

LAND REFORM, LAND SCARCITY AND POST CONFLICT RECONSTRUCTION

A CASE STUDY OF RWANDA

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Executive Summary

This Policy Brief summarizes a longer report to be published by the African Centre for Technology Studies (ACTS) and the Institute for Security Studies (ISS) in December 2004. It provides an analysis of Rwanda's draft land policy, in the context of the structural constraints facing the country, including acute land scarcity. It concludes that while the land policy offers several opportunities for economic development and improved rural livelihoods, its implementation will involve a number of challenges and risks. Therefore, it should be piloted in limited areas, and the results monitored, before being applied more widely. Also, implementation of the policy should not be based on compulsion, and the government should ensure that it does not lead to increased landlessness. Civil society organisations should be involved in policy implementation. Further research into the effects of HIV/AIDS on land rights should be conducted, and the results used to guide amendments to the policy. The composition of the land commissions, who will be responsible for much decision-making over land, should include representatives of sections of society which are most easily marginalized. There is a need to redefine the issue of landlessness, to include those who have lost land through processes of impoverishment. There is an urgent need to evolve a workable strategy to promote non-farm activities which should involve regional as well as national solutions. Overall, a more transparent dialogue within the country on governance and post conflict reconstruction is important. Effective implementation of a fundamental and sensitive issue such as land will not be possible without transparency.

Introduction

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

Rwanda, Burundi and the Democratic Republic of Congo (DRC).

The current study builds on work published by ACTS and ISS in 2002, which concluded that the political economy of land in Rwanda contributed to socio-political tensions, conflict and genocide, due to the effects of resource capture by elite groups and landlessness in the economic collapse prior to 1994, in the context of structural land scarcity.¹ The average land holding at the household level has dropped from 2 hectares in 1960, to just 0.7 ha in the early 1990s.² In 2001, almost 60 per cent of households had less than 0.5 ha.

The Government of Rwanda has recently completed a long process of developing a National land policy, which is currently being considered by a parliamentary standing committee. The policy emphasizes land consolidation, grouped settlements, and specialization and commercialization of agriculture. Based on interviews in Rwanda and review of secondary literature, this case study examines the draft policy from a perspective of conflict prevention.³

Conflict in Rwanda

Inequality and social tensions have existed in Rwanda for many years. Pre-colonial and colonial-era political dynamics led to the political dominance of an elite group within the Tutsi community. On the eve of independence, the Belgian colonial power switched support to those advocating 'Hutu majority rule'. The 'social revolution' of 1959 led to most Tutsi in positions of power being forced or voted out, and widespread ethnic pogroms against Tutsi across the country. Post-independence governance came to be characterized by exclusionary, racist state policies and political networks, which functioned through patron-client relations between factions of the state elite, and contributed to poverty and grievances amongst the rural poor. There were sporadic but unsuccessful incursions by exiled Tutsi fighters, and periodic mobilization of Hutu militia against Tutsi in the country. Rwandans in exile formed the Rwandan Patriotic Front (RPF) and invaded the country from Uganda on 1st October 1990. As the war continued, anti-Tutsi propaganda was widespread, and militia forces carried out violent attacks against Tutsi civilians with impunity. A peace agreement was concluded, but within hours of the assassination of President Habyarimana in April 1994, officials in the government, armed forces, police, and the civil authorities put into action their plans for the genocide of the Tutsi. Over 800,000 people, the vast majority Tutsi, were murdered in the space of three months before the RPF took control of the country.⁴ The failure of the international community, including the UN, to prevent or stop the genocide, and the alleged complicity of some Western countries, continues to affect relations between Rwanda and the outside world.⁵

Most Rwandans have undergone an experience of internal displacement or exile. Those who left due to violence and repression from 1959 onwards entered Rwanda in large numbers in late 1994. They are generally known as the 'old caseload', are almost all Tutsi, and number about a million. Most of those who had fled in the immediate aftermath of the war and genocide – almost entirely Hutu and referred to as the 'new caseload' – returned in late 1996 or early 1997. These influxes resulting in multiple claims of ownership for farmlands, buildings, and agricultural and forest products. Government policy, guided to some extent by the Arusha Peace Accords of 1993, has directed people to share land resources, or has opened up public lands (such as Akagera National Park) for resettlement. The government also extended an 'emergency' policy of constructing villages, known in Kinyarwanda as *imudugudu*, into a more widespread settlement policy. Despite people's general willingness to share land and natural resources, there are many land disputes at the local (intra- and inter-household) level. At least 80 per cent of disputes reported to district administrators are centred on land.⁶

