



LONGITUDINAL RESEARCH

BURUNDI

Amahoro@Scale longitudinal study

Phase 2 Final report



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1 INTRODUCTION

The context of Nyanza-Lac is both complex and interesting for researching land issues. It has a very high population density (more than 50% of the whole population of Makamba Province lives in Nyanza-Lac) and attracts flows of intra- and interregional migrants in search of fertile land and income-generating opportunities in the area.

Besides the agriculture for food crops, Nyanza-Lac offers other diverse opportunities in fishing and cash-crops. Over the years, palm oil has become a key local economic asset, as it generates income for different segments of the population involved in its various activities along the value-chain.

Competing interests and dynamics in land management and use, create a challenging context in this area, which is still characterised by poor land governance. This results in unregulated land use (agriculture vs urbanisation), land transactions and land grabbing. The commune has hence been known to be a hotspot for land conflicts, especially those related to displacement and repatriation.

This context makes localized initiatives to improve land tenure security and governance (such as the Amahoro@Scale project) both relevant and challenging. The longitudinal study contributes to understand better existing and emerging land tenure security issues with the aim of both generating knowledge and improving current and future land-related interventions.

The idea of conducting this longitudinal survey emerged from the baseline survey that was conducted in 2022 in the framework of Amahoro@Scale project. The first phase of the longitudinal study which was conducted in February 2023.

The initial sequencing of the longitudinal research phases was considered according to the key phases of the project implementation, namely:

- first phase: before the awareness raising campaigns, conducted prior to the start of project field operations;
- second phase: during the demarcation of land and the identification of land owners and land use rights in the field;
- third phase: after the land demarcation and the subsequent restitution of the results to the population;
- fourth phase: following the effective issuance of land certificates to the population.

Some adjustments have been made to gradually adapt to the challenges related to the implementation of the project which has caused some delays. These adjustments are not likely to alter the scope and results of the longitudinal research at large. This report presents the findings of the second phase, conducted after 6 to 9 months of intense awareness-raising activities and land demarcation operations that took place on all the *collines* covered by the research. Other activities included training for the local committees (*abasuzumyi*) involved in land demarcation and conflict management.

1.1 OBJECTIVES

The information from this study will enable project managers to:

- Monitor experiences and changes in the household/hill (land security situation and economic situation);
- Know the assessments of households in relation to the added value of the land project;
- Define relevant strategies to solve problems or improve particular points;
- Evaluate the impact of these strategies

The study will also inform the academic knowledge agenda by:

- Feeding into the programme wide thematic research agenda
- Understanding impact and impact pathways within the local context
- Contributing to the formulation of lessons for scaling,
- Participating in meetings with the academic knowledge steering committee and other knowledge events

1.2 EXPECTED RESULTS

- Experiences and changes in the household/hill on the tenure security and economic situation are known;
- Know the appreciation of households on the added value of the land project;
- Relevant strategies to improve the intervention are determined;
- The impacts of the project (positive and negative) are known;
- Households' perception of tenure security and the quality of services provided by *Service foncier communal* (SFC) is known;
- Information related to the rights of land tenants is documented;
- The dynamics of land conflicts are documented;
- Recommendations for the improvement of implementation strategies are formulated based on the results of the study;
- Longitudinal insights are incorporated in scaling strategies for further interventions
- Lessons are incorporated in (non-) academic knowledge products and disseminated to relevant stakeholders;

1.3 INDICATIVE THEMES UNDER INVESTIGATION

The following themes are of particular interest to the project partners, following the insights of the baseline study and the first phase of the longitudinal research:

- Notions and perception on land security (with a particular focus on gender);
- Dynamics of land conflicts and their resolution;
- Perception of the quality of services provided by the SFC;
- Dynamics on land leasing;

- The impact and impact pathways of the project on communities' livelihoods (positive and negative)

1.4 RESEARCH SET-UP AND IMPLEMENTATION

The second phase of the longitudinal study on land tenure security was conducted in the framework of the Amahoro@Scale project implemented in Burundi by ZOA, MiPAREC and VNG International. Fieldwork was conducted in the commune of Nyanza Lac, Makamba Province, from August 14 to 20, 2023, and involved the same participants, from the same '*collines*' which were selected in the first phase of the research. Before the fieldwork, a team of six enumerators, external to the project team (this is different from the first phase which was carried out by a team from ZOA staff and its partners) was set up, trained and informed both on issues relating to land security in Burundi and at the local level, and on the current longitudinal research (objectives, methodological approach, data collection tools, etc.). This second phase of the research was also coordinated by an academic researcher, external to the project.

This phase, as the whole longitudinal study, follows a *qualitative approach* based on individual interviews and focus groups. The tools (questionnaires and guides) used for data collection for the first phase have been improved and translated to Kirundi prior to the fieldwork, to make sure that they are easily understood by the respondents and help to capture the nuances of language used in the area of research.

The **sampling** has also remained largely unchanged. The second phase has covered six '*collines*' (or hills), namely Muyange, Kabo, Biniganyi, Nyabigina, Gasaba, and Mukimba, (Figure 1) with a minimum of four households per '*colline*' targeted for individual interviews and two focus groups (with 10 participants each), comprised of male and female representatives selected from five households who were not selected for interviews.

For this phase, two separate group discussions were held outside the six '*collines*', with Batwa and opinion leaders (mainly religious leaders). The research team found it relevant to include Batwa, as the most marginalized group when it comes to access to land both in Nyanza-Lac and across the country. It was also important to interact with church leaders for various reasons: there is a massive presence of different churches in Nyanza-Lac, with a relatively important power to influence people's opinions and behaviour on different issues, including land, and they are also involved to a larger extent in land conflicts.

SITUATION DES COLLINES EN OGR DE LA COMMUNE NYANZA LAC

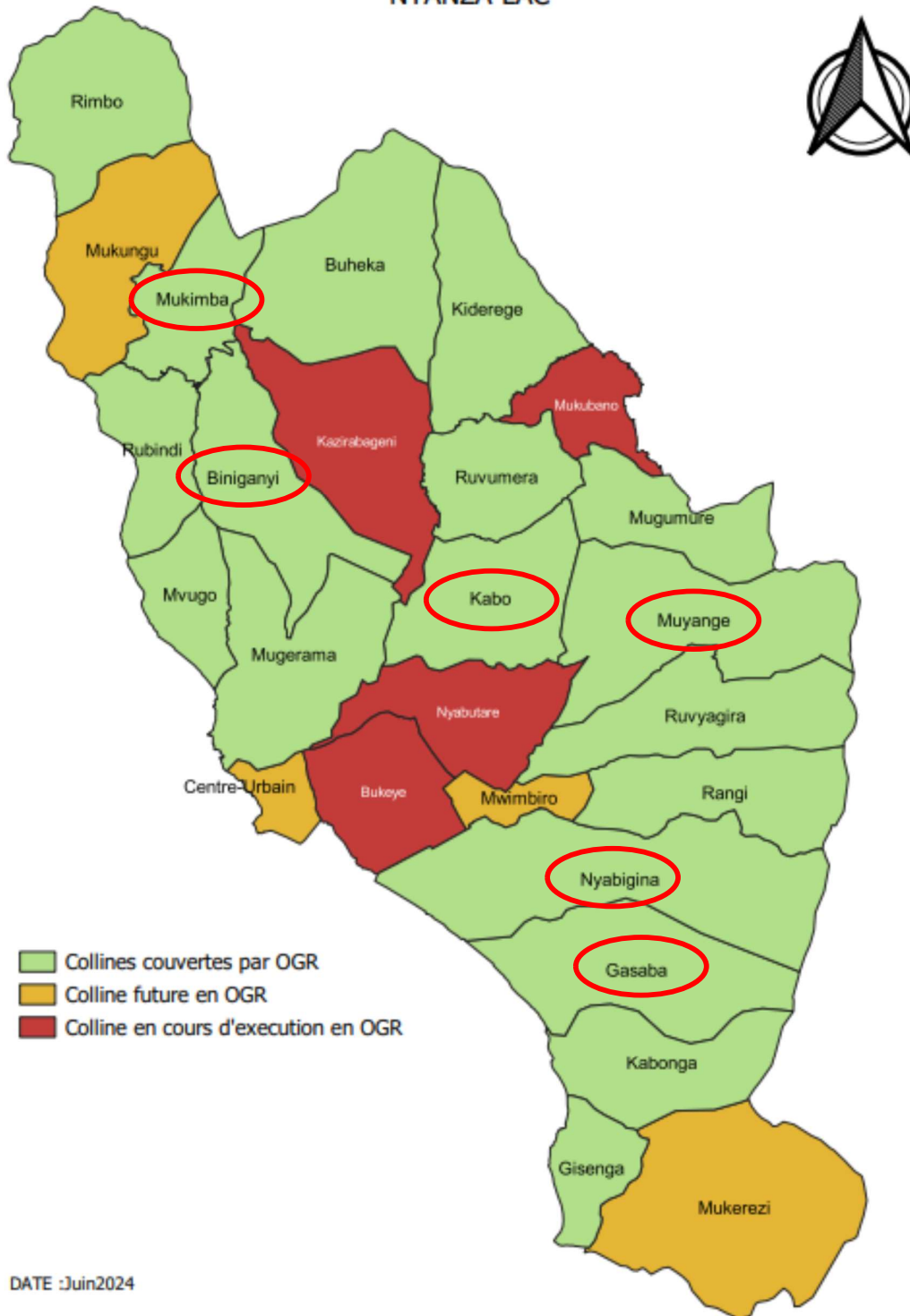


Figure 1: Map of Collines in Nyanza-Lac, produced by ZOA Burundi

Participants in the research have been selected from specific households, based on a set of criteria established prior to phase 1, among which:

