Burundian government initiatives for securing land rights: the case of the commune of Ngozi

Abstract:

Following the Arusha Peace and Reconciliation Agreement for Burundi in 2000, Burundi entered into a long process of decentralizing government activities and reforming the land sector. Many legal and institutional initiatives tried, in a directive approach, to protect land rights and improve their security. This raised the question whether all these legal and institutional changes achieved their goals, reached the people and provided positive impacts on the security of tenure. Specifically, the aspect of how the implementation of the land office in the commune of Ngozi affected the practices of the people in terms of the recognition and enforcement of land rights was studied. It was expected, if the measures were successful, that practices related to the recognition and the enforcement of land rights were clarified and normalized. The results of the study show that, after the implementation of the land office, the land certificate became the most important means of recognizing land rights. In many cases, the land certificate was the first written evidence of ownership and the first graphical evidence of the parcel. In addition, land officers also helped to clarify and specify
the objects of right and to solve land conflicts. But, if the properties were registered, some updating processes were still deficient and only transfers by sale were registered in a large proportion. The results also show that the authorities were not competing with each other and their responsibilities generally were well defined, but the rules they applied were not clearly stated, mostly unwritten and evolving between the customs and the provisions of the law. Consequently, the practices related to the recognition and the enforcement of land rights were still not clear and normalized after the implementation of the land office.

Stichworte: Burundi, Land Law, Security of Tenure

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