



LAND DISPUTE RESOLUTION IN POST-CIVIL WAR COUNTRIES: WAYS OF HARNESSING SUSTAINABLE PEACE IN BURUNDI AND RWANDA

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Abstract

In most African countries, civil wars have been accompanied by land disputes that, if not resolved, have revived the conflict. Moreover, among treaties and accords signed between the two parties in conflicts, land dispute resolution has not been included. The failure to recognise land disputes has endangered the sustainable peace in the country. Therefore, this paper documents the typology of land disputes and mechanisms applied to resolve them for sustainable peace in post-civil war contexts, despite the differences among ethnic groups in Burundi and Rwanda. The paper used a qualitative research approach to collect data from different sources. The data were analysed by using Qualitative Content Analysis (QCA). The findings show that both Burundi and Rwanda have the same category of land disputes, subdivided into different land dispute types. Also, both countries applied informal and formal land dispute resolution mechanisms crafted and hosted in different institutions. Both countries have established institutions at the grassroots and local level for land dispute resolution, which helped to harness sustainable peace. Furthermore, a five-step process was effective in Rwanda to resolve land disputes, whereas in Burundi, a two-way approach was effective in addressing them. From the locally created committees, residents were unified, and social cohesion was enhanced, and then, sustainable peace was achieved.

Keywords: *Civil war, Land disputes, Sustainable peace, Burundi, Rwanda*

RESOLUTION DES CONFLITS FONCIERS DANS LES PAYS SORTANT D'UNE GUERRE CIVILE : MOYENS DE CONSOLIDER UNE PAIX DURABLE AU BURUNDI ET AU RWANDA

Résumé

Dans la plupart des pays africains, les guerres civiles s'accompagnent de conflits fonciers qui, faute de résolution, ravivent les tensions. Or, la résolution de ces conflits fonciers n'est pas prévue dans les traités et accords signés entre les parties. Cette absence de reconnaissance des conflits fonciers compromet la pérennité de la paix. Cet article documente donc les catégories et typologies des conflits fonciers et les mécanismes mis en œuvre pour les résoudre, en vue d'instaurer une paix durable dans le contexte post-guerre civile, malgré les différences ethniques au Burundi et au Rwanda. Une approche qualitative a été adoptée pour la collecte de données issues de diverses sources. Ces données ont ensuite été analysées par analyse de contenu qualitative (QCA). Les résultats montrent que le Burundi et le Rwanda présentent la même catégorie de conflits fonciers, subdivisée en différentes typologies. Les deux pays ont également mis en place des mécanismes de résolution des conflits fonciers, formels et informels, gérés par différentes institutions. Ils ont par ailleurs établi des institutions locales et communautaires dédiées à la résolution des conflits fonciers, contribuant ainsi à l'instauration d'une paix durable. Enfin, au Rwanda, un processus en cinq étapes s'est avéré efficace pour résoudre les conflits fonciers, tandis qu'au Burundi, une approche bilatérale a permis d'obtenir des résultats probants. Grâce aux comités locaux créés, les habitants se sont unifiés, la cohésion sociale s'est renforcée et, par conséquent, une paix durable a été instaurée.

Mots-clés : *Guerre civile ; Conflit foncier ; Paix durable ; Burundi ; Rwanda*

Introduction

African countries, like other parts of the world, have known civil wars that were internally erupted due to different causes, including land access and tenure security. Accessing land may not be a disclosed agenda of war masters before and during battles, but post-war gestures and practices reveal it. The importance of land as a valuable asset that participates directly in the economies of people and nations to generate cash incomes (UN-HABITAT, 2010), a source of social and economic power (Wehrmann, 2008), and one of the factors of production in the economy (Nagya & Udoekanem, 2022) led to land access and tenure security be among hidden agendas that are disclosed in post war period. According to a United Nations Habitat report, at the end of the war, land grabbing and illegal allocations were observed as a reward in some countries (UN-HABITAT, 2010). Furthermore, Lund et al. (2025) revealed that the post-war period is marked by an acute housing shortage, food insecurity, and other land-related investments, which create new demands for land. Additionally, the re-establishment of peace encourages new investors to invest capital in communities poised for growth. All these factors contribute to an increase in land and property claims, and people often attempt to secure or restore their rights and tenure security. From that, internal competition for land and resources, which, if not managed, may lead to another social collapse and induce the community into civil war again.

Avoiding land grabbing, land swapping, and other illegal land accumulation that in the end causes land disputes requires land disputes resolution institutions. These institutions formulate, diversify, and implement mechanisms that are tailored to the existing context and social knowledge of the community. Blattman et al. (2012) specify these institutions to be

micro-level and important to resolving land disputes from the family level to the community level, which helps to keep the peace and encourages development. These also contribute to unclogging cases in courts, which land-related disputes in most post-war countries totalise 60% and above (Claudia, 2023). However, Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA), (2021) and Marara (2011) do not share the same viewpoint on the success of these local-level institutions in settling land-related disputes. They add that sometimes, due to many speculations and context, such as conflict of interest, ethnicity, and social incoherence, the initiatives and efforts of these institutions may be nullified.

In Africa and other developing nations, land disputes are observed and are still contributing to social, economic, and political disruptions. While these conflicts have caused or may cause genocide and other massive massacres if linked to social, political, and economic factors, their resolution and settlement are still possible. The literature shows that land disputes may be categorised as simple as can be informally and locally resolved, whereas others are complicated and complex in such a way that they require formal and advanced resolution mechanisms and strategies (Manullang et al., 2023, and van Leeuwen, 2010).

According to Wehrmann (2017) and Manullang et al. (2023) underlined that land disputes may be classified into four major categories: (i) conflicts occurring on all or several types of property, (ii) conflicts over private property, (iii) conflicts over common and collective property, and (iv) conflicts over state property. All these categories do have at least 36 specific types of land disputes (Table 1). The study by Wehrmann (2017) showed these types of land disputes may be detailed and find over 50 sub-types. However, this paper is limited to categories and some frequent land disputes as experienced in our context.

