Post- Burundi’s armed conflict and trust issues in land redistribution: Towards peacebuilding

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Abstract

It is a daunting task to restore dispossessed land after armed conflicts. Burundi is stuck in this quagmire following years of violent conflicts. Although land restitution is meant to pacify nationals, this depends on the prevailing political, economic, and social circumstances. This study explores these circumstances focused on the armed conflict legacies in Burundi and the disparities between those people who stayed put when violent conflict erupted and displaced people who got back home. The study reveals that in post-Burundi conflict, redressing land issues could flop if governance challenges, trust, and shifting dynamics of politics are inadequately dealt with.

Introduction

Burundi lies in Africa’s Great Lakes Region and is landlocked. It has witnessed numerous conflict episodes including the most protracted conflict covering the period between 1993 and 2005 (Ruiz & Vargas-Silva, 2022). The levels of displacement at international levels substantially increased due to the conflict of 1993 which took place close to 10 years making it difficult for return migration. In the conflict period from 1993–2005 refugees were located mainly in Tanzania a neighbouring country that was identified as a safe haven in the region (Ruiz & Vargas-Silva, 2021). However, Tanzania became more restrictive by the mid to late 2000s, closing down camps for refugees, and asking the people of Burundi to get back home (Ruiz & Vargas-Silva, 2022). A good number of the refugees from Burundi who had fled the armed conflict had managed to travel back home by 2009. The returning residents had to claim land in their original communities yet this is a scarce resource but an incentive for their return (Ruiz & Vargas-Silva, 2022).

The governance of land in after-war situations can be very complex and contentious (Tchatchoua-Djomo & van Dijk, 2022). Bearing in mind the land’s centrality in terms of poverty reduction, and local livelihoods property, it is not surprising that property and land are a hub of tensions, disputes, and competition (Unruh & Williams, 2013). Implications of this centrality impact not just on peacebuilding and a justifiable return but on post-violent-conflict redistribution of land as well as the configuration of a state. For example, in Uganda studies have revealed how designs of substantial land deprivation by the military and government culminated in increased distrust, strained relationships between marginalized communities, government, and traditional institutions that are legally mandated to redress matters of land ownership and occupancy (Kobusingye, van Leeuwen & van Dijk, 2017; Serwajja, 2014). Armed conflicts in Burundi including the violence that occurred after elections in the period 1965, 1972 to 1973, 1988, 1993 to 2005, and 2015 instigated lasting massive rural population displacement (UNECA, 2017; ICG, 2003). Enhancing security and political conditions at the dawn of the new millennium permitted the return of refugees to Burundi (Tchatchoua-Djomo & van Dijk, 2022). Almost 800,000 refugees from Burundi had gone back home by 2012, reactivating rivaling land claims and grievances (ICG, 2014).
Widespread conflicts due to land have shaken land governance and communities in rural areas. Land-related conflicts and restitution in Burundi became a problematic political issue (ICG, 2014). More than 90% of Burundi’s population relies on subsistence farming while over 90% of litigation cases recorded in local courts are concerned with disputes over land (CNTB, 2010).

This study correlates with extant literature on processes of land restitution even though a vast of literature exists concerning land restitution after armed conflicts as noted instance by McCallin (2013), Joireman, and Yoder (2016), CNTB (2010), and Unruh (2014). In general, the programs of restitution for land property in the customary or traditional land tenure practices and Burundi, in particular, appear to have been under-researched. The study seeks to answer the following research question: what are the trust issues in Burundi in the aftermath of the armed conflict towards peacebuilding? The study employs the hermeneutic phenomenological method of research. The following main headings are part of the organization of the text: introduction, conceptual framework, literature review, discussion of main findings, and conclusion.

**Literature Review**

**Theoretical and Conceptual Framework**

This study builds on ideas of state creation and legal heterogeneity to assess the governance of land and its effects on land occupation in post-violent situations. Drawing from Lund’s (2016)’s conception of rupture, institutional and legal plurality, it can be argued that instants of rupture after conflicting periods, return and displacement are critical. They are vital in illustrating that access to land tenure post-conflict does not come out only from public authority but represents political authority as well (Lund, 2016). Empirical research of post-violent conflict management practices interconnected to property and land restitution includes examining what is referred to as ‘the ruptures’ relating to ‘open moments’ if risks and opportunities increase if the space of outcomes broadens and if a different structural framework is constructed (Lund, 2016, 1202). In this narrative, post-conflict implies a break away from an earlier societal configuration but does not imply that what caused displacements and insecurity has vanished or return migration has ended. Processes of land governance after a conflict during ‘rupture’ for instance, periods of pre-election and post-election are good moments for examining the property reordering, legitimacy, and authority between the society and public authorities (Tchatchoua-Djomo & van Dijk, 2022).

