

Burundi's national land commission: How fairly does it resolve land disputes?

Afrobarometer Dispatch No. 163 | Thomas Isbell

Summary

For most Burundians, land is both history and livelihood. In a densely populated country where almost nine out of 10 citizens are subsistence farmers, land ownership is a desperate need and a flashpoint for conflict exacerbated by ethnic cleavages and waves of migration and return.

During a genocide in 1972 and a civil war in 1993-2005, Burundi witnessed the exodus of hundreds of thousands of its citizens (Lemarchand, 2008, 1996; Bhavnani & Backer, 2000). Much of their land was given to others (Uvin, 1999). Refugees who returned – again by the hundreds of thousands – faced “new owners” working the land that had once been their livelihood (Johnson, 2014).

To address land disputes, the government, in line with the Arusha agreement ending the civil war,¹ created the National Commission on Land and Other Assets (Commission Nationale Terres et Autres Biens, or CNTB) in 2006. While the land commission does not have the powers of a court of law,² it functions as a mediator between contesting factions (Johnson, 2014) – a critical role if communities are to heal and progress.

This dispatch examines how ordinary Burundians perceive the workings of the CNTB. Afrobarometer survey data show that Burundians are keenly aware of the land commission's existence and that while more than half say it is doing its job in an evenhanded manner, a significant part of the population – one in three – see it as biased.

Afrobarometer survey

Afrobarometer is a pan-African, non-partisan research network that conducts public attitude surveys on democracy, governance, economic conditions, and related issues across more than 30 countries in Africa. Six rounds of surveys were completed between 1999 and 2015, and Round 7 is currently underway. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples.

For its Round 6 survey in Burundi, the national Afrobarometer team, led by Groupe de Recherche et d'Appui au Développement des Initiatives Démocratiques (GRADIS), interviewed 1,200 adult Burundians in September and October 2014. A sample of this size yields country-level results with a margin of sampling error of +/-3% at a 95% confidence level. One previous Afrobarometer survey was conducted in Burundi in 2012.

¹ The Arusha Peace and Reconciliation Agreement for Burundi, signed in 2000, identified the réintégration of returned refugees and the settlement of land disputes as essential elements of reconstruction. For details, see International Crisis Group, 2014.

² A controversial Court on Land and Other Assets was created in 2014.

Key findings

- Nine in 10 Burundians (91%) say they are familiar with the National Commission on Land and Other Assets (CNTB).
- While a slim majority (53%) of Burundians say the CNTB works without political or ethnic bias, a substantial minority (34%) say the commission favours certain groups.
- Perceptions of CNTB bias are most common among urban residents (54%), citizens with post-secondary education (67%), and those who are economically best off (50%).
- Burundians who perceive leaders as corrupt, untrustworthy, and self-serving are more likely to complain of CNTB favoritism than are citizens with more positive perceptions of their leaders.

