



CONFLICT IN THE GREAT LAKES REGION – HOW IS IT LINKED WITH LAND AND MIGRATION?

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Some analyses of conflict have drawn attention to the role that contested access to resources such as valuable timber, water or minerals plays in relation to wider conflict. Less has been said about access to land, but in some contexts it has undoubtedly been important. This paper reviews evidence from Rwanda, Burundi and Democratic Republic of the Congo to draw out the main roles that access to land has played in initiating, fuelling or perpetuating conflict, and to draw out policy conclusions.

Policy conclusions

- Access to land can figure more strongly prior to and during conflict than many have assumed. Careful monitoring of how land has historically been accumulated by certain groups (possibly to the disadvantage of others) can help to point to potentially destabilising developments during or after conflict.
- The redistribution (or promised redistribution) of land from (even temporarily) weaker to stronger parties can fuel and prolong conflict, as can proceeds from the sales of land or its products (though the sale of timber or minerals lies outside the scope of this paper).
- Land policy can be complex, and therefore difficult for laypersons (whether rural- or urban-based) to fully understand. It can also be potentially conflicting with customary provisions, and the source of many unintended effects. New policies require careful estimation of financial costs, input from several disciplines, including social sciences, and careful piloting.
- In addition to policy-development civil society organisations can usefully be involved in policy implementation, especially awareness raising and dissemination of key aspects of policy, capacity building, and monitoring of the socio-economic and gender impacts of policies.
- In-depth dialogue within each country on governance and post conflict reconstruction is important if post-conflict governance is to break free from the norms of the past, and transparency in land administration enhanced.
- Customary leaders retain influence despite varying degrees of involvement in land alienation, violence, and political interference. Local chiefs and customary mediators retain legitimacy in many rural areas, and prior discussion is warranted on how and how far they can be included in post-conflict land settlements.
- Whilst pilot projects are important for testing new ideas, land issues at national and regional levels cannot be addressed sufficiently by 'projects'. They must be part of a wider, long-term process of network-building between local, national and international institutions in order to build a constituency for peace and justice. This should involve a sustained but low-profile engagement by donors, informed by research and meaningful involvement of grassroots organisations.
- In the Democratic Republic of Congo (DRC) and elsewhere, land issues are so sensitive, complex and important that they cannot be managed simply by a 'technical' process (even when this involves consultation with civil society). Instead, a commission on land ownership should examine the dynamics of land access nationwide, with a brief to obtain consensus on its recommendations.
- Complementary non-land-based activities should be promoted, with capacity building and other support, and specific focus on ex-combatants.
- For the future, regional cooperation involving freer movements of labour will be needed to help to improve the balance in some countries between land and labour resources.
- Further research and information dissemination are necessary. There are gaps in information on the impact of long term displacement on society, the effects of HIV/AIDS on land rights, long term solutions to the problem of land scarcity, and other issues that have a direct bearing on sustainable peace. Appropriate research will help to sensitise policy makers to the varied and fluid nature of land-related issues in post-conflict countries, particularly where refugees are returning. There are no easy or uniform answers.

Introduction

Africa's Great Lakes Region has in recent years experienced political strife, armed conflict and population displacements with severe humanitarian consequences. While these events have clearly revolved around political struggles for the control of the state, recent research has pointed to the significance of access to renewable natural resources as structural causes and sustaining factors in struggles for power in the region. Contested rights to land and natural resources are significant, particularly in light of land scarcity in many areas and the frequency of population movements.

Whilst there is a growing literature on the so-called 'resource curse' – i.e. the potential for abundant natural resources to hamper sustainable development (Collier and Hoeffler, 2001; Le Billon, 2001), this paper belongs to a smaller literature assessing the role of claims over primarily agricultural land in fomenting or sustaining conflict. It summarises the findings of studies led by ACTS in Rwanda (focusing on the potential contribution of the new land policy to national stability), in Burundi (in relation to the return of

refugees and the resettlement of internally displaced persons (IDPs)), and in the Democratic Republic of Congo (DRC) (the role of land in conflict). Methods included fieldwork in the three countries, interviews with refugees in Nairobi, and reviews of secondary sources.