As argued by Unruh (2003) the confrontation, competition, confusion, yet significance of looking for safe rural land access during and after civil strife results in challenging the advent of various standard guidelines that attempt to legalize land use, claim, and access it. Land governance in settings ravaged by war is not the privilege or right of any single official actor. Pluralism of institutional actors succeeds if different establishments are in control and refer to normative frameworks that are also different (Tchatchoua-Djomo & van Dijk, 2022). In the same vein, competition could occur concerning who rightfully owns the land, who does oversee access to land, and then chooses the applicable rules. Structures of post-conflict authority and legitimacy are made and influenced by factors like political and legal changes, mobilization, and politics amongst groups of people with contending demands (Alexander, 1992). Authorities responsible for land restitution post-conflict operate in diversified systems of land governance whereby rival petitioners interface with various authorities of land governance, and these reinforce or shape state authority (Tchatchoua-Djomo, 2018; McCallin, 2012; Sikor & Lund, 2009). Therefore, the nexus between land governance and land restitution authorities may emphasize the struggle over legitimacy and authority (Tchatchoua-Djomo & van Dijk, 2022).

Changes and conflicts in the legal, economic, political, and social conditions drive institutional contests. This paper views programs of land restitution as theatres where claimants engage in litigation and negotiation processes, and non-state and state actors work together. By determining those ineligible and eligible to benefit from land restitution, the post-conflict state and land reform policies rationalize land affairs but create exclusionary dealings (Fay & James, 2009). In passing policies of land restitution and legal amendments at the national level, structural prospects are conceived which legalize actors of land governance and manipulate public authority, especially in rural areas. These institutional competition processes are linked closely to the formation of state processes, changes in authority, legitimacy, control, variance property, and land rights interpretations. In the context of Africa, while land ownership claims may associate with land tenure changes based on complex and age-old histories of customary land tenure, parties in dispute may make reference to various stakeholders whose interpretation of the available space and the past significantly differ but could be blended to create a common position (Lund & Boone, 2013; Lund, 2013). In spite of negotiability enthusiasm, authors like Peters (2009) are skeptical and underscore how some institutions and actors are privileged through forum shopping of land tenure jurisdictions. In settings that are ethnically varied, competition for land could be viewed in terms of where one belongs, identity, authority, and land control, which could fuel more controversy and political conscription (Justin & van Dijk, 2017; Kobusingye, van Leeuwen & van Dijk, 2017).

The following sub-section reviews the background of lack of trust issues in Burundi, Burundi’s conflicts, the impact of violence and armed conflict, the aftermath of conflict, and violence exposure.

**Background to Lack of Trust Issues in Burundi**

The mechanisms of restitution done by Burundi are comprised of five key elements namely: non-repetition guarantees, restitution, satisfaction, rehabilitation, and compensation (UN, 2006). These are characterized also by individual and collective ways of distribution and could be given in symbolic or material forms (de-Greiff, 2006). The prolonged crises in Burundi affected all levels
of society significantly such that, building a shared memory could have been contemplated as critical to the successful reparation’s implementation mechanisms. This could have been the foundation for defining the participatory agenda for the most applicable measures of reparations (Rufyikiri, 2021). This task had been entrusted to the Truth and Reconciliation Commission (TRC) by those who participated in the negotiations held in Arusha. But after inertia right at the beginning, hesitation, and ambivalence, TRC was censured for being biased (Rugiririza, 2018). Given the dearth of the systematic gathering of narratives from various victims, fusing the diverse viewpoints and illuminating the whole of Burundi’s history, what is evident is that initiatives taken to make a collective memory for the country have been more sectarian in nature (Rufyikiri, 2021). Consequently, most symbolic compensations were made as initiated and solely benefiting each ethnic group (Rufyikiri, 2021). As noted by Rufyikiri (2021) the move towards retributive justice wabbly started while some provisions related to it kept being cut down to a biased justice in favour of the victors.

