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***Legal Empowerment to Secure  
Women's Land Rights in Burundi***

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## **ACRONYMS**

CDC	Comité de Développement Communautaire
CDF	Centre de Développement Familial
COHRE	Center on Housing Rights and Evictions
FAO	Food and Agriculture Organization
IFAD	International Fund for Agricultural Development
IIED	International Institute for Environment and Development
OECD	Organisation for Economic Co-operation and Development
PTRPC	Programme transitoire de reconstruction post-conflict
USAID	United States Agency for International Development

## **ABSTRACT**

The paper presents the lessons learned on the legal empowerment of women from the Transitional Programme of Post-Conflict Reconstruction (Programme transitoire de reconstruction post-conflict - PTRPC) in Burundi. The programme has supported the establishment of legal clinics that inform women of their legal rights and to enable them to enforce these rights through both local customary and legal systems. The case study highlights the importance of having mechanisms for defending rights. While the programme has some success, challenges such as overcoming community resistance. Overall, the experience of the legal clinics is an important innovation that is now being mainstreamed into government policies and programmes.

**Key words:** women's land rights, legal empowerment

## **I. INTRODUCTION**

Secure access to productive land is critical to the millions of poor people living in rural areas and depending on agriculture, livestock or forests for their livelihood. It reduces their vulnerability to hunger and poverty; influences their capacity to invest in their productive activities and in the sustainable management of their resources; enhances their prospects for better livelihoods; and helps them develop more equitable relations with the rest of their society, thus contributing to justice, peace and sustainable development (IFAD 2010).

Women's access to land, in particular, is widely recognised as important both for ensuring equality of basic rights and for reducing poverty and ensuring household food security. While women's land rights have become better protected by national laws, discrimination against women stems from both the state (e.g. via administrative processes) and customary systems. This makes it more critical to look at whether women enjoy equal rights to land, property and natural resources in practice, rather than only under statutory law. As gender equality may challenge deep-seated power structures, legal reform must be accompanied by awareness-raising, capacity-building and improved access to legal services.

This paper aims to contribute to the current debate on women's land rights by presenting the lessons learned on the legal empowerment of women from the Transitional Programme of Post-Conflict Reconstruction (Programme transitoire de reconstruction post-conflit - PTRPC), which has been supported by the International Fund for Agricultural Development (IFAD). The programme has been using a range of legal tools which have had a positive impact on the livelihoods and tenure security of poor women in the communities that it operates in.

## **II. BACKGROUND**

### **A. Women's land rights**

Women play a critical role in agricultural production in developing countries, where they usually make up the majority of the agricultural workforce. Today, more and more women are heading rural households. Gender is a basic determinant of social relations and rights in households and rural communities. Together with class, ethnicity, and caste, gender determines to a great extent a person's opportunities, aspirations, standard of living, access to resources, status in the community, and self-perception. In addition, women's rights to resources influence their ability to produce and their behaviour as producers (World Bank 2009). While many people in the developing world lack secure

property rights and access to adequate resources, women's access to and rights over resources are further disproportionately limited by socio-cultural factors. In patriarchal cultures—predominant in much of the world—men as de facto heads of households have the largest role in decision-making about resources at both the household and community level, meaning women have disproportionately fewer rights to land and property (Flintan 2003).

Women's insecure land tenure and property rights in Africa can be linked to a mix of economic and social pressures that have profoundly transformed social structures and land tenure systems. These factors include colonial and post-colonial private property legislation, an influx of investment options, an increase in the resource value of land, the liberalization of markets through structural adjustment programs in the 1980s and 1990s, commodification of land, the growth of land markets, population increase, large-scale resettlement of people, rise in competition over land, —land scarcity,<sup>l</sup> and recent large-scale land acquisitions (Cousins 2009, FAO 2007). The introduction of private property tenure systems and the growth in land markets sustained by post-independence governments has triggered changes in customary tenure regimes (FAO 2007). The largest impact has been on the social networks that existed in earlier customary systems. Where women's access to land (whether in natal or marital homes) was once protected by the clan and patrilineage, social safety nets are now highly individualized and less certain. Post-colonial land distributions—and formalization of individual land rights—and subsequent land transactions frequently vested titles to land in the head of the household only. These were most often men, according to patrilineal custom, and this vesting shifted the traditional concept of what it means to have rights to land. Traditional land tenure systems have often been transformed in ways not beneficial to women, while positive changes in statutory law to protect women's rights may have a limited effect due to lack of enforcement (USAID 2011).

