



# Intricate links: Displacement, ethno-political conflict, and claim-making to land in Burundi

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## ABSTRACT

This paper explores claim-making to land in Burundi, where civil war and multiple waves of displacement and return have resulted in complex disputes over land. Zooming in on two different regions, the paper shows that, as people articulate their claims and defend their interests in land disputes, they strategically draw on a diversity of arguments, related to legal categories, notions of belonging and citizenship, social categories derived from (land) policy, but also victimhood, security concerns, and political loyalty. Post-peace agreement land policies play an important role in this, as they instrumentalise war-based categories of identity and victimhood, privileging certain groups of displaced people for political purposes. As we show in two case studies, claim-making tactics follow shifting political discourses and policy changes, as people seek to secure the support of (powerful) allies. A perspective on processes of making claims to land allows us to explore the entanglements between multiple waves of displacement, policy implementation and the instrumentalisation of identities in conflict-affected settings.

## 1. Introduction

With a demographic pressure of over 350 inhabitants per square kilometre, and more than 90% of the population involved in subsistence farming, land constitutes a key determinant of local livelihoods, social status, identity and belonging in Burundi. Post-independence ethno-political turmoil, violence, and displacement have contributed to widespread tenure insecurity and land disputes (International Crisis Group, 2003; Kohlhagen, 2012; Purdeková, 2016; Sinarinzi and Nisabwe, 1999; Zeender and McCallin, 2013). This paper focuses on claim-making to land in settings where multiple waves of (forced) displacement and (partial) return have led to overlapping, competing claims that lead to tensions and animosity at the local level. Drawing on land dispute cases in two displacement-affected rural provinces in Burundi, this paper illustrates how social actors make, support and legitimise claims to land, and the different frames of reference around property and belonging they engage. It shows that, as people articulate their claims and defend their interests in land disputes, they strategically draw on ethno-political identity categories shaped by the war, and give new salience to these. We show that post-peace agreement land policies play a role in these processes as they instrumentalise war-based

categories of identity and victimhood, privileging certain groups of displaced people for political purposes.

A focus on processes of claim-making to land allows us to explore the entanglements between multiple waves of displacement, policy implementation and the instrumentalisation of identities in conflict-affected settings. In situations of competing claims, people may exploit a diversity of arguments, related to local conventions and legal categories, belonging and citizenship, social categories derived from (land) policy, but also victimhood, security concerns, and political loyalty. As we will show in the cases, claim-making tactics follow shifting political discourses and policy changes, as people seek to secure the support of (powerful) allies.

Data for this paper were collected in rural areas in Makamba province in the south, and Ngozi province in the north of Burundi, between June 2013 and November 2014. Both areas exhibit different historical trajectories of conflict-induced displacement and land disputes that continue to pose great challenges to peace-building and political stability. Makamba experienced a high influx of Hutu returnees from Tanzania between 2002 and 2012 who found their lands, which they left behind since their departure in the early 1970s, largely occupied by Tutsi migrants. In Ngozi, settlements of internally displaced people

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(IDP) of Tutsi origin continue to occupy land that is also claimed by other people who consider the IDPs no longer have the right to stay. Dynamics in these two regions provide insights into the linkages between long-term situations of conflict, displacement and return, contested land occupation, and the emergence of different claim-making repertoires. In both cases, competing claims become embedded in larger dynamics of ethno-political conflict. Most Hutu 1972-returnees in Makamba found support for their claims with the national land commission, created in 2006 to deal with displacement and war-related land issues. This posed a severe threat to the Tutsi occupants of their former properties who feared dispossession and a loss of relative safety. In Ngozi, long-term Tutsi IDPs resisted government calls to return to their pre-war settlements. They were backed by politicians from opposition parties who strategically endorsed their worries about their security. The IDPs unwillingness to vacate the lands fuelled confrontation and instability as their local opponents denounced them as illegitimate settlers and troublemakers.

Field research was of an ethnographic nature, and included 110 extended semi-structured interviews, non-participant observation, focus group discussions, meetings and workshops, and informal conversations. Informants included returnees, IDPs, and land occupants, as well as local and traditional authorities, government officials, and representatives of community-based organisations and of (inter-) national non-governmental organisations.

This paper is structured as follows. The following section presents our approach to exploring processes and challenges of claim-making to land in Burundi. The third section provides a historical background to the case studies, and highlights how different waves of displacement and changes in ethno-political leadership have resulted in multiple and overlapping claims to land at the local level. The fourth section explores processes of claim-making in Nyanza-Lac district in Makamba province and in Ruhororo district<sup>1</sup> in Ngozi province, and shows how land claimants navigate the political landscape, adopting, combining and adapting several arguments to make their claims and oppose others' claims. The conclusion discusses the role and consequences of historical ethno-political cleavages and people's diverse and shifting tactics in claim-making processes, and how these feed into notions of victimhood.