Table 1: Land disputes categories and types as observed in our context

Category of land disputes	Types of land disputes
Conflicts occurring on all or several types of property	- Boundary conflicts - Inheritance conflicts - Ownership conflicts due to legal pluralism - Ownership conflicts due to a lack of land registration - Ownership conflicts between state and private/common/collective owners - Multiple sales/allocations of land - Violent land acquisitions, - Evictions by landowners
Special conflicts over private property	- Expropriation by the state without compensation - Sales of someone else's private property - Leasing/renting of someone else's private property - Illegitimate expropriations by banks - Conflicts due to land/agrarian reforms - Conflicting claims in post-conflict situations - Illegal/improper uses of private land - Intra-family conflicts, especially in the case of polygamy
Special conflicts over common and collective property	- Lack of recognition of common/collective rights by the national government - Unauthorised sales of common or collectively owned property - Competing uses of common and collective land/competing rights on common and collective land - Illegal/improper uses of common property - Disputes over the distribution of revenue from customary land

Category of land disputes	Types of land disputes
Special conflicts over state property	- Illegal/improper uses of state land - Competing uses/rights on state property - Land grabbing by high-ranking public officials - Illegal sales of state land - Illegal leases of state land (including concession land, forests, mines, etc.)
	-

Source: Author's construct based on the ideas from Wehrmann (2017)

The types of land disputes as detailed (Table1) have known their simplicity or complexity in resolution. The authors disclose that the simplest land disputes types require informal mechanisms for their resolution while the complex land dispute types oblige formal and complicated mechanisms for their resolution. However, we argue that not all these types of land disputes are simple and easy to address. It will depend on many other factors, such as the size of land under dispute (the bigger, the complex and complication may be), the location of the land, which dictates the value (urban land and rural land), and the importance of the land in contributing to economies and livelihoods (fertile and infertile land). Furthermore, Hutabarat (2011); Ojok (n.d.); Tchatchoua-Djomo and van Dijk (2022) added that these types of land disputes require the community-based, or commonly known as informal land dispute resolution, which includes negotiation, mediation, or conciliation, and customary (traditional) or religious systems. The three approaches converge on both parties to manifest volunteerism, trust, peaceful communication, and collaboration with a third person as facilitator. Yet, (Ojok, n.d.; Wehrmann, 2008) recommends that this mechanism should be applied when the land disputes do not involve a large piece of land or a co-owned land like family property. Also, this recommendation supports the findings by Marara (2011) and Nagy (2009), who found that their results in Rwanda proved that the concluded solution did not last longer, but transferred to the next level of resolution, including judicial instances. Land, being an immovable property whose value increases daily, arouses conflicts in the minds of losers to think further about how to recover it.

In regard to Formal Alternative Dispute Resolution (ADR), which is a formal mechanism, it is nowadays recommended by international and national organisations due to its formalisation of solutions, including written contracts and sometimes notarised pieces of evidence to keep records. Manullang et al. (2023). The approaches, such as arbitration, expert Determination, and Early Neutral Evaluation (ENE), are known to be applied in formal land dispute resolution. The commonalities of these approaches are the involvement of third parties who may utilize their expertise, knowledge, and, why not, power to convince or prove realities about the conflict. In developing countries, this mechanism has been decentralised at the local level (Leeuwen & Haartsen, 2005).

It is reported that traditional or customary methods, such as elder mediation, negotiation, and reconciliation, rely on community elders and/or leaders who are trained in dispute resolution by experts, and intervene by combining traditional and modern strategies for dispute resolution. Dahal (2008) argued that, as notable persons in the village, they are expected to be neutral third parties and eager to find peaceful, context-specific solutions. However, how neutral they are becomes debatable given that some external factors may influence their neutrality. But, FAO (2006) and Alemneh (2025) reiterate that involving modern approaches with formal local bodies, such as Village Land Councils. This is one of the approaches that requires emphasizing participatory methods in different processes of land mapping, recognising interest in land. Therefore, this will help to have a community buy-in over formal courts, which in the end will facilitate faster and fairer outcomes.

Finally, there is a formal judicial system that involves an adjudication, which is a formal legal process in courts. The last two mechanisms are appreciated by international and national funders, given that they are formally and technically undertaken. But recent studies have shown the challenges in resolving land disputes using these mechanisms. Authors like Claudia (2023), Dlamini (2021), and Wabelo (2020) have mentioned, among others, corruption, nepotism, favouritism, and elitist involvement in decision-making. As discussed in previous paragraphs, other factors such as weak land governance, sociopolitical issues, economic pressure, and effects of climate change shocks may challenge the success of formal mechanisms.

Countries that have shaken by civil war and have land disputes as a challenge to economic reconstruction, social coherence reparation, and looking for sustainable peace, have adopted different mechanisms as a try-and-error, but in the end, have provided a best practice lesson. These countries include Ethiopia, which mixed both formal and informal mechanisms in land dispute resolution (Mequanent, 2016; Wabelo, 2020), Sierra Leone, which used both traditional and modern mechanisms (Kpaka, 2025), in Bangladesh, where formal mechanisms were applied to resolve land disputes related to land grabbing (Ferdousi et al., 2020; Islam et al., 2015), and Mozambique which also applied both formal and informal mechanisms to solve land disputes which were among a 'ticking time bomb' in the country threatening the resurrection of social disruption (Auweraert, 2013 & Unruh, 2001).

The success of these mechanisms is attributed to legal and institutional frameworks in the land sector that are formulated and adapted both at the local and national levels. Legal frameworks provide an entry point on how to legally deal with land disputes according to their nature, origins, context of the country, and the country's agenda on social and economic development (Agbegbedia, 2022; Shayamunda & Bhanye, 2022). Among contributions of legal frameworks include structuring and legitimating formal procedures and informal channels of land dispute resolution to be applied at local and national level (Sun, 2024), harmonising through bridging statutory and customary land laws to allow the integration of traditional land governance systems into modern national systems (Kpaka, 2025; Mequanent, 2016), protecting land rights through formalisation of land rights (use and ownership) and providing mechanisms to enforce tenure security in essence of preventing future land related conflicts (Derevyanko et al., 2023), and empowering community by supporting community-led land management and legal education, promoting local engagement and participation in land related disputes resolution processes (Goodwin, 2022; IDLO, 2024; Tchatchoua-Djomo & van Dijk, 2022).