There are both economic and social benefits when women have secure land rights. Property rights in land—whether customary, formal, or religious—provide economic access to key markets and social access to non-market institutions such as household- and community-level governance structures (COHRE 2004). If women had the same access to productive resources as men, they would increase yields on their farms by 20-30 per cent. This could raise total agricultural output in developing countries by 2.5 and four per cent, enough to pull 100-150 million people out of hunger (FAO 2011).

## **B. Access to land in Burundi**

Population density in Burundi is the second-highest in Africa: estimates of average population density vary from about 230 people per km<sup>2</sup> to as high as 278 people per km<sup>2</sup> and is as high as 360 persons per km<sup>2</sup> in some areas. Over 93 per cent of the population is rural and entirely reliant on agriculture for their survival and income. Given the high population growth and increasingly smaller plots of land

per family unit, land scarcity has become a severe problem, and access to arable land is a priority for almost every household. Agricultural production and economic reward have increased for groups with favourable access to productive land and resources, hence the high social status, political power and patronage associated with land ownership. Land issues have played a major role in Burundi's conflict cycle and refugee crisis, and the great majority of legal disputes in Burundian courts relate to land rights. Land disputes in Burundi are exacerbated by inconsistent implementation of the relevant legal and policy instruments, which have been poorly disseminated. The existing structure is misunderstood by many actors, while land management and administration institutions are ineffective and highly corrupt. Facing a fragile post-conflict situation and high demographic pressure, Burundi's need for a stable and effective land tenure system stands beyond doubt.

The death of many male heads of household during the war has left a large number of extremely vulnerable households headed by women and children with limited access to land and other resources. In this context access to land is a key asset for women's empowerment. Increasing pressure on available land, amplifies women's traditional lack of land ownership and control. Land is the cause of disputes among family members and female members are often marginalized and excluded from inheritance. According to customary law, after leaving their father's household, daughters lose their rights over the family plot. Therefore, girls over the age of 15 are often pushed by their brothers into marriage, even an illegal union (for example with a man involved in a polygamous relationship). In most cases, women end up without rights to their partner's land, because their marriage is not legalized. The number of women with no land and no family support is therefore constantly growing, and so is their vulnerability.

### **III. LEGAL TOOLS**

In 2005, an IFAD-funded pilot programme, PTRPC was launched with the objective, inter alia, of restoring a sense and practice of justice at the local level, by educating communities about the legal rights and responsibilities of citizens. A major innovation under the programme has been the establishment of "legal clinics". In addition to the legal clinics' listening, orientation and mediation sessions, the programme's legal support engages in a number of activities, including: the training of paralegals chosen by the communities and activities of information, education and communication aimed at raising awareness among the population about their rights and duties as citizens and actual legal assistance. PTRPC's legal support activities are aimed at restoring social cohesion, reinstating traditional systems of local conflict resolution, and are specifically directed at women and vulnerable people. It engages in three areas of legal empowerment: (i) rights awareness, (ii) rights enablement and (iii) rights enforcement. On average, USD 150,000 are allocated per year by the programme to the implementation of these legal support activities.