## 2. Analysing claim-making, displacement, and land disputes in conflict-affected settings

Conflict-related displacement and return processes tend to involve complex contestations over land that are not easily settled (Joireman and Meitzner Yoder, 2016; Kobusingye et al., 2016; Pantuliano, 2009; Tchatchoua-Djomo, 2018), and reveal long-term social and political controversies (de Waardt, 2013; Justin and van Leeuwen, 2016; McEvoy and McConnachie, 2012). Especially when displacement has been long-lasting, returnees often find the land they left behind occupied by people who argue that they also hold legitimate (sometimes even legal) claims. Return processes thus imply that both returnees and the occupants who have settled in their absence must (re-) negotiate their place, access to and control of productive resources, and (re-) organise their livelihoods in a context that differs from the one before their departure (Cassarino, 2004; Eastmond, 2002; Ranger, 1994). Likewise, contestation about land rights may arise when internally displaced people search for a permanent settlement in host territories, rather than return home. In the resulting land disputes people try to legitimise their claims drawing on multiple notions of entitlement: local conventions and legal entitlements, historical rights, and notions of belonging and citizenship. Claim-making in these situations often involves the renegotiation of social identities, but also of the political relations associated with these identities (Amanor, 2001; MacGaffey, 2015; Peters, 2004). People adopt, customise, highlight or downplay

particular attributes, depending on the prevailing situation. In displacement-related land disputes, people often mobilise narratives from their displacement experiences and from the social and political context upon return as they seek to validate their claims (Kobusingye et al., 2016; van Leeuwen, 2010).

Post-conflict scenarios typically involve policies of land and property restitution. Processes of making claims to land are closely tied in with such land-related policies. Categories of legitimate claimants featuring in these policies feed into local strategies and shape local frames of reference. What claims are formally validated, and on what grounds, shape people's perceptions and representations of belonging, victimhood and political subjectivity. In other contexts, it has been shown how actors' ability to manipulate certain identification attributes plays a crucial role in (de-) legitimising individual or collective claims to land and ultimately in determining the outcome of land disputes resolution processes (Justin and van Leeuwen, 2016; Lund and Boone, 2013; Madlingozi, 2010). The validation of certain claims rather than others may become highly politicised, and may provide opportunities for violent mobilisation, as has been illustrated in South Sudan (Hirblinger, 2015; Justin and van Leeuwen, 2016), Rwanda (Hintjens, 2008) and Uganda (Kandel, 2016; Kobusingye et al., 2017).

Policies of land property restitution often prioritise the claims of some groups of people over those of others. This may bring a great sense of uncertainty and resistance among the targeted populations (de Waardt, 2013; Peters, 2004; Unruh and Williams, 2013). Land policies establish and legitimise categories of 'victims' and 'perpetrators', indirectly distinguishing between 'worthy and unworthy citizens' and asserting a logic of suffering and blame upon targeted actors (Madlingozi, 2010; McEvoy and McConnachie, 2012, 2013; Tilly, 2008). Based on these policies, different groups affected by the conflict may advocate for restitution and compensation, and social justice for those 'who endured the most'. As discussed by McEvoy and McConnachie (2012, p. 532), in transitional settings, the controversial notion of the 'innocent victim' may be placed at the apex of a hierarchy of victimhood and therefore may become a symbol around which contested notions of past violence and suffering are constructed and reproduced.

We argue in this paper that the entrenchment of identity categories in repatriation and land restitution policies needs to be problematised. As we will see in the cases of Makamba and Ngozi, the strategic role of the central government in favouring some claims at the expense of others, based on a hierarchy of victimhood, has contributed to complex land disputes in which different categories of refugees and displaced people articulate competing claims to land. Competing claims, as to which actors are formally legitimised as 'genuine owners' on (pre-war) land, involve controversies over representations of belonging and victimhood. Individuals and groups strategically mobilise specific identity-related repertoires, political discourses and displacement trajectories to articulate and defend their claims, which further complicates the resolution of the land disputes concerned.

## 3. Ethno-political conflict, land and forced displacement in Burundi

The continuous and complex interplay between contestation around land, ethnic identity, political violence, and long-term displacement and return processes in Burundi needs to be placed in historical perspective. During the German and Belgian colonial periods (1888–1962), fluid and dynamic relations between Hutu and Tutsi ethnic groups were solidified and institutionalised, and became more polarised (Chrétien, 1997, 2002; Ndarishikanye, 1998; Oketch and Polzer, 2002). Colonialism also radically transformed the Burundian rural economy, which was based on subsistence farming and the transfer of agricultural produce and livestock within a discriminatory system of patronage, into a centralised and export-oriented agrarian economy. The production of export crops became an important source of revenue for the (post-

<sup>1</sup> Part of this case study appears in a different form in Tchatchoua-Djomo (2018).

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