

# IMPROVING TENURE SECURITY FOR THE RURAL POOR

## RWANDA – COUNTRY CASE STUDY



Dr Herman Musahara  
National University of Rwanda

2006



FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Support to the Legal Empowerment of the Poor (LEP)

Improving tenure security for the rural poor –

with the financial assistance of Norway under a Programme Cooperation Agreement





# **IMPROVING TENURE SECURITY FOR THE RURAL POOR**

**RWANDA – COUNTRY CASE STUDY**

**IMPROVING LAND TENURE SECURITY FOR THE POOR IN RWANDA**

**Dr Herman Musahara**

2006

Photograph by FAO

This paper was prepared under contract with the Food and Agriculture Organization of the United Nations (FAO). The positions and opinions presented are those of the author alone, and are not intended to represent the views of FAO.

Most of the world's poor work in the "informal economy" – outside of recognized and enforceable rules. Thus, even though most have assets of some kind, they have no way to document their possessions because they lack formal access to legally recognized tools such as deeds, contracts and permits.

The **Commission on Legal Empowerment of the Poor** (CLEP) is the first global anti-poverty initiative focusing on the link between exclusion, poverty and law, looking for practical solutions to the challenges of poverty. CLEP aims to make legal protection and economic opportunity the right of all, not the privilege of the few. (see <http://legalempowerment.undp.org/>)

CLEP has identified specific tenure issues, including i) how to make property rights accessible to all, especially poor and marginalized communities, groups or individuals and ii) how to ensure that property rights of the poor function as means of achieving economic and social empowerment, particularly in the context of gender equity and those affected by HIV/AIDS.

There is growing empirical evidence that giving legal recognition to informal property rights in urban areas brings positive results. However, a similar body of evidence does not exist for the empowerment of people in rural areas. Instead, the signs are mixed, resulting in a largely sterile and divisive debate on formalization of rights.

FAO, with donor funding from Norway, has undertaken a set of activities for "Improving tenure security of the rural poor" in order to meet the needs of FAO member countries and, in turn, support the CLEP. This work falls within the FAO corporate strategy on "Sustainable rural livelihoods and more equitable access to resources". Recognizing that secure access to land and other natural resources (forests, water, fisheries, pastures, etc.) is a crucial factor for eradication of food insecurity and rural poverty, FAO's cross-departmental and cross-disciplinary work focused 2005-2006 activities on sub-Saharan Africa which has the world's highest percentage of poor and hungry people.

This paper is part of FAO's effort to inform the CLEP through its working group on property rights. It was prepared for the regional technical workshop on "Improving tenure security of the rural poor" held in Nakuru, Kenya, October 2006, at which issues relating to property rights were reviewed and actions were initiated to develop common strategies for improving the protection of rights to land and other natural resources of the rural poor.

\_\_\_\_\_

Dr Herman Musahara  
November, 2006

**TABLE OF CONTENTS**

<b>LIST OF ACRONYMS</b> .....	IV
<b>EXECUTIVE SUMMARY</b> .....	V
<b>1 INTRODUCTION</b> .....	<b>1</b>
<b>2 METHODOLOGY</b> .....	<b>1</b>
2.1 METHODS .....	1
2.2 HYPOTHESIS .....	2
2.3 OBJECTIVES .....	2
<b>3 LAND TENURE SECURITY AND POVERTY REDUCTION</b> .....	<b>2</b>
<b>4 ACCESS TO LAND PROBLEM IN RWANDA – A BACKGROUND</b> .....	<b>4</b>
4.1 LAND TENURE SYSTEMS IN RWANDA .....	4
4.2 LAND SCARCITY AND ENVIRONMENTAL DEGRADATION .....	6
4.3 LAND DISTRIBUTION .....	7
<b>5 ISSUES OF TENURE SECURITY IN RWANDA</b> .....	<b>8</b>
5.1 THE POOR AND VULNERABLE IN RWANDA .....	8
5.2 ACCESS TO LAND BY THE POOR.....	9
5.3 FORMALIZATION.....	10
5.4 PRACTICALITIES OF IMPLEMENTATION INCLUDING LOCAL-LEVEL ISSUES .....	10
<b>6 CONCLUSION</b> .....	<b>16</b>
<b>BIBLIOGRAPHY</b> .....	17

## LIST OF ACRONYMS

ACTS	-	African Centre for Technology Studies
DFID	-	Department for International Development
ENBC	-	Enquete Nationale de Budget et Consommation
FAO	-	Food and Agriculture Organization of the United Nations
GoR	-	Government of Rwanda
ICARRD	-	International Conference on Agricultural Reform and Rural Development
ISS	-	Institute for Security Studies
MINITERE	-	Ministry of Lands
NURC	-	National Unity and Reconciliation Commission
PRSP	-	Poverty Reduction Strategy Paper
Rwf	-	Rwandan franc (500 Rwf = approximately 1 US\$)
UNCTAD	-	United Nations Conference on Trade and Development
UNICEF	-	United Nations Children Fund

## EXECUTIVE SUMMARY

The paper argues that current land reform holds the potential to improve tenure security for the poor in Rwanda. However, the components of the envisaged reform which are necessary for improving access to land in Rwanda are not sufficient to provide the base needed for sustainable livelihoods of poor groups. In viewing the country-specific context of Rwanda, the study questions whether external advice and resulting regulations for improving security of tenure for the poor actually can provide answers to problems of sustainable livelihoods, especially in terms of reducing specific forms of poverty, vulnerability and marginalization. In particular, it is questionable whether current land reform efforts in Rwanda can be expected to be efficient and effective in reducing poverty and promoting sustainable and pro-poor growth.

The paper uses secondary data from recent land studies and a specific survey of 70 households to illustrate land issues in Rwanda as they relate to poverty. A conceptual frame is provided to support the argument that access to land is a broader issue than is usually perceived. Beyond access to natural resources, it also encompasses access to credit, technology and modern production conditions. Likewise, land reform cannot be confined to land redistribution alone. It should include agricultural organization and management – in other words, it should encompass agrarian reform.

In illustrating the link between land reform and poverty reduction in Rwanda, the paper shows that land reform can:

- aim at a more equitable pattern of land distribution to promote more equitable and possibly higher growth rates and improved security for land users operating under diverse forms of tenure;
- adopt a pluralistic approach that seeks convergence of customary and formal tenure systems to avoid overlapping and conflicting sets of rights;
- assist the poor in gaining access to land and natural resources through activities such as brokering negotiations among local communities, state agencies and the private sector;
- create an enabling policy and legal framework that promotes subsidiary and devolves authority to local and indigenous institutions while ensuring access and transparency in land administration and tribunal/judicial processes;
- strengthen the consultation processes within civil society and make access to official policy and legislative processes easier.

More specifically, the paper focuses on the problem of land access in Rwanda. Three problems are identified. First, land has been the property of the state for many decades. Land titles are only common in urban areas and in a few rural areas where churches, especially the Roman Catholic church, have secured ownership of large plots of land. The section gives a historical background of land tenure in Rwanda and concludes by showing how the 1994 genocide exacerbated the land problem. The displacement of households caused by the genocide coupled with influx of other Rwandans returning to the country after being in diaspora, some for as long as three decades, has led to a problem of multiple claims on individual plots. It is argued that land reform in terms of law and policy is an attempt to answer the problem and the historical ambiguity of land rights in Rwanda.