- Land-owning households
- Female head of household
- Child head of household
- Repatriated household (since 2020)
- "Resident" household
- Common-law married household
- Household with people living with disabilities
- Woman who has a husband residing elsewhere
- Household that farms on rented land
- Household that has an ongoing land dispute
- Household included in Participatory Integrative Planning (PIP) programme¹;
- Household that already has a land certificate (before the project)
- Young married couples
- Household that owns oil palm groves

Table 1 summarises the number and categories of people involved in the second phase.

Table 1: Number and categories interviewed

Type of interview	# FGDs	Male	Female	Total	Remarks
Individual interviews		14	10	24	- Participants were mainly chosen among the male heads of households and/or their spouses, in some cases (4 out of 24), they were absent and replaced by their adult descendants - Beyond the household level, 2 interviews were conducted at the "Communal Land Service" (SFC)
Focus Group Discussions (FGD) with households involved in the project (beneficiaries)	6	27	35	62	Some FGDs involved men and women, while others exclusively involved women to ensure free and open discussions
FGD with non-beneficiaries	2	8	16	24	For this phase, two separate FGD were organized, one involving Batwa in Muyange and another one with religious leaders in Nyanza Lac
Total		35	41	86	

¹ For more on the Participatory Integrative Planning approach, see <https://www.zoa-international.com/brochure-pip-approach>

1.5 ORGANISATION OF THE FIELDWORK

1.5.1 What worked well on the ground

- Maximum participation rate, the number and categories of all participants targeted for the research were reached, thanks to the active involvement and facilitation by the Amahoro@Scale team, MiPAREC and the local administration;
- Good coordination and logistics arrangements by ZOA;
- The enumerators had an outstanding experience with the research themes and the geographic area, all of them had previously taken part in the baseline survey for the project.

1.5.2 Major challenges for/during the fieldwork

- A persistent **confusion between this research and classical evaluation** (both for the project team, enumerators and participants):
 - o many of the people involved in the research tended to give praise to the project; instead of debating key issues raised by the research, as if it was a mid-term evaluation;
 - o the project team and local administration agents seem to have invited more those who “know much” about the project (the research greatly involved very well-informed people such as the people involved in the project operations – *abapimyi*, and awareness-raising & sensitisation for the project - *abashashagaji*; or local administration agents – *abajewe intwaro*). Some respondents seemed to “recite the pre-recorded answers, until the next question disorganized them. This can be seen as a bias; it is also important for this kind of research to interact with those not interested or fully involved in the project to understand the rationale behind their attitude/behaviour;
 - o the enumerators were, in the first days, less keen to digging deeper in order to understand some responses from the participants but instead tended to rate the project implementation; etc.
- **Time (mis-) management:** there were repetitive delays in relation to the agreed time, with an impact on the duration of the focus groups. We wanted to avoid branding our research as typically extractive and took time to respond to people before asking them to be involved in the research. This has in the end led the team to extra days in the field that were not initially planned;
- **Lack of free speech and expression for women:** the research team had been confronted to serious difficulties with regards to obtaining information from female participants, especially in focus groups with husbands and wives at the same time;
 - o some women seemed to be afraid or to lack enough interest in talking about land: there is a persistent belief that this is beyond their competency and control; while other women seemed to conform their expression to a generally prevailing social norm that “*women should not blame their husbands in public*” (*umugore nyawe ntakura agashambara ku mugabo wiwe mu bantu*).

- some couples started quarrelling about other issues than land. This hampered to a larger extent open and fair discussions in some FGDs. Male participants tended to dominate and impose the terms & conditions of discussions in many of the FGD;
- For individual interviews, many women were reluctant to freely talk about land issues or talked in a very superficial way within the household or at the community level; some interviews experienced the intrusion of husbands, sometimes even at the request of the wives;
- **Challenges to have the same people involved in the first phase**, especially for FGDs in urban or semi-urban areas (people are very busy and respond to several requests from NGOs);
- **Poor representation** of categories that are deprived from access to land, such as Batwa, youth, seasonal workers, and people living with disabilities. The research targeted more those who have land and/or power in land management, which is not the case for a vast majority of people from those categories;
- **Early saturation and redundancy** : this is always the issue with longitudinal research, some participants might not understand why they have to respond the same questions at different stages of the research.
- **Lamentations and tensions about “money”** between the research team and people not selected for the research on one hand and the local administration and some people in the community on the other hand: while it was made clear from the beginning and along the research that participants are not paid, the small amount of money that was available to facilitate their participation (*frais de déplacement*) brought anger and controversy among people not participating in the research. This was particularly the case for the FGD involving husbands and wives - many people among their neighbours came to ask the research team as why they were “distributing money” in one household at the expenses of others in the neighbourhood.

1.5.3 Adaptative measures taken to overcome the challenges

- Replacement of people not present by people from the same family;
- Change of the research settings and environment to allow secure and open interactions: instead of having interviews in open spaces and public places where people were invited by the local administration, enumerators went to the interviewees’ home for safe discussions;
- Flexibility in time management to allow maximum interaction; with implications on taking notes later on; for instance, the team dedicated more time to FGD as they proved to be a major source of information;
- Additional focus group, in particular with Batwa and opinion leaders;
- Discussions aside, in relatively safe spaces, with the women at the end of the group discussions;
- Reframing questions differently to allow some categories to understand better before responding to the enumerators;
- On-site coaching and daily debriefing between the research team and the research coordinator.

1.5.4 Comments on the tools used to collect information

- Some respondents seemed to “recite the pre-recorded” answers, tending to repeat exactly the same answers they gave during the first phase – the team was prepared for progressive reframing of some questions during the interviews and FGD. Some participants were somehow intrigued by that fact of seeing the same questions after few months; as this is the issue with this type of research;
- The criterion relating to returnees since 2020 was deemed too restrictive as there are no recent movements of repatriation in the area, this issue was circumvented by involving repatriates from earlier periods;
- Accommodating questions from respondents: the land question is quite sensitive and followed by every and each one in Nyanza-Lac and every debate on land issues give the opportunity to local residents to ask burning questions and to provide recommendations. The questionnaire should hence include a section to collect the participants’ points of view.

2 KEY RESEARCH FINDINGS

This section presents the main findings, in relation to the four main themes of the research, namely (1) the modalities of access and land management (inheritance, purchase, rental); (2) access to land for women and other disadvantaged groups; (3) land tenure security and; (4) land conflicts management.

These are themes that are of considerable importance both for the population, for the project and for this research, essentially in this area where land management is still governed by customary norms and practices that hardly comply with the rapid transformation of rural land into urban and/or semi-urban land, the increasing pressure on land use and subsequent conflicts.

The factual information and descriptions provided in this section reflect a synthetic compilation of the views expressed by the research participants and not those of the researchers. At the end of each working day, the research team worked together to do a debriefing which summarized the essential points that emerged in relation to each (sub) theme of the research. This approach was essential to avoid the bias often associated with qualitative research, in which researchers are not able to distinguish their own points of view from those of the respondents.

However, as the research also had the objective to inform the LAS project to take corrective measures in relation to the various challenges identified on the ground, a section devoted to points of attention for each theme, combining to a certain extent both the points of view of the respondents and some analysis and precision from the researchers is included. The points of view of the populations surveyed nevertheless remain preponderant compared to those of the researchers.

2.1 ACCESS TO LAND

This research confirmed some trends already known in the commune of Nyanza-Lac from previous research work in the commune and the results of the baseline and first phase research.

The logic and practices of land commodification, rental of plots of land for agricultural and residential use, are very common in the 'collines' under investigation; the proportion of those who access land by inheritance, following a definitive sharing of family land, remains relatively weak compared to other communes in Burundi, but further contributes to high levels of land fragmentation.