Land as a source of conflict

These and other ACTS studies demonstrate that changes in land use and land access have been significant factors in a number of high-intensity conflicts in Africa – though they are not always 'root causes'. Often, they are more usefully seen as 'sustaining' conflict, through the use of profits or political capital from natural resource extraction or redistribution for purchase of arms, or mobilisation of human and diplomatic resources for war.

In Rwanda, unequal access to land was one of the structural causes of poverty which was exploited by the organisers of the genocide. The Belgian administration had given the conflict an ethnic character. In addition to generally



privileging Tutsi above Hutu within the administration, they made changes to land tenure regimes which altered the client-patron contracts governing labour relations and access to land, causing much resentment. The 1959 'Social Revolution' involved violence against Tutsi, many of whom fled and their lands were re-allocated to others. The post-colonial government claimed to have dismantled feudal structures and created a more equitable system of land ownership, but the new state elite lost no time in misusing their power to access land and cheap agricultural labour. By 1984, approximately 15 per cent of the land owners owned half of the land (Uvin, 1998). Those buying land tended to be in commerce, government, or the aid industry, rather than full-time agriculture.

Limited access to land, exacerbated by its inequitable distribution, and by tenure insecurity (brought about by frequent episodes of population displacement and subsequent re-distribution of land by the state), have been described as key aspects of the 'structural conflict' – patterns of economic domination and exclusion that create deprivation and social tension, and prepare the way for violence. During the genocide, violence was directed not just at Tutsi, but also at Hutu involved in land disputes.² Political leaders distributed false maps showing Hutu-owned fields which would supposedly be grabbed by Tutsi after the RPF gained control.³

Many people still consider land disputes to be at the heart of most conflicts between households, and a number of organisations have estimated that at District level, at least 80 per cent of disputes reported to administrators are centred on land, and in certain areas the figure is as high as 95 per cent.⁴ The National Unity and Reconciliation Committee, which conducted consultations across the country, found that land disputes are 'the greatest factor hindering sustainable peace'.⁵

Inequitable access to land has long been one of several structural causes of conflict in Burundi (Lind and Sturman, 2002), and contributes to poverty and grievances against the government and elite groups. Ninety-three per cent of the population is rural and dependent on agriculture for subsistence, and over 80 per cent of rural households have less than 1.5 hectares of land.⁶ Landlessness stands at about 15 per cent nationally, but at 53 per cent for the Twa, a marginalised minority group.⁷ In 1993, land disputes related to the return of refugees significantly contributed to the deterioration of the political situation that culminated in a *coup d'état* and the assassination of the President.⁸ The fragile peace currently being enjoyed in Burundi could be undermined by inadequate preparation to receive returning refugees, and/or ineffective institutions for addressing land disputes, if grievances are manipulated for political purposes.

The complex conflicts in the Eastern DRC have numerous sources. In addition to various economic and political issues, ranging from the military and economic strategies of Western powers and neighbouring countries, the weak nature of the state in DRC, and the historical relationships between ethnic groups, these include natural resources of much greater value, and much more 'lootable' character, than agricultural or pastoral land – such as diamonds, gold, cobalt, cassiterite, and coltan.

Nonetheless, land remains important for several reasons. First, insecure or insufficient access to land in many parts of the East is a significant factor in the impoverishment of thousands of rural people, and is seen by many as a 'structural' cause of conflict.

Second, in the case of Ituri Territory, contested purchase and expansion of agricultural and ranching concessions have been identified as one of the proximate causes of violence; and the same may be true in Masisi. Third, the present conflict has radically changed land access patterns, through a number of mechanisms including forced displacement and shifts in

the level of authority enjoyed by different customary and administrative leaders. Conflict is producing new competition for land, as part of a wider renegotiation of the local economic space and re-drawing of ethnic, class, and other 'boundaries' between groups. Land is no longer merely a source of conflict, but a resource for its perpetuation.