Second, there is a problem of land scarcity and environmental degradation. Rwanda's combination of high population density (one of the highest in sub-Saharan Africa) and severe soil erosion on its hillsides that affects more than 50 percent of all households, has also resulted

in low yields and overcultivation. In addition, more than 80 percent of Rwanda's forests have disappeared due to human action related to lack of policy, legacy of conflict and resultant population movements. Land reform has come as a response to the need for optimal land use.

A third problem is that of land distribution. Although not as acute as in southern Africa, land distribution in Rwanda has been skewed negatively over the years. The land policy acknowledges that land has been accumulated by small urban-based elite. More than 73 percent of Rwandans farm less than 1 ha.

In light of these problems, the passage and enactment of the 2004 Land Policy and 2005 Land Law constitute a reform in Rwanda. The 2004 Land Policy basically provides that: i) all Rwandans will enjoy the same rights of access to land; ii) all land should be registered for security and titles that are tradable unless it fragments a plot to less than 1 ha; iii) land use should be optimal; iv) consolidation of household plots is encouraged to ensure that each holding is not less than 1 ha; v) land administration is to be based on a reformed cadastral (registered title deeds) system; vi) a system of land administration is to be developed; and vii) marshlands are in the state's private domain and are to be allocated to individuals on concession by the Ministry of Lands (MINITERE) on condition of good management.

The Land Law, gazetted in August 2005, supports the same argument as the Land Policy: i) all land has to be registered; ii) land consolidation is encouraged and will be approved by the minister responsible for agriculture in conjunction with local authorities; iii) land has to be protected and conserved; iv) monitoring of land use is assigned to land commissions whereas registration is assigned to land officers; v) failure to use, protect and conserve land properly can result in requisition or confiscation; vi) land ownership is only provided through leases of up to 99 years; vii) marshlands remain state property; viii) transfer of title deeds requires prior consent of all family members, ix) there will be a land tax; and x) undeveloped land reverts to the state's private domain after three years.

The paper further introduces evidence from recent studies and empirical data from our 70-household survey to illustrate that the current reform has limited capacity to address the problems of the poor and vulnerable. It is demonstrated that giving out titles through formalization will not provide a full answer to poverty and livelihood problems. The proposed land consolidation has not been elaborated well enough to prove it can offer a solution to land problems. Agricultural commercialization and professionalization will most likely alienate poor farmers. Gender has not been clearly mainstreamed in the land reform process and land disputes, a major form of insecurity, will not be eliminated by merely enacting a law. Our own survey shows that although there are common problems throughout the country, they manifest themselves differently in different regions of Rwanda. Households in the east have more cattle and relatively more land and are not as poor as in the land-scarce south. Despite application of fertilizers, land in the south provides only minimal income to landowners. There is a strong likelihood that the form and approach of the present land reform will not be effective enough in addressing the enduring problems of the poor, who depend mainly on land for their livelihoods.



## 1 INTRODUCTION

This paper's main focus is Rwanda, specifically current land reform efforts meant to improve tenure security of Rwanda's poor. However, the components of the envisaged reform which are necessary for improving access to land in Rwanda are not sufficient to provide the basis needed for sustainable livelihoods of poor groups. In viewing the country-specific context of Rwanda, the study questions whether external advice and resulting regulations for in improving security of tenure for the poor actually can provide solutions to problems of sustainable livelihoods, especially in terms of reducing specific forms of poverty, vulnerability and marginalization. In particular, it is questionable whether current land reform efforts in Rwanda can be expected to be efficient and effective in reducing poverty and promoting sustainable and pro-poor growth.

Discourses on sustainable livelihoods for the poor, their empowerment and how more equitable access to resources can support the efforts to achieve the Millennium Development Goals have guided this study. The rest of the paper is organized as follows.

Section 2 outlines the methodology. It identifies the sources of data and information and the paper's guiding hypothesis and objectives. It also describes how data was collected from two districts of Rwanda.

Section 3 reviews the concepts of access and tenure security in light of sustainable livelihoods and poverty reduction. It also broadly outlines how access to land and natural resources links to poverty reduction and illustrates empirical links between improved access and poverty reduction.

Section 4 provides a contextual narrative of problems of access and tenure security in Rwanda. The section sets a background for further analyses and identifies the factors that have constrained access to land by the poor in Rwanda. This section serves to strengthen the argument that land reform in Rwanda, based on its Land Policy and Land Law, is a *de facto* response to enduring problems of access and impoverishment.

Section 5 presents and analyses data on Rwanda, including existing secondary data and primary data collected from two districts – one with an acute shortage of land and another with relatively larger plots but arid conditions.

Section 6 offers conclusions and raises issues that need policy attention or further research.

## 2 METHODOLOGY

### 2.1 Methods

For this case study, existing literature on land tenure security and land reform with regard to Rwanda has been reviewed. Three levels of data analysis have been employed.

First, data from two recent land surveys have been re-analyzed in light of the case study. These include the Land and Conflict Survey in Kibungo District (Gasarasi and Musahara, 2004) and the Land Study on Kibuye District (Gasarasi, 2005). A second level of analysis reviews three recent land reports that draw mainly on secondary data (Musahara and Huggins, 2005; Musahara, 2005; ICARRD, 2006).

A third level involved a rapid survey in the districts of Gisagara and Nyagatare. It included 70 households specifically sampled to include different household types. Gisagara District, located in Southern Province, has a population density of up to 700 people per km<sup>2</sup> in some areas. This area of Rwanda epitomizes its acute land scarcity problem. In Nyagatare District, to the east, land is relatively plentiful but the climate tends to be dry. It has the largest concentration of free range cattle herders in the country. It also has a high concentration of “old case” returnees. These are Rwandans who were in diaspora for more than 30 years and had to be resettled by the government in 1994 when they returned.

## 2.2 Hypothesis

Improving tenure security in Rwanda is a goal of current reform. Although the reform has been a necessary step in response to land problems, thus far it appears insufficient for addressing poverty reduction effectively or for ensuring sustainable livelihoods.

## 2.3 Objectives

The study has been organized to meet the following objectives:

- outline the ways in which the poor, vulnerable and marginalized in rural Rwanda access land and the ways in which they may lose it;
- identify constraints of formalization as a tool for protecting property rights in rural areas, specifically identifying groups that may benefit and those that may lose and need to be protected;
- identify how issues are dealt with at the local level;
- assemble field examples of how the rights of the poor, vulnerable and marginalized have been protected or how their problems have been aggravated;
- analyze the implementation practicalities of formalization in terms of the design and establishment of the registration system, human resource capacity, public awareness and sustainability of the system, especially in terms of maintenance costs in rural areas with low value of land assets.