Unlike other localities in the country, a high proportion of the population of Nyanza-Lac accesses land through purchase and rental. Nevertheless, these "contracts" give no legal protection, as they remain private deeds between the signatories and their witnesses. There is no protection by the official law through their approval by a structure or authority designated to formalize land transfers, such as notaries; the latter being almost absent in the interior of the country, including in urban areas such as Nyanza-Lac. The administrative authorities are sometimes involved in such transactions for the sake of tax, rather than for land tenure security purposes.

This situation nevertheless varies per 'colline'. Access to land through inheritance is more widespread on lands located far from the urban centre. On these hills, land dynamics are more or less stable and the main activity is agriculture and livestock. The situation is different in the plains, around the urban centre, and along Lake Tanganyika where there are many land sales, particularly for palm plantations and plots of land used for housing;

It is also in this plain area where we observe a large movement of population, including workers and migrants who come to look for land for seasonal agricultural activities.

2.1.1 Access to land through inheritance

Access to land through inheritance is strongly compromised by the smallness of family land and often lead to conflicts within families. Tensions often arise between parents and children. The latter are encouraged to look for land elsewhere in the area, or as migrant farmer in neighbouring Tanzania.

Sharing family land is less frequent. Parents are more and more delaying land sharing to avoid immediate conflicts. Instead they allow their descendants to use land with temporary land allocation and rights. For instance, if a son wants to get married, his father gives him a plot of land to build a house on, and a few other plots to cultivate temporarily. The family land will finally be divided among all the heirs after both parents pass; Sharing land is mostly done to the detriment of the daughters, many of whom receive a portion of land, *igiseke*², regardless of their number among other male heirs.

Due to the project, respondents fear that land fragmentation will increase as young people (including women) are more keen to claim their land parcels earlier than before (after sensitisation and awareness raising activities).

² *igiseke* refers to a portion of family land allocated to married daughters with limited use rights (cultivation mainly) regardless of their number and is due to return into the family land once they die, as they are not allowed to bequeath this land to their children, and certainly not to their husbands.

The project does not force people to share land prior to its registration, as it remains possible to establish a certificate in the name of the parents family, mentioning all potential heirs but this is seen as a strategy to delay an issue that will in the end arise. There are few examples from the fieldwork of families who have preferred to share the family land as a strategy to avoid future conflicts among the heirs.

2.1.2 Access to land through renting

Most respondents rent land to expand the area under cultivation, due to lack of ownership over sufficient land for agriculture. There are several types of 'rental contracts', varying from less formal to more formal. To a larger extent, we note the persistence of unwritten agreements, especially for poor, seasonal migrants who use land in exchange for their labour. This is also the case for short-term rentals (1-3 years) and land rentals which involve sharecropping. The land owners are mostly "big" landowners or elites from Nyanza-Lac or beyond who own large areas of land. They regard renting out as a strategy to safeguard their land rights for fear of losing these lands to potential land speculators or to the administration. In this hypothesis, renting land is regarded as a mutually benefiting deal between owners who want to protect their land by allocating use rights to temporally "land keepers" who need land for cultivation.

The requirement for a written contract can be seen as an indicator of the relationships between the parties to the contract. If you rent land from a relative, there is no written contract, it is based on trust. Otherwise people draw up a written contract and look for witnesses. Apart from friends or family members, the personality of the person renting the land also matters. When the land owner has a bad reputation for not holding to his commitment, the tenant requires a written contract in the presence of witnesses; if the land belongs to a respectable person, one is not obliged to draw up a written contract.

Renting land often leads to conflicts: destruction of crops before harvest, withdrawal of land from the tenant, etc. There are even landowners who come to harvest the fields at the expense of the land tenants. These conflicts are easy to resolve when there is a written contract and witnesses, with a clear indication of the type of crops allowed, the number of years and seasons covered by the contract, the nature and amount of the payment due in return, etc. These conflicts can worsen and persist in the absence of any formal proof.

However, given the importance of land in Nyanza-Lac and its agricultural potential, tenants sometimes prefer to accept abusive conditions (unilateral change of cost, reduction of the duration of the rental, etc.). Rather than losing everything, they become conciliatory and revolve to the goodwill of the landowners. Currently, land rental is strongly compromised by the exponential increase in rental prices, which reach very high rental amounts at the expense of less well-off people, such as women and migrants.

In conclusion, despite the fact that renting land in Nyanza-Lac is frequent and allows many people to gain access to land, it remains insecure and fuels conflict, rather than accelerating access to land. In the absence of formal contracts which specify the operating conditions and the reciprocal obligations of the parties (instead depending on informal contracts between parties in the presence of witnesses similar to that mentioned above for land purchase) the rights of tenants are

not protected. Investment in agriculture thus remains uncertain; the tenant cannot undertake long-term cultivation because (s)he does not have clear and strong rights over the rented land.

2.1.3 Access to land through buying

Land commodification in Nyanza-Lac is common, many land transactions take place both formally and informally. Yet, the market remains poorly regulated, a situation that induces speculative prices and practices and compromises the security of tenure for many land owners and users. There are numerous cases of plots of land that have been sold by people who were not legally entitled to engage in such transactions, sometimes selling land belonging to people living outside the commune or the country, or to multiple buyers. To prevent future conflicts, written 'contracts' are becoming frequent, especially in the urban and semi-urban areas; those buying land in the areas covered by oil palm plantations also prefer to have more formal contracts, upon which they request land titles.

Many people among the respondents find that buying land is becoming less affordable in Nyanza-Lac due high demand and spikes in the prices. Many businesses and elites from the region and elsewhere are acquiring vast plots of land at the detriment of locals and landless migrants that have resided in the region for years.

2.1.4 Attention points

- The Amahoro@Scale intervention operates in a context of unsecure land rights, where modalities of access to land need to be improved and strengthened though the clarification of land status and formalisation of land transactions. This work needs to include the clarification of the legal status of land, that is reputed to be State land while it has been used by private individuals and family for decades. From a strictly legal point of view, many of these disputed lands are not State land. They were allocated by previous governments to the local community members. The current government denies the community members their ownership, arguing that they do not have land titles to support their claims while the local government neither has any formal proof that they are State land.
- The land rights recognition and the subsequent land rights formalisation still put an emphasis on land ownership rights and remain blind to other types of land use rights; a situation which brings questions about what the project can do better or differently to clarify, reinforce and secure other types of land rights, given that a high proportion of land users in Nyanza-Lac are not necessarily landowners (there is a high incidence of land rental, in such a context of high levels of regional migration and a significant potential for agriculture development);
- For instance, the *Service Foncier Communal*, should be supported in the perspective of facilitating, recording and guaranteeing the security of land purchase and rental contracts, especially in those rural communities without notaries. There is an ongoing discussion among land tenure security actors whether the Communal Administrator should act as a notary for rural land transactions.
- For family land and inheritance, it is imperative to reflect on the issue of a relatively imposed 'joint ownership' for family members who have not yet shared family land, as it

is being questioned or challenged by the logics of individual property rights induced by the process of land registration.

2.2 WOMEN AND OTHER DISADVANTAGED GROUPS LAND RIGHTS

The question of secure access to land for women and other disadvantaged groups is crucial in a context where land continues to be managed according to customary norms that are mostly unfavourable to these categories.

For the case of women, we find it important to distinguish different situations, depending on whether it concerns women's access to land in their families of origin, or access to land in the framework of matrimonial contracts. There is also another category of women in Nyanza-Lac, i.e. single women who acquire land through purchase.

2.2.1 Women's access to land in their families of origin

A woman's access to land within her family of origin continues to depend on socio-cultural considerations and the marital status of the woman:

- Married daughters do not inherit in the same way as their brothers on land acquired by inheritance (*itongo ry'umuryango*), they receive a portion of land, '*igiseke*', whatever their number, for joint use;
- In other families, unmarried girls receive land for temporary use (*ikivi*), which will be returned to the family land when the parents or brothers claim it back;
- For land acquired by purchase or donation (*itongo ry'umuheto*), the custom has evolved towards equitable sharing between all descendants, girls and boys;
- On almost all '*collines*' covered by this, the granting of '*igiseke*' is not automatic. To gain access, daughters must prepare and bring drinks and other gifts to her father and brothers. It hence remains a conditional right, mostly granted as a sign of good relations within the family;
- The rights held over land granted as '*igiseke*' also remain limited; women cannot sell it, or give this land as inheritance to their children. If she wants to sell, her brothers will have priority, and the plot is always likely to be recovered upon the demise of the sister to whom it was allocated. Men justify this by the fact that women who sell the plots received as '*igiseke*' take all the money to their husbands' families but return once again to claim land in the event of divorce or separation which occurs afterwards;
- Once again, the situation changes a little around the urban centres such as Mukimba and Muyange, where respondents gave examples of women who freely sold the plots received as '*igiseke*', at their convenience, to buy other plots elsewhere.
- Single and divorced women have the same land rights as men, they share land equitably with their brothers. However, if the single or divorced woman who shared the land with her brothers gives birth to a child, the brothers initiate a lawsuit and sometimes they can chase away both the woman and her child.

