

Compulsory Land Acquisition in Post War Sub-Saharan Africa: Some Lessons from Burundi

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Abstract

Gaining access to private lands in war-torn societies is a problem that confronts many governments, including Burundi when implementing public projects. Government officials hastily acquired private lands while implementing projects which are not always for public interests. Using the case study approach, the study explored what happened when land was acquired to erect a new Presidential Palace at Gasenyi area. Findings revealed that expropriation exercise produced serious tensions between the affected people and the government due to misunderstandings on the procedures used, expropriation speed, compensation rates used and the existence of substandard living conditions in the resettlement areas. The study requests governments in post-conflict situations to follow legal procedures, avoid hasty projects especially those involving private lands, sensitize and involve the affected people in the process, and invigorate the trust lost during the conflicts. APs ought to be properly educated, fairly treated and adequately informed on the aspects of the proposed land requiring projects. Where expropriation procedures are to be purposely hastened, these must have a legal backing and timely communicated. It is crucial to restore the lost trust resulting from the past abuses of power while limiting the possibility of igniting secondary conflicts through participatory measures in post war reconstruction process of which land expropriation is one of the critical components.

Keyword: *Post-conflict land acquisition, Expropriation, Internal conflicts, Reconstruction*

1. Introduction

Compulsory land acquisition has received a lot of attention (Almond and Plimmer, 1997) and continues to attract researchers worldwide because it touches the life of individuals, societies and governments. Despite its legal backing expropriation is prone to abuses by governments or acquiring authorities (Ndjovu, 2003). In war-torn societies, the process brings a lot of unanswered questions which precipitates severe misunderstandings among numerous parties and stakeholders involved including the governments. Although issues relating to post war land and property rights have received more attention recently than ever before (UN-Habitat/ UNHCR, 2004; Leckie, 2006) issues, like expropriation, remain inadequately addressed and highly contentious. Post war periods are usually fragile mostly due to the mistrust among the warring factions and the instability existing in the economic, political and legal structure of the societies and governments.

Most publications on post war peace building still ignore questions relating to housing, land and property rights, and more specifically to those relating land administration (UN-Habitat, 2007). There is only a handful of such publications in post conflict situations (Unruh, 2008, 2009, 2011; Higgins, 2009; Wily, 2009; Zevenbergen and Burns, 2010; Todorovski, 2011) with little treatment on the expropriation cases. There is a gap in post conflict land expropriation information in countries emerging from wars or civil strife. Analyses in sub-Sahara African countries are inadequately done despite its potential role in their reconstruction and development. It is against this background that this paper explores land expropriation in post war Burundi, which experienced internal conflicts in 1980s and 1990s. Here the post war period refers to a period following the halting of main hostilities in an armed conflict to the point international aid begun to flow in. It is characterized by a reasonable degree of security after the signing of 2000 Arusha

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Peace and Reconciliation Agreement³⁰ extending to date. Although the signing of the said agreement between government and opposition political parts did not halt completely the war, it signaled the restoration of peace (FAO, 2005).

2. Background Information on Burundi

Burundi one of the poorest countries in the world, currently ranked as number 171 out of 175 countries in terms of Human Development Indicators is also a small landlocked country. It has a surface area of 27,840 square kilometers of which land mass occupies 25,680 sq km and water bodies occupy 2,160 sq km. Despite its poor economy, it is one of the most densely populated countries of Africa with an average density ranging from 230 to 278 inhabitants per sq. km. reaching a threshold of 360 people in some places. About 93% of its population lives in rural areas relying on agriculture for its livelihood. The UN Economic Commission for Africa estimated Burundi's population at 6.97 million people in 2000, growing at 2.5% p.a. so that by 2015 it would reach 10.37 million and 16.94 million by 2050.

Post independence history of Burundi is marred by civil war and poor governance. In addition to frequent attacks on civilians and general insecurity, particular instances of mass violence have resulted in the death and or displacement of many of its citizens. After years of internal conflict and distress, Burundi is now stabilizing and its economy is slowly picking up.

