follow-up Commission. To this day a series of land disputes has yet to be resolved.

The disputes and social struggle over land in post-conflict Liberia are not only about land per se but about authority and legitimacy more generally. Returnees base their claims to land and property on pre-war ownership and right to return to the way things ‘used to be’ prior to the war. The ex-combatant squatters ground their claims in their physical presence and de facto occupation of the land, threats of violence and moral claims to the land as a ‘reward’ for heroism and for defending it during the war. As things stand now, the return of refugees and IDPs and the reintegration of ex-combatants appear to be mutually exclusive processes. The result is a profound reshaping of social, political and economic relations between local populations and a delay in processes of genuine reconciliation. The international community has to date sought to stabilise the Liberian state centrally in Monrovia, only timidly addressing issues of, land access and political power at the local level.

Advice for external agencies
The findings above indicate a need for the international community to:

■ take note of local political and economic contexts when intervening to assist IDPs and refugees in fragile states

■ translate and adapt international standards and norms, such as the ones prescribed for the reintegration of ex-combatants and forced migrants, to the particular contexts of emerging local political orders in fragile states to secure real effects on the ground

■ base reintegration programmes – for ex-combatants and forced migrants alike – on evidence-based research on the actual political and economic situation in the aftermath of war in fragile states.

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Peace villages for repatriates to Burundi
Jean-Benoît Falisse and René Claude Niyonkuru

Burundi’s peace villages, which are intended both as models for reintegration and as centres of economic development, have encountered a number of problems which are related to the country’s continued fragility as a state.

Specially constructed villages have been built in Burundi since 2005 to welcome landless and ‘rootless’ repatriates returning from exile in Tanzania. Some had been refugees since 1972 and others since 1993. Although most refugees were able to return to their own land, some of them had nowhere to go. Some of the ‘1972 Hutu repatriates’ had scarcely any remaining ties with their country of origin and no knowledge of their or their parents’ land in Burundi.

Eventually this prompted the idea of building villages to house those who had resorted to occupying the offices of the administrative authorities, demanding a solution to their plight. Twa (the third official ethnic group in Burundi) with no land, internally displaced Tutsi and other categories of vulnerable people were also invited to move into the villages with the aim of reviving social diversity. This earned them the title of ‘peace villages’. With the continuing influx of refugees, there was an increasingly urgent need to find a permanent solution for the repatriates. UNHCR therefore cooperated with the government to create a first generation of 19 villages across the country.
between 2004 and 2007, despite the fact that the concept of a village is broadly unfamiliar in the Burundian landscape, where homes are generally scattered over the hillsides.

An assessment of the first generation of peace villages suggests that not only are the buildings deteriorating but also the villages were failing to provide any way for their inhabitants to re integrate into the local socio-economic environment. It was then decided to construct a second generation of villages, no longer simply to provide accommodation but also water and decent sanitary conditions as well as means of subsistence, land suitable for cultivation, and income-generating activities for the inhabitants. Eight new villages known as Integrated Rural Peace Villages were built in the country’s southern provinces between 2007 and 2010.

Five or even, in some cases, ten years after the peace villages were built, their success can be seen as at best partial. Reintegration is a geographical rather than a social reality and the risk is that, in many places, the inhabitants of the villages will be seen as second-class citizens for at least another generation. None of the villages seems to have driven reintegration to the extent that was promised. Many villages are still dependent on food aid from the World Food Programme or the Ministry of National Solidarity, and economic activity appears to have started in scarcely any of the villages. In practice, the villages are not economically viable entities, they are prey to property speculation and there are tensions emerging with local communities. Villages in areas of poor fertility are struggling to attract repatriates, who prefer to remain in UNHCR’s temporary accommodation centres.

**The vicious circle of fragility?**

Whilst villagisation policies in the east and central African region are memorable for the fact that they often involved coercion (as in Ethiopia, Uganda, Tanzania, Rwanda and in the 1990s in Burundi itself), these villages are, technically, home only to those who live there voluntarily. Their ‘voluntary’ nature remains questionable, however, given the situation in which people found themselves before moving to a village, a move often made on the promise of a decent life.

The Burundian Peace Villages built between 2004 and 2010 are also marked by their twofold objective of being not only places of reintegration but also, in the official rhetoric, examples of development in one of the most rural countries in the world. The housing scattered across Burundi’s hillsides is seen as unconducive to the country’s economic development, insofar as it is easier to provide basic social services to a more densely concentrated population. The rhetoric is, in fact, quite similar to that used in the *ujamaa* villagisation programme in Tanzania and the *imidugudu* programme in Rwanda.

Fundamentally, the peace villages reintegration project is therefore incredibly ambitious. To succeed in the long term, it effectively requires the state (and not international aid) to be able to provide its inhabitants with an adequate level of basic social services and a degree of security – precisely two of the characteristics whose absence defines a fragile country.