2.2.2 Access to land for married, widows and divorced women

Access to land is to a larger extent interlinked with the marital status. Women legally married do not have as many issues as those in polygamous or de facto marital unions:

- “Legally married” women have a relatively secure access to land within their households. They have a kind of ‘veto power’ as they have to be consulted for any transaction related to land (selling, renting, etc.). In the Amahoro@Scale intervention joint titling was fostered, with women mentioned on the certificates as ‘co-owners’ of the family land. Some men feel that this is imposed as a condition to benefit from the project, and have revolved to resistance strategies (e.g. registering their mothers or daughters), while some women fear that imposing this is likely to bring troubles in their households. Questions arise on the viability of this perceived “imposed condition” given that in the others communes of Makamba, where ZOA and partners previously worked on land rights formalisation with the same strategy), no longer require or impose joint titling on land certificates;
- Women in polygamous or de-facto unions are however confronted with serious issues to access and use land, and they rely on the goodwill of their partners to access land. Their fragile situation is currently worsened by dominant “political and religious discourse” that make them guilty of adultery, and violation of Burundi morals and values more generally. This leads them to lose their land rights, including for land they bought together with their de-facto husbands; safeguarding their land rights would be seen as “encouraging adultery” and polygamy in the community;
- In the occurrence of divorce, women and men are not treated equally when it comes to land. Women lose everything, except in a few cases where they are allocated a small part of land from their husbands for the sake of alimony when they have young children to raise on their own. Even in this case, they have limited rights on this land, they cannot sell or rent it out, without consulting the husband they have divorced. Thus, most divorced women return to their families of origin, where they randomly get a piece of land from their parents or brothers;
- In the event of the death of the husband, legally married women who have children continue to enjoy land rights in full; which is not the case for women who are legally married but without children, and those in de-facto relationships, who are almost automatically driven out by members of their late husband's family.

2.2.3 Access to land for women through other modalities (buying and renting)

Access to land for women through buying and renting is guaranteed, there are no specific restrictions as such. The biggest issue for women is the increasing cost, which is a serious obstacle in a context where women have no income or other financial resources. There are examples from the fieldwork of women, especially widows or single mothers, who use their income from other commerce or from selling land received from their families of origin, to buy or rent land in Nyanza-Lac, especially in the urban or peri-urban area. Married women have however some issues in this regards: when they buy land, their husbands want to register the land in their own names for the sake of keeping a good “reputation”. A man whose wife buys land is seen as ‘powerless’ in the household. Some female respondents said that they are sometimes forced to register land in the

names of their husband to “buy peace in the household”. *“Land is important, but it cannot replace good relationship, we avoid bringing troubles at home” (gusambura urugo)*. In some cases, both the husband and the wife are registered as co-owners. This situation is recurrent in Nyabigina, Kabo, Gasaba where tensions around land acquisition and management sometimes lead to gender-based violence within households. However, women living in urban or semi-urban areas such as Muyange have no issue in registering land in their names.

Some women use different strategies to secure their land rights acquired through buying or renting: they register this type of transactions in the names of their children and hence prevent their husbands from selling land either when they are still alive or after their death. Others, especially who use their own money to buy, are progressively requiring their husbands to be registered as co-owners on the land certificates or other types of “written contracts” attesting land transactions. Men progressively tend to comply with this, especially when the wife uses money she received from selling land she has inherited (mostly as *‘igiseke’*) from her own family. In the opinion of some participants in the research, especially women, registering men on the certificates is a strategy which strengthens good relations and trust within the relationship. It also has the potential to bring reciprocity, in the sense that it can convince men to register their wives on the certificates for land that husbands have acquired from inheritance or bought on their own. They however insisted that this is possible when the couple's relationship is going well and added the presence of all the couple's children on the certificate as a guarantee that men will not abuse this trust.

2.2.4 Access to land for orphans

From the FGDs and conversations with the project partners, it transpires that there are no particular issues of access to land for orphans from families whose parents had secure access to land prior to their demise. However, for those who lost their parents while they were in exile in Tanzania access to land is particularly complicated as they don't find their family land when they return to Burundi. Either their parents have fled after selling their land, or their relatives have taken advantage of their absence to sell or to share family land. For the few conflicts that exist, the situation is complicated by the fact that many lands remain undivided for a long time. When the parents die, it is the uncles who give the land to whom they wish.

In any case, girls remain more vulnerable. The research participants gave the example of a family whose orphaned children, all girls, lost their land rights to the benefit of their male uncles and nephews. The case has been pending in court for years and the uncle continues to argue that he sold the land to raise these orphans.

Generally speaking, access to land and the protection of land rights for orphans is improving with the support of civil society organisations (including MiPAREC) increasingly committed to child protection.

2.2.5 Access to land for Batwa

Batwa have to a larger extent a very limited and unsecure access to land. Many have been granted small plots of land, mainly on state land. Still, they have very limited rights in practice: they have

no titles and cannot engage in any kind of transaction (sharing, renting, selling, etc.). Some local authorities have mentioned that Batwa cannot be granted land titles until 15 years after allocation to avoid premature land selling. The Batwa are reputed to be nomadic which does not require permanent land rights according to government, even though their way of life has become more sedentary recently. Some Batwa have abandoned those plots of land to continue their nomadic style of life in search for better living conditions outside Nyanza-Lac. Contrary to other citizens, leaving their land has automatically led to losing the rights they had on those parcels.

Furthermore, there are no envisaged solutions to this issue. Batwa suffer from marginalisation by local authorities and other ethnic groups. They are seen as “lazy people” who cannot use land in a productive way. This has made their access to land arbitrary, and every part of land they occupy continues to be seen in some areas as “free” land for other types of investment.

Many of the Batwa people currently rely on selling their labour for their survival, but there are few examples of those who have bought land on their own and whose land rights need more legal protection with land titles or certificates. Something they cannot afford given the high levels of poverty they face.

2.2.6 Attention points

There are new dynamics induced by the project that have the potential to improve access to land for women and other underprivileged categories:

- Promoting and guaranteeing women's land rights cannot be considered without paying attention to the issue of intersectionality to understand how women's potential access to land is closely linked to their social status. Migrant women, divorced women, women in polygamous and de-facto unions, etc. do not face the same challenges in terms of access to land to legally married women. The lines of marginalisation and discrimination change regularly;
- The awareness-raising campaign conducted within the framework of the Amahoro@Scale project about women's land rights aligns with the official narrative from religious, political and administrative authorities that favours civil and legal marriage (i.e. monogamic marriage). This potentially weakens women's legitimate land rights, in particular co-ownership for couples who are not legally married but who have acquired land together. The issue of polygamy is addressed in a way that prolongs discrimination, the marginalisation of women, based on a logic of infantilisation of women (incapable of making choices about the management of their land); the way in which the issue is addressed at the national level also influences its consideration at the local level;
- To secure women land rights, it will be important to bring more clarification on the linkages between access to land and the marital and matrimonial status. For legally married couples, it is important to sensitize on the key provision of the Family code (*code des personnes et de la famille*); to avoid a situation of confusion and “trouble” within households, now that women are aspiring to certifying and registering land rights in their names. We are in context of women who still register land in the names of their husbands to “avoid trouble” in the household; who need information and support from the project to secure their rights. For couples in de-facto unions, it would be important to explore ways of securing their rights, without necessarily getting into confrontation with the dominant political discourse that marginalises women.

- Following the awareness-raising campaign carried out as part of the project activities, the logic of individual property, a country-wide trend, takes precedence over that of collective property: women and young people are more and more keen to claim for fair and equitable land sharing earlier than before. Even in families where women are not asking for equitable land sharing, they tend to claim their part (*igiseke*) as a full ownership. It will be important to engage in a community dialogue and clarify once and for all the type of land rights women in different statuses are entitled to. For instance, inheriting land from parents for married or single women is different from inheriting from deceased husbands or children and all those different situations need to be handled differently. This needs to acknowledge a range of land rights beyond ownership.
- Sensitisation and dialogue on women land rights need to go beyond the veto power and embrace the added-value of full ownership between husbands and wives both for investment and land use planning. The project will need to invest in benchmarking, using if so needed, good practices from other communes where a good consultation in household over land rights and use has led to improving economic status, education and other living conditions for households and families.
- There are some “resistance strategies” to counter women’s access to land. Some men are willing to register land ownership for their children and/or mothers as a strategy to circumvent the perceived obligation of registering land with the names of their wives on the certificates. This is a dynamic that the project needs to work on through sensitisation;
- The issue of Batwa deprived from access to land need to be put forward through a dialogue with local authorities and decision makers. The project could also take the lead in securing and registering land rights for the few Batwa who have been granted land by the state.