3. Expropriation Problems: An Overview

Acquisition of land through compulsory purchase does not consider land owners' willingness (Ndjovu, 2003) but must follow all legal procedures (Almond and Plimmer, 1997). Eminent domain powers helps to obtain land where owners are unwilling and could block developments desired by the society by refusing voluntary transfers of land or by claiming unrealistically

high compensations (Viitanen *et al*, 2010a). However, as Keith *et al* (2008) noted, expropriation exercised during peaceful times are different from those exercised during emergencies. Extensive discussions of the peace time expropriation processes are found in FAO (2008), Labri (2008), Arvanitis (2008), Keith *et al* (2008), Lei (2010), Viitanen *et al* (2010a), and Wallace (2010) and therefore are not covered here.

For countries in post war period, expropriation is inevitable to meet essential activities for country re-construction. Such acquisitions ought to be exercised carefully because following wars or conflicts, people lose hope and trust, and therefore confidence restoration among war victims is critical. Due to this, land issues become urgent, sensitive and complex in post war societies sometimes provoking secondary conflicts³¹ during the reconstruction processes (Lewis 2004; Unruh 2008). It is for this reason that land acquisition process in post war situations necessitates concrete strategies which would help to satisfy the aspirations of the project affected persons (APs). According to the Constitution of the Republic of Burundi, Land Code of Burundi of 1986 and the Ministerial Order No. 720/CAB/304/2008 03/20/2008, persons negatively affected by expropriation ought to be compensated.

4. Land Acquisitions in Pre and Post 2011 Land Code Period

During the civil war and the pre 2011 period, the Government of Burundi was accused of abusing its powers when expropriating by allocating lands to powerful political and military leaders without paying adequate compensation to victims (Kamuni *et al*, 2005). Royal Tropical Institute (2011) observed that at the end of a typical long lasting civil war, demands for land by returning refugees usually compound problems caused by the longstanding misuse of land acquisition laws by state officials. During the Burundian war, local authorities resolved expropriations and compensations issues based on a mix of widely

³⁰ Arusha Peace and Reconciliation Agreement for Burundi is also called "Arusha Accords", signed on 28th of August, 2000.

³¹ In *Habitat Debate*, Jean du Plessis (2003) defines "Secondary conflict" as any conflict arising following the war period. Land plays a key role in post conflict resolution and may lead to another conflict, called "secondary conflict".

interpreted statutory and customary laws (Jooma, 2005; Kamuni *et al.*, 2004; United States Department of State, 2009).

Recent post war publications in Africa focus on land rights, administration and tenure generally (Unruh, 2009, 2011; Wily, 2009), very few dwell on compulsory land acquisition process and challenges the affected countries face. Information on the expropriation process and malpractices during the war is very scanty (Manirumva, 2004; Suguru, 2004; Jooma, 2005; Manirakiza *et al.* 2007; Ntampaka 2008), and no in-depth investigation has been carried out on them, probably because people wanted to forget the past. The Government of Burundi faced a challenge of acquiring land for reconstruction and development projects after paying fair compensation to the reluctant people.

Post 2011 Land Code brought several noticeable changes. Before land was taken preliminary investigation identified the exact location and size, assessed project impacts, and APs participate before expropriation is permitted by the responsible Ministry which describes the purpose, process, important deadlines and owners' rights. An "*intention to acquire*" must be communicated to property owners through their local leaders and opinions and claims submitted before projects are implemented. Valuation Commission is responsible for identifying and assessing property values. Negotiation Commission was established to undertake value negotiations with unsatisfied APs before resettlement. The state becomes a legal land owner after physical possession is done as per expropriation notice after which appeals are allowed contesting aspects of the expropriation process. At times such appeals end up in restitution especially where the purpose for which the land was to be acquired is no longer relevant or the land was acquired on temporary basis.