An overview of Burundi’s conflicts

The politico-social sensitivities and identities of researchers in Burundi have sturdily impacted the analysis of the different conflicts that could have affected Burundi, also their nature and origins (Banshimiyubusa, 2018). It has not been easy for some scholars to isolate themselves from perpetrators or victims of violence, hence, they have not been able to make an analysis that is unbiased (Rufyikiri, 2021). The contention by Rufyikiri (2021) is that providing superficial, simplistic, and subjective accounts distorted the knowledge about the actual causes of conflicts in Burundi. As a result, reflections and debates on how best to resolve conflicts have been biased. Foreign studies have been biased as well as they produced distortions in their findings (Chrétien, 1990). The consequence was that certain analysts have simply fixated on what seemed to be the obvious causes of conflicts, that is ethnic disharmonies (Abrams, 1995). Explanations for causes of conflicts have been sought from remote historic facts like the origins of the Hutus being Bantu and that of Tutsis being Nilotic. Stereotypes and biases have been used also as conditions for distinguishing the ethnic group members in accordance with the morphology of their bodies (tall stature for the Tutsis and short for the Hutus), castes, and culture (servants representing the Hutus and feudalism for Tutsis), lifestyle and economic interest (Hutus identified with farming, and cattle ranching identified with the Tutsi people) (Chrétien, 1989). It is questionable how ethnic group members that peacefully co-existed for centuries turn to kill and hate one another? The blame has been directed to colonization whose administrative system entrenched the polarisation of the Tutsi and Hutu elites based on ethnic divide (Uvin: 1999). Yet, decolonization took place close to half a century ago so the blunders by colonialists cannot cogently be used to justify the abuse of authority and power by authorities in Burundi. In 2015 this abuse has ignited violent conflicts like the flagrant Constitu -

dential period in the quest for power (Rufyikiri, 2021). Intriguingly, some studies have placed the argument on Burundi’s conflict in this manner (Ndarishikanye, 1998; Ndikumana, 2005). Increasingly, there is a paradigm shift from a narrative that is driven by ethnicity to one driven more by a unity perspective on conflicts in Burundi. This development is quite positive as reflected by post-violent conflict leaders who have reiterated that conflicts in Burundi are due to bad governance and not ethnicity (Batungwanayo & Lieux de Mémoire, 2012). Conflicts appear to have been fuelled by the power struggle, at any rate, leading the politicians into violent and unfair practices to maintain or gain political mileage. The dimension of ethnicity, which has taken worrying and alarming proportions, originates from the idea of deliberately manipulating ethnic mindsets to lure grassroots support and recognition. Naturally, this has had a negative impact on the nationwide power legitimacy predicated on ethnic falsehoods peddled. The narratives of legitimacy are employed to appreciate the causes of violent conflict outbreaks and some of the factors upsetting the stability in the post-war period (Rosland, 2008). As Rufyikiri (2021) puts it, the concept of legitimacy is complex and dynamic referring to the ultimate worthiness of a specific actor whether as an organization, a group of organizations, or an individual. The public institution’s legitimacy is what people perceive as an appropriate social system based on norms, values, rules, and culture (Greenwood et al, 2008). In Burundi, the period that was critical for eroding public institutions’ legitimacy, social dissonance, and violent exploitation was the 1960s a period of independence. This was characterized by civil strife owing to the movement from the cordial existence of societies to ethnocentric rule originated by colonialists perpetuated and aggravated by Burundi’s post-independence leaders.