While security in the villages is not always as good as it could be, it is less of a problem than the lack of basic social services tailored to the specific needs of the inhabitants of the villages. A typical example is primary education. As a result of their time in Tanzania, most of the children in the villages have learned Swahili rather than Kirundi, which is the national language of Burundi and the language of primary education. Unless they have the good fortune to benefit from one of the projects organised by international aid organisations to provide educational support, children in the villages therefore have little chance of succeeding in the Burundian education system. On the other hand, the state is not in a position to provide the same standard of basic social services for the surrounding areas as it is providing in the villages – as is sometimes the case for water – and this results in community disputes, which can go as far as the sabotage of infrastructure.
The state’s lack of legitimacy can also be seen in the peace villages in the limited capacity of local institutions to maintain peaceful community relations. Repatriates do, however, represent a source of development potential. Most of them, for example, speak Swahili and have some knowledge of English, which are important assets for a country that has joined the East African Community despite not sharing the region’s two linguae francae.

One cause of the fundamental fragility of Burundi and other countries in the region is land. The villages – because they take up land and make land available to their inhabitants for subsistence farming – add a further layer of problems in a situation where there is a limited number of conflict resolution mechanisms. Seventy per cent of the disputes brought before the local courts in Burundi concern land and the average size of plots has been reduced over successive generations to 0.3 hectare. Up to 18% of the country’s land is thought to be subject to dispute. In spite of its recent efforts, the state itself struggles to clarify the status of numerous areas of land. At a local level, the authorities are routinely overwhelmed.

If the fragility of the state is a significant obstacle to the success of reintegration through the peace villages, the villages themselves also bring with them the risk of perpetuating that very fragility. They threaten to delegitimise the state, which seems incapable of managing the situation. At the same time, while the villages continue to be places where second-class citizens dependent on humanitarian assistance live, they represent a source of frustration. The situation seems impossible to resolve, given that the village ‘solution’ brings its own problems, creating a vicious cycle of fragility.

The villages are a thorny issue and it is too easy simply to dismiss outright all the efforts that have been made to date. The reintegration of over 5,000 rootless families who arrived almost in one go is a major challenge for any country, and all the more so for Burundi, a fragile nation that is only just recovering from a bloody civil war. A case-by-case approach, based on reintegration family-by-family, hillside-by-hillside, would seem less problematic but is a monumental task – even more so as another 35,200 Burundian citizens returned at the end of 2012 when Mtabila camp in Tanzania was closed. The mistake made with the villages as a solution for reintegration was perhaps a question of trying to think too big too quickly and of putting the cart before the horse. History seems to suggest that towns and villages do not drive economic development;
rather it is economic development that drives the creation of towns and villages.

Building the capacity of the state – which is a necessary part of lifting the country out of its fragility – requires the trust of its citizens but unfortunately the peace villages story as it has been unfolding for about ten years now continues to illustrate the system’s inability to win their trust and thus emerge from fragility. We do not have a miraculous solution for the villages except the hope that economic activity eventually picks up and manages to transform the villages that are currently kept alive by aid into stable and sustainable communities where fundamental human rights are respected.

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Fragile states and protection under the 1969 African Refugee Convention

Tamara Wood

Current practice in African states highlights both the potential and the limitations of the 1969 African Refugee Convention in providing protection to persons displaced from fragile states.

In the most recent Failed States Index, 16 of the 20 most fragile states in the world are in Africa. States such as Somalia, Sudan, Democratic Republic of Congo (DRC) and Zimbabwe consistently top the list. Perhaps unsurprisingly, these states are also major sources of refugee flows on the African continent. The protracted civil war in Somalia, for example, has resulted in the displacement of over a million people across international borders, to neighbouring Kenya and further afield. In South Africa, over half of the more than 100,000 asylum applications received each year are from Zimbabwe.

The legal status of individuals displaced from fragile states is often ambiguous. Those who can establish a “well-founded fear of persecution” for one of five reasons (race, religion, nationality, membership of a particular social group or political opinion) will be entitled to protection under the international 1951 Convention Governing the Specific Aspects of Refugees (1951 Convention). However, individuals fleeing the many other symptoms of state fragility, including poor governance, widespread insecurity, poverty and lack of basic services, will often fall outside the 1951 Convention as they are unable to establish either an individual risk of persecution or the requisite link between the risk and one of the five Convention reasons.

In Africa, this gap in the protection of the 1951 Convention might be expected to be filled by its regional counterpart, the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 Convention), which expands refugee protection to cover persons who are compelled to leave their homes “owing to external aggression, occupation, foreign domination or events seriously disturbing public order”. The breadth of situations covered by the 1969 Convention has led to extensive praise for the Convention and it is generally thought to provide legal protection to persons fleeing the very kinds of widespread, generalised and indiscriminate forms of harm that typically characterise conditions in fragile states. What is less well known is the effect that the 1969 Convention has had on African refugee protection in practice.

Protection for persons fleeing fragile states

Experience in refugee-hosting states such as South Africa, Kenya and Uganda suggests