The legal frameworks have included land policies and land code that were formulated to respond to many land-related challenges that included bouncing on land disputes linked to political or social conflicts (EURAC, 2017; République du Burundi, 2008; République du Rwanda, 2004), agrarian reforms that came to fix some issues related to land access, land use, and land ownership cacophony existing in post-conflict countries (Borras et al., 2025). Agrarian reforms as mere political agenda for some countries at the aftermath of the civil war, aims to redistribute large landholdings to landless both farmers and housing developers as a way of promoting equity (Judijanto, 2025), boosting productivity (Borras et al., 2025; Claudia, 2023) and achieving rural development (Gamboa et al., 2020), often by addressing historical inequalities caused by land administration systems like feudal or colonial systems (Schlager & Ostrom, 1992), kingdoms and chiefdoms (Amani, 2009) which is responded through land redistribution, supporting services and legal frameworks (Che et al., 2021; Cliffe, 2011). We add that legal frameworks are good if they are formulated and enforced in a transparent way, not biased in multi-ethnic contexts, and not for the revenge to the losers of the war.

Institutions involved in land dispute resolution can be locally or nationally appointed by the government or development partners with objectives of harnessing sustainable peace according to the existing legal frameworks adopted to address land issues (Kpaka, 2025; Tchatchoua-Djomo & van Dijk, 2022). The members of locally formed institutions must be recruited and selected according to their knowledge capacities, including education at different levels, influence or social status within the community, and gender balanced to make sure there is inclusivity and integrity (Wulandari et al., 2021). The mixture of traditional chiefs (where still used) who are called to contribute in land disputes at local level and using common sense rather than judicial approaches is appreciated and recommended by many development partners and governments since they are cheap and affordable (Kpaka, 2025).

To make sure these institutions succeed in their missions to resolve land disputes and harness sustainable peace, they have to be coherent and unbiased, overcome any differences among members (observe neutrality) (IDLO, 2024). This is not easy in countries where the parties in disputes are found in different ethnic groups that have a horrible history of mass massacres and genocide related to ethnicity, like Burundi and Rwanda. Most of the causes of these killings are directly linked to land grabbing and chasing one ethnic group. The aftermath of the Civil War is characterized by land swapping, illegal land acquisition from private owners, community-owned land, and state ownership, followed by illegal change of use and ownership. These land disputes may revive the civil war if not resolved, and ensure there is social coherence, economic, and political stability among citizens.

Different mechanisms are envisaged regrouping strengthening land governance, which entails transparent processes in land deals, digitising land documents, and availing legal and institutional frameworks (Lund et al., 2025), legal and institutional reforms which involve the provision of accessible, fair, and competent courts and arbitration of land disputes (Auzins et al., 2022; Turimubumwe et al., 2022), and community-based mediation that is inclusive to integrate all stakeholders¹ (Mequanent, 2016).

All these mechanisms can be used to resolve disputes in the community, but they are crafted at different levels, from the local to the national level. They also depend on institutions that craft and implement them. Furthermore, they correspond to types of challenges that were already present in the community. Most developing countries have challenges related to poor land governance (Udessa et al., 2023). Additionally, unclear land rights and lack of tenure security for some groups of people, such as women, indigenous peoples, and minorities (Horwood et al., 2021); and economic pressures (Harewan et al., 2023) are mentioned as obstacles for land disputes resolution mechanisms to succeed. All these challenges have played a key role in making land disputes tougher or lighter. The study carried out by Tchatchoua-Djomo and van Dijk (2022) on the consequences of these challenges in post-conflict contexts showed that they have led to prolonged and complicated court cases, a lack of trust in institutions involved in mediation, reliance on violence as a means of threatening one of the weak parties in conflict, and ineffective traditional mechanisms that should address disputes at the local level. Some countries have returned to civil war and other internal social, economic and political problems. However, there is a little knowledge of how countries such as Burundi and Rwanda have succeeded to resolve land disputes using the existing mechanisms and achieve a sustainable peace despite the ethnic wars that were recurrent in these countries.

¹ This means involving those who cause disputes, those who are affected by the land disputes, and those who can provide solutions to existing land disputes. This trio of actors needs to make sure none is left behind during the process (*Author's explanation based to experience*)

This paper aims to document the typology of land disputes and mechanisms applied to resolve them for sustainable peace in post-civil war contexts, despite the differences among ethnic groups in Burundi and Rwanda. The paper intends to answer the question of what typology of land disputes observed in Burundi and Rwanda and mechanisms are used to resolve these land disputes after a civil war, to achieve a sustainable peace in respective countries. The purpose of the paper is to contribute to the stock of knowledge on how well-resolved land disputes can lead to sustainable peace in countries that major source of disputes is land access and control. The motivation behind this is that the existing literature is vague and not specific to the origins of land disputes for the case of Burundi and Rwanda, as well as their implications for sustainable peace in the respective countries.

The paper consists of an introduction that gives the background information containing the gap according to the existing knowledge, objective, and research question. It also has the methodology, findings, discussion, conclusions, and references.

Methodology

1. Study area and historical background

Briefly, Burundi and Rwanda are considered sister countries due to their geographical, socio-economic, environmental, and cultural characteristics. They are landlocked countries, member countries of the East African Community, with 27834km² and 26 338 km² respectively. They share borders and almost the culture, language, ethnic group composition, and other characteristics.

These countries have been colonized by the same colonizers and known as the Ruanda-Urundi territory until 1946 (League of Nations, 1945; United Nations, 1946). After this period, these countries became independent countries and were considered as two separate states. Before colonization, these countries were experiencing the same governance system based on kingship. The history shows that all kings after the arrival of Tutsi in both countries belonged to the Tutsi ethnic group, whereas some notables² may be selected by the king from the Hutu ethnic group (International Academy for Genealogical and Heraldic Studies, 2021; Obenga, 2021). The two countries known hostilities related to the tribal violence in the 1960s, which was a cycle of ethno-political violence, between Hutu and Tutsi groups, stemming from colonial legacies, power struggles, and ethnic divisions.

The conflict between Hutu and Tutsi in both countries, Rwanda and Burundi, was linked to land, given that, in different times, the defeated ethnic group was observing their members killed or sent to refugee camps in neighbouring countries, then, their land and properties were taken by elites, relatives, or nationalised. This is the case of Rwanda in 1959 and 1994³ (Cohen, 2012). For Burundi, the same tragedies were observed but at different times and in a different nature from those observed in Rwanda. In 1965 and 1972, there was a mass killing of elite Hutus who were in government and decision-making positions. In Burundi, the 1988 and 1993 conflicts led to the longest civil war (1993-2005). As it was in Rwanda, land and properties for those who were killed or displaced were taken by elites or nationalised.