Background to the development of the draft land policy

There were three systems regulating access to land immediately prior to the colonial period. In the central, eastern and southern areas controlled by the central Kingdom, the *igikingi* system governed pastoral lands. The *mwami*, the head of state, was the holder of all land rights and granted usufruct rights to land through local representatives, in return for fees, payments and labour requirements.⁷

In the northwest and the 'Hutu' Kingdoms of Bukunzi and Busozo, the *ubukonde* system was dominant. Under this system, the lineage-group of the person who first cleared a plot of land controlled access to that land.⁸ The rights of exploitation of the land could be granted to others in exchange for obligations and fees, which only rarely included provision of labour.

In agricultural areas under Tutsi control, the *isambu* system replaced the *ubukonde* system. Instead of the lineage-group, the *mwami* became the ultimate owner of the land, which he distributed in return for produce and provision of unpaid labour. This labour requirement was a major difference between the two systems, and it increased the extractive power of the state at the expense of the peasants, which was unpopular. However, in the late 19th century, grievances over land were not articulated in ethnic terms, but rather in terms of a regional, centre/periphery struggle.⁹

The Belgians made ethnic distinctions much more rigid, through racist policies and the imposition of compulsory identification cards which stated whether the bearer was Hutu or Tutsi. In terms of land tenure, the Belgian administration sought to enhance the rights of individual land-users, by abolishing

the *isambu* and *igikingi*, imposing constraints on the *ubukonde* and proposing exclusive individual rights. This contributed to a situation in which users of *igikingi* grazing land who had a number of cows tried to obtain 'private' rights to what had, until then, been a kind of commons resource.¹⁰ This in turn altered the client-patron contracts governing access to land and labour relations, causing much resentment.¹¹ Violent conflicts erupted between land users (clients) on the one hand, and the land 'owners' (political authorities under the *mwami*, the lineage heads, and the church) on the other hand.

Through the 1959 'Social Revolution', the post-colonial government claimed to have dismantled feudal structures and created a more equitable system of land ownership, but the new state elite lost no time in misusing their power to access land and cheap agricultural labour.

Land ownership was radically disturbed by political violence following the 'social revolution' of 1959 and the flight of many Tutsi, whose land was then allocated to others. A process began of accumulation of land by an elite, accompanied by the rise of a landless population. By 1984, approximately 15 per cent of the land-owners owned half of the land.¹² Those buying land tended to be in commerce, government, or the aid industry, rather than full-time agriculture.¹³

Legislation was passed in 1960 and 1961 to further move customary systems towards western notions of property rights, through the formal registration of customary rights.

Customary systems, which rely on unoccupied land to provide social 'safety nets', have become undermined through land scarcity and have evolved, becoming more individualized and monetarized. However, there is a dearth of information regarding their current relevance across the country.

The statutory order no 09/76 of March 1976, which remains the land law currently in operation in Rwanda, sought to avoid the development of a land market. Like subsequent efforts at legislated land reform in 1978 and 1991, many aspects of the law were largely unimplemented. In fact, regulations tended to bring more confusion, rather than clarity, as they were provisional, or were ignored in practice. This seems to be a combination of lack of stakeholder involvement; the sheer technical difficulty of the task, as most people simply did not register sales; and the self-interest of the bureaucrats, themselves part of the class that was most active in acquiring land.¹⁴

In the post-genocide reconstruction period, the idea of development of a new land law began in 1996 and a first concrete study on land reform, funded by the Food and Agriculture Organization of the United Nations (FAO), was conducted in 1997. This recommended that plots should become legally indivisible in order to safeguard plot-sizes, supported the grouped settlements (*imidugudu*) programme, and commercialisation of agriculture. In 1998, preliminary consultative meetings were organized throughout the country and recommended that 'full ownership' of land be given to all landowners. At this time, a draft land bill was completed, but it was decided that a policy should be put in place before the bill was tabled.