### **BOX 1: Transitional Programme of Post-Conflict Reconstruction**

The Transitional Programme of Post-Conflict Reconstruction (PTRPC) is implemented by the Government of Burundi, with financial support of IFAD. Its main objective is to help restore the dignity and livelihoods of rural poor people after many years of war, while supporting the efforts of the government and the international community in the implementation of peace. The target area comprises the provinces of Bujumbura Rural and Bururi in the west and Ruyigi in the east, thus consolidating previous IFAD operations in Bururi and Ruyigi. The programme works to restructure farm production through donation of cattle and the building of plant nurseries, to rehabilitate essential rural infrastructure, and support various training projects focusing on community development, legal issues, HIV/Aids and literacy. Legal support is offered to women and vulnerable groups who have been subjected to violence during the conflict. The Programme started in 2005 and is expected to close in 2013.

PTRPC's legal support activities address four main challenges: (i) difficult access to justice for rural communities; (ii) traditional thinking excludes women from owning land; (iii) lack of trust in formal legal institutions; and, (iv) weak enforcement of court verdicts.

Firstly, an estimated 70 - 90 per cent of the cases brought to the Burundian civil courts are land disputes. Access to justice for rural communities is very difficult because of the physical distance from legal institutions and limited financial means. Resolution of a land dispute within the formal court system is procedurally difficult and a lengthy process. At the lowest level, magistrates have little education and training. The courts have limited budgets, including no funds for field visits, and enforcement of judgments is uncertain. Corruption is an issue, in part due to low judicial salaries. Above the lowest level, there is a perception that the court system is Tutsi-dominated and so few Hutus use the court system to pursue justice (Kamungi et al. 2005; van Leeuwen and Haartsen 2005).

Secondly, according to traditional thinking land assets are a man's prerogative. It is common even among women to think that they are excluded from any opportunity of inheriting and owning family land. In addition, people are unaware of legal codes and therefore tend to resolve conflicts using violence. The issue of inheritance is the only major aspect of Burundian law which is still not governed by legislation. In spite of the fact that Burundi has already signed and ratified the majority of international instruments which establish equality between the sexes and even Burundi's constitution includes these instruments, Burundian custom excludes daughters from inheritance (ITEKA 2011).



Thirdly, among rural communities the judge is perceived as somebody with the role of punishing and imprisoning. Therefore there is fear and lack of trust towards this institution and the legal environment in general.

Finally, often verdicts issued by a court are not enforced within the community as a result of lack of monitoring. With fewer than half of their verdicts ever being enforced, few Burundians have confidence in the formal court system (Global Rights Magazine 2005).

### **A. Rights awareness**

As Burundi's legal codes were barely known and little applied in rural areas, the first thing the Programme does is to teach people living in the target area (Bujumbura Rural, Ruyigi and Bururi) about their legal rights and obligations. Raising awareness of rights among the right-holders is central for successful legal empowerment. It is a precondition for poor people to understand their rights and under which circumstances they apply, in order to create a demand for the fulfilment of rights by the duty bearer (OECD 2012). PTRPC engages in activities of information, education and communication aimed at raising awareness among the population about their rights and duties as citizens. The rationale behind this is that promoting the existence of rights and legal awareness is crucial for creating a demand for rights implementation. For those who are unaware of their rights and any existing solutions, legal redress and access to justice are meaningless. Information has to reach poor people in ways they can understand.

The awareness raising activities aim to inform communities of the laws in force in Burundi and their rights and duties as citizens. More specifically, focus is put on the Persons and Family Code, the Penal Code, the Land Code, civil procedure and the organization of the judiciary system. Women are also encouraged to register their land at the local Land Registry Office, to prevent violation of their ownership rights. The sensitisation workshops, which involve about 40 persons per community, take about two and a half days. The timing of the sessions is discussed with participants and adjusted to their preferences. In most cases the trainings begin early in the morning, so the attendees can return home and take care of their daily chores. Feedback sessions are held in each of the involved communities.

As part of the rights awareness activities of PTRPC, competitions are also organised by the legal clinic teams on legal themes in public spaces on market days to sensitize the population about their legal environment. The aim of these competitions is to stimulate the population to internalise the legal concepts they have learned. Everybody interested is allowed to join in, not only those who participated in the actual legal training sessions. As an incentive, those who give the right answers on

questions related to the legal concepts are offered a prize, such as a T-shirt or a jerry can. The rural communities have shown great appreciation for these events, which are usually organized during market days in order to involve as many people as possible. By December 2012, almost 400 competitions had been held.