² Notables were local leaders at the village level. At a higher level, princes were descendants of the king.

³ End of the Hutu-dominated government, followed by genocide committed against the Tutsi. But Tutsi ended with defeating the Hutu government and taking their land and other properties

In both countries, there were at different times a defeat of one ethnic group and a victory for another ethnic group. Each defeat was accompanied by loss of people, accompanied by land confiscation, whereas the defeated ethnic group was still existing either within the country or in refugee camps in neighbouring countries like Congo, Tanzania, Uganda, Kenya, and overseas like Belgium and France. Different initiatives on peace talks were engaged, such as the Arusha peace talks for both Burundi 2000 and Rwanda 1994. The leading agenda points were to repatriate refugees and give back their lands and properties. In Burundi, the Arusha peace accord proposed to establish an institution that would solve land and other property disputes. In Rwanda, the Peace Accord was in process and the Tutsi-dominant rebel Rwandese Patriotic Front (RPF) took power from the Hutu-dominant government after shooting down the president's plane, which was followed by a genocide committed against the Tutsi (Beloff et al., 2019; Organisation de l'Union Africaine, 1993). Therefore, land issues were to be solved according to the Tutsi-dominant government agenda and strategies rather than following the outcome of the signed peace agreement, as is the case in Burundi.

2. Methods and tools for data collection

This paper aims to document the typology of land disputes and mechanisms applied to resolve them for sustainable peace in post-civil war contexts, despite the differences among ethnic groups in Burundi and Rwanda. The paper used a qualitative approach in collecting data. The major methods were desk review, where data were collected from existing secondary sources such as published articles and reports on land resolution in Burundi and Rwanda. The reports from *Commission Nationale de Terre et Autres Biens (CNTB)*⁴ in Burundi, the annual report from Obdsman of Burundi, the annual report from the minister of justice of Burundi, and the report on the performance of *Abashingantahe*⁵ or *Abahuza*⁶ in Burundi. In Rwanda, the paper reviewed reports from *Abunzi*⁷, Annual reports of the National Land Authority (NLA) responsible for managing land administration, with a mandate to implement policies, and assigned to resolve specific land boundary as well as systematic registration disputes through established committees, working under Ministerial Orders, report from the Local Administrative Officials based at the village (Umudugudu) and Village Executive Secretaries who receive disputes, refer them to *Abunzi* or higher authorities, and the report from Alternative Dispute Resolution (ADR) Centers which are centers that provide a formal environment for various ADR methods (mediation, arbitration) for broader civil and land cases. Furthermore, the paper reviewed legal texts related to land reforms, land policies, acts, and regulations guiding land management and dispute resolution in both countries. The desk material review is one of the methods useful for collecting data remotely, as well as others that relate to the past performance of institutions (Choy, 2014; Dawadi et al., 2021).

The paper also used key informant interviews (KII) to supplement the data collected from the desk review. Therefore, the following key persons were contacted either by phone or by email to respond to questions related to institutional performances and their viewpoints on land disputes resolution and peace sustainability. In Burundi, the researcher contacted the

⁴ Translated in English as National Commission on Land and Other Assets. It was an institution recommended by the Arusha Peace Accord to be established in Burundi to solve land and related property disputes in post-war Burundi

⁵ This was an institution at the village level made of selected wise and influential people to solve some disputes. It was abolished and replaced by *Abahuza* by the decree law of 2021.

⁶ This is an institution made by five local elected mediators at the village or neighbourhood level, responsible for conflict resolution, land - related conflict included before being taken to judicial bodies.

⁷ (Mediation Committees): Elected local volunteers (Cell/Sector level) who handle most land disputes, providing accessible, trusted, and customary-based mediation, legally mandated before formal courts.

Commissioner General of CNTB, the Obdsman of Burundi, the permanent Secretary of the Ministry of Justice, and 15 leaders of *Abahuza* selected randomly from five regions that constitute Burundi. In Rwanda, the paper consulted the representatives (five) of *Abunzi* at region level, the land commissioner, and the trainers of ADR at the regional level (five). Participants in both case studies were selected using a purposive sampling method. This method is recommended by Etikan et al. (2016) who disclosed that it ensures the collection of rich data and pertinent to the research objective. The identified participants were those who have experience that was more than 5 years in the leadership at the current position. This was also to make sure reliable and valid data are collected from right participants.

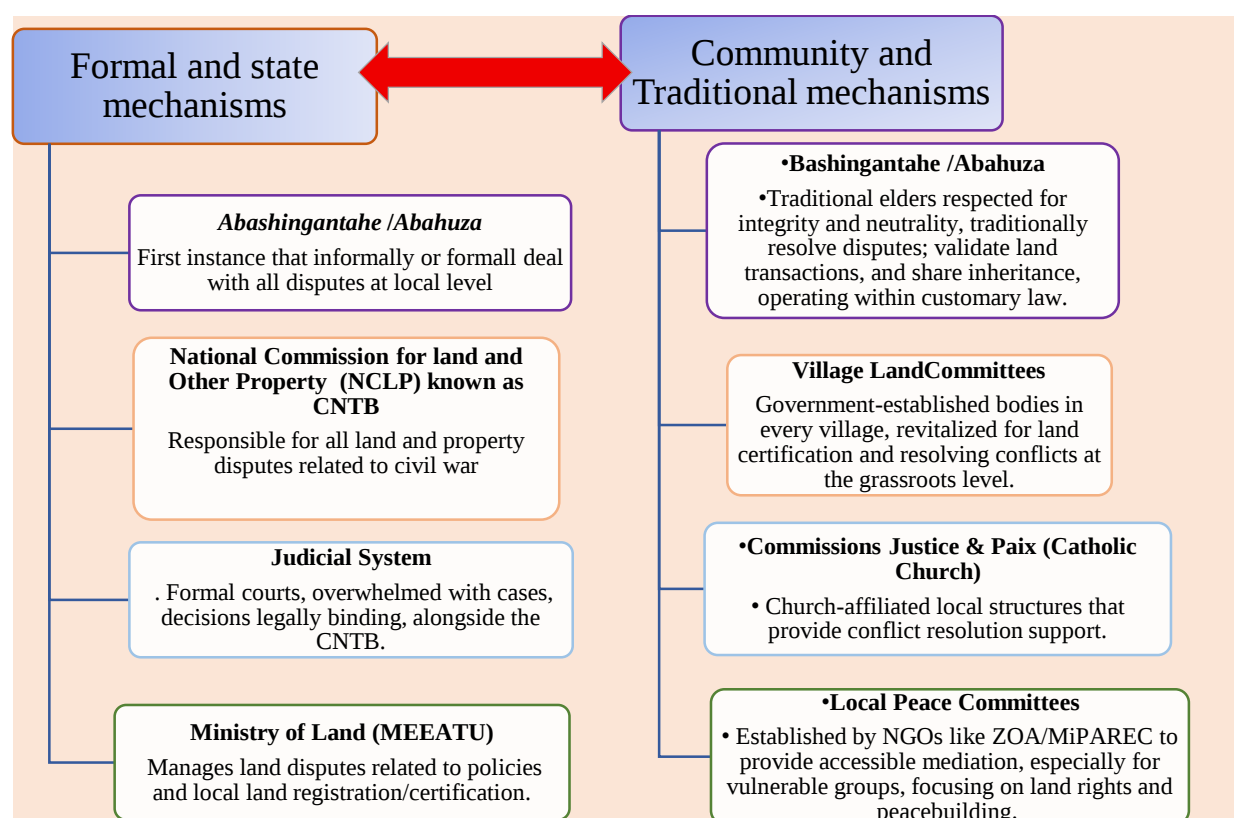
This paper applied a Qualitative Content Analysis (QCA). The motivation for applying the QCA approach emanates, on one hand, from Bryman (2012). Bryman (2012) defines content analysis as “an approach to the analysis of documents and texts that seeks to qualify content in terms of predetermined categories and a systematic as well as replicable manner” (p.289). On the other hand, Vaismoradi and Snelgrove (2019) advise applying QCA when analysing data collected from a desk review and some key informant interviews (KII). The process involves categorising data obtained from different documents, interpreting, comparing, and contrasting them to prove their validity and accuracy in responding to the research objective. Finally, the results are shown in both written and tabular formats to enhance readability and clarity.