## 3 LAND TENURE SECURITY AND POVERTY REDUCTION

Turner and Adams (2004) defined land tenure security as securing access and rights for people who wish to hold land for diverse purposes. Some 92 percent of Rwanda’s population live in rural areas and 90 percent depend on agriculture. A majority of the poor are in rural areas (GoR, 2002a). In Rwanda, as in other areas where land is a main source of livelihood, improving tenure security is an important approach to reducing poverty. There has been considerable evidence to demonstrate the link between land and poverty (Musahara, 2001) and subsequently a link between improving access to land and poverty reduction.

Quan (2000) identified the general link between land and livelihoods as the following.

*In rural areas land is a basic livelihood asset, the principal form of natural capital from which people produce food and earn a livelihood. Access to land enables family labour to be put to productive use in farming, generates a source of food and provides a supplementary source of livelihood for rural workers and urban poor. The grazing of livestock on extensive range lands is a basic livelihood activity for pastoralists and access to pasture land is also important to supplement the livelihood of arable*

*farmers... land can be loaned, rented or sold in times of hardship and thereby provides some financial security. At the same time a heritable asset land is the basis for the wealth and livelihood security of future generations.*

He further observed that the contribution of land to economic growth depends upon the security, duration and enforceability of property rights. Knowing that property rights are secure provides an incentive for agricultural investment and helps develop markets for renting and selling land. This also supports the common wisdom that securing land tenure is important for poverty reduction. It is in this vein that land reform, as a process, can be used to improve the tenure security of the poor (ICARRD, 2006b). In fact, several countries' poverty reduction strategy papers (PRSPs) have mainstreamed access to land as an approach to poverty reduction.

Land reform is undertaken in different parts of the world for different purposes (Adams, 1995; Toulmin and Quan, 2000). In those areas where land reform is geared to improving access and rights of poor groups, it is considered a means to reduce poverty and improve livelihoods (FAO, 2002). Adams (1995) finds that land reform is generally defined as "the redistribution of property or rights in land for the benefit of the landless, tenants and farm labourers." However, he finds this a narrow definition and makes a further distinction between land reform and agrarian reform, with agrarian reform including both land tenure and agricultural organization.

This indicates that, in terms of policy, governments look beyond redistribution. They should support other rural development measures, such as improving farm credit, supporting cooperatives for farm-input supply and marketing, and establishing extension services to facilitate the productive use of the reallocated land.

This broader approach also can be extended to include natural resources. Birgegard (1993) states that natural resource tenure simply refers to the terms and conditions on which natural resources are held and used. He further emphasizes its dynamic nature by pointing out that tenure is not a matter of man's relationship to natural resources. Instead, tenure includes relationships among individuals and groups of individuals in which rights and obligations, with respect to control and use, are defined. This approach touches upon all areas of rural life and, therefore, its reform must also link to both the political and social fabric of an area.

The real question that follows this argument concerns how land reform becomes a useful tool in poverty reduction. Toulmin and Quan (2000) have identified several avenues through which land reform is connected to poverty reduction, indicating that land reform can:

- aim at a more equitable pattern of land distribution to promote more equitable and possibly higher growth rates and improved security for land users operating under diverse forms of tenure;
- adopt a pluralistic approach that seeks convergence of customary and formal tenure systems to avoid overlapping and conflicting sets of rights;
- assist the poor in gaining access to land and natural resources through activities such as brokering negotiations among local communities, state agencies and the private sector;
- create an enabling policy and legal framework that promotes subsidiary and devolves authority to local and indigenous institutions while ensuring access and transparency in land administration and tribunal/judicial processes;
- strengthen the consultation processes within civil society and make access to official policy and legislative processes easier.

The same linkage was pointed out with regard to Rwanda as early as the late 1980s. Blarel (2001) noted that when farmers in Rwanda felt insecure on the land they operated, they had

little incentive to invest in new land improvements or to maintain existing land improvements that raise productivity. The farmers needed to feel the benefits from their improvements would be perpetual and even would provide benefits to heirs who would inherit the land. However, the question remains as to whether the problems of land security in Rwanda are due simply to unequal land distribution or if there are other and more binding constraints to access to land by the poor. Answering this question requires an analysis of both Rwanda's rationale for land reform and the resulting land reform efforts, in terms of their capacity to secure tenure for the poor and other implications for poor groups.

#### **4 ACCESS TO LAND PROBLEM IN RWANDA – A BACKGROUND**

Access to land can have several meanings that go beyond the strict legal definitions of land tenure. For the purpose of this study, access to land will be defined as: “the right or opportunity to use, manage, and control land and its resources. It includes the ability to reach and make use of the resource” (Nichols, *et al.*, cited in Thompson, 2003).

This indicates that access is mediated by various political, economic, social, technical and legal factors (Daudelin, 2003). Access to land also can include access to the *benefits* of land – such as the income streams generated through productive land-based activities. From this perspective, land access is seen as part of the broader context of agricultural and pastoral production, encompassing several significant factors including access to inputs, fertilizer, seeds, technology, credit and water for irrigation.

Based on this, it can be said, first, that access to land in Rwanda has been constrained by lack of a legal and regulatory framework for land use and ownership. Second, there have been severe constraints of physical scarcity. For several decades, secure access meant acquiring and clearing more land. Third, access to land has been indirectly constrained by lack of access to technology, fertilizer and improved seeds. In addition, land distribution has also been a major constraint to securing access for most poor groups in Rwanda, as in other parts of sub-Saharan Africa. With data and information on these arguments, it can be concluded that land reform in Rwanda has come as a response to more critical land issues than negatively skewed land distribution.

##### **4.1 Land tenure systems in Rwanda**

The land tenure system in Rwanda was inherited from Belgian colonial rule (Musahara and Huggins, 2005). Until independence in 1962, an indigenous or customary tenure system existed alongside codified land tenure rules for land owned by foreigners. The customary law recognized land rights obtained by: i) inheritance through the male line and ii) clearing new land to which no claim had been laid.

The written law abolished forced labour in 1949 and cattle clientship in 1954. In 1960, a special Provisional Council suspended private rights to pastureland and its Commission of Enquiry drew up decrees related to cultivated land in the north and west. These evolved into a land issue act whereby customary law generally was upheld and land redistributed among patrons and clients in Ruhengeri and Gisenyi.

However, the 1962 Rwandan Constitution (Article 108),<sup>1</sup> recognized Belgian land tenure regulations as binding, stating that lands occupied by the original inhabitants were to remain in their possession, all unoccupied lands belonged to the state, all sales or gifts of land were to be

---

<sup>1</sup> Note: the 1960 Provisional Council, mentioned in previous paragraph, was a step back to customary law but the 1962 Constitution moved in the opposite direction, reinstating the Belgian written statutory law.

approved by the Minister of Agriculture and lands belonging to persons who were not original inhabitants had to be registered.

The overall situation was not changed very much by a 1976 law that said, briefly: all lands not appropriated according to written law belong to the state; lands subject to customary law or rights of occupation granted legally can only be sold with permission from the minister responsible for lands and if the communal council has expressed an opinion on the transaction; and the minister can only grant such authorization when the seller has at least 2 ha remaining and the buyer does not possess more than 2 ha. In addition, contravention of the above provisions were punishable by a fine of 500 – 2000 Rwandan francs and the loss of customary rights or rights of land occupation.