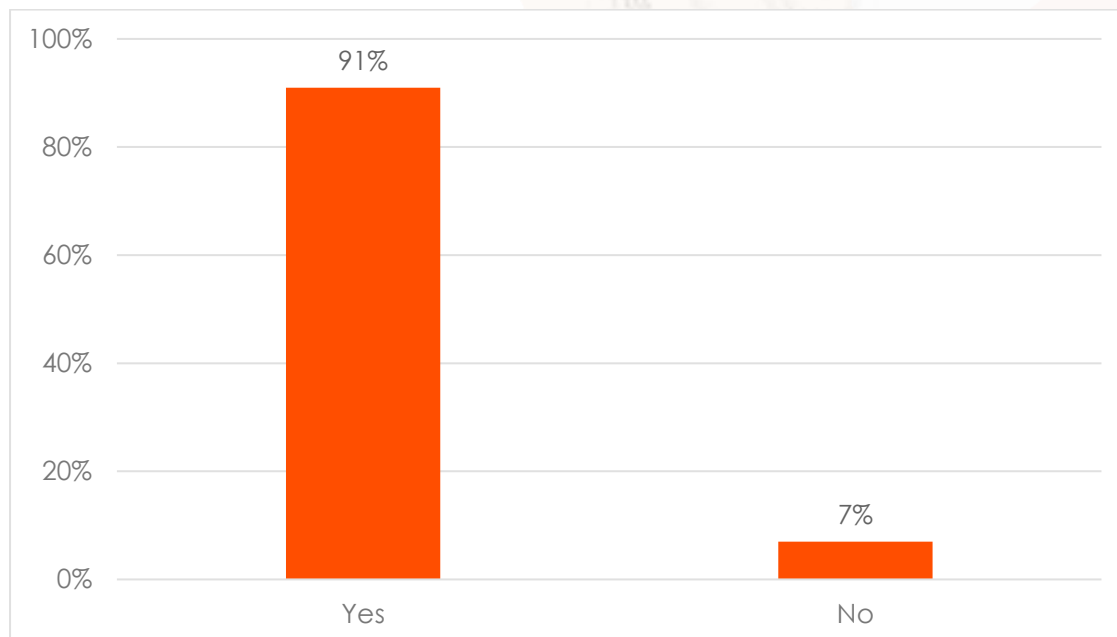
Perceptions of the land commission

The land commission is well known in Burundi: 91% of citizens say they have heard of it (Figure 1). Almost all urban residents, men, and respondents with at least a secondary education are familiar with the commission, but even among rural residents (90%), women (87%), and citizens with no formal education (87%), the CNTB is widely known (Figure 2).

A slim majority (53%) of Burundians say the CNTB plays its role without political and ethnic bias, while about one-third (34%) say it makes decisions favour certain groups (Figure 3). About one in 10 respondents (11%) say they don't know.

The survey did not ask about which groups respondents believe are being favoured, nor did it ask about respondents' ethnicity.

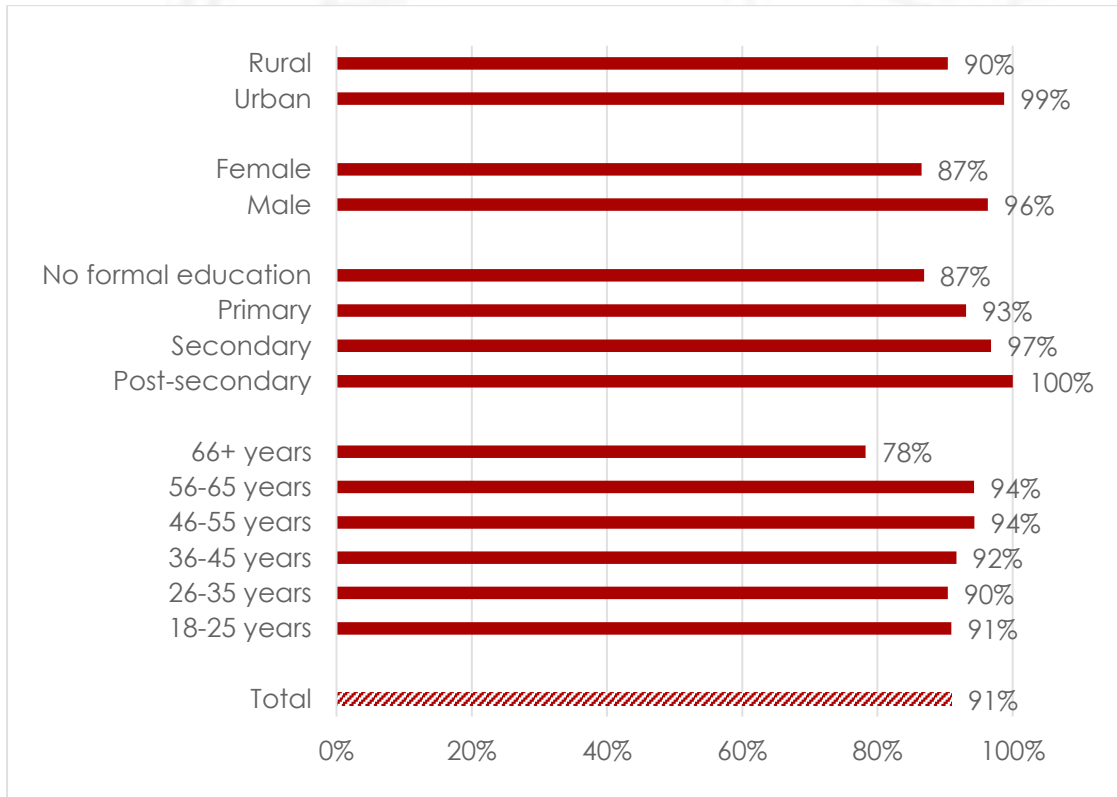
Figure 1: Have you heard of the national land commission (CNTB)? | Burundi | 2014



Respondents were asked: Have you heard of the National Commission on Land and Other Assets (CNTB)?