In the DRC, a 'modern' system of land administration for white settlers, enabling them to establish their plantations, was superimposed on traditional systems, with compensation paid to the customary leaders (*mwami*), rather than to the people, and leading eventually to an undermining of both the customary and statutory systems.

Colonial promotion of migration also generated conflict over resource access. After the First World War, the Belgians brought Rwandan farmers into parts of Eastern DRC (such as Masisi) to provide the necessary labour for the newly created agricultural plantations and mining centres. When denied equal access to land after independence, they finally started purchasing land, but local chiefs continued to expect customary tribute. This explains the first major conflict: the '*Guerre des Kinyarwanda*', which lasted for two years, was the first rebellion against chiefly abuse and the first step of a spiral of unending local violence.

The independent Zairian state introduced a land law emphasising individual ownership in 1973, removing the legal status from land occupied under customary rule. This enabled those in political or economic power to appropriate any land not yet titled. The traditional authorities became the privileged intermediaries for the sale of land. Rewarded with ministerial posts and newly armed with Zairian citizenship, immigrants from Rwanda were able to concentrate a large number of former colonial estates in their hands. In Ituri Territory, similar developments could be observed. Here, it was members of the *Hema* who profited from their easy access to education and to employment opportunities within the local colonial administration, the mines and plantations.

With a peasant population under growing stress in the land-scarce areas of Eastern DRC, one might have expected more (or earlier) protest or regular outbursts of violence by peasant farmers against those responsible for land alienation. To understand why this did not happen, the traditional authorities need to be the focal point of analysis. In order to guard their position, and avoid blame for land sales, ethnic discourse proved to be a perfect instrument. This significantly raised ethnic tensions. In North Kivu, a wave of inter-ethnic violence which erupted in March 1993, lasted for more than six months and killed between 6,000 and 10,000 people, while more than 250,000 people were displaced.

The fragile 1993 peace settlement in North Kivu lasted until the arrival of more than one million Hutu refugees from Rwanda and the settling of the ex-Armed Forces of Rwanda (ex-Far) and *Interahamwe* militia in camps in Masisi and the Ruzizi Plain. A new coalition between the refugee-leadership and militias, shifted the balance of power, creating the concept of '*Hutu-land*' and leading to persecution of the local Tutsi population.

Historical analysis of land access dynamics before 1994 suggest that even if the conflict-related changes could be rectified, and 'law and order' restored in Eastern DRC, a return to the *status quo* will not lead to an equitable outcome. Only a reform of land laws and institutions, along with some form of land redistribution, could achieve that.

Policy responses to land scarcity

Rwanda, Burundi and many parts of Eastern DRC – primarily the Provinces of North and South Kivu – are densely populated, and there is great competition for arable land. In Rwanda, the average land holding is only 0.71 ha (against two ha in 1960) (Lind and Sturman, 2002). In 2001, almost 60 per cent of households had less than 0.5 ha. The gini

coefficient is increasing, and currently at 0.594. (Republic of Rwanda, 2002) As stated in the draft land policy, a significant share of land is in the hands of a rich elite mainly from urban areas.

In response to this, the Rwandan draft land policy lays out mechanisms for achieving consolidation of plots (the average Rwandan household possesses five plots, rising to about 10 in some areas) and describes how land may be allocated to the landless. There may be advantages of economies of scale via e.g. mechanisation on consolidated plots, but there is little evidence to underpin this, and the mechanisms to promote consolidation remain unclear. The policy suggests that consolidation will result in some people losing their lands but being compensated. Even so, there are few alternative livelihood sources in these areas.