2.3 SECURITY OF LAND TENURE

2.3.1 Evolution of perceptions on land tenure security

- Perception of land tenure security has improved thanks to the trust in the public, transparent and contradictory process of land demarcation;
- Respondents in the research appreciate the systematic and free land demarcation as the residents of the areas covered by this type of operations cannot question and hinder the process in the presence of neighbours;
- Even the people whose parcels are still subject to contestation are confident that their rights will be safeguarded as the project offers the possibility to work on land conflicts free of charge and through a transparent and closer involvement of the local mediators. This is likely to decrease land conflicts in the neighbourhood;
- However, a high proportion of the respondents state that their land rights will be secure enough once they have received their land certificates.

2.3.2 Knowledge of procedures relating to land certificates

The level of knowledge on land rights formalisation and registration procedures (key steps, requirements, institutions involved, roles and responsibilities, etc) is still too low. Many

respondents said that they have just responded to ZOA's and local authorities' appeal to be involved in the project: "*baduhamagaye mu gatondo, baradusigurira ingene tuzopimisha, mbonye abandi bapimishije nanje nca ndapimisha*": " they called us in the morning and explained how we will proceed for land demarcation, when I saw others involved, I also decided to join". Furthermore, there is no distinction between the roles of ZOA, the local administration and the Communal Land Service. People seem to know more about ZOA and the project and almost nothing about Communal Land Service. MiPAREC and ZOA are seen as the major protagonists for the project and considered most suitable to interact with for any issue emerging for the project implementation. This lack of sufficient information on the communal land service was noted on almost all the hills (Mukimba, Muyange, Kabo and Biniganyi). On the rest of the hills (for example Gasaba), some people gave summary information on the SFC, with examples of people who would have applied for land certificates without the help of the project.

Furthermore, respondents seem to pay a strong attention to the costs involved, as they continuously stated that the process was free for those who are involved in the systematic land demarcation (OGR), while others will have to pay a "fine of 6000 BIF at the Commune for their lack of cooperation with the project".

2.3.3 Changes in land management and investment following the process of land recognition and demarcation

There are not yet consistent changes (positive and/or negative) occurring in the economic status and land use and planning at the household level that can be attributed to the project: too early at this phase. Many respondents expect however to use the certificates to access credit and improve their investment on land (acquisition of agricultural inputs, livestock, etc.).

2.3.4 Fears and concerns regarding the land tenure security

A high proportion of respondents are confident that the process will secure their rights against any attempts from neighbours or other land grabbers but are the same time worried that the Government will start imposing land or even taking back their parcels in the aftermath of the demarcation process. The fear of losing land is accentuated by the fact that there is a persistent claim by public authorities that many private plots of land in Nyanza-Lac, such as the '*paysannats*', and plots of land allocated to '*modern villages*', are 'State land' while they have been subject to diverse land transactions (inheritance, sharing, renting, etc.) involving different families and people along the years. In the case State authorities decide to use the project as an entry point to take back those lands, many people are risking to become landless.

Low participation of women in the process to improve land tenure security: there is a large information gap between men and women regarding the process. Many women, including those who own land, adopt a passive behaviour when it comes to projects related to land. Many claim that they are "busy trying to feed their families" and have no time for such matters.

2.4 ATTENTION POINTS

2.4.1 On the issue of land tenure security

- Working on the issue of land tenure security requires prior sustained attention to socio-political, legal, institutional dynamics, etc. to unpack real and/or perceived issues, interests and threats in a context of land rights informality, or even illegality. This will make it possible to identify those who benefit from current arrangements and are not very inclined to change, and those who want to improve land tenure security. Land and land tenure security is always a matter of power relations;
- In the context of Nyanza-Lac, several groups do not have an interest in more just land governance:
 - o elites who do not want to reveal the size of their land assets in a context of strong land speculation;
 - o men who do not want the process of formalizing land rights to give more rights to women;
 - o conflict resolution structures and bodies, particularly at the administrative level, which take advantage of the existing vagueness and the numerous subsequent conflicts – Nyanza-Lac is seen as a hub for “land conflict business”;
 - o potential investors who would like to acquire land without or at a low cost, taking advantage of the persistent legal vagueness on the status of land, which gives greater room for manoeuvre for land acquisitions, particularly through expropriation without compensation, under the facilitation of corrupt State officials.

For that purpose, the project need to clarify some issues :

- What types of land rights can be formalized: going beyond full ownership (in the modern and Western understanding of ownership and digging deeper into other forms of land rights (usufruct);
- land rights formalisation cannot be an end in itself; how does real or perceived land tenure security impact investment in agriculture, no data available yet;
- Land tenure security on land market dynamics: in areas like Nyanza-Lac, people will likely continue to sell land, but the project has the potential to lead to saver deals and less conflicts; informality in peri-urban and urban areas increases uncertainty in land deals;
- the vague legal status of lands that the State claims as state land, while they have been exploited for years as private land, needs to be cleared once and forever. Some participants in the research noted that there are individuals' lands which have been categorized as State lands during the land inventory sponsored by the project, while others cannot be included in the demarcation and registration process prior to the issuance of certificates since they are reputed to be '*villages*', i.e State lands (for example in Nyabigina and Biniganyi). The project can facilitate a long-term solution to this issue through a genuine dialogue and collaboration among State structures, communal authorities and local populations. This would be a good strategy to mitigate land conflicts between the State and the populations.

2.4.2 On the issue of low knowledge about the about the key procedures and key steps for the land registration

- ZOA and partners create a shadow on the Communal Land Service that the Amahore@Scale project is supporting, which raises questions about local accountability and ownership by the communal authorities. It is hence important to address this issue soonest;
- Conduct awareness raising as a routine activity, and not once-off activities, this requires diversifying information channels and empowering community relays;
- Highlight, during awareness raising, the key phases: sensitisation, mapping and demarcation, data collection and processing (public display and opposition), certificate issuance; and identify adjacent perceptions;
- Adopt appropriate awareness raising strategies, including the use of radio or messages within churches: the population of Nyanza-Lac is very mobile, appropriate channels must be chosen to communicate on the project;
- Communicating on a sensitive project is not just informing, it is more about creating a space for social interactions, capable of accommodating all legitimate questions; research has shown that local populations had received information on the project but still wanted to have a space that allows them to ask questions and seek clarification whenever necessary.

2.5 DYNAMICS OF LAND CONFLICTS AND THEIR RESOLUTION

2.5.1 Land conflicts situation and trends

There are some persistent land conflicts between repatriates and residents that have not been properly handled and closed by the CNTB, and parties are now confused about the judicial structures that are well-indicated for this type of conflicts. Other conflicts exist between the State and citizens, especially over lands formerly included in the *paysannats* and villages; Conflicts over land boundaries also exist, to a lesser extent. This is especially the case on hills and sub-hills which are not yet covered by plot demarcation activities.

Overall, there is a context of appeasement in land-related claims that is conducive for the implementation of the project Amahoro@Scale, especially with regards to the effective management of existing land conflicts and the prevention of future ones (in particular through the formalisation of land rights and the issuance of certificates). This is a major evolution in the context of Nyanza-Lac is a hotspot for sensitive and potentially violent land conflict.

2.5.2 Land conflicts dynamics induced by the land demarcation process

Land conflicts and claims have increased during the recognition process. This is normal to all initiatives working to improve land tenure security at the community level. Trying to clarify who owns what, in which conditions, always brings a quick-effect of bringing to surface dormant conflicts. As mentioned above, the land recognition process and subsequent land formalisation push people to claiming individual rights, and this has an immediate impact on competition and conflict around land use and rights.

The conflict situation has however become stable afterwards, except for few cases still pending in the courts as litigants were not keen to accept local arrangements despite a strong and joint action by the project mediators (*'abasuzumyi'*) and local administration.