Reintsma (1983) noted a number of aspects of land tenure that summarized Rwanda's situation after independence and remained true until recently. He found that shortage of land led to: i) an increased number of land transactions, notably in densely populated areas such as Ruhengeri and Butare and ii) increased long-term land rental and land fragmentation. Inheritance law provided that land would be subdivided among male heirs and when subdivisions became too small, another plot was cleared or bought. With increasing land scarcity, farmers had to go further afield to acquire new lands and holdings became more dispersed.

In addition, land scarcity gave rise to considerable internal migration. People moved from overpopulated areas into areas that had been underpopulated, mainly due to poor soil, lack of water supply or the presence of the tsetse fly. For example, Bugesera Region had a population density of 20 persons per km<sup>2</sup> in 1960 that rose to 120 persons per km<sup>2</sup> by 1978. This migration intensified and continued until the early 1990s (Clay and Ngenzi, 1990). In Kibungo District of East Province, a 2004 survey cited the problems of dealing with an inflow of people from the northern districts (Musahara and Gasarasi, 2005).

Bralel (2001) notes that after independence, except for the 1976 Land Law and two decrees the previous year, there was little state intervention in Rwanda's land matters. Land reform is an agenda that has arisen from more recent problems, even though the accounts of land-related problems had started to emerge much earlier.

This was the general condition when Rwanda erupted in genocide in 1994. It is noteworthy that the conditions surrounding land access in Rwanda were significant and intensified in the years before the genocide (Andre and Platteau, 1998). The war and genocide worsened the already precarious access to land in Rwanda. By July 1994, an estimated 1 million people, or more than 10 percent of the population, had been massacred. About 30 percent temporarily fled the country, only to return *en masse* between 1996 and 1997 (World Bank, 1998). In addition, up to 1 million "old case" returnees had returned to Rwanda after more than 30 years in diaspora. By 1997, there were complex and multiple claims on scarce land (GoR, 2004). What is noteworthy is that, in addition to sending more people into poverty, the genocide created more vulnerable groups that were laying claim on land for improving livelihoods and overcoming the resultant shocks. Despite the earlier attempts to improve land tenure security for the poor of Rwanda, the post-genocide land security saga was pitted against absence of a clear land law and policy.

According to the Arusha Peace Agreement,<sup>2</sup> Rwandans who spent more than 10 years outside the country could have no claim on land. The "old case" returnees were allowed to cultivate land on a temporary basis. The government instituted grouped settlements (*imidugudu*) in 1996 to provide a

<sup>2</sup> The Government of Rwanda and the Rwanda Patriotic Front engaged in negotiation in Arusha, Tanzania. RPF sought to secure return of Rwandans who had been in diaspora for more than three decades. The genocide interfered with the negotiations but most of its provision was used by the new Rwandan government after July 1994.

temporary solution to lack of shelter, but their long-term capacity to release arable land and form a basis of new production and tenure relations was not clearly defined by any policy or law.

The debates on land reform started in earnest after the genocide (Gasasira, 1995; Barriere, 1997). Land reform was geared to dealing with problems of land access insecurity arising from the genocide but also lack of effective legislation. However, to understand the entire issue, it is necessary to look beyond legislation reform rationale and post-genocide problems. For decades, security of tenure was stressed and threatened by other structural problems in the economy of Rwanda, particularly population pressure and land and environmental degradation.

## 4.2 Land scarcity and environmental degradation

Rwanda is one of the smallest countries in sub-Saharan Africa with a surface area of 26 388 km<sup>2</sup> of which 52 percent, or 1.38 million ha, is arable. Forests cover 3 000 km<sup>2</sup> or 12.4 percent of the total land area (Waller, 1999). Protected areas, particularly the Akagera National Park, Nyungwe Forest and Virunga (Volcano) National Park constitute 3 600 km<sup>2</sup> or 14.6 percent of total land area (GoR, 2001).

Since the 1950s, the population of Rwanda has almost quadrupled, causing enormous land pressure. In 1934, the population was 1.5 million; by 2003, it had risen to 8.16 million. In the 1960s, agricultural land density was 121 persons per km<sup>2</sup>, rising to 166 persons per km<sup>2</sup> within ten years and to approximately 262 persons per km<sup>2</sup> in 1990. Today, the national average is well above 350 persons per km<sup>2</sup> (Baechler, 1999; GoR, 2003), but in some areas, it is even higher. In the south, parts of Save District that were surveyed for this study have some 700 persons per km<sup>2</sup>. In the north, Ruhondo is thought to have 820 inhabitants per km<sup>2</sup>, the highest population density on arable land in all of sub-Saharan Africa (Prunier, 1995).

In the late 1960s, scholars began warning of a growing absolute land scarcity in Rwanda. Landal (1970) stated that “it is assumed that by 1975, *ceteris paribus*, there will be no further land for cultivation lying idle.” This became a reality in the 1980s when several Rwandan families started migrating into neighbouring countries because they had no land for cultivation (Clay and Ngenzi, 1990; Waller, 1999).

Land scarcity would not be such a constraint if small plots were productive enough to ensure livelihoods for the majority of the poor. However, in this case, scarcity has been exacerbated by soil erosion, overcultivation, resource degradation and the resulting fall in agricultural productivity.

Clay (1996) pointed out that, on average, farmers now face a decline in productivity in nearly half their holdings due to soil degradation. He states that soil erosion is moderate to severe on 50 percent of the land surface of Rwanda, with up to 80 percent of households in hilly areas such as Ruhengeri dealing with a decline in productivity related to soil erosion. Soil erosion reduces Rwanda’s capacity to feed 40 000 persons per year (GoR, 2004). Of course, it should be noted that some of the topsoil now contributes to the fertility of the marshlands, so it is not completely “lost” to the agricultural system.

Environmental degradation is not limited to soil erosion (fluvial and dry) alone. In the 1980s, the deforestation rate was 2.3 percent or 2 000 ha per year. Primary forest once covered 80 percent of the country, today only 5 to 8 percent is left (Baechler, 1999). The search for more land for cultivation also led to high altitude degradation. In the past, cultivation was practiced at a maximum elevation of 1800 m, today the maximum is 3000 m. The need for wood for uses such as fuel and timber is the major agent of Rwanda’s environmental degradation. In excess of 4.5 million m<sup>3</sup> of wood is exploited each year, up from 3.5 million m<sup>3</sup> in 1990 (Baechler, 1999).

A recent study (Musahara, *et al.*, 2006) confirmed the devastation to forests and ecosystems in Rwanda. Gishwati forest alone has lost some 98 percent of its original cover.

Limited access to technology, inputs and even credit also contribute to land scarcity. Rwandan agriculture is still overwhelmingly traditional. The hilly relief does not permit use of modern technology. Only one tractor is available for 100 ha of arable land compared to 175 in Botswana or 20 in Tanzania. Irrigation can be applied to less than 0.4 percent of the cultivated area (GoR 2001). Most farmers lack access to chemical fertilizers which are expensive. Chemical fertilizers are used by only 5.2 percent of Rwanda's rural households. Between 1996 and 1998, on average, only 400 grams of fertilizers were used per ha of arable land in Rwanda compared to 35 700 grams in Kenya or 53 700 grams in Zimbabwe (GoR, 2002b).