Volatility of politics in Burundi

Back in October 1965, the leadership of the Hutu ethnic group exasperated by what they believed to be their side-lining, tried in vain to depose the government (Nkurunziza, 2017). Thereafter, the Hutu Muramvya –dwellers were influenced by their leaders and slew hundreds of people of Tutsi origin. In reaction, the army from the Tutsi group took this as a justification to purge the most powerful Hutu fellows. Close to five thousand Hutus residing in the Muramvya province were killed as a retaliation to the exterminations of the Tutsi people (Stapleton, 2017). This was the first major political massacre in Burundi. Following the decimation of the Hutu’s top leadership, in November 1966, a team of Tutsi cops largely from Bururi which is a Southern province waged a coup d’état and dethroned a long-time serving monarchy. This ended the political system of post-independence that to some extent was inclusive of Tutsi and Hutu leaders with a regional but disproportionate representation across the country (Tchatchoua-Djomo & van Dijk, 2022; Nkurunziza, 2017).
A small group of Tutsi leaders from the province of Bururi inaugurated an unlawful system that concentrated military, economic, and political powers in themselves. The side-lining of the Hutus as well as some Tutsis who did not hail from Bururi, further polarised the political system of Burundi. The coup d’état of 1966 marked the beginning of a series of them. Coup d’états leading to change of governments were made in the years 1976, 1987, 1993, then 1996. Recently, in 2015 an attempted coup d’état was staged by some officers but a usurpation of power was not possible. This was followed by heavy-handedness which plunged Burundi into the turmoil that the country is stuck into this day (Nkurunziza, 2017).

In Burundi, the most lasting political instability legacy is that injustices and other crimes perpetrated by state institutions and agents from the 1960s were never acknowledged, investigated or anyone prosecuted. Nkurunziza (2017) laments that there has been a disregard for rule of law, permitting political leaders to continue engaging in ghastly battles for state control hence intensifying the fragility of the state. The inability to acknowledge or act on previous crimes by consecutive governments has disturbed large segments of the populace, especially those affected by such criminalities.

Collapsing state

Each fresh political leader understood it as impractical to withstand the appetite of wielding absolute power together with the desire to revenge previous humiliations due in part to limited experience politically (Nkurunziza, 2017). The envisaged power-sharing provided for in the Arusha Agreement, crumbled when the new leadership declined to uphold the agreement provisions made after strong negotiations. The collapse of this Arusha Agreement established the state’s fragility, heading to its crumble. (Holmes, Ndihokubwayo & Ruvakubusa, 2013). Since April 2015, Burundians have been in a state of flux due to political violence that claimed close to 1,200 fatalities and caused over 400,000 citizens to be refugees. The country’s economy was hard hit, shrinking in 2015 by 4% and in 2016 by 1% according to the International Monetary Fund (IMF, 2017) with bleak projections in the medium and long term. The gross domestic product (GDP) was projected to vary in the period 2018-2022 between 0.0% and 0.5%.

The inability of political leaders in Burundi to consider effectively implementing the Arusha Agreement as a suitable opportunity for lasting peace and security appears to have made Burundi return to the old cyclical trend of violence. For this reason, the present-day debate over restoring stability to this country refers fundamentally to the need to return to the Arusha Agreement in its letter and spirit (Nkurunziza, 2017).

Repression by the state

The 1965 civil war was the first outbreak and more episodes were witnessed in 1972, 1988, 1993-2003, then 2015 and beyond (Nkurunziza, 2017). Except for the episode 1993-2003, all the civil war fatalities have largely been a result of repression made by state institutions. The repression modalities used have been the same. Group leaders out of power usually the Tutsi attempted to forcibly capture those in power. This prompted those wielding power, usually the Tutsi to cause extreme hostility against the leadership of the Hutu group, regardless of responsibilities by certain individuals. The intelligence services, police, and the army tend to lead the repressions. Taking into account the asymmetrical nature of the forces aroud, the political repression of victims overshadowed in numbers the fatalities arising from the earlier attacks (ICG, 2016). In 1972, some Hutu political leaders, who were upset by the repression experienced by their members back in 1965 coupled with their further political relegation, planned an uprising intending to overthrow the Tutsi-led government. Thousands of civilian Tutsis were killed in Bururi (the same area where their political leadership hailed from) during this rebellion. In revenge, the forces from the Bururi led government began to ferociously kill the Hutus, not only in the Bururi province but country-wide. Accordingly, almost 200,000 civilians, mainly Hutus lost their lives (Nkurunziza, 2017). As they targeted some Hutus who had better educational qualifications, it appears the objective was to eliminate the political group of the Hutus. Further, about 300,000 persons were enforced to escape the country and assumed refugee status elsewhere (Nkurunziza, 2017). Back in 1988 and also 1991 a similar pattern was noticed, even though it was not quite severe.