High illiteracy rates in particular among women, in particular in rural populations, affect women's ability to access their rights. The rights awareness activities of PTRPC have therefore been accompanied by literacy classes. This is done to increase the outreach and to ensure that the most vulnerable groups within the communities, which are often illiterate, also benefit. Illiteracy is actually perceived by the women to be the major stumbling block in defending their legal rights. Rural women in Burundi are physically remote from public and private services, and illiteracy hinders women in general from knowing their legal rights and makes them vulnerable to misinformation and propaganda. Improving education is part of the Programme's long-term strategy for enhancing legal literacy. The literacy courses are organised by the family Development Centres (Centres de Développement Familial – CDF), established by the Programme to help the population through learning and support. More than 11,000 people have already benefited from adult literacy courses organised by PTRPC.

Initially the programme used legal professionals to sensitize the population, but the subsequent decision to train representatives from within the communities as paralegals has proved far more effective. The paralegals are chosen to represent different interest groups within each community, and include the Bashingatahe – those traditionally responsible for internal conflict resolution - young people, women and a representative of the Batwa community. More specifically, the team of paralegals operating in each community is made up of two Bashingantahe together with one women leader, two younger community representatives (one male and one female) and one representatives of the minority Batwa community (where present). The paralegals sensitize the population on legal issues, especially land law and family law, their rights and responsibilities, and also organize sessions in which cases are mediated and resolved. The training of the paralegals consisted of two 10 day sessions, after which they received a certificate and a badge. PTRPC has also elaborated a manual for the paralegals to use in their villages. Currently, a total of 1,020 paralegals are operational in the targeted communities.

Among rural communities the judge is perceived as somebody with the role of punishing and imprisoning. Therefore there is fear and lack of trust towards this institution and the legal environment in general. The programme has therefore organized meetings between community members and judges to promote better understanding and collaboration. With the support of the programme, judges have also held juridical training classes for communities in a relaxed and

participatory environment. In this context, a total of 15 judges has been trained by the Programme in community mobilisation and communication techniques. By giving community members the opportunity to exchange opinions with magistrates outside the court environment, trust and mutual collaboration has been developed.

### **BOX 2: Voices from the field**

“The first thing we do is teach people about their legal rights and obligations” explains Isidonie, a legal advisor.

"In the past it was all about vengeance," says Nicaise Arakaza, a young man from Burambi who is now a paralegal. "The programme helped us to learn good governance. It taught us the codes of law. Now we know how to resolve conflicts. You can explain your problem and find a peaceful resolution."

“When you have learned how to read and write, you can say to yourself: if I am ever the victim of an injustice, I will do something about it. I will know where to go if I feel I have a land ownership issue.”

"The Batwa have especially benefited from the programme's legal support. In the past we never had any kind of role in local administration. We knew nothing about the law, or our rights as a group," Jean-Claude Sindayihebura, a member of the ethnic minority Batwa community, says. "We learned that everyone has the same rights, and this was extremely significant for the Batwa. Now I know how to help my community, and tell them to act if they need something."

*Source: IFAD*

## **B. Rights enablement**

Access to justice for rural communities in Burundi is very difficult because of the physical distance from legal institutions and limited financial means. By promoting affordable and accessible legal aid through the ‘legal clinics’ it has established, integrating poor people into public processes, affirmative action and institutional and individual capacity development, PTRPC offers the legal means through which right-holders in rural communities are enabled to claim their rights. Especially for women and marginalised groups in Burundi culturally entrenched stigma and stereotypes result in a lack of courage and self-confidence and are often the greatest obstacles to claiming rights.