Results

1. Typology of land disputes and mechanisms for resolution in Burundi

Land in Burundi is a basic natural resource that supports the livelihood of the people through agriculture and housing. The agriculture sector contributes 80% of the economic lifeline by providing income and sustaining food security. Furthermore, land in Burundi is a source of social, economic, and political power. Land is tied to identity, wealth, and societal structure. The importance of land in Burundi makes land a source of conflict, due to the competition to access and control it. In addition to that, high population density, returning refugees due to civil wars in different periods, unclear laws, and fragmented institutions lead to frequent land disputes, making land a major tension point. Land disputes in Burundi are categorised in four major groups: returnee-resident conflicts, intra-family disputes, systemic and governance issues, and socio-economic and environmental factors. All these conflicts categories have been approached in different ways during resolution processes (Fig.1). Two ways are officially or traditionally known mechanisms applied in resolving land disputes in Burundi.

Figure 1: Two-way Mechanisms of Land Dispute Resolution in Burundi



Source: Author's concept according to findings, 2025

1.1. Returnee-resident conflicts

These are among the major, serious conflicts that are directly linked to instability in peace. They are involving ethnic groups that have a historical background dominated by tensions. The desk review results show that Burundi has known different periods of massacres that were committed to Hutus ethnic group, pushing some of them to flee the country. Those who remained in Burundi, supported by the elites or elites themselves, spoliated the land of the dead or the refugees. Even though there are some cases of land or properties of those who remained in Burundi taken by the Tutsi ethnic group. The survivors have no right to sue the spoliators since they were supported by elites in administration, army/Police, and justice. The same sources reveal that the massacre of 1972 took life of more than 200000 Hutus (Lemarchand, 2002) and is being considered as a genocide given that killings were based on ethnic segregation. Also, the neighbouring countries received hundreds of thousands of refugees who left their land and properties until 2015.

The 1993 crisis aggravated the situation, which increased the conflicts among people in the country. The number of refugees increased, plus Internal Displaced People (IDPs). The Hutus fled to neighbouring countries; the Tutsis and Twa became IDPs⁸ in either public-owned land or private land. This complicated the situation on land disputes that added to the one existing from 1972. All ethnic groups had land disputes among themselves. This means land disputes between Hutus and Tutsis, where Tutsis took land and other properties of those of 1972, and the disputes of Hutus who took land and properties of Tutsis in 1993 when the Tutsis

⁸ This does not mean that Tutsis were defeated in 1993 by Hutus, but Tutsis left rural areas where they were scattered and were grouped in towns or a secured centres within the district.

were displaced. Also, neither the Hutus took the land from the Tutsis privately, nor the Tutsis took the land of the Hutu privately. But land that was sheltering Tutsis in the IDP camps was taken by force from *Hutus*, who were obliged to flee or were killed. These kinds of land disputes were difficult to solve and required strong mechanisms and institutions. This conflict is still observed in some parts of the country where Tutsis refused to come back to their rural lands. They have fear they could be killed. Some are sure to be the cause of atrocities committed against their neighbours during the civil war.

Moreover, the country experiences land disputes related to competing claims. It was revealed from the KII results, especially from *abahuza* and CNTB (Fig.3), that land disputes related to multiple families may claim the same portion of land due to changes that were observed either related to the historical background of the family or reforms in land that abolished the landlordship in 1976, known as *Ubugererwa*. This means that people who physically cultivate or work the land were allowed to own it by transferring ownership from absentee landlords to the actual farmers. Then, some landlords and their families found themselves in a landless situation. This created a long-time conflict, given that the descendants of landlords were not convinced of how the land that was granted to farmers under crop sharing could be handed to the farmers freely. The CNTB reported that such land disputes are still evoked in their reports.

Finally, land disputes related to ambiguous boundaries are observed. This emanates from the weak land administration system that is in place, where hedges, stones, and other features are used as boundary demarcations. The desk review and KII results disclose that these disputes arise over exact plot limits, even after local agreements, given that they can be easily removed, destroyed, or displaced. However, these types of conflicts are easily and timely solved by *abahuza* (local mediators). It is complicated when the conflict is between an individual and the government, when the dispute is on communal or state land. This is because such encroachment engages large amounts of land, and sometimes in reserve or protected land like National Parks or Forrest reserves.