Cyclical violence

The episode of 1972 did affect the country profoundly making it a turning point for political violence in the future (Lupu & Peisakhin, 2017). Several Hutu elites were either previous refugees who got back to the country following their departure as Hutu children or youngsters who were butchered in 1972 (Lupu & Peisakhin, 2017). One well-known member of this refugee group was Pierre Nkurunziza whose father was killed due to repression in 1972. Another prominent figure a former refugee is Melchior Ndadaye who became the first constitutionally elected civilian president in 1993. His successors namely, Domitien Ndayizeye and Sylvestre Nibantunganya were former refugees in 1972 as well. After Burundi’s first democratic elections of 1993 which ushered in Melchior Ndadaye as the president, in October of the same year hardly three months in office, the army dominated by the Tutsi assassinated him prompting the longest ever civil war episode which lasted for 10 years (Tchatchoua-Djomo & van Dijk, 2022). This high-level assassination of a president of a Hutu origin sparked a Tutsis massacre across the country by the Hutus. As was the case previously, the army dominated by the Tutsi had to repress the Hutus, although violence was never ended in this way. Tchatchoua-Djomo & van Dijk (2022) asserts that close to 17% of people in Burundi either fled or were decimated. The Hutu political leadership believed that the 1993 manslaughter of a Hutu president could have been an effort by the Tutsi leaders to recover the power that they had lost through a plebiscite (Lupu & Peisakhin, 2017).
Issues of migration
The question of Burundi refugees has been a politically sensitive matter between the neighbouring countries and Burundi itself (Arias, Ibáñez & Querubin, 2014). From the 1970s up until the 1980s, Rwanda played host to a big group of refugees of Hutu origin migrating from Burundi due to the state repression of 1972. From the 1959 Social Revolution up to the 1994 genocide, Rwanda was being led by some politicians of Hutu origin. In contrast, Burundi was being run by the Tutsi political leadership from the country’s independence up to 2003, except from 1993 to 1996. Thus, those Hutus tormented in Burundi until 1993 deemed the Rwandan regime as welcoming and sought refuge in this country (Arias et al, 2014). On the other hand, some Tutsis, who ran away from Rwanda in 1959 and the 1994 genocide moved to Burundi, where they believed Tutsi-led governments were affable to them. However, in both countries, the presence of huge numbers of refugees (Rwandan Tutsis in Burundi and Burundian Hutus in Rwanda) was seen as a serious threat politically, breeding political apprehensions between Rwanda and Burundi. The refugee issue pushed Rwanda and Burundi into a near-fight in the 1980s (Arias et al, 2014; Hazlett, 2020).

The impact of violence and armed conflict
Literature is abundant which explores the impacts of violence and armed conflict on issues like community engagement, reconciliation, and trust (Schwerter & Zimmermann, 2020; Bauer et al, 2016; Hazlett, 2020; Lupu & Peisakhin, 2017). What has however been overlooked in this literature includes the differences in attitude between folks whose origin is the same but were geographically populated in different countries or areas during violent conflict. It is vital to understand these differences in attitudes because the post-conflict period usually entails a huge number of returning refugees as well as internally displaced persons (IDPs) back to their roots (Ruiz & Vargas-Silva, 2022).

The reunification of people who got separated for a long time could result in the re-ignition of outdated societal disharmonies or the creation of fresh ones. Hence, a difference in attitudes and views between such people on community engagement, reconciliation, and trust, can have far-reaching economic performance, nation-building, and peace-building implications (Miguel, 2004; Cox, 2009; Knack & Keefer, 1997). For example, the suggestion by Arrow (1972) is that almost every economic transaction is based on trust. Arrow further argues that in this world the backwardness economically can be attributed more to the lack of trust and shared confidence.

Yet, it appears there is not much research that has documented variations in trust indicators, community engagement, and reconciliation between stayees (people who stayed in their residential areas during violent conflict and returnees (being people who got displaced either internationally or internally returned) after the conflict (Ruiz & Vargas-Silva, 2022). This study explores such differences. A large amount of literature exists suggesting that individual experiences impact heavily on a person’s penchant to trust other people (Schwerter & Zimmermann, 2020; Alesina & La Ferrara, 2002). Stayees and returnees usually have incredibly different encounters concerning community resources’ protection and conflict coping strategies among other things. Some different experiences are noticeable between internationally displaced returnees and internally displaced returnees (Ruiz & Vargas-Silva, 2022). Some disparities that have been experienced are due to international returnees, internal returnees, and stayees who may have had different exposure levels to violent conflict. This is a key determining factor to long-term conflict legacies (Lupu & Peisakhin, 2017; Hazlett, 2020). Additionally, in view of the differences above, exposure to violence has long-term different implications of trust, community engagement, and reconciliation amongst these groups (Lupu & Peisakhin, 2017).