5. Research Aims and Methodology

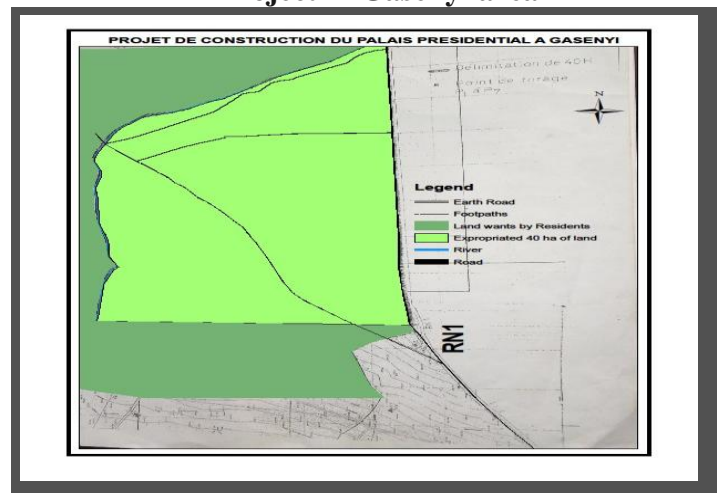
This research focused on land expropriation identified for construction of Burundi Presidential Palace at Gasenyi area, a case that had exposed problems and drew considerable interest. In this case speculations were many and compensation expectations were high, especially after the introduction of 2011 Land Code. However, dissatisfactions were similarly many and one

wondered whether the newer code had helped to resolve the Gasenyi expropriation problems.

The research utilized interviews, group discussions and documentary analyses. It applied purposive and snowball sampling techniques using 64 respondents and other 6 officials from the Ministry of Lands, District and Zone offices and Gasenyi Hill Ten-Cell leaders who were also affected. It also included 6 people living around Gasenyi for providing supplementary information. Qualitative data collected was thereafter analyzed using explanation building and data synthesis comparing it with information gathered from other sources.

Administratively, Burundi is divided into provinces, districts, zones, and hills. Gasenyi Hill is located in Mutimbuzi District within Bujumbura Rural Province about 19 km South-East of Bujumbura. Map 1 shows part of Gasenyi where the 40 hectares of land were expropriated for Presidential Palace Project along Route Nationale 1 (RN1) running northwards from Bujumbura to Kayanza.

Map 1: The 40 hectares for Presidential Palace Project in Gasenyi area



Source: Rubirizi Zone Counsellor Office (April, 2012)

6. Past Malpractices in Compulsory Land

Acquisition

Since the 1962 independence, Burundi has been rocked by ethnic discrimination and civil strife. During this period of insecurity, expropriation malpractices were experienced as a result of poor governance. Studies by Jooma (2005), Kamuni *et al.* (2004) and USAID (2011) revealed that abuse of power during land expropriation was common, with land expropriated for public use often allocated to influential political and military elites without adequate compensation being paid. Local authorities justified these expropriations by using misinterpreted statutory and customary laws. While Provincial Governors allocated state lands overseen by the Ministry of Environment without consultations, Ministries of Agriculture and that of Environment controlled allocation of the same.

Data collection revealed that procedural malpractices and non-payment of compensations were rampant during civil war. Land was expropriated without compensation and redistributed to unmerited people, aggravating disparity between rural poor and the elites. For the economically and politically weak, tenure insecurity was apparent, compelling them to cultivate erosion-prone hillsides and squat on government lands as confirmed by CED-CARITAS BURUNDI which reported openly (Van Leeuwen and Haartsen, 2005) as discussed below.

In 1981 a Reforestation programme initiated by *Institut Nationale pour la Conservation de Nature* expropriated lands with compensation promises which were never fulfilled. This project was later abandoned due to lack of compensation money, but the land acquired was not returned to its initial owners. In 1982, there was programme established called *Société Régionale de Développement Rumonge* aimed at modernizing the cultivation of oil palm trees in large parts of Imbo Plain. The programme expropriated private lands and redistributed it to army and SRD officers while former landowners who were promised adequate and fair compensations were never paid.

In 1989, *Programme d'Intensification Agricole Rumonge-Burambi-Buyengero* under the Ministry of Agriculture was formulated aimed at improving the cultivation of subsistence crops. The programme expropriated private lands including those belonging to the exiled people, unfortunately APs were never consulted, informed or

compensated. In 1991 this programme forcefully evicted, acquired and redistributed land to the returnees without compensating the original occupants. Similarly, the Burundi Villagization Schemes of mid 1980s which enabled local authorities to acquire land for resettling returning refugees paid no compensation to the affected.