In 2000, the Ministry of Lands, Environment, Forestry, Water and Natural Resources (MINITERE) began to develop a national land policy, involving national consultations, and consultative meetings in all provinces, largely involving administrators at the District level.¹⁵

The draft land policy was almost complete by 2001, and was disseminated to a number of civil society organisations. Their comments were incorporated to varying degrees. In the words of one analyst: "the government has declared its intention to consult with the

population as widely as possible and to modify the Policy on the basis of their views. However, the government is very clear on the direction it wishes to take."¹⁶

Also in 2001, the Poverty Reduction Strategy Paper (PRSP) was drafted. This includes several important elements concerning land, including provisions that a) households should consolidate plots to ensure that each holding is not less than 1 hectare; b) there should be a ceiling of 50 ha on land ownership; c) all land should be registered to improve tenure security; d) land titles will be tradable, but not in a way that fragments plots below 1 ha; and e) communities will be involved in the process of allocating title.

The Vision 2020 document, which sets out Rwanda's vision for development, also forms a framework for development of the land policy. It aims to achieve 'recapitalization' and transformation of the rural agricultural landscape into a commercialized sector.

The context: land scarcity and distribution

Population density is today well above 350 people per square km.¹⁷ The effects of this can be summarized as follows; firstly, farm holdings have become smaller due to constraints on land availability and holdings are more fragmented. Secondly, cultivation has pushed into valley-bottom lands and fragile, marginal lands on steep slopes previously used for pasture and/or wood lots. Thirdly, many households now rent land, particularly households owning little land or those with large families; and finally, fallow periods have become shorter and cultivation periods have grown longer, leading to a decline in soil fertility.¹⁸

There is considerable inequality in land access. The gini co-efficient (a measure of inequality) of land distribution has been steadily increasing, and is currently 0.594.¹⁹ As stated in the draft land policy, a significant share of land is in the hands of a rich elite mainly from urban areas.²⁰ There is little recent data available but interviews and published reports suggest that large plots of over 50 ha are not unusual, and that even land under cultivation by peasants has been allocated to individuals and consortiums for ranching and cash cropping.²¹

Several sources have indicated growing landlessness over the last two decades. In 1990, according to some estimates, about a quarter of the rural population was landless, and in some districts that figure was 50 per cent.²²

HIV/AIDS is also an important factor in land use and access patterns. The national sero-prevalence rate is about 11 per cent.²³ A number of studies in Africa have identified general patterns in rural economies affected by high rates of HIV/AIDS infection.²⁴ Death and impoverishment within households due to HIV/AIDS tends to undermine the land rights of the nuclear family, particularly those of women and children. The most pressing issue is that of inheritance after the death of a male head-of-household, with women and children often being dispossessed of land by relatives. Conflicts over land are also associated with HIV/AIDS-related land use changes.²⁵

Some policies that the Government of Rwanda is pursuing – for very good reasons – may in the long-run increase the risk of infection for many people. For example, policies likely to increase rural-urban migration and create pools of rural labour in agro-industry (associated with internal migration and separation of families) are likely to create conditions that hasten the spread of HIV/AIDS in rural areas, unless mitigation measures are put in place.²⁶

In Rwanda, there are associations of people living with HIV/AIDS, which are overwhelmingly female in membership.²⁷ These associations could be important in the struggle to defend the land rights of people living with HIV/AIDS and their relatives.

Aims and modalities of the draft land policy

The recent endorsement of the land policy by the Cabinet is an important landmark in the history of Rwanda. It will be effective if it safeguards the livelihoods of the rural poor, reduces poverty, and mitigates conflict. Given the historical challenges to implementation, it is therefore important to identify possible constraints and limitations to the effective implementation of the current draft policy, while of course recognizing its strengths and the opportunities which it presents.

In terms of rural agriculture, the most important aspects of the policy include: re-organization of habitat in rural areas through grouped settlements (*imidugudu*); establishment of a general master plan of land use and land development; guided land consolidation; specialization of marshland users, and establishment of clear regulations for use.

Capacity for land administration will be augmented by 1) establishment of a Land Centre to provide technical and administrative support to the National Land Commission, as a central land data bank of all land information in the country; and 2) establishment of national, provincial, and district land commissions. There will be a land office in each District with the main role of surveying land parcels and registering land titles. This will be done under the supervision of the District and Sector land commissions.