2.5.3 Land conflict management structures

The project has responded to a shift in roles in relation to land conflict management as formulated in the 2011 Land Code in which the *'abasuzumyi'* (those involved in land rights recognition) become more prominent on the frontline of conflict resolution; (replacing the pre-existing bodies such as *Nyumbakumi*, *Bashingantahe* and elected councillors – *conseillers collinaires* –), especially during the demarcation process by developing the capacity of these *'abasuzumyi'*. The *'abasuzumyi'* cannot however be seen as a new and independent body, as the team is composed of people selected from among local administration structures (local administration agents, *nyumbakumi*, local agronomists) or people representing some particular groups and/or interests (repatriates, women leaders,...). They are more hailed for the advanced knowledge and skills they have on land issues and conflict management techniques as a result of capacity building carried out by the project. They are also still credible as they are still working under the supervision of ZOA and MiPAREC, thus have escaped attempts of corruption or abuse of power which have characterised the management of land issues in Nyanza-Lac by other authorities such as the CNTB, according to participants in the research.

2.5.4 New mediators, new legitimacy for land conflicts management at the community level

The Government of Burundi has appointed a body of mediators at each *'colline'* (15 people, with at least 30% of women) with the sole mandate of conflict management at the local level (*médiateurs collinaires*). They are still fresh, accountable and highly appreciated for various reasons:

- They are seen as being 'politically' neutral, as they are selected without any reference to their political affiliation;
- They offer a "double-level" jurisdiction: when a land conflict is brought in front of them, they first set up a group of five people to deal with it at first; when parties fail to reach an agreement under their auspices, another group of five different people will work on the case. It is only when the second attempt to mediate is unsuccessful that parties are urged to go to court;
- They follow some "rituals of legitimacy", as they take an oath before the president of the local court before starting this job, and they report to the same court. So, they appear to be more connected with the justice system, rather than the administration which is reputed to be too politicized;

According to the Government of Burundi, these new mediators will replace the *Bashingantahe* and the local "elected councillors", who are accused of taking bribes and power abuse. This process of installing this new body gives to local mediators a double legitimacy, both social and legal, and puts them on the frontline to mediate conflicts at local level, among which the most recurrent land-related ones.

2.5.5 Fears and concerns regarding land conflict management

- The 'apolitical' nature of the structure of "local mediators" remains fragile, with risks of political manipulation the dominant political power structures and/or administrative authorities. There is no guarantee that they will manage to deal with all kind of land conflicts, for instance those involving high-ranked officials in the government or the security apparatus.
- Risk of power abuse by the "local mediators": there is too much political publicity around the structure with a risk of instrumentalisation: it is a mediation body, and shall not be branded as a powerful body entitled to handle every kind of land matter;
- The mediators have power, but it remains fragile compared to those who hold a blocking power, especially because there are no legal provisions in regards to the mediators' decisions enforcement (formalisation by a judge or any other authority with such a mandate (notary));
- The current decision by the Government of a single judge at the local court (*tribunal de residence*) in land matters is likely to undermine the possibility of reversing unjust decision by local mediators. This judge will find himself in a role of simply ratifying decisions made at the local level; which is likely to undermine the legitimacy of both structures (the court and the mediators);
- Some respondents are worried that those mediators will sooner or later be co-opted in the corrupt system of conflict resolution, given the persistent threat for land grabbing by state officials and powerful local elites in Nyanza-Lac;
- Furthermore, this type of structure is often open enough to take into account the gender dimension of land conflicts. For instance, there are no guarantees that this body will be efficient to deal with complex land conflicts arising among couples that are not "legally married", where women face discrimination and 'naming & shaming' attitudes both from the community and local power structures

2.6 ATTENTION POINTS

- Many of the newly appointed mediators have benefited from various training and capacity building activities prior to joining this new structure. It remains however relevant for the project to closely work with them and envision some additional training, based on an updated needs assessment (for instance on land conflict and gender, mediation techniques, etc.)
- Interacting and working closely with the local mediators would also allow to agree on lines of collaboration between the mediators and the groups of 'Abasuzumyi' trained by and working with the project; between the mediators and judges at different levels, etc. to avoid any situation of 'competing legitimacy' and 'forum shopping' when it comes to land conflict management.

3 CONCLUSION

3.1 KEY HIGHLIGHTS FROM BOTH RESEARCH PHASES

A quick comparison of the two phases shows no fundamental differences; the second phase tried however to dig deep into major issues under investigation in the first phase and provides hence new insights both in the understanding of challenges related to the themes under investigation and in the prospects for both the project and the longitudinal research.

Access to land remains marked by a dynamic and unstable land market, with a high rate of rentals and sales of land; especially in the hills close to the urban centre. Many land transactions are concluded in the shadow of the law and the administration, with a high prevalence of written 'informal' contracts that lack legal protection, but prove to be enough to allow access to land ownership and use, especially for migrants and local landless people. While this situation helps to improve access to land for a large proportion of the population, it represents a challenge for the project, in terms of registering and securing land rights, other than land ownership.

With regards to the issue of **women land rights**, the problems, arrangements and solutions that people try to find to circumvent the legal and sociological barriers relating to women's access to land remain generally the same. However, following the awareness-raising campaigns conducted by the project and some interactive discussions that took place during the first and second phases of this research, a considerable number of women do understand the need and possibility of being able to register land in their names, without necessarily resorting to the "guardianship" of men. This phase has highlighted the need to pay more attention to the particular challenges faced by women in polygamous and de-facto unions. They continue to be marginalised, both in discourse and in action. From the awareness-raising to land demarcation, it constantly appears that the project has no solution to this issue, access to land is not guaranteed regardless of whether or not women contributed to the acquisition of family land assets. Mentioning their land rights is seen in official discourse as a way of encouraging debauchery, which prevents the project and its collaborators at the local level from considering and implementing alternatives for securing the land rights of women in this kind of union.

The two phases of the research also highlight the constant **challenges that indigenous populations (the Batwa for instance), youth and orphans face with regard to access to land**. The FG organized with Batwas highlighted more widely the issue: they cannot have land rights recognised and registered, especially since they are often settled on land deemed to be state-owned and managed as such. The inventory of state-owned land conducted prior to the start of the Amahoro@Scale project operations included the land occupied by the Batwa in the state-owned land category.

About **land tenure security**, people interviewed during the second phase confirm – as much as the first phase – that they would be more secure on their lands after obtaining a land certificate. In practice, there are not yet major changes in land allocation and use: the inhabitants of the 'collines' located outside the Nyanza-Lac plain continue to practice intensive subsistence

agriculture and livestock rearing while those residing in the plain around the urban centre invest more in income-generating activities and cash crops; namely oil palm exploitation, renting of buildings for small business, etc.

The issue of **poor knowledge about of the institutions and procedures related to land rights formalisation**, despite the awareness raising activities and the participatory land demarcation, persists: information remains fragmented, concerns more the project and operational modalities rather than the underlying purpose of securing land rights. The lack of information occurs both in the rural and the urban centre where information usually circulates better. There is also confusion and/or persistent questions about the differences between the '*Certificat foncier*' issued by the SFC and the "land title" issued by the Central government. The latter is seen as more "legally" powerful and many people among the interviewees kept on asking why they would go for a less powerful tool (the land certificate) while they need a maximum security for their land rights.

With regard to **land conflicts management**, this research phase notes a decrease in land conflicts as a result of two main factors; namely the mediation of conflicts carried out during the land demarcation process (mainly by the '*abasuzumyi*', as well as the work of the newly-appointed '*médiateurs collinaires*', whose work is still highly appreciated at the community level, as already mentioned above). Conflicts related to boundaries and succession have decreased to some extent, as well as those between returnees and residents, especially with the end of the CNTB mandate. However, latent conflicts between the State and citizens persist, especially on land included in the '*paysannats*'; the latter being considered as state lands while they have been occupied by families for generations (for instance in Muyange and Nyabigina hills). Participants in the research fear however that these '*médiateurs*' will not stand against political interference and corruption, in such a context of land pressure.

3.2 NEXT STEPS & PROSPECTS FOR THE RESEARCH AND THE PROJECT

3.2.1 For the project

As progressively mentioned in the attention points for each section, key aspects which remain and deserve in-depth reflection and concrete actions are in particular those linked to the following challenges:

- Securing land rights other than property rights in a context marked by a high proportion of people accessing land through rental;
- Securing women's land rights, both on land acquired within their families of origin (*ikivi*, *igiseke*) and on land they access and use based on matrimonial or marriage contracts;
- Clarifying and securing land rights disputed between by citizens and the State, including those in the '*paysannats*' and peace villages³; or the lands granted to Batwa;

³ See for more information on peace villages <https://www.thenewhumanitarian.org/report/88623/burundi-peace-villages-come-price>, <https://academic.oup.com/jrs/article-abstract/28/3/388/1909492?redirectedFrom=fulltext>; or <https://www.voanews.com/a/burundis-ethnic-groups-live-to-reconcile-101873303/124862.html>

- Improving the level of knowledge of the population in relation to the procedures, key steps and actors involved in the land tenure security programme. This lack of information affects even local leaders; the religious leaders involved in this research phase had almost no information on the project and the procedure to register land rights at the communal level, even less on the functioning of the communal land service;
- Clarifying roles and responsibilities for land conflict management, notably following the establishment of the new structure of '*médiateurs collinaires*'. It should be noted that the latter was not yet in place during the first phase of this longitudinal research;
- Monitoring pertinent changes both in the context and politics around land management and decentralisation. The Amahoro@Scale project will need to closely monitor:
 - the interactions between land management and electoral dynamics: how are the project gains and challenges taken into account in the process of electoral discourse or vice-versa;
 - the tensions between decentralized land management and the new administrative architecture: what is the future of existing SFC, such as the one in Nyanza-Lac⁴.