7. Basic Reforms in the new Burundi Land Code of 2011

The new Land Code of 2011 was an outcome of efforts made by the government helped by non-government organizations. Based on the deficiencies of the 1986 Land Code, amendments to the newer code focused mainly on Articles 411 to 453.

The first issue addressed the removal of expropriation for individual benefits. Article 407 of Land Code of 1986 identified property rights, which could be expropriated for public purposes for the benefit of the State or any other person or entity with public or private rights, having a just and prior indemnity³². This old provision was amended by the removal of "private rights"³³ justified by the fact that public acquisition had to be for "public interest" only prohibiting previous misuse.

Secondly, the question of amicable negotiations was included in Article 423 of the new code allowing competent authorities to order expropriation and determination of the form of compensation payable. Article 424 allowed negotiated compensation payment during expropriation, to be undertaken amicably between interested parties through a competent jurisdiction, a process ought to be initiated by one of the interested parties. Despite being a negotiated option, this mode of land acquisition is symbolically regarded as compulsory purchase all the same, because it followed all the crucial steps necessary in determining compensation. In such cases, some minimum compensation amounts were fixed through joint Ministerial Decree after obtaining opinion of the National Commission for Land³³.

Where an urgent acquisition is required, competent authority can order an eviction prior to

³² Article 407 of Land Code of 1986, translated from French by author, 2012

³³ See Article 411 of Land Code of 2011³³

See Article 426 of the Land Code of 2011³⁴

See Article 418 of Land Code of 1986

compensation payment, though this is very seldom. Article 417 of the 1986 Land Code did not allow negotiations in expropriations done for the profit of the state, district, public establishment or society with public rights. Negotiations were only authorized if expropriation was for the profit of physical or moral person having private rights³⁴. In the 1986 code, cases involving urgent acquisitions, competent authorities were allowed to order prior eviction of the victims of expropriation notwithstanding any recourse or resort judicial³⁴.

The new Land Code has amended this provision by removing “*notwithstanding any recourse judicial*” so as to allow legal proceedings to take place regardless of the urgency needed to implement the project. If misunderstandings occur, experts are identified to settle them, because the new Land Code allows the jurisdiction to decide in the manner so identified³⁶.

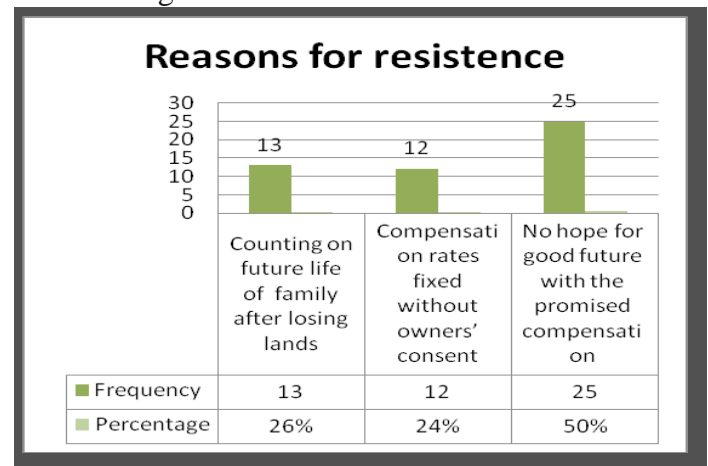
Thirdly, the creation of commission to oversee expropriation matters was found to be crucial. The 2011 Land Code incorporated new articles i.e. 452 and 453 which created the National Commission for Land to assist Ministers in administering land issues and undertake evaluation of the politics of national lands. This commission provides advice and opinion on the issues related to concession or disposal of the public lands and expropriation for public interests. Fourthly, the Land Code of 2011 amended the five basic procedures of acquiring land contained in the older code. The articles were amended by substituting a stage of getting opinions of Provincial Committee for Expropriation by having the opinions of the National Commission for Land which had more responsibilities than the former Committee.

