical debate
- Methodology
- Research findings
- Concluding remarks

# BACKGROUND AND RESEARCH FOCUS

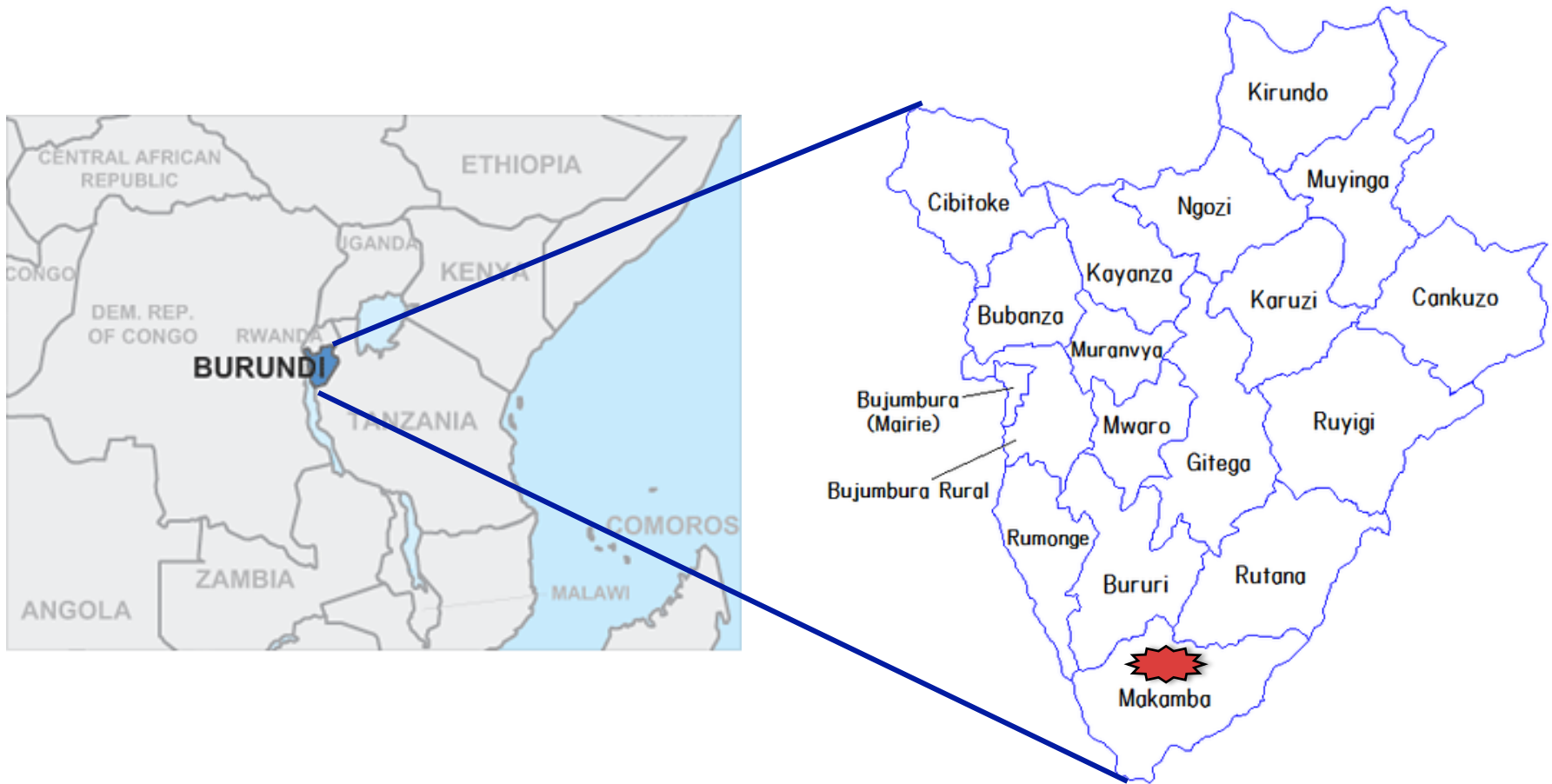


Figure 1: The study site in Burundi

## 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.  
Elhawary & Pantuliano 2013; Unruh 2003; Lund 1998, 2011
- ❖ 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

	Non-state	Executive	Judicial	Extra-judicial
Local	Bashingantahe - Elders CBOs	Ten-households heads; sub-hill chiefs; hills chiefs; area chiefs		CNTB affiliates: hill chiefs
Communal	CBOs	Communal administrator & advisors	Local court ( <i>tribunal de résidence</i> ); police	CNTB agents & affiliates
Provincial	I-NGOs	Governor & advisors	High court ( <i>tribunal de grande instance</i> ); police	CNTB agents
Central	I-NGOs	Burundian President	Supreme court; police	CNTB agents and chairman CSTB

- 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 !*