We look at several aspects of the land policy that we consider to be particularly significant for long-term stability and prevention of conflict in Rwanda. They are: 1) Consolidation of land, 2) Access to land for the landless, 3) Land registration, 4) Addressing inequalities in land ownership, 5) Grouped settlements, and 6) Land use and environmental protection. These are by no means the only important issues, and other sources provide information on other aspects of the policy.²⁸

Consolidation of land

Consolidation is intended to address land fragmentation. It is estimated that the average Rwandan household possesses 5 plots, though in some areas, such as Ruhengeri the average is about 10.²⁹

There remains a lack of clarity about the mechanisms to be employed to ensure that consolidation occurs – the PRSP states that households will be 'encouraged'; and the policy simply states that, "one needs to carry out the regrouping of plots". MINITERE personnel suggest that land consolidation will be focused on encouraging formation of adjacent plots with similar crops. However, by linking the process to grouped settlements, the policy suggests that it may be more comprehensive type of process. MINITERE has yet to state how consolidation will bring significant improvements. Possible ways include various forms of economies of scale and mechanization. However, none of these will bring a miraculous increase in returns: indeed, researchers have argued that, "land consolidation policies are unlikely to increase land productivity significantly."³⁰ Further research is needed.

The policy suggests that consolidation will result in some people losing their lands: "not every one will own a registered plot... however, those who miss out will be compensated." Assuming that compensation is calculated appropriately and paid on time, there remains the question of what alternatives are open to those made landless. Many peasant households will find a move towards non-farm livelihoods challenging, and markets for non-agricultural goods and

services are likely to become quickly saturated if landlessness increases.

Monocropping on consolidated fields may lead to increased rates of soil erosion when compared to the inter-cropped fields commonly seen today.³¹ Also, Rwanda has historically suffered from periods of severe and widespread food insecurity.³² If farmers are encouraged to introduce monocropping of cash crops, to the detriment of more drought-resistant crops, there may be a negative effect on food security.

Access to Land for the Landless

Many people have become landless through distress sales of land, or sheer land scarcity within a family, resulting in some sons being unable to inherit land.³³ The policy says that landless people will benefit from a land reserve; however, it defines the landless specifically as 'old case' refugees who have returned: Rwandans who fled the country in 1959 or later and stayed outside the country for more than 10 years.³⁴ No other type of landless person is mentioned.

It is true that this group has been severely affected by the land problem in Rwanda. However, the issue of landlessness is much wider than this, and will continue to expand as relative land scarcity increases. No information on the number of 'old case' refugees, landless or not, is provided in the policy. The policy is also silent on how, and by who, the land reserve will be allocated: firm criteria need to be set in place and a balance needs to be struck between centralized authority over the process and local authority, for example, through the district land commissions.

The policy also states that in addition to the 'old case' refugees, land from the reserve will be given to, "those who place an application for it, having a consistent plan of development." This may provide an in-road for other landless people to apply: but this will depend on the definition of "a consistent plan of development." If this is interpreted as a business-plan for cash-crop production, for example, then those with economic means are likely to be given priority to access the land reserve over those who are most in need.

Overall, there is a need to redefine the issue of landlessness. A fuller exploration of the phenomenon would inform a holistic and comprehensive policy on landlessness, with an accountable system and clear criteria for allocation, that will not lead to social tensions and would hence mitigate a latent source of future conflict.

Land registration: different meanings of tenure security

Registration of land across the country, and the creation of a modernized land cadastre will be a major feature of the new land policy. Although land will continue to be owned by the state, land tenure security will be achieved through the acquisition of leases, of between 3 and 99 years duration.³⁵ In line with many institutions – particularly the World Bank, for example – MINITERE originally perceived 'land tenure security' as means for farmers to access to credit, through formal title. However, it remains to be seen whether small rural parcels of land of less than 1 ha will actually be viewed by financial institutions as viable forms of collateral, or whether farmers will be willing to 'risk' their lands as collateral. Also, land tenure security cannot be measured objectively but, as a production of social and psychological processes, exists in the minds of the farmers. Experience demonstrates that what most farmers want is security from land disputes – which typically involve members of the family, neighbouring households, or agents of the state.³⁶ This need not necessarily be a formal title deed; the main requirement is a symbol of mutual agreement, between the claimant, the surrounding community, and the state, that the rights to a particular plot will be respected.