### 4.3 Land distribution

Unequal distribution of land is not a phenomenon restricted to countries with large colonial settler populations or large farms and plantations such as South Africa, Kenya and Zimbabwe. In Rwanda, there is ample evidence that, in addition to diminishing plot sizes for cultivation and grazing, land distribution has become more and more negatively skewed over the years (Bigagaza, *et al.*, 2003). In 1984, 56.7 percent of Rwandan household had landholdings of less than 1 ha (Baechler, 1999). By 2000, it had risen to 77.6 percent (GoR, 2002).

**Table 1** Land Distribution by percentage of households 1984

Classification of holdings	Percentage of households	Percentage of cultivated land
Less than 0.5 ha	26.4	6.9
0.5 – 1.0 ha	30.3	18.4
1.0 – 1.5 ha	15.6	15.7
1.5 – 2.0 ha	11.1	16.1
More than 20.0 ha	16.4	42.9
<b>Total</b>	<b>99.8</b>	<b>100.0</b>

Source: ENBC 1983-85; cited in Baechler, 1999

By the mid-1980s, large swathes of land were in the hands of a minority urban elite. In 1984, an estimated 50 percent of agriculturally productive land was on 182 000 farms out of a total of 1.1 million (Baechler, 1999). The government acknowledges the unequal distribution of land in Rwanda (GoR, 2004). The 2004 Land Policy recognizes the elite, mainly urban-based group of large land owners as one of several land problems. Unequal land distribution also had an impact on conflict and poverty in Rwanda (Musahara and Gasarasi, 2005). However, the most important manifestation of tenure insecurity in Rwanda is the sheer number of land disputes<sup>3</sup> that arose after the genocide (NURC, 2000; Musahara and Gasarasi, 2005) and even before the genocide (Andre and Platteau, 1998).

**Table 2** Distribution of land holdings in Rwanda in 2000

Classification of holdings	Percentage of agricultural holdings
Less than 0.5 ha	58.6
0.5 – 1.0 ha	19.0
1.0 – 1.5 ha	10.6
1.5 – 2.0 ha	5.8
2.0 – 3.0 ha	3.5
3.0 – 4.0 ha	1.2
4.0 – 5.0 ha	0.5
More than 5.0 ha	0.8
<b>Total</b>	<b>100.0</b>

Source: GoR, 2002

<sup>3</sup> See Table 4.

Recognizing both the unequal distribution of land and the rising number of land disputes corroborates the argument that land reform in Rwanda must be geared to addressing multiple and complex land-related problems. The 2004 Land Policy basically provides that: i) all Rwandans will enjoy the same rights of access to land; ii) all land should be registered for security and titles that are tradable unless it fragments a plot to less than 1 ha; iii) land use should be optimal; iv) consolidation of household plots is encouraged to ensure that each holding is not less than 1 ha; v) land administration is to be based on a reformed cadastral (registered title deeds) system; vi) a system of land administration is to be developed; and vii) marshlands are in the state's private domain and are to be allocated to individuals on concession by the Ministry of Lands (MINITERE) on condition of good management.

The Land Law was gazetted in August 2005. Most elements of the Land Law support the same argument as the Land Policy: i) all land has to be registered; ii) land consolidation is encouraged and will be approved by the minister responsible for agriculture in conjunction with local authorities; iii) land has to be protected and conserved; iv) monitoring of land use is assigned to land commissions whereas registration is assigned to land officers; v) failure to use, protect and conserve land properly can result in requisition or confiscation; vi) land ownership is only provided through leases of up to 99 years; vii) marshlands remain state property; viii) transfer of title deeds requires prior consent of all family members, ix) there will be a land tax; and x) undeveloped land reverts to the state's private domain after three years.

In a country with the types of problems discussed above, effective implementation of the Land Policy and Land Law is crucial to reform. Thus, it is important to know whether these two instruments – that represent the Rwandan land reform – can be sufficient and effective in reducing poverty and ensuring sustainable livelihoods in the near future.

## **5 ISSUES OF TENURE SECURITY IN RWANDA**

### **5.1 The poor and vulnerable in Rwanda**

To be comprehensive, an official definition of poverty must include inadequate income or consumption as well as lack of access to land.

*At an individual level a man or woman is considered poor if they: are confronted by a complex of inter-linked problems and cannot resolve them, do not have enough land, income or other resources to satisfy their basic needs and as a result live in precarious conditions; basic needs include food, clothing, medical costs, children's schooling etc. and are unable to look after themselves. Their household has a total level of expenditure of less than 64,000 Rwf per equivalent adult in 2000 prices, or if their food expenditures fall below 45,000 Rwf per equivalent adult per annum. At the household level, households headed by widows, children, the elderly and the handicapped are deemed likely to be poor (GoR, 2002c).*

The definition serves the purpose of this study. However, it is noteworthy that it does not provide adequate information on the degree of poverty and vulnerability. Based on the poverty line given, 60 percent of all Rwandan households were considered to be poor in 2000 (GoR, 2002). That that number has since decreased, although there is divergence as to the exact level between an UNCTAD (2006) estimate of 52 percent and a SIDA study estimating between 53 and 55 percent (Bigsten and Yanizagawa, 2005). A more accurate figure will soon be available from the government (GoR, 2006)<sup>4</sup>.

---

<sup>4</sup> Preliminary results of the government's Household Living Conditions Survey suggest the decline is from 60 percent to 56.7 percent



Nevertheless, what is not mentioned is that from the same 2002 survey that produced the estimate, more than 70 percent of the poor resided in rural areas and depended on land (GoR, 2002d). After 1994, women-headed households were 34 percent of the total (GoR, 2002). The level has since gone down but at least 20 percent of households are still headed by women (GoR, 2005), most of whom are genocide survivors. Recent estimates put the landless at about 11 percent (GoR, 2002, Musahara and Huggins, 2005). The rate would be lower if landless urban dwellers, who are not so poor by official definition, were excluded. At the same time, however, there are rural poor who are “near landlessness”, especially those with less than 0.2 ha (GoR, 2002d). Across all types of vulnerability, the lowest social group is the one that lives in chronic poverty (Mueller, 1999; Howe and MacKay, 2004). Estimates from the 2002 GoR survey mentioned above put this group at about 30 percent of the population. In most of these categories, livelihoods depend on access to land.

## 5.2 Access to land by the poor

For many decades, security of land access amounted to acquiring “more land” from somewhere or migrating internally or even externally to secure land to support livelihoods. Rural dwellers acquired land in various ways, as demonstrated in Table 3.