The main objective of the legal clinics is to solve conflicts amicably. The legal clinics are run by lawyers and community members who are trained as paralegals. They offer legal advice to those who experience abuse, and for the resolution of land tenure conflicts arising between relatives and/or

community members. The primary target beneficiaries are rural women with scarce and insecure access to land. An important output of this innovative approach is the resulting availability of legal counsel to poor and vulnerable people otherwise unable to access such services. The clinic is mobile and the paralegal teams move regularly within the hillside communities providing them with legal services. The legal clinic structure has been designed to be mobile. The legal and paralegal teams pay visits to hillside communities, ensuring accessibility to everyone, including the most vulnerable.

The concept of the legal clinic is similar to that of an actual clinic: in the same way that a doctor treats his patients, the legal clinics treat people who have been legally abused and provide them with legal medicine. People with legal problems can go to this new structure and be received by a legal specialist who acts as an adviser and a mediator in the resolution of their problem. The activities of the legal clinics are mainly directed towards women, with the objective of offering them a range of legal services to overcome their poverty and vulnerability. The focus is placed on access to land, and the related judicial assistance is provided in order to allow them to enjoy this right. Sessions of listening, orientation and mediation are the legal clinics' main activities. By December 2012, more than 1,100 of these sessions had been held. The beneficiary is accompanied through the conflict resolution process. People are received in a calm and intimate space, and the mediator agrees to respect confidentiality. Mediators complete a form for every person who comes to the clinic. This is essential in order to keep a record of the cases treated and for regular follow-up. The mediator does not make any decisions; rather he or she facilitates the consensus peacefully, without resorting to a court. After this stage the mediator will also ensure that the parties involved in the conflict respect the agreement reached.

Most of the cases presented to the legal and paralegal teams are over land rights; either family members disputing succession, or quarrels with neighbours over boundaries. Many widows and orphans left by the war have been able to contest the misappropriation of their land. The legal programme also offers justice and protection to women who are victims of rape and violence. The biggest problems dealt with at the legal clinics have to do with only daughters, who have land left to them by their fathers taken from them by others, as well as daughters whose share of inherited land goes straight to their brothers.

In order to reach the most people possible, especially including the most vulnerable, the legal clinic carefully plans its monthly activities and shares this information widely among the population. Invitations are sent to churches, non-governmental organizations, and members of the Community Development Committee (Comité de Développement Communautaire) and the CDF to inform them of the date and locations of the activity planned. A public announcement is then made on Sundays at

the church and during the market (using megaphones), and notices are posted in the offices close to the activity area.

The interaction between legal clinics and local institutions, particularly the CDF, the Bashingantahe (members of the paralegal teams) and the national judicial bodies, is also important. The social workers of the CDF support the clinics in some logistical tasks, but they do not have a technical role in the legal clinic itself. In addition, they often receive people with legal problems and re-direct them to the legal clinic. By December 2012, 70 CDF animators had received legal training. In the same way, the mediator of the clinic can re-direct complainants to the competent legal institutions and cooperate with national judges to ensure the enforcement of judicial decisions. At the onset, the Bashingantahe felt threatened by the role of this new structure. Yet one of the objectives of the legal clinic was specifically to strengthen the pre-existing structures committed to conflict resolution at the local level. Therefore the solution from the outset has been to target the Bashingantahe as beneficiaries of the legal trainings. As a result, these notables of the hill communities, together with women leaders and young leaders, are now members of the teams of paralegals that assist the legal teams.

### **BOX 3: Voices from the field**

“I was married, but my husband threw me out and I had to return to the village of my birth. It was from that moment that my brother made my life and that of my six children a living hell. Until one day, he put a knife to my throat with every intention of killing me. It was absolutely terrible”, says Nzeyimana, a single mother of six. “I was terrified and went to the village chief for advice, but he gave me none. And that’s when the whole affair came to attention of the legal clinic. They were willing to help me in the name of women’s dignity. What makes me feel really optimistic is that since they took my case on, I have felt a sense of relief, a sort of deliverance in the sense that I benefit from support aimed at the voiceless and the old such as we are. In the name of the dignity and rights of women. I have gone as far as to say that from now on we have a say in society.”