The government of Rwanda has re-conceptualized its notion of registration in pragmatic ways. As it is practically impossible for all households to have plots surveyed and registered in the near future, a dual system will be established. The 'formal' or 'national' system will be based on full cost-recovery, will utilize accurate surveying equipment, and will cater to those wishing to gain bank loans or invest significant capital in the plot. The 'informal' or 'local' system will use less expensive mapping methods, and will be affordable.

Addressing inequalities in land ownership

A 'ceiling' on land holding by an individual could address inequalities in the size of plots held by different landowners. In an earlier draft version of the land policy, this maximum was set at 30 ha. However, in the latest version of the policy, it has been dropped altogether. This is problematic, in light of the fact that some politically connected individuals have acquired, over the last few years, land holdings of 50 ha or more for coffee and cattle production.³⁷

Gender inequality is another important problem. In order to address gender inequities in access to land, legislation was passed in 1999 which states that male and female children have equal rights to inherit their parent's property, both prior to, and after, the death of a parent.³⁸ However, there remain a number of obstacles to effective implementation of the law. Firstly, the law only applies to married women: those in long-term unmarried relationships are not covered. Many couples do not get legally married because of the expense, while polygamous households are not legally recognised.³⁹ Secondly, the land law stipulates that women can inherit land as guided by the inheritance law; while the inheritance law (Article 90) states that the land law will further spell how women can inherit land. This does not clarify the position.

Interviews with local administrators in rural areas suggest that with the extra pressure on the land represented by the entry of women as legitimate inheritors of family land, the ban on sub-division of plots smaller than two hectares will be difficult to enforce.⁴⁰ Clearly, gender-based inequalities cannot merely be 'legislated away'. Monitoring of the implementation of the law, by researchers who have experience in gender issues and are aware of the effects of the war and genocide on gender relations, will be essential in order for it to have a positive impact.

Grouped settlements

In accordance with Vision 2020, the draft land policy clearly states that, 'villagization is the one and only method allowing for utilization and proper management of land considering the scarcity of land'. Currently around a quarter of the total population lives in villages.

There are two important questions: first, whether grouped settlements will increase productivity; and second, whether they it will be implementable: the overall financial cost of such a radical programme needs to be estimated.

It is argued that the proximity of houses in *imidugudu* will facilitate cooperation and improve agricultural productivity. However, there exists little firm evidence to suggest that this is the case. Senior agricultural specialists at the University of Rwanda believe that in general, it seems that productivity in *imidugudu* is actually less than in non-villagized areas.

Land commissions are charged by the policy to oversee the grouped settlement policy. In order to do this properly, the composition of the land commissions should include members of those 'voiceless' sections of society who are most easily marginalized as well as those with greater technical and planning abilities. The draft Land Law specifies only that MINITERE will set the mission,

programme, and membership for the provincial and district land commissions.

Land use and environmental protection

The policy cites lack of agricultural 'specialization' as an obstacle to effective land management, with reference to the appropriate choice of crops relative to soil type, altitude, and regional location. The policy argues that, "proper management of national land resources should be based on master plans". It is true that transformation of the rural sector is crucial. However, the predominance of master plans, in the absence of robust multi-sectoral systems for popular consultation and participation in decision making, could undermine the livelihood strategies which have allowed Rwandan peasants to make a living on their small plots. These include strategies to improve soil fertility, reduce the risk of total crop failure by cultivation of a variety of crops, and to reduce the impacts of fluctuating cash crop prices, by simultaneous cultivation of food crops. The rational nature of these diversified cropping patterns should not be ignored by policy-makers.

The management of marshlands is a vital issue. By the late 1990s, the marshes had come to provide about a fifth of the national food production.⁴¹ According to interviews, the poorest households are often allowed to cultivate for free.⁴² The draft Land Policy says that the state will impose the cultivation of particular crops, depending on the location of the region. Large-scale commercial activities are likely to be prioritized. If so, issues such as working conditions on farms and transparency of land allocation will be important.

Conclusions and recommendations

The draft land policy offers many opportunities for Rwanda. However, a great deal remains to be clarified prior to implementation. There are no easy solutions. Therefore, the trade-offs and risks involved in land tenure reform should be spelled out in order to enable discussion and true consensus building. Implementation of policy should be informed by constant monitoring.