As a matter of indication, the project should consider some **actions** among others:

- Strengthening and intensifying awareness raising and communication on the objectives of the project, on land demarcation operations, on the modalities for establishing and formalising land rights, etc. in close collaboration with the communal authorities;
- Engaging into a genuine and continuous dialogue with communal and central authorities involved in land management to clarify the legal status of lands that are subject to confusion and conflict, prior to their registration;
- Strengthening and collaborating with the newly appointed mediators for conflict mediation prior to, during and after the demarcation operations;
- Developing a strategic monitoring on the wider and local contexts to anticipate on social and political dynamics that are likely to positively or negatively affect the project implementation (for instance the newly adopted administrative reconfiguration of communes and provinces);
- Establishing functional linkages between the Amahoro@Scale project and other ongoing agricultural and community development initiatives (in particularly the Participatory Integrated Planning, PIP, work supported by the Dutch government);
- Strengthening and empowering the municipal land service in the perspective of the projected administrative reconfiguration. The project can also build their capacity and advocate for more power to control, record and secure land transactions (purchase, renting, etc.).

⁴ In the framework of the Amahoro@Scale project, VNG is working in partnership with ZOA on a 'business model' for the Land Services with a focus on formalizing land management practices into laws and policies, improving the land management and registration systems, and ensuring the delivery of public services in the field of land governance is more cost-effective. District authorities are strengthened with clarified roles and responsibilities, and increase their interaction with, and accountability to, all actors involved in land governance at the local level (<https://www.vng-international.nl/node/770>)

3.2.2 For the longitudinal research

For both this phase and the next ones, it is important to bear in mind and mend the gap between pure and classical monitoring and evaluation scheme, tied with the project logical frame and this longitudinal research that might expand its scope of analysis to highlight, question and put into larger perspective some aspects that the project might brand as its key successes.

For instance, in the context of Burundi the strategy of putting wives on certificates as “co-owners” of family land is yet to be questioned as to what extent it helps to overcome the issue of power imbalances between men and women inside and outside the households, and if/how it favours more consensual decision-making over land and other resources management and use; beyond the ‘veto power’ that this entails to prevent land transactions by men.

Furthermore, this research should dig deeper into potential linkages between improving land tenure security for the population and fostering land governance and development at large; beyond localized initiatives such as the Amahoro@Scale project. For this, there is a need for coordination for all the research initiatives undertaken in the framework of ZOA and partners’ work in the field (notably the research undertaken by the University of Wageningen on the PIP model⁵).

Some aspects and results highlighted in this phase (women access to land, high trust in the local mediators, changes in land tenure security and use,...) will deserve more attention in the coming phase.

Prior to the next phase, it is important to :

- Continue sharing findings with partners involved in the research in Burundi and elsewhere (such as in Somalia), to cross-check in advance what we learn from the current research phases.
- Plan for next phases, in collaboration with all partners involved, based on key challenges and successes already identified. A steady research on the project impact and lessons once the certificates have been issued to project beneficiaries.
- Review the research design and tools as a strategy to overcome some of the challenges related to conducting research in the field: this includes rephrasing questions to create consensus about the meaning and the content of key issues and mediating the language used both in the project and the research and the language used by the participants in the research. This phase has revealed that the project “terminology” does not necessarily meet the common language used to describe land issues.

⁵ Schüller, S., 2023. Participatory Integrated Planning (PIP), Land Governance and Food Security; Insights from Burundi. Wageningen, Wageningen Environmental Research, Report 3320

3.2.3 Using this research beyond the project

Some discussions that emerged around this research methodology and overall purpose have brought some ideas and insights, feeding a larger debate about how to use research as a tool for social change. Key issues revolve around :

- Avoiding extractive research: how to use this research to empower land stakeholders and to improve participation and transparency in land tenure security projects;
- Scaling-up research capacity beyond the project: how to use this research to build capacity for the staff and partners on research methods;
- Using this research results to improve advocacy and fundraising for other projects;
- Using research to improve the project cycles and short to long-term impact, and establish linkages between land tenure security and other key areas of intervention (agriculture, governance, etc.).

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4 ANNEX - QUESTIONNAIRES



de l'aide d'urgence
à la reconstruction



Etude Longitudinale - Questionnaire du Focus Group Projet Amahoro At Scale

Informations générales :

Date :

Colline :

Sous-colline :

Nombre des participants dans le FGD :

Femmes :

Hommes :

Nom du facilitateur :

Nom de rapporteur :

Note de consentement

Bonjour, Je m'appelle [.....] et je travaille avec ZOA. Merci que vous avez accepté de sacrifier votre temps d'être avec nous.

L'objectif de cette rencontre est d'apprendre de vous sur les droits fonciers à Nyanza Lac en général, sur les expériences et changements que vous avez vécus en rapport avec le processus de sécurisation foncière.

Votre ménage a été sélectionné pour participer dans cette étude. L'information que vous allez partager reste confidentielle.

- Nous allons prendre note, mais nous n'allons pas utiliser vos noms dans nos rapports sans votre accord.
- Sentez-vous libre de vous exprimer, nous voudrions entendre vos points de vue sur des questions qui vous seront à adressées.
- C'est un échange d'idées et expériences. Il n'y a pas de réponses vraies ou fausses.
- Votre participation est volontaire.

Thème 1. Accès à la terre et modalités de gestion

1. Accès à la terre en général

- Comment se présente la question de l'accès à la terre sur votre colline ?
- Comment est-ce que les personnes accèdent à la terre(héritage, achat, location, métayage, etc.) ?

2. Location de terre

- Est-ce que la location des terres ou des lopins de terres est courante dans votre localité?

- Modalités de contractualisation : type de contrat / convention (verbal ? écrit ? présence des témoins ; implication d'une autorité/chef ou non ? courte durée (0-3 ans) ?, longue durée (3 ans et plus) ?, etc.) ;
- Etendue des droits du locataire sur la parcelle louée (sous-location, exploitation limitée à certaines cultures, à certains types d'aménagement,...) ;
- Pensez-vous que les droits comme locataire de terre (ou des propriétaires qui louent des terres à d'autres personnes) sont bien protégés ? Pourquoi ?
- Si oui : Comment sont-ils protégés ? Si non : qu'est-ce qu'il faut pour mieux protéger vos droits ?
- Y a-t-il des conflits liés à la location des terres dans votre entourage ?
- Pouvez-vous décrire ces conflits ? (Quel type de conflit ? sur quoi exactement ? comment gérez-vous ces conflits ?)

3. Les réflexions sur le morcellement de terres et la prochaine génération

- Comment se fait le partage des terres sur votre colline/sous colline ?
- Quel est l'impact de morcellement de terres pour l'avenir de vos enfants et petits-enfants?

Thème 2 : Droits fonciers des femmes et d'autres groupes défavorisés

- Quels sont les droits fonciers :
 - *Des femmes mariées*
 - *Des femmes célibataires*
 - *Des femmes divorcées*
 - *Des autochtones (batwa)?*
- Est-ce que ces droits sont respectés sur votre colline/sous-colline ?
- Est-ce qu'il y a des défis particuliers pour l'accès des femmes, enfants/jeunes, orphelins, les autochtones (batwa) à terre?
- Quels sont les défis particuliers :
 - *Des femmes pour avoir des droits fonciers ?*
 - *Des enfants/jeunes pour avoir des droits fonciers ?*
 - *Des orphelins pour avoir des droits fonciers ?*
 - *Des autochtones pour avoir des droits fonciers ?*

Thème 3. Sécurité de la tenure foncière

1. La perception sur la sécurité foncière

- Est-ce que vos droits fonciers sont protégés ?
- Pensez-vous qu'il existe des risques de perdre vos droits fonciers dans les 5 prochaines années ? Pourquoi ?
- Y a-t-il des stratégies que vous utilisez pour protéger vos droits fonciers ?