1.2. Intra-Family Disputes

These land disputes are observed in families that have both boys and girls. Also, the families that have experiences to have a large number of children, whereas the land to be subdivided is small. The KII results from CNTP and *Abahuza* reveal that disputes arise during the inheritance of land where girls are not lawfully eligible to inherit the same size of land as boys. Therefore, women/girls may claim to have the same size as boys/men, and the men may oppose. Also, a family can have more girls than boys, for example, one boy against 4,5, and more girls. According to the practice in Burundi, the girls will be given half of the land, and the boys get the same. Sometimes, these girls claim to have equal shares, which complicates the situation. This dispute is also solved at the local level by *Abahuza*, who applies the best practice of the country in reference to the culture.

Under the same land dispute typology, the KII results disclosed that some disputes emanate from unauthorized sales. These are also frequent where a family member (men/boy) may sell land without consulting the family members. In countries where for long there have been killings and massacres, deportation, displacement, and refugees, it is difficult to ensure that all family members are all around to sign the selling contract. Many land disputes of this category have occurred after the sellers deliberately lie that they have no relatives or that they have died, whereas they are in refugee camps or in jail. Also, disputes arise when there are double sales, where land is sold to multiple people due to the porosity in the land administration system that does not oblige the transfer or registration of land transactions. This dispute is

solved by *Abahuza* and or *Abanshingantahe* at the first instance, and if the parties are not satisfied, it is sent to CNTB, and then to the court.

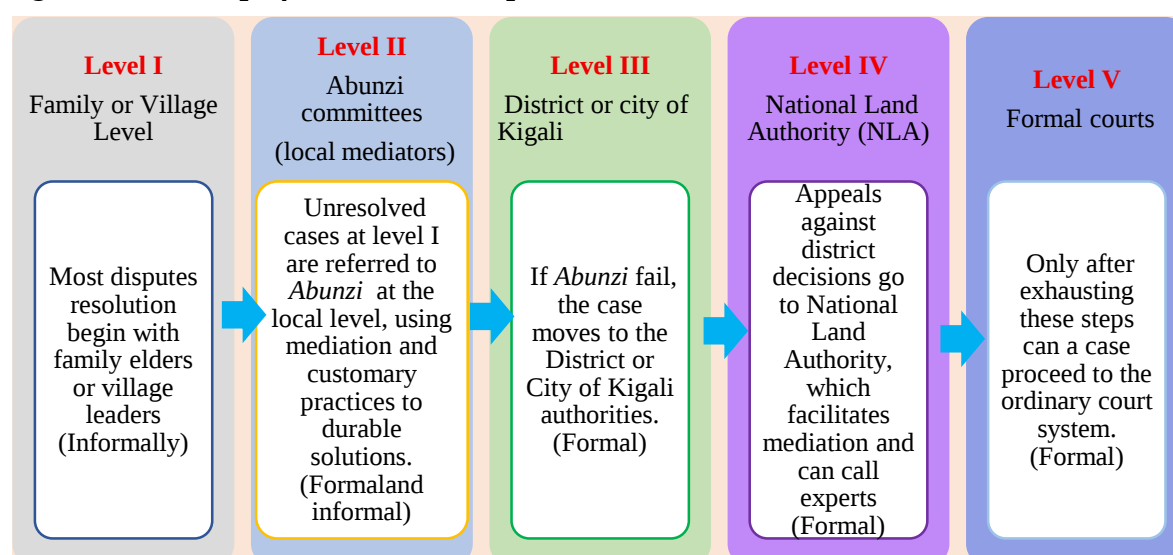
1.3. Systemic and land governance disputes

The KII results from the Ministry of Justice revealed that land disputes related to systems and land governance are those related to conflicting laws that are applied in the country. Instead of addressing land issues, they create conflicts that can lead to tensions in the community. For example, the customary land rules and formal state laws may create chaos when it comes to land access and control. The trajectory from communally owned land to privately owned land may create a conflict between community members. The disputes may be complicated if the existing institutions are inefficient in managing the situation. The desk review findings showed that in Burundi, elites profited from the gaps that are observed in land governance, such as a non-digitalised cadastral system, unsurveyed lands, and non-registered communal and state land, by grabbing and swapping as much as they can. Also, they exploit the system to forge documents of any land they want to seize from the poor and voiceless. These are kinds of disputes that are difficult to solve at all levels, given they involve the elite class and low class.

2. Typology of land disputes and mechanisms for resolution in Rwanda

In Rwanda, land is also a major source of income and means of sustaining livelihood. It has all the attributes as it is in Burundi and can be completed in the country. It is also one of the sources of peace instability, among others. The most recorded land disputes are related to family or inheritance disputes, boundary disputes, ownership and fraud disputes, discriminatory allocation or unequal access to public land, and unlawful evictions and trespass during land acquisition for public interest. These conflicts are timely addressed due to the good governance system in the land that is in place. It is also supported by digitalisation and registration of properties in Rwanda, which is mandatory. The process of land disputes is a five-step process, as presented (Fig.2).