Those 'landless' to whom land might be allocated are defined specifically as 'old case' refugees who have returned: Rwandans who fled the country in 1959 or later and stayed outside the country for more than 10 years. Whilst these people were severely affected by land problems, the issue of landlessness is much wider than this (involving processes of impoverishment amongst all social groups, in a context of extreme land scarcity), and will continue to expand as relative land scarcity increases. Firm criteria for selection and allocation need to be set in place and a balance struck between centralised authority over the process and local authority, for example, through the District land commissions. The policy also states that in addition to the 'old case' refugees, land from the reserve will be given to, 'those who place an application for it, having a consistent plan of development.' There are fears that this may open the way for land acquisition by the corporate sector to the detriment of peasant livelihoods.

There is increasing evidence of the complex multi-directional links between the effects of HIV/AIDS and access to land (see Box 1). However, like many land policies in other countries, the Rwanda policy fails to address this issue.

Resettlement of IDPs and refugees

Within the last decade, Rwanda and Burundi have both experienced major refugee repatriations. Parts of Eastern DRC have also seen internal and cross-border refugee movements since the worst violence ended in 1999, many of which have occurred without international assistance.

The Burundi example is particularly important at the current time. Following the August 2000 signing of the peace

accord and greater stability in neighbouring DRC, thousands of refugees have returned to the country, primarily from Tanzania. The United Nations High Commission for Refugees (UNHCR) estimates that 150,000 will repatriate during 2004 and a similar number in 2005, up to a final total of 400,000. The return of the refugees, and situation of internally displaced people, will hinge on the way that land scarcity and land ownership disputes are managed. (International Crisis Group, 2003). During a survey in 1999, 28.6 per cent of refugee respondents indicated that land shortage was a 'crucial' obstacle to return, while 50.9 per cent felt that it was 'not crucial but important' (Felleson, 2003). Article IV of the peace accord guarantees returnees access to their property, or adequate compensation, and recognises the need for the equitable apportionment and redistribution of national resources throughout the country. This is in contrast to the peace Accords agreed upon for Rwanda in 1993, which stated that only those who had been out of the country for less than ten years could claim land. The total number of returnees, internally displaced and dispersed people represents about one sixth of the total population.

Some of those in Burundi who were away from their lands for long periods had difficulty in gaining access to land, especially those who fled the country in 1972. Following government confiscation, the new owners were issued with title deeds – in some cases, land may have changed hands several times. Under the 1986 Land Code, someone occupying land for 30 years can claim re-allocation.

Forced displacements have also greatly affected Rwanda, with some two-thirds of the population having experienced internal displacement or exile. Those exiled from 1959 onwards began to return in 1994, while most of those fleeing after the genocide returned in late 1996 or early in 1997. These influxes resulted in multiple claims over ownership of farmlands, buildings, and agricultural and forest products.

In Rwanda, government policy, influenced by the 1993 peace accord, directed people to share land resources, and opened up public lands (such as Akagera National Park) for resettlement. The government also extended an 'emergency' villagization programme into a more widespread settlement policy, often involving some degree of coercion. Despite people's general willingness to share land and natural resources, at least 80 per cent of disputes reported to the District administrators in Rwanda centre on land (de Lame, 1996).

In Burundi, similarly, evidence from local NGOs indicates that 90 per cent of problems reported by refugees are land-related. Research in nine provinces by Ligue ITEKA, indicates that of all returnees who have sought outside assistance in disputes, over half have approached the *Bashingantabe*, a customary dispute resolution institution. Almost half have approached the local administration, while 28 per cent applied to the Tribunaux de Residence (the local court system). Instances of corruption have been reported in all these processes. In particular, the formal state justice system requires that plaintiffs have financial resources, and often lacks local credibility. Support for local dispute resolution mechanisms is therefore needed.

Land reallocation is likely to offer few prospects: a 2002 government study found 141,266 hectares of available land in the country. However, it is thought that parts of this are either under customary use, or have since then been allocated through state institutions, since co-ordination is weak. There is unlikely to be sufficient land to give refugees the size of plot they possessed before they left. However, the main priority is to ensure that allocations are transparent and equitable.