Short-term recommendations:

1. The land policy should be piloted in limited areas, and the results monitored, before being applied more widely. Based on the pilot experiences, the government should be ready to amend the land policy.
2. Implementation of the land policy should not be based on compulsion, and the government should ensure that implementation of the policy does not lead to increased landlessness.
3. Systems should be put in place for effective consultation with various line Ministries, the Provincial and District administration, and which will be instrumental in drawing up the more detailed regulations, which will guide policy implementation.
4. Civil society organisations should be involved in policy implementation, especially awareness raising and dissemination of the key aspects of policy; capacity building; and monitoring of the socio-economic and gender impacts of land consolidation and villagisation.
5. Further research into the effects of HIV/AIDS on land rights, particularly for women and children, should be conducted, and the results used to guide amendments to the policy.
6. The composition of the land commissions should include representatives of those 'voiceless' sections of society who are most easily marginalized as well as those with greater technical and planning abilities.
7. Overall, there is a need to redefine the issue of landlessness, to include those who have lost land through processes of im-

poverishment. An accountable system for allocation of land to the landless should be established, with clear criteria for allocation.

8. A more transparent dialogue within the country on governance and post conflict reconstruction is important, particularly in light of the increasing economic and political dominance of a small elite.⁴³ Effective implementation of a fundamental and sensitive issue such as land will not be possible without transparency.
9. There are large gaps in capacity between a) urban-based NGOs and rural organisations, and b) national and international organisations. It is important to build the capacity of local NGO networks to advocate for the land rights of the poor.
10. There is an urgent need to evolve a workable strategy to promote non-farm activities, based on realistic projections, rather than an overly optimistic model, because of the large number of people who may become landless in the near future. This should involve regional as well as national solutions, such as EAC, COMESA, AU.

Notes

1. Bigagaza, J; Abong, C; and Mukarubuga, C. Land scarcity, distribution and conflict in Rwanda, in Lind, J and Sturman, K (eds.) *Scarcity and Surfeit: The Ecology of Africa's Conflicts*, ACTS Press, Nairobi / Institute for Security Studies, Pretoria. 2002, pp.85-156: 121.
2. Kairaba (2002) and Bigagaza *et al* (2002).
3. Because of the overwhelmingly rural nature of Rwandan society, this study concentrates on rural issues.
4. The government of Rwanda gives a figure of 937,000 people.
5. See Melvern, L. (2000) *A people Betrayed: The Role of the West in Genocide in Rwanda*. Zed books.
6. See e.g. University of Rwanda (forthcoming); De Lame, D. (1996) *Une Colline entre Mille Ou me calme avant le tempete: Transformations et Blocages du Rwanda Rurale*. Musee Royale de L'Afrique Centrale, Tervuren. The National Ombudsman reported that the majority of cases received concern land disputes and settlement issues (see Kazooru, Moses, 'Ombudsman Meets District Officials', *The New Times*, Kigali, 16-18 February, 2004).
7. Andre, C. (1998). The term *ibikingi* is preferred by some, such as Prunier (1994)
8. In the process, the Twa were pushed from their customary homes and left with the remaining pockets of forest.
9. Prunier (1996).
10. Nkurikiyimfura, J-N., (1994) *Le Gros Betail et la Societe Rwandaise*, L'Harmattan, Paris, cited in Prunier (1994).
11. Uvin (1996) points out that throughout this entire period, and ever since, the *Bazungu*