Figure 2: Five-step of land resolution process in Rwanda

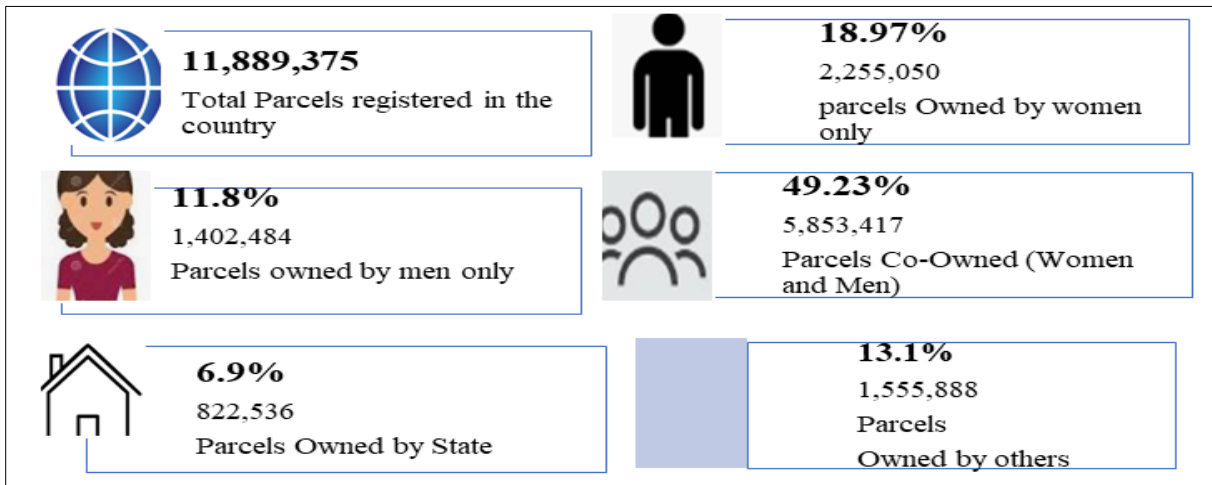


Source: Constructed based on Desk review and KII, November 2025

2.1. Family or Inheritance Disputes

These are land disputes observed between siblings themselves, between parents and their children, and between other first-degree relatives over a piece of land. According to desk review and KII results, these conflicts account for around 50% in rural areas where agriculture and livestock keeping are the major activities for their survival. The head of the family may be reluctant to subdivide the land among all children to avoid them selling their share or to discourage early marriage. Also, despite the legal frameworks authorising equal rights among children to inherit land, such as the 1999 Law on Inheritance and Marital Property Rights and the 2003 Constitution, which enshrines gender equality in land and property rights (Fig.3). Also, the registration system has proved the importance of women in owning land.

Figure 3. Land ownership in Rwanda



Source: National Land Authority Dashboard. Accessed on 26/12/2025. <https://rwandalanddashboard.lands.rw>

However, these conflicts arise due to constraints like customary practices, which is a deep-rooted patriarchal custom. This overrides formal laws and limits women's inheritance.

Moreover, the cultural norms that are based on traditional beliefs about women's status hinder their perceived ability to be decision-makers regarding land. It added the power imbalances that manifest like unequal power relations within families and society, making it difficult for women to declare their legal rights when it comes to land and property inheritance. Finally, it is the lack of awareness of existing legal and institutional frameworks that are in place to assist people in their rights, especially women and poor people, in accessing and controlling land. This is also observed in accessing land dispute mediation, where women do not consult the existing institutions, but rather enthusiastically accept the decision taken by incompetent authorities. According to the KII results from NLA and Abunzi representatives, these kinds of land disputes are solved at the local level and may be completely solved. It was reported that in that 25% of such cases, they have been solved in 5 years, and the same cases were not reported anywhere. The desk review also revealed that these kinds of conflicts were the most common, contributing 70 % of the total cases two decades ago. This was among the problems that threatened the peace and stability in the country that was in the aftermath of the genocide. The reports show that the cases have diminished to 25%.

2.2. Ownership and Fraud

This involves fraudulent land transactions facilitated by corrupt land officers or individuals posing as landowners who present fake titles. The KII results showed that 1/100 of

these cases are occurring in urban land transactions where land officers try to manipulate land records in complicity with local leaders. However, some of these cases are easily and timely resolved, given that it is easy to track from the registration database. Although it is difficult to land that were not fully registered, maybe the owners provided false registration or presented false documents. This is also complicated if the cases are those who are selling land that isn't theirs and belongs to a religious or other institution that is not legally operating in the country.

2.3. Discriminatory allocation and unequal access

The findings from KII revealed that despite the legal reforms, such as the adoption of the Land Tenure Regularization Program, which aimed to bring equality between genders. Yet, women and marginalised groups of people in Rwanda are still discriminated against in land allocation and access. This is observed when it comes to redistributing communal land and the acquisition of urban land for housing and other land-related development. The findings from the desk review again show that the main causes include gender bias that accounts 35%, weak law enforcement 30%, social norms and literacy 20%, and systemic inequality 15%. In countries like Rwanda, where 60% of members of Parliament are women and a substantial number of women in ministerial cabinets and other decision-making positions in the country are women, the issue of gender bias is supposed to be a thing of the past.

Moreover, despite laws granting equal land rights to women and a registration system that makes women among the owners and co-owners of land (Fig.5), traditional customs prioritise men and allow them to be primary landowners in some cases. This limits women's use rights and consequently leads to conflicts, specifically when formal titles are challenged. When it comes to weak enforcement, it was revealed that some institutions responsible for mediation at the local level are opted for and preferred. But the challenge is that they lack the enforcement power to implement the output from mediation when the disputes involve men and women. Most of the cases leave women vulnerable. For social norms and literacy, the KII results reveal that a deep-rooted customary practice observed in rural areas and low legal literacy among women hinder women's ability to claim and defend their land rights effectively. The same results are in view that in Rwanda, systemic inequality is still observed in property registration, which fosters inequalities to persist, especially with powerful actors, which sometimes favoured in dispute resolution.

2.4. Unlawful evictions and trespass

On one hand, the results from KII and desk review show that these land disputes are observed at the national level, where people are evicted from hazardous areas such as flood and landslide-prone areas. These disputes are also difficult to mediate until national-level committees are involved. It also involves a large number of people who are relocated to other safe places with the promise to assist them in reconstructing their livelihoods. According to the KII, more than ten cases of unlawful evictions are reported to the ombudsman. However, the output is always finding the victims to be trespassers or squatters. Although the government has been giving alternative land or a house in safe areas and supporting them in livelihood reconstruction

Trespass-related disputes are observed as boundary conflicts between two adjacent plots or farms, which are also frequent in Rwanda. Despite the digitisation of the cadastre system and the fixation of beacons, some attempts have been made to remove them and create a chaotic situation. Sometimes linked to ethnic hegemony, these types of land disputes may revive social conflicts, leading to killings. The trespass and eviction are also related to properties on land where landlords evict tenants from their houses illegally. These are the most land-related

disputes observed in both urban and rural areas. However, these disputes are mostly and effectively solved at the local level by *Abunzi*.

Discussion

The findings of this study have shown that both countries, Burundi and Rwanda, taken as case studies, have known various typologies of land disputes that should threaten the countries' peace and stability. However, the existing mechanisms of responding to them in a timely and effective manner have guaranteed peace and stability from reviving the civil war, including genocide that has been characterising these countries.