8. Acquisition of Land for the Presidential Palace at Gasenyi

This study investigated land expropriation at Gasenyi for establishing whether legal procedures were followed in acquiring private land for public purposes like the erection of a Presidential Palace. In 2010 Gasenyi presidential site was chosen out of five possible sites. From the interviews undertaken, it was apparent that the state had very elaborate procedures which were to be applied in this case.

Although citizens were said to have been involved in the process, numerous claims and discontents were aired. These expropriation claims were studied by the government but it was unfortunate that it did not stop the government from implementing the project then for it was regarded as urgent and was for public interest after all. About 50 persons interviewed in April 2012 had objected surrendering their lands to the government for various reasons as seen in Figure 1. Out of the 50 people interviewed, 25 respondents i.e., 50% refused to surrender their lands because compensation promised did not give them any hope of having a better home in the future while 13 of them i.e. 26% their resistance was based on the fact that their families which depended on land were losing their valuable ancestral lands for good. The remaining 12 respondents i.e. 24% argued that compensation rates fixed by the Government without their involvement were very small. It was clear that reasons given for such unforeseen resistance emanated from lack of understanding on land acquisition procedures, determination of compensation rates and how and where alternative lands for resettlement was to be located and allocated.

Figure 1: Reasons for residents to resist surrendering their lands to the Government



Source: Field work (April, 2012)

Ministerial consent granted to the project on the recommendations of responsible authorities, made it possible for the prospective a developer to receive land acquisition permission certificate

³⁴ See Article 416 of Land Code of 1986

³⁶ See Land Code of 2011, Article 432

allowing property inspection and compensation determination. During valuation, plots and buildings were measured and perennial crops systematically counted by members of Technical Committee comprising of officials from the relevant ministries, before payment schedules were brought to the affected people for verification. These officials calculated compensations based on pre-determined rates fixed by the government. Land values were pegged at 2500 BIF per square metre rates applicable to Gasenyi land while rates for perennial crops, trees and buildings were pre-determined in the Ministerial Order.

Sometime in 2011 a few months after properties had been surveyed, valuation figures were readjusted from 2,850,300 Fbu and 2,690,100 Fbu³⁵ without giving reasons. Payments had to be received through identified banks starting with buildings but compensations for the rest of the assets have not been paid to date. Rates used to calculate these compensations were fixed in 2008 and its use was strongly criticized causing serious tension between the government and the affected people because they were considered very outdated.

After partial compensation payment, the government sent tractors to clear the site only to be blocked by 90% of the residents because third party interests had not been resolved yet. Police force was deployed to supervise the exercise but after serious confrontation with the APs the exercise was halted had to stop for a while. In response, the Government requested residents to formulate Negotiations and Appeals Committees after the media had publicized and politicized the issues through local media.

Notwithstanding the unsettled compensation claims and the unsuccessful attempts to resolve the expropriation problems, the government proceeded with its proposed resettlement plan by allocating building plots to the affected people. People were unable to take over the plots for a number of reasons including their inability to build houses due to insufficient funds paid as partial compensation. Un-serviced plots allocated covering 250 sq. m. each were considered by APs as being smaller comparing with an average of 3000 sq. m. each one plots they initially owned. Moreover, these resettlement areas were

disadvantaged by high water table which made construction works expensive. The APs argued that resettlement site was not thoroughly investigated nor appraised before the resettlement plan was hatched.

9. Findings and Discussions

This study has explored problems that face expropriation problems in a country that emerges from internal conflict and experiences both administrative and legal void and confusion. A number of issues have been observed which deserve brief discussion. General observations indicate that post independence Burundi leaders were, until recently, accused of power abuses whereby expropriated lands were largely allocated to influential persons or and military people, but also Burundians were least informed on expropriation laws and procedures and could rarely challenge these decisions made. Currently, property owners are more informed and are given chances, through the amendments in the 2011 Land Code, to air their discontent openly. However, it must be said that people's involvement in the expropriation process is still unsatisfactory because the government has been bulldozing people who are half informed of their constitutional rights to compensation in cases of expropriation for public use. The experience of Gasenyi land acquisition project area clearly illustrates this predicament.