**Table 3** *Forms of access to land (percentage of plots)*

Type of acquisition	Land owned for more than 25 years	Land owned for less than 10 year
1. Purchase	2.4	20.4
2. Clearing	1.6	4.7
3. Inheritance	72.2	67.5
4. Donation	8.3	4.7
5. State allocation	15.5	2.6

Source: Bigagaza, *et al.*, 2003

However, by the 1980s, the ability to acquire “more land” was overcome by acute land scarcity. By the mid-1990s, access to land became an emergency issue in Rwanda (Van Huyweghen, 1999). Since the Land Policy and Land Law were only passed in 2004 and 2005, the access and rights to land by the poor has yet to change. It will take a while before an impact assessment on a basis of “before” and “after” can be undertaken. However, it has been possible to question how the security of tenure for the poor can be improved under the framework of the Land Policy and Land Law (Musahara and Huggins, 2005; ICARRD, 2006). Three levels have been identified for dealing with improved access to land.

First, the landless must have *access* to enough land to support their livelihoods. Some 11 percent of all households are landless, while another 70 percent own plots of less than 1 ha.

Second, rural people need *secure rights* to use land. All land in Rwanda belongs to the state, land rights have been usufruct and land acquisition has been governed by customary practices. The use right may have appeared secure since there are records of past land transactions. However, in reality, all land transactions in the past were virtually illegal. Only a limited number of plots in urban areas and religious centres had titles. Moreover, with the enormous number of land disputes in Rwanda in the last two decades, user right always hung in balance in the absence of the right to own.

Third, is the right to own through *formalization*. This is possible with the new Land Law (discussed in detail in section 5.3 below).

Improving access to land across all three levels can reduce poverty effectively. However, this has not been given adequate attention (Musahara 2005).

### **5.3 Formalization**

Land titles make land holdings more secure and, in turn, can stimulate investment even among the poor. Rwandan land policy is based on the assumption that poor farmers will have access to credit when land tenure systems are formalized. However, it is worth noting that the issue of security in Rwanda is historically more focused on disputes than ownership. If more than 70 percent own less than 1 ha, it is important to know if having titles will give as much value to land as anticipated. There is some evidence of societies where formalized land markets have not resulted in the expected levels of poverty reduction (Okoth-Ogendo, 1998).

It is also important to know how fast individual land plots can be registered and the cost of doing so. It will be quite a few years before every plot can be formally surveyed and registered and, in the meantime, the customary system will most likely continue to operate. In this regard, a hybrid system involving elements of both may have to be tolerated unless a less costly scheme of formalizing ownership can be devised (World Bank, 2005).

Experience demonstrates that what most farmers want from land disputes is security. These are disputes that typically involve members of the family, neighbouring households or agents of the State (Bledsoe, 2004). For example, research in Kibungo found that more than 80 percent of all disputes in the rural districts are related to land (Musahara and Gasarasi, 2005). A similar rate has been found by the Unity and Reconciliation Commission and the Office of the Ombudsman (NURC, 2000; Musahara and Huggins; 2005). Unless land dispute mechanisms are set up and strengthened, land registration may not change the security status of land access. Lack of such security is what hinders investment in the sector. This indicates how important the Land Law is to the future use of land for agricultural purposes. Still, there is a need for more elaborate studies and analysis of the possible impact of these changes on conditions of the poor in future.

### **5.4 Practicalities of implementation including local-level issues**

Land policy and law are recent instruments for reform in Rwanda. This section looks at issues that have characterized the debate on land reform and how they relate to poverty reduction in Rwanda. These include the debates on the practicalities of consolidation, gender issues and the commercialization of agriculture, and the level of awareness that poor groups have of the reform.

The government regards commercialization and professionalization of agriculture as the strategy through which growth and poverty reduction can be attained in both the new Land Policy and Land Law (GoR, 2004, 2005). The Land Policy even goes further and states that this will be made possible by consolidation of fragmented land. There are policy concerns with regard to each of these.

The typical Rwandan peasants are conservatives, with traditional views and values, who first satisfy their own food requirements (Waller, 1996) and then market a small part of their produce. In thinking toward implementing policy changes, a concerted effort will be needed to change the attitudes and practices of the Rwandan farmers. There is evidence of commercial-oriented agriculture and pilot projects for growing and marketing quality coffee, flowers and fruits that are very promising (GoR, 2005). However, a number of bottlenecks have yet to be removed.

The first concern is the need for fertilizers, inputs and credit. If meaningful transformation of agriculture is to be realized, land reform will have to rely on strong coordination with key ministries, especially those in charge of agriculture and commerce. A second concern is the expected impact on livelihoods of a majority of the population if agriculture is commercialized.

For the moment, the sources of growth are narrow, hinging on coffee, tea and a small range of other crops, particularly potatoes and maize that are cultivated by a small section of the Rwandan peasantry. However, while there have been clear improvements in coffee production recently, there still are only about 400 000 coffee growers meaning commercial coffee farming in Rwanda in reality would not benefit beyond 15 percent of all households (Musahara, 2005). It can also be assumed that those with the most land and best access to markets will most likely benefit from increased commercialization.

But above all, as is the case with most agricultural production, farmers must depend on the vagaries of weather. Although the above-mentioned commercial crops might provide potential sources of growth, the premised high rates of economic growth discussed in the GoR's PRSP and Vision 2020 documents, are subject to uncertainty. Most chronic forms of poverty in Rwanda are related to seasons and availability of rain, a sensible finding in a country where agriculture is dominantly rainfed (Mueller, 1999, Howe and MacKay, 2004).

The Land Policy expects modernization of agriculture to go hand in hand with consolidation. With fragmentation of plots a central problem, consolidation is regarded as a technique that will optimize production in the sector. Although consolidation of plots in Rwanda seems a sensible policy for dealing with the rate of fragmentation and the falling levels of productivity, there is still concern. It will be important to study the modalities of its implementation and examine if, and how, consolidation can answer problems of agriculture and land and lead to improved livelihoods in the rural areas.

First, with a minimum of 1 ha required for consolidation and current estimates showing that more than 70 percent of Rwandans own less than 1 ha, this means that consolidation will alienate a number of households from land or it will be practiced by only a minority. Policy analysis is important to assess the potential relationship between growth and equity that can be expected from consolidating land.

Second, with land fragmentation in Rwanda serving as a coping mechanism in smallholder agriculture, the typical Rwandan household farms an average of five plots. Some are in the valleys, others are upland and some near the household. In some parts of southern Rwanda, a household may have up to 14 crops growing in different fragments at different seasons (Marara and Takeuchi, 2003). Intercropping is used to safeguard fertility and water. The tradeoffs between the two need to be identified during implementation. Recently, Blarel, *et al.*, noted that the costs of consolidation in Rwanda may not exceed the benefits of using land fragmented over the years in adopting to land scarcity (2001).

Third, consolidation can be either comprehensive or individual. Comprehensive consolidation is a major re-parcelling exercise affecting a whole village that takes place together with agrarian or other reforms. Individual consolidation affects one or a few individual holdings, comprised of many parcels each, and depends on the voluntary decision of households that see the benefit of consolidating their land (Zhou, 1999). The consolidation in Rwanda will most likely be comprehensive since the land policy indicates that consolidation will be implemented together with villagization. In this case, policy has to be coherent and consistent in terms of how these two measures, consolidation and villagization, will be harmonized and how it will affect the lives of the peasants. It is also crucial to think through the coordination mechanisms of policies in different sectors and their possible impacts on poor people (ICARRD, 2006).