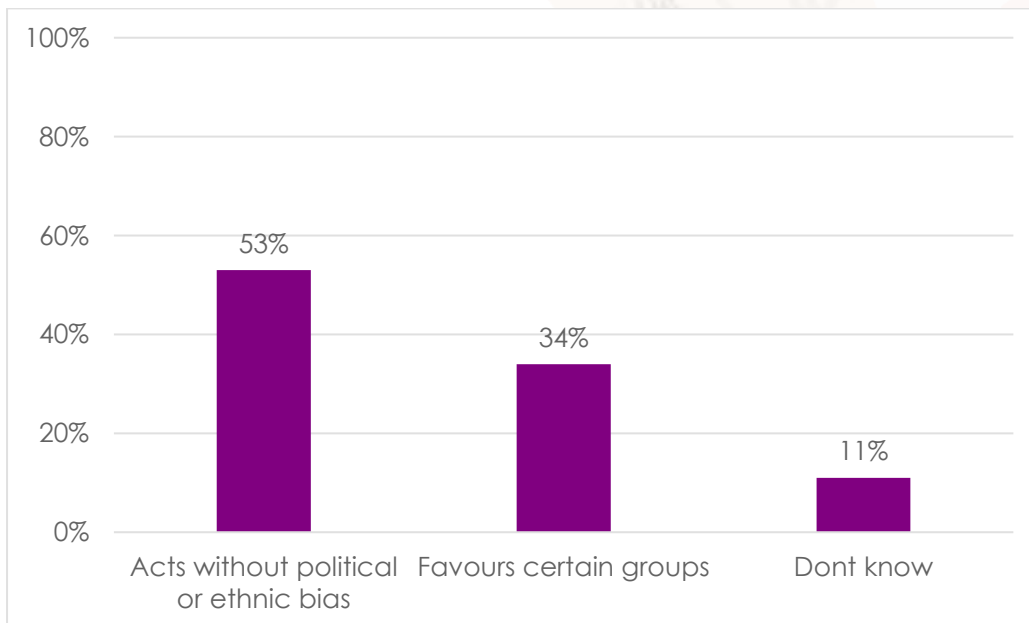
Figure 2: Have you heard of the national land commission (CNTB)?

| by socio-demographic group | Burundi | 2014



Respondents were asked: Have you heard of the National Commission on Land and Other Assets (CNTB)? (% who say "yes")

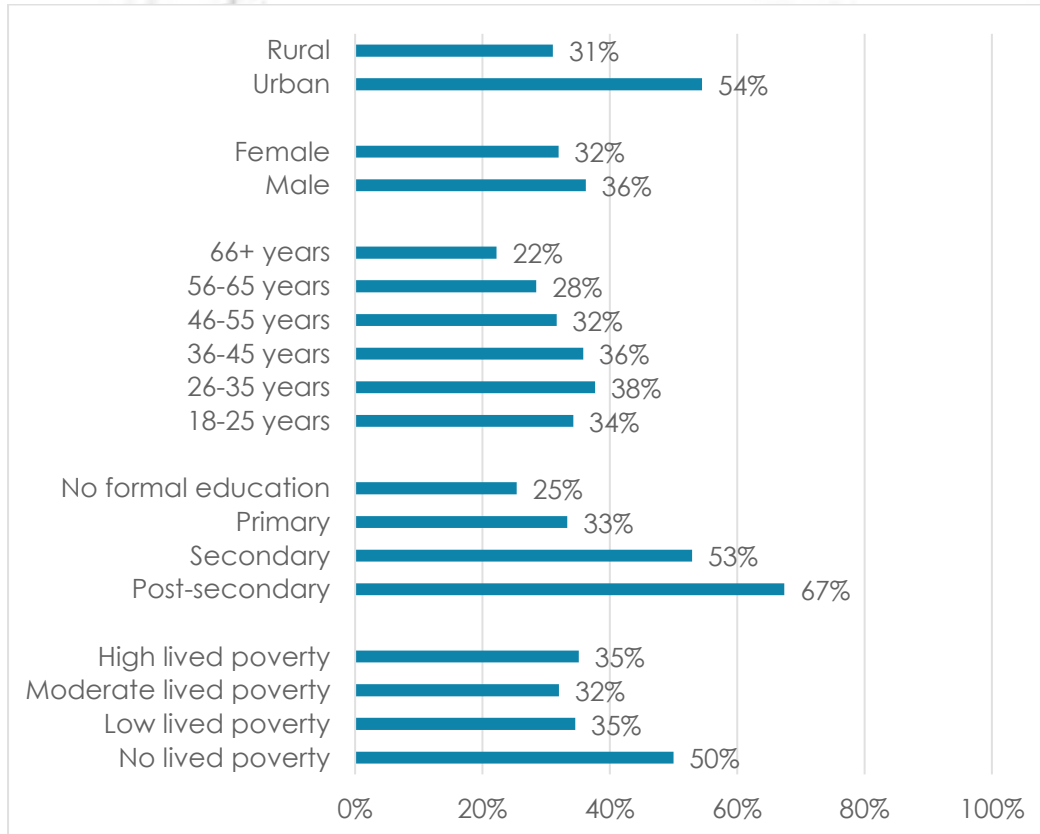
Figure 3: Perceived fairness of land commission | Burundi | 2014