The Gasenyi people contended that during the expropriation exercise, they were not informed on time regarding what was to happen. It was not only after the public meeting conducted sometime in 2010 by the Minister of Environment, when they learnt for the first time that the decision to expropriate their lands had already been made. They were also unsatisfied with compensation rates which produced inadequate compensation, too small and insufficient to build a simple house. The APs had questioned the valuation exercise itself and government's basis of refusing to use 7,500 Fbu per sq. meter they had proposed but instead used 2,500 Fbu. There was a general feeling among all of them including their local leaders that they were being forcefully evicted because preparatory works had started before compensation claims had been properly settled. It was also noted that compensation calculation and plots allocations in resettlement areas, never considered the size of the displaced families. Regardless of the number of its members or the size of the plots they initially

³⁵ This information is confirmed by one of the cards that the researcher got from the residents and no further evidences proving the information provided.

owned, families were allocated plots of the same size like everybody else. APs had their basic life style changed from rural to urban which they could hardly afford. It is for this reason that APs insisted on getting farm lands as compensation instead of building plots, because this would have guaranteed their rural lifestyle. Generally, it can be summarized that the APs are said to have not been consulted nor sensitized enough for which the Appeals Committee was completely ineffective in this.

Besides physical losses the APs were also subjected to mental torture. The affected people were shocked and psychologically confused when the decision to acquire their land was finally passed.³⁶ With certainty of receiving non-satisfactory compensation, most of them found it difficult to move to resettlement sites. The government on its side refused to accommodate them in nearby lands despite land owners' proposal. Government gesture in this was interpreted as signaling

the possibility of future acquisition of nearby lands surrounding the 40 acres acquired.³⁷ Many people at Gasenyi did not believe that the 40 acres would be developed for the intended use. Initially, it was only 10 acres that were to be acquired a request which was later on changed to 40 acres. It was believed that the acquired land was likely to be re-sold to some government officials, politicians, army officers and other influential people, as they did in the past.

Together with these misunderstandings and frequent appeals lodged, the government did not give APs a chance or time to be heard, discuss or negotiate controversial issues regarding the exercise. As a result of misunderstandings, residents did not accept the project because to them the project did not meet the minimum qualifications of an acceptable project indicated in Table 1. Although 27.3% of the people felt that it was important for the government to educate land owners so that proposed projects are accepted before they are embarked, in this case it did not. Secondly, projects which were likely to benefit the APs had a bigger chance of being accepted as indicated by 22.7% of interviewees. Thirdly, the question of adequacy of funds was also critical for

the project to take off. It was stressed that no project should be allowed to take off if the funding arrangements were still unknown. The resettlement issue was considered positively by 11.4% only indicating how unimportant the issue was among the interviewees, probably because they could easily find alternative lands to resettle. Generally, APs were very unsatisfied with alternative lands given to them in the Maramvya area because they never participated in its identification, they desired bigger plots for growing crops comparing to smaller land parcels allocated but they had also noted high water table. Of the most important item for the government to consider in a typical expropriation programme, 54.5% of the APs observed that getting fair, adequate and prompt compensation on top of getting land nearer to their former residences were paramount.

Table 1: Possible Reasons For and Against Expropriation (advanced by Ex-Landowners)

Reason	Respondents	
	Count	Count
Government has alternative land	5	11.4
Project be acceptable by the community	12	27.3
Project ought to benefit the affected	10	22.7
Socio-economic Impact assessment be done before acquisition	8	18.2
Project must have adequate funds for compensation before it is embarked	9	20.4
Total	44	100

Source: Field work (April, 2012)

Since Gasenyi area was meant for palace construction, expectations were high although most of them were unmet, as seen in Table 1. About 86.3% of APs envisioned receiving land parcels next to the project area, dreams that were never realized. None of them expected to receive huge compensations except 36.3% only. The use of 2008 compensation rates in the Gasenyi expropriation exercise was a source of mistrust on the valuation outcome because they were grossly outdated and the use of market rates posed another problem because there was a general lack of