*Source: IFAD*

## **C. Rights enforcement**

The Programme engages in rights enforcement by making women’s land rights enforceable so as to ensure legitimacy and credibility. PTRPC ensures this enforcement by developing the capacities in formal state institutions (see training of judges above) and administrative environments as well as

supporting capacities to enforce civil court decisions and institute appeal procedures against arbitrary actions. If the case cannot be resolved through the legal clinics and needs to be brought before a court, the programme provides a lawyer and financial support until the case is resolved.

Some cases have been identified as being strategic and potential milestones for the evolution of jurisprudence in specific matters. The programme provides a private lawyer to the beneficiaries involved in such cases and follows it through until the case is closed. The aim is to establish a reference decision to which tribunals can refer in similar future cases. By December 2012, almost 500 women had received assistance from lawyers and about 1,150 vulnerable people (mainly women) were financially supported to bring their cases to court.

Often verdicts issued by a court are not enforced within the community as a result of lack of monitoring. Recognising this problem, the programme started scheduling two visits per month by the judges to the communities, taking charge of the costs and the logistic arrangements. Vulnerable people received visits from the judges directly in their homes. Further visits have been arranged according to specific urgencies and needs, and to ensure that rulings made by courts are being enforced. By December 2012, almost 250 visits had been carried out by the judges.

#### **BOX 4: The case of Chantal**

Chantal is the daughter of Muyehe, who is the brother of Mpozagara. During their lives, the two brothers shared the piece of land left by Chantal's grandfather without dividing it. Mpozagara has two sons. They are the cousins of Chantal and her disabled younger brother. After Muyehe's death, Chantal and her brother were chased off their land, and their uncle's family occupied the entire property. Since then Chantal has been obliged to work in the neighbours' field in exchange for a small amount of money or some food to provide for her brother and her. One Sunday at church she heard the announcement about the legal support service. Without even waiting for the legal clinic's visit to her community, Chantal walked to the centre of the province, 40 km from her residence, where she met the PTRPC legal team. They put her in contact with a lawyer to assist her and she has been accompanied and supported at every step of the legal procedure, including financially and logistically for her travels. Chantal won the first hearing and obtained the equal division of her grandfather's land between the two families. Her uncle's family appealed, but the judgement was confirmed in favour of Chantal. The counterpart keeps intimidating and threatening Chantal, but with the legal support of the programme she is now confident and ready to continue fighting for her rights.

*Source: IFAD*

#### **IV. EARLY RESULTS**

Activities carried out by PTRPC contribute to reducing the dichotomy between the modern state and customary practices, by offering information about rights to women and men from civil society, as well as to the administrative institutions directly involved in putting the new juridical opportunities into practice. This represents a first step towards a social transformation based on equal rights, putting aside discriminatory practices that are often presented under a «cultural» label, and guaranteeing coherence and harmony between the spirit and practices of the Constitution, which favours access to land for women without any form of sexual discrimination, and their equality with men. The legal support interventions, quite apart from contributing to the settlement of a number of cases, have proved to be a powerful means of social reconciliation, of poor people with judicial institutions and their representatives; the visits by judges to hillside communities, and the legal clinics led by juridical teams responsible for implementing the legal support interventions, have played an important role in rebuilding the social fabric, and should continue their work for this process to be consolidated. The legal support activities have facilitated the development of trust and collaboration between the community and legal institutions. These activities are strongly backed by women leaders who organise hearings and briefing sessions in the hillside communities.

Moreover, beneficiaries now feel more confident of their rights and they feel more empowered to act against injustices. The programme has shown very positive results in empowering women, changing attitudes and behaviours within communities, and resolving local conflicts over land. Many women in the hill-based communities feel empowered as a result of having learned about their rights, and have organized themselves into groups to support other women against legal abuses. Furthermore, rural community members can now benefit from the legal support provided by a structure that is close to hand. They now have easy access to legal aid without the need for lengthy displacements from their villages. Rural inhabitants in the Programme area are now also more confident in the legal resolution of disputes and more open to talking about violations they have experienced. Moreover, clinics have greatly contributed to protecting and defending women who are victims of rape and violence. What is more, they now understand the importance of registering their land at the Land Registry Office, to prevent violation of their ownership rights. Learning to read and write is further empowering the local women and they seem to be enjoying the prospect of taking control of their own lives. It also prepares women for when they go to the land registry office to register for their ownership certificate.