Respondents were asked: Which of the following statements is closer to your opinion?
 Statement 1: The CNTB plays its role without political or ethnic bias.
 Statement 2: The CNTB makes decisions favouring certain political or ethnic groups.

Urban residents are considerably more likely than their rural counterparts to see the CNTB as biased (54% vs. 31%) (Figure 4). Perceptions of CNTB bias in favour of certain groups are also far more common among Burundians with post-secondary (67%) or secondary (53%) education than among citizens with only primary schooling (33%) or no formal education (25%). Those who are economically best off (i.e. experiencing “no lived poverty”³) are more critical of CNTB fairness than respondents who are less well off.

Figure 4: Perceived bias of land commission | by socio-demographic group
 | Burundi | 2014



Respondents were asked: Which of the following statements is closer to your opinion?
 Statement 1: The CNTB plays its role without political or ethnic bias.
 Statement 2: The CNTB makes decisions favouring certain political or ethnic groups.
 (% who say land commission favours certain groups)

Perceptions of land commission and other institutions

Perceptions of favouritism by the CNTB differ considerably by how educated respondents are and where they live. Are these differences also associated with citizens' perceptions of the integrity and fairness of other government leaders and institutions?

As Table 1 shows, respondents who hold negative views of their leaders and of how fairly ordinary people are treated under the law are consistently more likely to see the land

³ Afrobarometer assesses “lived poverty” based on how frequently respondents or their families went without basic life necessities (enough food, enough clean water, medicine/medical care, enough cooking fuel, and a cash income) during the preceding year. For more on lived poverty, see Mattes, Dulani, & Gyimah-Boadi, 2016).

commission as biased. For example, respondents who say that political party leaders mainly serve their own ambitions are almost twice as likely to complain of CNTB bias (40%) as respondents who see political leaders as mainly serving the people's interest (22%).

Similar gaps in perceived CNTB bias separate respondents who trust the president and the National Assembly vs. those who don't, as well as those who see "most" or "all" officials in the Presidency and the National Assembly as corrupt vs. those who see only "some" or "none" of these officials as corrupt.

Burundians who think that people are "often" or "always" treated unequally under the law are also somewhat more likely to see the land commission as biased (37%) than are those who think unequal treatment is rare or non-existent (28%).

Table 1: Perceived bias of land commission | by perceptions of political leaders and treatment of citizens | Burundi | 2014

Among those who say ...	% who say land commission (CNTB) favours certain groups
Political party leaders serve own interests	40%
Political party leaders serve public interest	22%
Trust president just a little/not at all	60%
Trust president somewhat/a lot	33%
Trust National Assembly just a little/not at all	53%
Trust National Assembly somewhat/a lot	30%
Most/All Presidency officials are corrupt	52%
None/Some of Presidency officials are corrupt	30%
Most/All National Assembly members are corrupt	50%
None/Some of National Assembly members are corrupt	29%
People are often/always treated unequally under the law	37%
People are rarely/never treated unequally under the law	28%

Note: Table shows % of respondents who say the land commission favours certain groups, disaggregated by responses to the following questions:

- Do you think that the leaders of political parties in this country are more concerned with serving the interests of the people, or more concerned with advancing their own political ambitions, or haven't you heard enough to say?
- How much do you trust each of the following, or haven't you heard enough about them to say: The president? The National Assembly?
- How many of the following people do you think are involved in corruption, or haven't you heard enough about them to say: The president and officials in his office? Members of the National Assembly?
- In your opinion, how often, in this country, are people treated unequally under the law?

Conclusion

More than a decade after the end of the civil war, land ownership remains a hotly contested issue in Burundi. It is estimated that up to half a million Burundians who fled genocide and war have returned to the country since 2005 – often to find the land they once called home occupied by strangers (Johnson, 2014). The national land commission has the monumental task of mediating between competing claims – and the critical responsibility to do so in a manner that Burundians will accept as evenhanded. To date, survey data suggest it is falling short.

To further explore this data, please visit Afrobarometer's online data analysis facility at www.afrobarometer.org/online-data-analysis.

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