2. Connaissances sur les procédures d'enregistrement et certification

- Connaissez-vous les procédures d'enregistrement et de certification des droits fonciers? Lesquelles ?
- Comment avez-vous obtenu ces connaissances ?

3. Changements intervenus à la suite de la mise en œuvre du projet sur la vie du ménage (positifs et négatifs)

- Comment appréciez-vous la qualité des services rendus par le SFC (pour ceux qui ont déjà demandé service) ? Pourquoi bonne ou mauvaise appréciation ?
- Est-ce que vous voyez des avantages de la certification foncière ? Si oui : Quel est pour vous l'avantage principal de la certification foncière ?
- Y-a-t-il eu changement au niveau de l'exploitation de la terre depuis la certification foncière ?
- Y-a-t-il eu changement dans la situation économique du ménage après la certification foncière ?
- Y-a-t-il des changements par rapport à la situation des conflits ?

Thème 5. Dynamique des conflits fonciers et de leur résolution

1. Dynamique des conflits fonciers (*y compris les conflits sur la location des terres, sur la propriété des palmiers etc.*)

- Quelle est la situation des conflits fonciers dans votre localité ?
- Pensez-vous que les conflits fonciers vont augmenter dans l'avenir ? Si oui : Pourquoi ? Sinon pourquoi ?

2. Mécanismes de résolution des conflits fonciers

- Pourriez-vous indiquer les acteurs/institutions importants (Conseil des Notables, CRC, Comité de paix, médiateurs collinaires, etc.) qui sont saisis pour résoudre les conflits fonciers au niveau de la colline/sous-colline ?
- Comment appréciez-vous le travail des structures collinaires (*y compris les CRC, Conseil des Notables, élus collinaires, comité de paix, médiateurs collinaires, autres.*) par rapport à la résolution des conflits fonciers ? Et pourquoi ?



de l'aide d'urgence
à la reconstruction



Etude Longitudinale - Questionnaire Ménage
Projet Amahoro At Scale

Information générale :

Date :

Colline :

Sous-colline :

Nom du répondant :

Femme Homme

Age du répondant : 18-35 ans 35-50 a 50 ans +

Nom du facilitateur :

Nom de rapporteur :

Le ménage correspond aux quels critères (cocher les critères)	
<ul style="list-style-type: none"> ▪ Ménages qui sont propriétaires de terre ▪ Femme chef de ménage ▪ Enfant chef de ménage ▪ Ménage rapatrié (depuis 2020) ▪ Ménage « résident » ▪ Ménage avec personnes vivant avec handicap ▪ Femme qui a un mari résident ailleurs 	<ul style="list-style-type: none"> ▪ Ménage qui exploite la terre en location ▪ Ménage qui a un conflit foncier en cours ▪ Ménage paysan innovateur (PIP) à Biniganyi ▪ Ménage qui a déjà un certificat foncier (avant le projet) ▪ Jeunes couples mariés ▪ Ménage qui a des palmeraies à huile ▪ Autres (à préciser)

Note de consentement
<p>Bonjour, Je m'appelle [.....] et je travaille avec ZOA. Merci que vous avez accepté de sacrifier votre temps d'être avec nous.</p> <p>L'objectif de cette rencontre est d'apprendre de vous sur les droits fonciers à Nyanza Lac en général, sur les expériences et changements que vous avez vécus en rapport avec le processus de sécurisation foncière. Votre ménage a été sélectionné pour participer dans cette étude. L'information que vous allez partager reste confidentielle.</p> <ul style="list-style-type: none"> • Nous allons prendre note, mais nous n'allons pas utiliser vos noms dans nos rapports sans votre accord. • Sentez-vous libre de vous exprimer, nous voudrions entendre vos points de vue sur des questions qui vous seront à adressées. • C'est un échange d'idées et expériences. Il n'y a pas de réponses vraies ou fausses. • Votre participation est volontaire.

Thème 1. Accès à la terre et modalités de gestion

4. Accès à la terre en général

- Comment se présente la question de l'accès à la terre sur votre colline ?
- Avez-vous personnellement accédé à votre terre/parcelle/lopin de terre ?
- Comment avez-vous accédé à la terre (héritage, achat, location, métayage,)?

5. Location de terre

- Est-ce que vous êtes locataire d'une terre ou est-ce que vous louez un lopin de terre à une autre personne ? (*Si la réponse est non, je pense qu'il n'y a plus des questions à poser*)
- Modalités de contractualisation : type de contrat / convention (verbal ? écrit ? présence des témoins ; implication d'une autorité/chef ou non ? courte durée (0-3 ans) ?, longue durée (3 ans et plus) ?, etc.) ;
- Etendue des droits du locataire sur la parcelle louée (sous-location, exploitation limitée à certaines cultures, à certains types d'aménagement,...) ;
- Pensez-vous que vos droits comme locataire de terre (ou comme propriétaire qui loue une terre à une autre personne) sont bien protégés ? Pourquoi ?
- Si oui : Comment sont-ils protégés ? Si non : qu'est-ce qu'il faut pour mieux protéger vos droits ?
- Est-ce que vous avez un conflit lié à la location ? Ou est-ce que vous avez eu un conflit sur la terre en location dans le passé ?
- Pouvez-vous décrire la situation de conflit sur la terre en location ? (Quel type de conflit ? sur quoi exactement ? comment gérez-vous le conflit ?)
- Pensez-vous que vous pouvez avoir un conflit sur la location de terre dans l'avenir ? Pourquoi ?

6. Les réflexions sur le morcellement de terres et la prochaine génération

- Comptez-vous partager votre terre pour tous vos enfants ?
- Quel est l'impact de morcellement de terres pour l'avenir de vos enfants et petits-enfants (si vous en avez) ?

Thème 2 : Droits fonciers des femmes et d'autres groupes défavorisés

- Quels sont les droits fonciers :
 - *Des femmes mariées*
 - *des femmes célibataires*
 - *Des femmes divorcées*
 - *Des autochtones (batwa)?*
- Est-ce que ces droits sont respectés dans votre propre ménage (les droits qui sont applicable pour le ménage)? Pourquoi et comment ?
- Est-ce qu'il y a des défis particuliers pour l'accès des femmes, enfants/jeunes, orphelins, les autochtones (batwa) à terre?
- Quels sont les défis particuliers :
 - *Des femmes pour avoir des droits fonciers ?*
 - *Des enfants/jeunes pour avoir des droits fonciers ?*
 - *Des orphelins pour avoir des droits fonciers ?*
 - *Des autochtones pour avoir des droits fonciers ?*
- Êtes-vous confronté à ces défis dans votre propre ménage ? Comment ?

Thème 3. Sécurité de la tenure foncière

4. La perception sur la sécurité foncière

- Est-ce que vos droits fonciers sont protégés ?
- Pensez-vous que vous pourriez perdre votre droit foncier dans les 5 prochaines années ? Pourquoi ?
- Y a-t-il des stratégies que vous utilisez pour protéger vos droits fonciers ?

5. Connaissances sur les procédures d'enregistrement et certification

- Connaissez-vous les procédures d'enregistrement et de certification des droits fonciers? Lesquelles ?
- Comment avez-vous obtenu ces connaissances ?

6. Changements intervenus à la suite de la mise en œuvre du projet sur la vie du ménage (positifs et négatifs)

- Comment appréciez-vous la qualité des services rendus par le SFC (pour ceux qui ont déjà demandé service) ? Pourquoi bonne ou mauvaise appréciation ?
- Est-ce que vous voyez des avantages de la certification foncière ? Si oui : Quel est pour vous l'avantage principal de la certification foncière ?
- Y-a-t-il eu changement au niveau de l'exploitation de la terre depuis la certification foncière ?
- Y-a-t-il eu changement dans la situation économique du ménage après la certification foncière ?
- Y-a-t-il des changements par rapport à la situation des conflits ?

Thème 5. Dynamique des conflits fonciers et de leur résolution

3. Dynamique des conflits fonciers (*y compris les conflits sur la location des terres, sur la propriété des palmiers etc.*)

- Est-ce que vous avez été impliqués dans un conflit foncier pendant les cinq dernières années? Si oui, quel type de conflit ?
- Pensez-vous que vous serez impliqué dans un conflit foncier dans l'avenir ? Si oui : Pourquoi ?

4. Mécanismes de résolution des conflits fonciers

- Pourriez-vous indiquer les acteurs/institutions importants (Conseil des Notables, CRC, Comité de paix, médiateurs collinaires, etc.) que vous saisissez pour résoudre les conflits fonciers au niveau de la colline ?
- Comment appréciez-vous le travail des structures collinaires (y compris les CRC, Conseil des Notables, élus collinaires, comité de paix, médiateurs collinaires, autres.) par rapport à la résolution des conflits fonciers ? Et pourquoi ?