## **V. LESSONS LEARNED**

Customary law, as interpreted and applied by informal community structures, does not universally result in divorcees or widows being entirely dispossessed. Rather, these women are in an inherently precarious situation, in which their ability to continue to control and use the land is entirely dependent on family attitudes and circumstances. The value of replacing customary practices with practices consistent with statutory law is the removal of uncertainty in land tenure for these particularly vulnerable women, the conceptual separation of their individual rights from their relationships to family members, and the impartial consistency with which their rights will be recognized in formal courts. Maintaining a position of neutrality and referencing legal texts have been important in strengthening the credibility of the legal clinics. In a context of diminishing authority of the traditional institution of the Bashingantahe, legal clinics are perceived as new structures oriented toward equity and justice.

It is important to try to solve the conflict out of court. When the parties bring the conflict before a court they develop increasingly hostile relations that often end up involving families, neighbours and other members of the community. This has a strong impact on their social environment as a whole. Finding amicable solutions out of court also reduces the administrative burden on the court system and is a good way of resolving legal problems in a time- and cost-efficient manner.

Compliance with court orders is a manifest problem that is yet to be satisfactorily overcome by the effective application of enforcement mechanisms. When the legal clinic redirects a case to a competent institution other than the court, it is very important to follow up on the outcome. Future implementation of the legal clinics experience will need to improve and define the framework of cooperation with other institutions in order to document all the developments arising from the cases treated. Confidence that court orders will be obeyed may accordingly be affected by levels of compliance or defiance of court orders, and may in turn affect the populations' perception of the efficacy and benefit of formal courts as compared to community structures.

## **VI. CONCLUSION**

A common characteristic of successful legal empowerment initiatives is the ability to work creatively with the opportunities offered by applicable law. Although much remains to be done in many countries to establish national legal frameworks that facilitate secure land rights for poorer groups, recent waves of law reform in several countries have created or improved opportunities for securing local land rights. While reliance on “customary” systems may be effective in resolving local disputes



where such systems are perceived as legitimate on the ground, reliance on constitutional norms can provide a legal entry point to challenge discriminatory or unaccountable customary systems or national legislation entrenching them. Awareness of rights and how to use them can increase social self-confidence and capacity, leading to more assertive claims and the enforcement and protection of rights. Information is power, and awareness raising is a necessary part of legal empowerment. Yet simply providing information may not be sufficient to promote legal empowerment. Even where people are aware of their rights, they may lack the know-how and resources to go through the procedures provided by the law to exercise and enforce those rights. They may also find it difficult to counter abuses of the law or inadequate implementation by other parties, such as government officials and private companies. This means that other types of support are needed too (IIED 2008).

The case of PTRPC in Burundi shows how legal empowerment can work in practice and has succeeded in restoring a sense and practice of justice at the local level, by educating communities about the legal rights and responsibilities of citizens. Some challenges remain and will need to be addressed in future implementation. For example, community resistance to amicable resolution of land conflicts needs to be overcome. It is also important to develop a system for documenting each case, particularly regarding how it develops when redirected to other institutions. Overall, the legal clinics have brought significant benefits to rural communities, and there is considerable potential for replication in the country and elsewhere. At the national level changes in the policy and institutional framework are under way to develop and approve a codified succession law. PTRPC is collaborating with government institutions, which have made available local staff to support the programme's legal component. Efforts in this direction indicate that the government takes a favourable view of the scaling up of the legal support activities. Finally, the ministry for gender equality, the Ministère de la promotion de la femme et de l'égalité, has established the CDF, family development committees. These decentralized institutions that benefit from IFAD's support, are charged with the application of the National Gender Policy (2003) at the community level.

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