The aftermath of conflict and violence exposure
Conflict legacies are measured using trust indicators, community engagement views as well as views on peace and reconciliation. Each of these is explored in the discussion below as they relate to the context of return and displacement.

The issue of trust
Research has shown that individual experiences heavily impact a person’s propensity to trust other people (Schwerter & Zimmermann, 2020). Such experiences involve living through events that are traumatic and conjoined with trust levels that are not high (Alesina & La Ferrara, 2002). As highlighted above, significant differences could be there as experienced by international returnees, internal returnees, and stayees. What these groups may have experienced varies depending on a particular conflict, and also among individual experiences of a similar conflict. The stayees being obliged to safeguard limited resources in the community from destruction or plundering during armed conflict may have different conceptions of trust (Ruiz & Vargas-Silva, 2022). In contrast, returnees experienced the pain of running away from conflict and acclimatizing to a lifestyle in a different locality (Black & Koser: 1999). Significant differences in experiences may also be there among internally displaced returnees and those returnees who were internationally displaced. Since internationally displaced refugees interacted with nationals from their host countries, they may have developed different notions and attitudes toward trusting others (Nickerson et al, 2019). On the other hand, internally displaced individuals also interacted with different villages in their countries of origin, these people could have experienced worse conditions materially with no access to foreign aid than international displaced individuals (Verwimp & Muñoz-Mora: 2018; IDMC, 2021).
Peace and reconciliation views

For returnees and stayees, one of their experiences to be considered is their exposure directly to violence, and the dissimilarities of these experiences cannot be overlooked in supporting endeavours for peacebuilding and reconciliation. One of the studies has suggested that experiencing violent conflict is a precursor to more violence (Hayes & McAllister, 2001). For instance, Hayes and McAllister (2001) have shown that exposure to violent conflict in Northern Ireland resulted in an increase in the support of para militia groups while reducing the decommissioning support of para militia armaments. Perhaps the scripture in the Biblical Gospel of Mathew verse 26: 52 that violence begets violence resonates with the idea that those exposed more to bloody conflict breed high levels of resentment, insecurity, and distrust. Ironically, some people who have experienced armed conflict are well informed of costs, hence they are most likely to opt for the best alternatives to avoid conflict. For example, Hazlett (2020) reveals that refugees from the Darfur region who have had an experience of violence are more agreeable that peace is achievable and would not likely seek vengeance over events of the conflict.

Not much evidence exists on the effects of exposure differences to violence among stayees and returnees, but it appears studies have had a focus more on returnees’ differences. For example, Lupu and Peisakhin (2017) explored the effects of differences in Crimean Tatar returnees’ victimization following their deportation to Uzbekistan. They found that those returnees whose victimization levels were high strongly identified themselves with their group of origin and they strongly perceived themselves as victims of violent conflict. Significantly, the study showed that the effects could drip down to the 3rd generation families (Ruiz & Vargas-Silva, 2022).

Engaging communities

There has been a debate on if being exposed to violence guides to better upshots when it comes to issues of community engagement. Indications from several countries suggest that exposition to violence usually leads to social behaviour which is more positive for engagement in communities (Bauer et al: 2016). But the increase in positive behaviour is inclined to an individual’s group of identity. For instance, Bauer et al. (2014) carried out some experiments in Sierra Leone exploring cooperation between out-group and in-group. In social psychology and sociology, an in-group refers to a social group whereby an individual identifies psychologically as belonging to that group, whereas an out-group refers to a social group with which one does not identify (Virginia & Seaton, 2016). It was found that folks who had a higher exposure to violence had a more altruistic behaviour towards members of the in-group than those whose exposure was insignificant. But this was not evident in members of the out-group. Evidence shows that returnees and stayees may perceive one another as members of the out-group (Ruiz & Vargas-Silva, 2022). Potentially this could be extended to international and internal returnees perceiving one another as members of an out-group. The effect of such differences on the practices of community engagement for any particular group is more muddled than clear.