- (Europeans) have effectively formed a 'fourth tribe' in Rwanda: and have consistently enjoyed the highest standards of living in Rwanda.
12. National Agricultural Survey, 1984, cited in Uvin, P. *Aiding Violence: The Development Enterprise in Rwanda*; Kumarian Press. (1998).
13. Uvin, P. *Aiding Violence: The Development Enterprise in Rwanda*; Kumarian Press. (1998).
14. See Uvin, P. *Aiding Violence: The Development Enterprise in Rwanda*; Kumarian Press. (1998).
15. Interviews, Butare Province; and Bledsoe, D. (2004) *Trip Report for MINITERE*. RDI
16. Jones, L. Giving and Taking Away: The Difference between Theory and Practice Regarding Property in Rwanda. 2003. In Leckie, S. *Returning Home: Housing and Property Restitution Rights for Refugees and Displaced Persons*. Transnational Publishers. New York. (2003).
17. Baechler, G Violence through environmental discrimination. Academic Kluwer. (1999).
18. Clay, Kampayana and Kayitsinga. *Inequality and the emergence of non-farm employment in Rwanda* MSU/MINAGRI. 1996.
19. Republic of Rwanda (2002) *A Profile of Poverty in Rwanda*. MINECOFIN, Kigali
20. See Republic of Rwanda Ministry of Lands (2004).
21. Interviews with CSOs, Kigali, April 2004, and Human Rights Watch. *Uprooting the Rural Poor*. Washington D.C. (2001).
22. See SIDA (2004) *A Strategic Conflict Analysis for the Great Lakes Region*. SIDA Division for Eastern and Western Africa.
23. Kornfield et al. *Living with AIDS in Rwanda: A Study in Three Provinces*. John Hopkins University. (2002).
24. See e.g. Loevinsohn, M. and Gillespie, S. HIV/AIDS, Food Security and Rural Livelihoods: Understanding and Responding. *Renewal Working Paper No. 2*. IFPRI/ISNAR, 2003; Strickland, R.S. To Have and to Hold: Women's Property and Inheritance Rights in the Context of HIV/AIDS in Sub-Saharan Africa. Working Paper. International Centre for Research on Women/ The Global Coalition on Women and AIDS. June 2004.
25. Kamusiime, H., Obaikol, E., and Rugadya, M. *Integrating HIV/AIDS in the Land Reform Process*. Associates for Development, Kampala. (2004).
26. Loevinsohn, M. and Gillespie, S. HIV/AIDS, Food Security and Rural Livelihoods: Understanding and Responding. *Renewal Working Paper No. 2*. IFPRI/ISNAR. (2003).
27. Kornfield et al. *Living with AIDS in Rwanda: A Study in Three Provinces*. John Hopkins University. (2002).
28. See e.g. documents by LandNet Rwanda, MINITERE/DFID, and Oxfam GB, available online at http://www.oxfam.org.uk/what_we_do/issues/livelihoods/landrights/africa_east.htm.
29. Andrea, Catherine. 2003. "Custom, Contracts and Cadastres in North-West Rwanda," in Tor A. Benjaminsen & Christian

Lund (eds.), *Securing Land Rights in Africa*. London: Frank Cass. Cited in Bledsoe, D. (2004).

30. Blarel, B., Hazell, P., Place F., and J. Quiggin. The Economics of Farm Fragmentation: Evidence from Ghana and Rwanda. *World Bank Economic Review*, Vol. 6 No. 2. (1992).
31. Chemonics International Inc. (2002) *Rwanda: Quality and Environmental Management Incentives for Agricultural Trade*. USAID.
32. Frequent periods of famine have been recorded in the history of Rwanda: 1890, 1895, 1887-98, 1900-1903, 1904-08, 1909, 1910, 1911, 1912, 1916-18, 1921-22, 1924-26, 1927, 1928-29, 1943 (Bachler 1999 citing Nahimana 1993).
33. Andre C., Plateau, J-P. *Land Relations Under Unbearable Stress: Rwanda Caught in the Malthusian Trap*. Centre des Recherché en Economie du Developpement Namur, Belgium. (1995).
34. Section 5.1.2.3 of the draft land policy.
35. Draft Land Law, May 2004.
36. Bledsoe, D. *Republic of Rwanda Land Policy and Law. Trip Report: Findings and Recommendations*. RDI/USAID/ MINITERE. (2004)
37. Interviews, Kigali, April 2003; April 2004. The draft land policy also mentions "the increasing hold of the urban elite over rural land".
38. Law to Supplement Book 1 of the Civil Code and to Institute Part 5 Regarding Matrimonial Regimes, Liberalities, and Successions.
39. Children of polygamous marriages will also be excluded from legal inheritance rights. Burnet, J. (2001).
40. Interview with land specialist in Kigali, May 2004.
41. Van de Gisiem, N. and Andreini, M. (1997) *Legal Quagmires: Wetland Use and Development in Rwanda and Zimbabwe, in Law and Anthropology. International Lawbook for Legal Anthropology*. No 9; cited in Pottier, J. (Re) *Imagining Rwanda*. University of Cambridge Press. (2002)
42. Pottier, J. (2002).
43. This is not a reference to any particular ethnic group, but rather to a small group of powerful, politically connected individuals based largely in Kigali.

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