³⁶ Based on an interview with one of the cell leaders Mr. Katenderi

³⁷ Based in interview with Mr. Banderama, a resident in the acquired area

reliable market transactions during the war period. Viitanen (2012) has also observed similar situations bringing serious misunderstandings. Despite having little hope on getting adequate compensation initially, 45.5% of the residents thought that they would get a chance to negotiate with the government regarding compensation payable, compensable items and compensation rates usable, which would have increased their overall compensation amounts. Respondents thought that if they were involved from the beginning, this could have improved their livelihoods and avert starvation that faced them by accepting unfair compensation.

had worked really hard to introduce the much desired changes now reflected in the Land Code of 2011. Basic changes are found in the legal articles discussed above, where expropriation for public purposes excluded those done for the benefit of any other person or entity with private rights. The code introduced the possibilities of undertaking negotiations during compensation determination between interested parties and gave rights to the APs of participating in the determination of their compensation. Creation of new commissions to oversee all expropriation matters was a novel idea which was expected to disapprove unjustified projects aimed at expropriating peasants' lands with a public cause. It was expected that these changes would probably reduce complaints regarding the so called "unfair" compensation payments. It was expected with the 2011 Land Code in operation, the Gasenyi grievances would not have been there, but it was just the reverse and the tensions flared high.

Table 2: Residents Expectations on Expropriation

Expectations	Frequency	%
To receive adequate compensation	16	36.3
To be given land near the project area	38	86.3
To negotiate compensable items and compensation rates	20	45.5
Total	44	100

Source: Field work (April, 2012)

During the civil war Governors and local leaders made expropriation decisions without seeking advice from higher authorities or informing the land owners. The acquisition of the lands earmarked for the military forces or the internally displaced persons could not wait and hence done in a hurry and no could stop it. Lack of coordination between government departments and the residents led to misunderstandings and hard feelings. The APs ought to know about intended projects and be able to challenge them legally. These expropriations should not be rushed.

In response to the 2000 Arusha Accord which proposed serious reforms of the land laws and the 1986 code in particular, the Burundian government with the help of non-governmental organizations

Misunderstandings between APs and the government were observed despite existence of Land Code 2011. When asked on the factors which caused these tensions, disagreement with the compensation rates was identified as the most critical issue by 26 respondents representing 59.1% of those interviewed as seen in Table 3. The affected residents wanted Fbu 7,500 per m² and not Fbu 2,500 per m² proposed by the government as per 2008 Ministerial Order. It was clear that government was not very keen in seeing that all the problems were amicably resolved though some officials also complained that the APs were too demanding.

Table 3: Factors that accelerated tensions in Gasenyi case study

Factors	No. of respondents	%
Payment of Inadequate Compensation	8	18.2
Disagreement on compensation rates	26	59.1
Emotional attachment to land	10	22.7
Total	44	100

Source: Fieldwork (April, 2012)

Although efforts to improve the expropriation process and procedures in the post war period was evident, expropriation procedures were hardly followed. There was still unwarranted “speed” between various expropriation stages and sometime unwarranted “delays” between them, to the disappointment of the APs. Investigation reports pointed out those APs were not given enough time to express their views but instead the project was to be implemented in a hurry like previous war time projects. All of these rushed projects were said to be very important for the public and had to be implemented in zero time. This type of projects had more than often led to un-procedural processes and numerous irregularities with some basic expropriation stages being conveniently and intentionally skipped. Although the government had made these legal changes some of them were not being implemented. The communities traumatized by the war were still weary and suspicious of every government move and saw no difference between the two governments reigning in two different epochs.

10. Recommendations

Several issues have been raised in this paper that are aimed at ensuring that expropriation projects are successful in countries emerging from internal conflicts or have experienced expropriation malpractices like Burundi.

Compensation Packages Must Be Pre-Planned

In a country where the majority of its citizens depend on land for their livelihood, the question of land is pivotal in its post war reconstruction initiatives. The Government should plan for “*supplementary compensation package*” for displaced people depending on how much they would be affected by the public programmes. As suggested by Zevenbergen and Molen (2004), it is good to learn from other countries undertaking post conflict development. Observations made in post-genocide Rwanda suggest that supplementary compensation packages are helpful. These initiatives could be achieved after carrying out a national socio-economic profile of the expropriated people in order to see how their livelihoods have been affected by such exercises and based on that supplementary compensation packages be paid. Usually, the post displacement survey helps to analyze the affected residents’ life after being

displaced from their lands and establish victims’ needs in order to sustain their lives.