This study used the hermeneutic phenomenological method of research. Finlay (2009) explains phenomenology as studying phenomena to understand their character and meanings concentrating on how they express themselves informed by experiences. Cohen (2001) maintains that hermeneutic phenomenology is concerned with the desire to understand a phenomenon such that the investigator endeavours to make a deep-rooted and richer narrative of a phenomenon. In administering a study, it is not compulsory for hermeneutic phenomenology to institute a stage-by-stage approach per se (Kvale: 2011). This justifies why this study chose to employ this research method. To a large extent, it is guided by an inquiry of some real experiences aiming more at salient aspects (Wilson & Hutchinson: 1991). In this research, these guides are salient aspects of the post-armed conflicts in Burundi and issues of trust over land redistribution in an attempt to promote peacebuilding. Secondary data analysis was done through the process of content analysis. Content analysis as described by Cole (1988) is a method for scrutinizing written work or infographics. It is also a way of studying documents (Elo & Kynga, 2008). Therefore, this approach of data analysis was used so that, written information about post-conflict in Burundi had to be subjected to a critical analysis including some visual-related communication messages. It has been observed that content analysis presents the advantage of handling huge amounts of data drawn from some sources to enhance corroboration of evidence and triangulation (Elo & Kynga, 2008). Most of the written data were gleaned from studies in Burundi and Rwanda among others but sourced from journal articles, documents from websites, books, expert reports, and articles in periodicals.

Discussion and main findings

The main findings are discussed under the following identified thematic areas; constitutional issue, refugee outflow, levels of internal displacement, internal returnees, land restitution for returnees, unclear boundaries, end of the conflict, and peacebuilding.

Constitutional issue

The former president of Burundi, Pierre Nkurunziza contested for a 3rd term in office and this stirred controversy over the constitutional legality of that move. Even with the new president Evariste Ndayishimiyeye who succeeded Pierre Nkurunzunza in June 2020, estimates have shown that about 250,000 people in Burundi have long fled to nearby countries (UNHCR, 2021). This latest, large wave of displacement could be accompanied by a large new group of refugees trekking back to Burundi. The UNHCR (2021) estimated that the figure of returnees could increase from 41,000 in 2020 to 141,000 in 2021. Apart from what has been utilized in this current study, no datasets are available for investigating the effects of the post-armed conflict in Burundi in terms of trust and land redistribution. However, some potential disparities have been identified between post-armed conflict and the current political dynamics that assist in peacebuilding.
Refugee outflow
Using 2015 as a marker for violent conflicts in Burundi, there is a noticeable trust disparity between the post-2015 and the pre-2015 outflow of refugees. For example, studies by Tchatchoua-Djomo and van Dijk (2022) and Ruiz & Vargas-Silva (2021) have shown that in post-2015 while the major host of refugees from Burundi remained in Tanzania with about 133,029 since the 30th of June 2021, some countries like Uganda played host to 51,066 refugees from Burundi, the Democratic Republic of Congo hosted 43,158 and Rwanda 47,911. In terms of the trust, it implies that there is a greater possibility of different trust conceptions among refugees of Burundi origin scattered in different nations.

Levels of internal displacement
It appears that internal levels of displacement remain at levels that are much lower in comparison to external displacement. For example, data from IDMC (2021) indicates that about 22,000 persons or internally displaced persons (IDPs) were victims of displacement by the 31st of December 2020 due to violence and conflict in Burundi. This is significant in gauging prospects for trust and reconciliation when it comes to land redistribution and peacebuilding in Burundi.

Internal returnees
Findings in this study show that some internal returnees in Burundi have considerably lower trust and reconciliation levels than stayees. This is corroborated in a study by Tchatchoua-Djomo and van Dijk, (2022), where the control for socio-demographic factors and community effects related to individuals and households revealed that internal returnees were 11% not likely to repose trust in community leaders than the trust reposed by stayees. It was revealed as well that 10% were not likely to accept that justice was meted out to the perpetrators of crimes during the period of armed conflict. The more a returnee is exposed to violence the more the effect becomes negative when it comes to trust in comparison to stayees.

