

Chairman's Summary
Thematic Meeting on Land Issues in Burundi
27 May 2008

The purpose of the informal meeting was to focus on the multifaceted problems regarding land tenure issues in Burundi. The intended dialogue with key stakeholders in Bujumbura was not possible due to technical problems with the audio/video link.

The meeting was chaired by **H.E. Ambassador Johan L. Løvald, Permanent Representative of Norway to the United Nations**. He started by briefing the PBC on the recent visit to Burundi (10-15 May 2008) by a PBC delegation. Security issues figured highly in the discussions¹. The delegation called for the prompt resumption of the National Assembly's legislative activities. In addition, the PBC visit discussed preparations for the biannual review, scheduled to take place on 23 June 2008 in New York. The Government of Burundi has established an inclusive and participatory process, including through the formation of five multi-stakeholder task groups. **H.E. Ambassador Augustin Nsanze, Permanent Representative of Burundi to the United Nations**, welcomed the confidence and support of various national stakeholders in the work of the PBC.

Mr. Bo Schack, UNHCR's Representative in Burundi, introduced the session's Discussion Paper, noting that it was the result of extensive consultations with Burundian authorities, the civil society, UN agencies, donors and international NGOs. The key needs identified included:

- An inventory of state owned land and distribution of land to the landless;
- A more efficient land registration system; tenure security is needed but, at present, the system is slow and complex;
- A national land policy to guide legislative and administrative processes. Participation by key stakeholders is essential when preparing the national land policy.

Traditionally, non-state actors play a strong role in land dispute arbitration – especially through “the wise men arbitration system” or *Bashingantahe*. State capacities need to be strengthened, and the international community can assist in this regard. Land tenure is essential in Burundi, where agriculture dominates; this has led to an immense competition over scarce land. The problem is further compounded by a high rate of refugee returns in Burundi: 90,000 new returnees are expected in 2008, in addition to the 400,000 that have returned recently.

Key points raised in the discussion include:

¹ The agreement between the Government of Burundi and the Palipehutu-FNL to halt all hostilities is a welcome development

- PBC members reiterated the fundamental principle of the right to return or be compensated. For Burundi, the modalities for compensation remain to be elaborated by the various stakeholders, including the time-frame for receiving claims. Compensation can include monetary and non-monetary settlements, such as training. Support from the international community in this area, particularly through dialogue with the IMF, was stressed in the discussion. Unlike the past, the Government, with assistance from UNHCR, is prepared for the current level of refugee returns.
- All speakers viewed decentralization as good and necessary policy. Concentration of land-tenure related decision-making in Bujumbura precludes the poor and those living in the countryside from finding solutions.
- The National Commission for Land and Other Assets (CNTB) has progressed cautiously on some delicate issues related to land tenure. Even if its number of decisions seems small, it is just a reminder of the difficulty of land tenure problems. The focus needs to be maintained on increasing the core capacities of the CNTB.
- The current impasse in the National Assembly impasse has not had immediate impact, but the laws addressing the heritage rights of women will soon need to be passed. Customary law includes references to this heritage question. Quick solutions would create new problems, so these need to be taken into consideration in advance. A revised draft of the land code requires reworking before bringing it back to the National Assembly.
- The link between land issue and security needs to be addressed in a long-term perspective. Government capacities need to be strengthened so it can tackle various types of environmental stress, such as land degeneration, deforestation, and over-fishing.
- The environmental sector can also provide short-term employment projects and inject money into a largely cashless economy. This is not a long-term fix but a visible peace dividend.
- Crop production is decreasing, while the population is growing. Land parcel sizes are decreasing, and there is little vacant land left, leaving little to accommodate the landless and internally displaced persons. Revitalizing regional links to agricultural markets is also important, as well as learning from neighboring countries about improving land use efficiency.
- “Villagization” remains a controversial issue. Sustainable results are hard to come by, but the aim of this policy is to save land, offer a solution for the landless, and provide more security for different vulnerable groups. Although the many attempts of villagization have led to mixed results, modern infrastructure development should serve as an incentive for people to move into villages. Constructing tall buildings would further help reduce land use.

The Chair concluded by noting that the meeting will feed analysis and recommendations into the Biannual Review progress report. Furthermore, the need remains to revise legislation and improve land governance, particularly at a time when increasing returns could potentially lead to a new crisis ahead of the 2010 elections. All relevant stakeholders should contribute to this important issue, within the limit of their respective mandates, as an integral part of larger efforts to consolidate peace in Burundi.