Post War Expropriation Must Be Done Cautiously

In post war countries, attempts to undertake expropriation must be undertaken cautiously. It must be borne in mind that most people become extremely sensitive and hence defensive in their character once war traumatized. Lack of trust which existed during civil wars or conflicts tends to creep in the period that follows. Having seen the tensions between victims of expropriation and the Government in Gasenyi, this study proposes ways of improving expropriation process in such situations, especially for the privately owned lands. It is crucial that enough time and adequate sensitization programmes are allowed and the process be undertaken by following the legal provisions at an accepted pace. No procedural step should be skipped for whatever reason unless sanctioned by the law. No stage should be undertaken unless a previous step has been totally accomplished. Basically, it must be said that “hasty” projects call for unwarranted suspicions and hence should not be entertained. Similarly, no activities should be carried out on lands so expropriated unless third party interests have been completely cleared and problems resolved. The study revealed that expropriation practices in post war period ought to follow established procedures as provided in law, as a measure of creating lost confidence.

In Burundi’s case, it was evident that challenges that were observed during the expropriation process were largely ignored by the government and its organs. It was thought that the government could simply bulldoze the peasants in its favour due to its might. So, it is worth noting that challenges and frequent complaints in the post war expropriation are generally expected but should be considered resolved and taken on board before approving and implementing such projects. Acquiring authorities, including responsible governments and their agencies, should perceive emerging challenges positively as ways of perfecting such acquisitions and a rare opportunity to build lost confidence and trust among its citizens, rather than an impediment to the projects’ execution. Public involvement in addressing emerging land acquisition challenges is likely to change the negative image of expropriation projects especially when these projects are meant for the same people from which such lands are

being acquired. If such projects are sensitive projects like oil or gas pipelines or electricity transmission lines, there is a greater chance of getting civil protection against possible saboteurs by involving APs and the general public than otherwise.

Political ought to be a pre-requisite for Post War Expropriation

Post war governments must have a political will to face land-related challenges especially those related to land acquisition because this could avert secondary conflicts. For the Burundian Government, it is clear that some articles of the Land Code 2011 are yet to be implemented effectively. With regard to out-dated compensation rates, it is important for governments to register transactions and keep database for future reference. Land Expropriation and Land Valuation Codes must be established separate from the mother Land Code which deals with general matters of land because compensation and livelihoods status after acquisition seem to be the main cause of residents' resistance in expropriation. For projects to be implemented successfully, the government should synchronize between compensation levels and market rates. When new laws are introduced, these should be properly and timely communicated to the people in plain and simple language so as to successfully capture citizens' awareness on issues relating to land and expropriation. Participatory techniques in acquisition and compensation negotiations ought to be encouraged at the early stages of project planning for will reduce unnecessary confrontations.

11. Conclusion

Exploration of the post-war expropriation practice indicated that civilians emerging from war traumatized situation are very shaky and suspicious of every move being made by the incumbent government. To them, land issues are critical especially where such conflicts had resulted into their displacement or where land had been taken over by politically or economically powerful people of the same government undertaking expropriation. During wars abuses of power are likely because some laws could either be suspended or become difficult to oversee. So, with relation to the land sector, it is not uncommon to find numerous malpractices particularly those involving expropriation. Procedural flaws are also

to occur intentionally or not, and under payment of compensation could as well be done intentionally by people who benefit from this chaotic situation. All these malpractices provide clear recipe for complaints. Governments' efforts to normalize or redress the situation during war periods must be real and be able to deliver what the period of conflicts did not (Willy, 2009). No matter how good the post war government is, efforts to redress and revisit the maltreated cases must be effected and reforms made real. If one asked whether the reforms contained in the Land Code 2011 helped to resolve expropriation problems at Gasenyi, the answer is likely to be negative.

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