Land restitution for returnees
There are some concerns over the land restitution and dispute resolution processes related to competition by institutions, livelihoods, and political stability. Either returnees, residents, or stakeholders participating in resolving issues of land claims and restitution have been disappointed by how the return process has been handled. Around the 2000s, the government gave assurance to Burundi refugees that all their land would be recovered including some of their assets (such as houses and livestock), or would be given plots equivalent to their loss, or compensated financially once they returned. Stayees were promised financial aid for implementing some development projects in their areas. They were also entitled to official proof for rights to land ownership if they peacefully received returnees and acceded to the arrangements of land-sharing. These are promises which raised unmet expectations over land restitutions causing discontentment to both stayees and returnees.

Unclear boundaries
There are so many challenges faced in Burundi that are concerned with land restitution and dispute resolution. These include but are not limited to aspects of land customary systems of tenure. In Burundi, the customary system of land tenure is founded on the traditional occupancy of land, and rights of ownership are orally given with boundaries and lands of families delimited by the use of features like rocks, trees, and perennial vegetation. The indistinct and unauthenticated boundaries of the land are exacerbated by the histories of tenure that have been eroded owing to the prolonged reconstruction and displacement of land occupation. These pose major limitations in the post-return access to land and the land disputes resolution for returnees.

End of conflict
When a conflict comes to an end, it usually includes a large number of returning refugees and those IDPs to their original communities. The reunion of people who had been long separated could perhaps result in the reinstallment of old communal divisions or new ones created altogether. Different attitudes and views amongst these different groups in terms of reconciliation and trust could have lasting effects on economic development and peacebuilding. Findings from this study indicate notably lower trust levels by internal returnees compared to stayees. The propensity by internal returnees to repose trust to leaders of the community is much less as well than that of stayees. Literature suggests that the IDPs frequently have inferior materials and weak international access to aid than stayees and international refugees.

Towards peacebuilding
For effective peacebuilding, it may be prudent to have in place an outside underwriter for institution-building during the post-conflict period. For instance, the Arusha Agreement implementation that was entrusted to the Burundian government, despite its historical bad governance in the absence of an externally guaranteed monitoring framework was not a good strategy. This could be the opportune time to consider assigning this peacebuilding role to an outsider institution that will oversee the execution of the Arusha Agreement a pact reached by all parties. This could involve an agreed and reasonable matrix of implementation with a clear timeline, with a provision to periodically evaluate progress on trust issues among others. In this peacebuilding project, what should be at the core should include the need to strengthen the rule of law and build a culture of democracy. Any argument from critics of this strategy
that it places the country under a foreign tutelage should be discounted on the basis that other approaches perceived to be more realistic have been put to test but failed. A test case being the Arusha Agreement is a case in point.

It is also critical to ensure the private sector is developed and helps create opportunities that will sustain peaceful living conditions for Burundians. This could help to diversify the pursuits of individuals beyond leadership in politics and public service. The frontloading of resources could help to build stronger foundations of the country’s economy that produces a dividend of peace. Incentives can be given to those people who may be harbouring an agenda to revenge so that they pursue an agenda for peaceful coexistence.

Conclusion

This study examined the post-armed conflict in Burundi and trust issues, restitution, land dispute resolution processes, and the related ambiguities. It highlighted the land adjudication and enforcement challenges caused by the political landscape after a long period of enforced displacements. The study provides highlights to how the nature of contestation for land has been shaped politically and historically. It is revealed that changes in laws and land policies have played and continue to play a significant role in the land dispute trajectories of Burundi. Besides, there is no documentation and clarity of the customary tenure of land, this has generated an increase of interested parties in the land dispute resolution processes. The gulf in the relations of land governance has intensified land tenure insecurity.

The effect of violent conflict on trust has shown that more violent exposure breeds a more negative trust effect on returnees than stayees. In terms of policy interventions for trust, for societies that experience high international and internal levels of return such as Burundi, it is not easy to just isolate trust as a single factor and formulate policy around it without factors like community engagement and reconciliation. However, it could be feasible to recognize the people in need of specific attention at the stage of policymaking could be to shape the support initially given to returnees, and areas to which they return, grounded on their reconciliation and trust views. Policy efforts may require exploring the internal returnees’ situation and interrogating why they have lower levels of trust than some other groups. When it comes to peacebuilding, co-opting an external guarantor to monitor the implementation of the Arusha Agreement would be desirable. There will also be a need to develop the private sector into creating peaceful and sustainable livelihood opportunities for the people of Burundi.

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References


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