The Commission Nationale de Réhabilitation des Sinistrés (CNRS), established in February 2003, has been affected by its institutional structure, a result of a political compromise

Box 1 HIV/AIDS and Land Access

The effects of HIV/AIDS – with a prevalence rate estimated at around 8.3 per cent in Burundi and 11 per cent in Rwanda – translates into several negative effects on the land use patterns of affected households, including a reduction in area of cultivation, a switch to less labour-intensive crops, lower levels of production, hence lower incomes. A number of studies in Africa have identified general patterns in rural economies affected by high rates of HIV/AIDS infection. Death and impoverishment within households due to HIV/AIDS tends to undermine the land rights of the nuclear family, particularly those of women and children. The most pressing issue is that of inheritance after the death of a male head-of-household, with women and children often being dispossessed of land by other relatives. Conflicts over land are also associated with HIV/AIDS-related land use changes (Kamusiime et al., 2004).

In Rwanda, associations of people living with HIV/AIDS, which are overwhelmingly female in membership, could be important in the struggle to defend land rights. Some government policies may in the long-run increase the risk of infection for many people, unless mitigation measures are put in place, such as those likely to increase rural-urban migration, or create pools of rural labour in agro-industry (associated with internal migration and separation of families).

between parties associated with 'Tutsi' and 'Hutu' interests. Some donors perceive it to be weak and riven by politics and internal division, so that it has received little donor funding. This means that despite its broad mandate, its activities have been limited to providing short-term assistance to IDPs.

Conclusions

Competition for land, exacerbated by the destabilising effects of 'modernisation' and enforced or spontaneous migration, is more commonly a *source* of conflict than generally supposed. Reallocations of land during conflict, or the profit from sale or use of land can provide a means of *sustaining* such conflict. Post-conflict, access to land for many people can be fundamentally altered, often, in the case study countries, through massive forced population displacement. More insidiously, conflict changes social relationships in profound ways, and perceptions of mutual rights and responsibilities in relation to land between individuals, social groups, and the state are altered due to changes in perceived legitimacy of institutions and obligations.

Specific difficulties often encountered in post-conflict situations include: the inequities faced by women (particularly those widowed or separated from husbands) and orphaned children who are denied inheritance rights; the return of refugees and internally displaced people, often without titles or other proof of ownership; the status of environmentally sensitive areas, especially where there is land pressure due to sudden refugee returns; and the need for management of local inter-communal relations where civilian populations have often been the victims of violence, and where land claims have an inherently 'communal' nature. It is often desirable to implement rapidly some elements of post-conflict land reform in order to avoid problematic issues 'festering' over time and triggering more conflict at a later date, and activities such as information-gathering, training and identification of relevant personnel can be done even in the emergency phase. However, the process of land reform is time-consuming, partly because countries frequently lack an effective legal framework in respect of tenure, and systems for participatory policy-development.

A range of important questions remain about the nature of policy reforms necessary to address land issues in order to prevent violence, during and following conflict. The transition between 'conflict' and 'post-conflict' is rarely clear: the causes of conflict may never be fully resolved; and violence itself may continue sporadically well past the official declaration of 'peace' (Thompson, 2003). Transitional governments which seek to be inclusive or conciliatory by incorporating former belligerents, are, in reality, often characterised by wide differences in vision and development objectives, and these may translate into struggles between military and civilian leadership, or between different ministries. Much more research is needed on the politics of policy-making in such difficult institutional environments.

Post-conflict governments, especially those with negative experiences of multi-party systems, are understandably slow to democratise after conflict. However, a more transparent dialogue within each country on governance and post conflict reconstruction is important, particularly in light of the tendency towards increasing economic and political dominance of urban-based elites. Effective implementation of a fundamental and sensitive issue such as land will not be possible without transparency.

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