Gender issues are quite prominent in land issues. Women account for the largest number of the poor, yet they seem to be doing most of the agricultural work (UNICEF, 1998). It is reasonable to think that a policy will not be pro-poor and equitable if it does not address the issue of gender.

Women constitute 54 percent of the population and head about 20 percent of all households (GoR, 2002d). In Rwanda, sons customarily inherit land although there have been traditional ways of giving land to women as gifts.<sup>5</sup> However, most are no longer practised because of land scarcity (Pottier, 2002).

Legislation passed in 1999 to address gender inequities in access to land 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. However, there are a number of obstacles to effective implementation of the law.

First, the law only applies to married women. Those in long-term unmarried relationships (who are numerous) are not covered. Many couples are not legally married because of the expense, and polygamous households are not legally recognized and their offspring are not eligible to receive land as inheritance.

Second, the land law stipulates that women can inherit land as guided by the inheritance law. Meanwhile, the inheritance law stipulates that the land law will spell how women can inherit land. Obviously, there is a need to remove the grey area between the two pieces of legislation.

There are also customary barriers to implementation. Some men believe that the law is unjust, and will allow women to benefit from land from two sources: their parents and their husbands. Already, there is evidence that some women are retroactively claiming rights that were denied in past inheritance cases (Musahara and Huggins, 2005). Finally, although officials have high awareness, it seems that a large proportion of the general population may not be fully aware of the law and its provisions.

Clearly, gender-based inequalities are not easy to remove by policy or legislation. However it is important that researchers and analysts continue to monitor the Land Policy and Land Law in order to assess their impact on future growth and poverty reduction. It could be in the framework of MDGs or for the second generation PRSP which, in Rwanda, is being drawn up under the name of Economic Development and Poverty Reduction Strategy (EDPRS).

The few studies that were carried out – just before the Land Policy and Land Law were officially adopted as drivers of land reform – give an idea of the structure of the insecurity that existed in Rwanda and provide insight into the potential effectiveness of the new law and policy. In Kibungo District in eastern Rwanda, the government improvised a temporary arrangement of land sharing. The law ensures the land is legally shared, provides security of use and promise of later ownership when the temporary arrangement is formalized. However what is noteworthy is that this was not the only land problem. Other forms of land disputes persist as reflected in Table 4.

**Table 4** *Types of land disputes in Kibungo Province*

Type	Percentage of sampled households
1. Land sharing	37.4
2. Disputes over grazing lands	7.9
3. Family disputes	18.9
4. Grabbing and customary land markets	28.9
5. Problems with local leadership	5.3
6. Problems with the state	1.0

Source: Musahara and Gasarasi, 2005

<sup>5</sup> These ways include *urwibutso* (a father would give land as a gift to his daughter); *inkuri* (a father in Ruhengeri would give a daughter land as a gift when she gave birth); *intekeshwa* (a father would give a daughter land as a farewell gift on getting married); and *ingaligali* (the chief in charge of land would give land to women who were abandoned by their husbands).

Already there are problems related to access to grazing lands in this dominantly cattle-keeping area. Peasants have always preferred free-range grazing that is characterized by seasonal migration, but the government wants each household to fence a plot of grazing land which most poor cattle keepers cannot afford. In 2003, competition for access to grazing land in the valleys during the dry season led to a violent dispute in Mahama (Musahara and Gasarasi, 2005). Although the idea of fenced grazing land might be a step toward more professional cattle keeping, there are indications that the poor cattle keepers will lose their rights to the traditional common property. The same study noted that disputes over pastures were more frequent among poorer cattle keepers than among those relatively better off (Musahara and Gasarasi, 2005).

Similar findings were also noted in the Province of Kibuye in western Rwanda (Gasarasi, 2005). The major causes of land conflict are identified in Table 5.

**Table 5** *Causes of conflict in Kibuye Province*

Type	Percentage of sampled households
1. Grabbing	14.4
2. Inheritance	6.8
3. Polygamy	24.1
4. Displacement of household	17.8
5. Land scarcity	8.6
6. Poverty	8.1
7. Other causes	20.2

Source: Gasarasi, 2005

While more information would be required to interpret this and related sets of data, it is clear that there are multiple causes of insecurity to using land. How the land reform can address all these is not yet clear. Indeed the same study also compiled data on the relationship between poverty and land. Table 6 provides a summary of the data.

**Table 6** *Land and poverty in Kibuye*

Type	Percentage of sampled households
1. Adequate land but lack of improved seeds	14.2
2. Small land plots, lack of fertilizer	39.4
3. Lack of land	15.2
4. Population pressure	8.9
5. Inadequate customary systems	5.7
6. Other	11.3

Source: Gasarasi, 2005

It is clear that more information is needed on the core problem of land in relation to poverty. As was shown in the case of Kibungo, land scarcity is at the heart of insecurity and poverty in Rwanda. The means of optimizing land use through consolidation (GoR, 2004) need to be elaborated.

The rapid survey conducted for this study does not provide any new inferences on causes of land insecurity. However, it indicates that land insecurity has different forms in different parts of the country. To the east, where most of the residents are old case returnees, land is more plentiful and mostly issued by government.

As would be expected, Table 7 shows that more than 90 percent in Gisagara Province (south), classify themselves as poor as opposed to 68.6 percent in Nyagatare Province (east). In Rwanda, where owning cattle is a sign of wealth, households in Nyagatare had an average of 14.3 cows as opposed to only one cow in Gisagara in the south where people are more likely to rear goats and pigs than cows. Again, this is understandable given land scarcity in the south where the surveyed households on average had about 0.5 ha compared to 5.5 ha in the east.

**Table 7** Characteristics of surveyed areas

	Nyagatare* (east)		Gisagara** (south)	
	Frequency	Percentage	Frequency	Percentage
1. Type of household				
Man headed	25	71.4	26	74.2
Woman headed	6	17.1	8	22.9
Old case	23	65.7	16	45.7
2. Self classification				
Poor	24	68.6	33	94.3
Farmer	23	65.7	19	54.3
Livestock keeper	16	45.7	1	2.9
3. Land and livestock				
Size of plot in ha	5.5	na	0.5	na
Number of cows	14.3	na	1.0	na

\* sample: 35 households

\*\* sample: 35 households

Table 8 below corroborates the observation that land insecurity varies by area in Rwanda. More than 88.6 percent of the people depend on land in the eastern Nyagatare Province, where land is relatively more available and also has been issued by the government. In the southern Gisagara Province, where land is not so available, people have adapted and about 68.6 percent depend on land. The government issued more than 48.7 percent of the land in Nyagatare but has not issued any land in Gisagara. In Nyagatare, 22.6 percent have used land as collateral, although, as would be expected without a land law, most of the credit was from individuals. In the south, land can be used as collateral in principle but in reality, no one in Gisagara has received credit or a loan based on land collateral because there were no willing lending institutions although there are several possibilities such as church organizations or tontines. Risk aversion is an issue, especially in the east where there is a problem of insecure land rights.