In Burundi, the returnee residents' land disputes, intrafamily land disputes, and systemic land disputes are the major problems that have been threatening the Arusha Peace Accord implementation and sustainability. These categories are quite different in appellation as identified by Wehrmann (2017), but have communality in land dispute typology and resolution approach and mechanisms. Both categories require setting strategies to analyse these problems horizontally and vertically when addressing them. This was also proposed by a large number of authors, such as Alemneh (2025), Claudia (2023), Hutabarat (2011), and Sun (2024), who mentioned in their studies that understanding the nature and causes of land disputes is important to solving land disputes. The authors disclosed that this helps to propose and test some mechanisms to solve any land disputes, especially those related to ethnic groups. The same ideas were shared by Leeuwen and Haartsen (2005), Lund et al. (2025), and Muigua (2023), who added that strategies and mechanisms for land dispute resolution work adequately if designed and implemented by competent institutions.

Both formal and informal approaches were applied to solve these land disputes. For returnee-resident disputes, formal approaches were used involving CNTB and courts, given that these kinds of conflicts were related to the horrible history of the country. Most of the land and properties under dispute were in the hands of Tutsis (residents) who got these properties during the civil war that the country experienced. The application of a formal land dispute resolution mechanism was also important in many other countries and supported by many other studies, such as Alemneh (2025), Manullang et al. (2023), and van Leeuwen (2010). Furthermore, the intrafamily land disputes were resolved by applying both formal and informal land dispute resolution mechanisms. These include inheritance among children (boys and girls) that necessitated referring to social norms and other practices in the community. Informal land dispute resolution is known to work in situations where the case cannot become violent or involve a large amount of land, according to Hutabarat (2011), Ojok (n.d), and Tchatchoua-Djomo and van Dijk (2022). Other cases that were related to systemic and land governance were resolved by applying a mixture of informal and formal land dispute resolution mechanisms. This included land grabbed by local authorities and other elites, especially in communal land that was supposed to be solved by *Abashingantahe/Abahuza*, CNTB, or the courts Fig. 3). The nature of each case and the causes of the disputes dictated the steps and the mechanisms to be applied. This was also found in other countries as found in different literature reviews such as Ferdousi et al. (2020), Islam et al. (2015), Kpaka (2025), Mequanent (2016), and Wabelo (2020).

The approaches used to solve land disputes in Burundi have been effective and helped to sustain peace and security in the country. Most of the strategies have been tailored to the nature of land disputes and mechanisms used traditional or customary methods involving elder mediation, negotiation, and reconciliation. This was fruitful due to most of the process relying on community elders and leaders who were neutral despite their differences in ethnic group belonging. This was also recommended by Dahal (2008), who found that without neutrality of

notables involved in land dispute resolution, its success should be temporary or unsustainable. Also, some cases were resolved despite their complexity due to trained personnel at the local and national levels in dispute resolution by experts on combining traditional and modern mechanisms. This was also recommended by FAO (2006). This was important and helped to address land disputes, not be the source of conflict that can lead to the resurrection of civil war. Now, Hutu and Tutsi are living together and reconstructing the country as one nation.

In Rwanda, the findings show that land disputes include family or inheritance issues, ownership and fraud land disputes, discriminatory allocation land disputes, and unlawful and trespass land disputes that are observed in the country. These land disputes have been addressed by the existing government and other actors through the application of formal, informal, and a combination of land dispute resolution mechanisms. Family and inheritance land disputes have been addressed through formal mechanisms. The government has issued a 1999 Law on legally guaranteeing equal inheritance for girls and boys; a 2013 Land Law to reinforce equal rights; and instituted a land registration system, which increased awareness, allowing women to be registered as co-owners or to inherit land. These changes were known as agrarian reforms that were put in place to address issues of women in accessing and controlling land in Rwanda. The approach was also applied in Asian countries to make sure women have an equal chance to contribute to development (Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and Land Watch Asia (LWA) (2021) and ILC (2021).

Regarding the ownership, fraud, and unlawful trespass land disputes, the formal and informal mechanisms for land dispute resolution have been applied. The process was initiated from the district to the courts (Fig.4). These are among cases that are difficult to solve unless you use formal mechanisms, which include contracts and other forms of consent. In countries that have known civil war related to ethnic groups, those who are in power may use their influence and nepotism to fraudulently access the land and properties of the other group. Authors like Hutabarat (2011) and Tchatchoua-Djomo and van Dijk (2022) see it as a main challenge to solving such land disputes, given that there is a fear of a hidden hand to dictate the outcome of the resolution. We add that in such a situation, forging or confiscating land from an opposite ethnic group does not seem to be a problem for the surrounding community, especially those in power. It becomes a manifestation of victory. One of the typical examples was the term used during 1959-1962, where the land of the Tutsi ethnic group in Rwanda was taken as a sign of liberation. Then Tutsi used the term of *Kubohozo*⁹ in 1994 when they were taking the land and property of Hutu who were killed or fled. The same was observed in Burundi in 1972 up to 1974, where houses and properties of Hutu were taken by Tutsi or nationalized by the then government.

Conclusion

The global objective of this paper was to document the typology of land disputes and mechanisms applied to resolve them for sustainable peace in post-civil war contexts, despite the differences among ethnic groups in Burundi and Rwanda. The findings in both cases, Burundi and Rwanda, show that the countries share the horrible massacres that led to genocide. In Burundi, Hutus were victims, whereas in Rwanda, Tutsi were victims in different times and alternatively. Also, there is a coexistence of formal and informal land dispute resolution mechanisms, including institutions such as CNTB and courts in Burundi, and *Abunzi* and the formal land administration system in Rwanda. All these contribute positively in solving either simple or complex land dispute. Land, as a property and source of power and wealth, has been

⁹ The term meant that time to take back land or property that was taken by Hutus in different periods

a target for those who won the war. Consequently, land disputes have increased and changed in nature from simple to complex and requiring formal to informal land dispute resolution mechanisms. It is disclosed in both cases that land disputes have been resolved and preventing civil war in more than 30 years for Rwanda, and 20 years for Burundi. The success is attributed to both countries adopting land dispute resolution mechanisms tailored to the tradition, culture, and context. Moreover, the countries have tried to establish institutions at the grassroots and local level for land dispute resolution, which have been effective in solving land disputes. The government again tried to unify residents through local-level committees where all members of the ethnic group were included, transparently supporting them, and visionary regrouping them. This helped to build their capacity in tackling other socio-economic, political, and environmental challenges. The countries have attained a social cohesion level among ethnic groups in such a way that a sustainable peace is built among residents of different ethnic groups.

Compliance with ethical norms

This research observed anonymity for participants, and the collected data are only for use in this research.

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Artificial Intelligence Use: None

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