**Table 8** Land security matters

	Nyagatare* (east)		Gisagara** (south)	
	Frequency	Percentage	Frequency	Percentage
1. Land acquisition				
Bought	2	5.7	11	31.4
Inherited	0	0.0	32	91.4
Government issued	17	48.6	0	0.0
2. Security				
To use	35	100.0	34	97.1
To rent	0	0.0	1	2.9
3. Full dependency on land				
	31	88.6	24	68.6
4. Used land as collateral				
	8	22.6	0	0.0
5. Source of credit				
Bank	3	8.6	0	0.0
Individual	6	17.1	0	0.0
6. Use of credit				
	House		Carpentry	
	Trade		Farming activities	
	Farming activities		Trading	
	School fees			
7. Problems of not accessing credit				
	Repayment difficult		Repayment difficult	
	Ignorant of bank practices		No information	
	Land not secure		No projects	
	Bank bureaucracy		Fear of the risk	

\* sample: 35 households

\*\* sample: 35 households

**Table 9** Land-related income

	Nyagatare* (east)		Gisagara** (south)	
	Frequency	Percentage	Frequency	Percentage
1. Estimated income from land per annum in Rwf				
10 000 – 50 000	14	40.0	26	74.3
51 000 – 100 000	7	20.0	7	20.0
101 000 – 200 000	5	14.3	2	5.7
201 000 – 600 000	6	17.1	0	0.0
2. Land used not able to feed household				
	32	91.4	27	77.0
3. Application of chemical fertilizer				
	4	11.4	31	88.6
4. Reason for not using fertilizer				
	No information		No information	
	No money		No money	
5. Experience of land disputes				
	6	17.1	5	14.3
6. Awareness of land law				
	3	8.6	7	20.0

\* sample: 35 households

\*\* sample: 35 households

In Nyagatare, 17.1 percent of households earn between Rwf 200 000 and Rwf 600 000 (roughly between US\$365 to US\$1 090) from their land per annum (see Table 9). None is in this category in Gisagara where a majority of the households fall in the lowest echelon of Rwf 10 000 to 50 000 (roughly US\$20 to US\$50) income from land per annum. In this echelon, there are 74.3 percent in Gisagara compared to 40 percent in Nyagatare. The income from land differs from one area of Rwanda to another and reflects to a considerable extent the regional variation in poverty as well. While problems of access can be improved by using improved seeds, accessing credit and applying fertilizer, both areas use very little fertilizer because of lack of information and money. But as would be expected in the south, some fertilizer is applied in more than 88 percent of the households due to land scarcity and overcultivation. Although the Land Law is expected to trigger land reform in the country, only 20 percent of the households in Gisagara and 8.6 percent of the households in Nyagatare are aware of it. Most of the respondents who knew of it said they had heard something on the radio, which indicates that they had had little, if any, actual participation in its evolution.

Many households have land that cannot feed their families, either because there is not enough land or the land is not productive enough, or both. In the east, this is mitigated by owning cattle. While relatively few disputes were reported by those who took part in the survey, a major focus of land tenure security should be capacity for the land to provide food security. More than 70 percent responded that their land cannot feed their families adequately. This suggests that the Land Policy and Land Law in Rwanda need to be effective in enabling the poor to produce adequate food.

**Table 10** Problems and solutions

	Nyagatare (east)	Gisagara (south)
1. Problems		
	Land is not fertile	No right to harvest forests
	Land is not enough	No demarcations on inherited land
	Drought	Small plots
		Order to grow specific crop in the valley
2. Solutions		
	Land registration	Intervention by government in land inheritance problems
	Land redistribution	Access to fertilizers
	Experts to assist raise productivity	Right to grow crops we prefer
	Access to fertilizers	

As Table 10 shows, poor farmers in the south consider government orders to grow one specific crop to be a problem. Other problems and solutions revolve around lack of secure rights in

terms of registration and problems of not accessing fertilizers. Data from both areas again confirm our argument that the land reform in Rwanda has multiple challenges that need to be addressed if it to improve the livelihoods of the poor.

A number of studies are being conducted under a three-year road map project financed by DFID. FAO is also proposing a small study as a follow up to the ICARRD conference and resolutions. However, under the new Land Policy, not everyone will have land in Rwanda. In fact, the land reform will not wash away land conflict. It does provide for land dispute resolution, setting up land commissions in every district. However while its composition and inclusion of the poor is not clear, doubts have been cast on how they will serve to improve security of tenure of the poor (Musahara and Huggins, 2005). Land dispute resolution and participation are also areas that need to be studied in depth in Rwanda.

## 6 CONCLUSION

The 2004 Land Policy and the 2005 Land Law are the two major elements of land reform in Rwanda. They are the two tools that Rwanda is expected to use in improving tenure of the poor. The land reform in Rwanda is a logical response to traditional problems of access that have characterized Rwanda. However, the content of the law and policy provokes several questions that cast a doubt on its effectiveness on poverty reduction and sustainable livelihood.

Giving titles to plots of land is an important step in Rwanda with the potential to lead to increased land value. However, the step, in itself, will not guarantee poverty reduction. For one thing, in order for land to increase in value, there must be a viable land market, In Rwanda, more than 70 percent of landowners have less than 1 ha of land, indicating that the relatively poor will not gain as substantially as is expected. Moreover, the process of land registration has not been elaborated. For poor families, registration may be too expensive an undertaking and, with more than 1.5 million plots to survey, it will be a long time before the process reaches an ordinary peasant. However, it is possible to develop a less costly and participatory method of registering land plots of poor households. Fortunately this is an issue that the government of Rwanda is exploring and results of the studies will soon be debated in public.

Land Law and Land Policy have given land consolidation a special position in the reform as one option for optimizing land use and giving it value. However, how this will be implemented is yet to be clarified.

Commercialization and professionalization of agriculture are pillars of the reform since transformation of agriculture can provide a partial solution to the problem of land scarcity and low productivity. If successful, this approach will benefit a few non-poor households. Since the transformation of agriculture falls under supervision of another department, the assumption that there will be good coordination between Ministry of Lands and the Ministry of Agriculture renders it a weak element of the reform.

Gender equity is not adequately addressed by the Land Policy and Land Law, with a grey area between the land law and inheritance law. The institutions that will be formed, particularly land commissions, have not clearly defined the position of women.

In the field, evidence of insecurity can be seen in the number of land disputes in Rwanda. Land disputes are most common among poor livestock keepers and people with small plots. While there will be institutions to oversee land disputes, the real issue is how to ensure land as a secure source of livelihood in Rwanda. There is scanty knowledge at this point to support finding solutions. What is inevitable is the need for more studies on the issue and ongoing monitoring of the progress of the reform.



**BIBLIOGRAPHY**

- André C. & Plateau J-P.** 1998. Land Relations Under Unbearable Stress: Rwanda Caught in the Malthusian Trap. *Journal of Economic Behavior and Organization* Vol. 34:1-47
- Baechler, G.** 1999 *Violence through environmental discrimination: Causes, Rwanda Arena and Conflict Model*. Kluwer, Dordrecht.
- Barriere, O.** 1997 Cadre juridique de la réforme foncière au Rwanda; analyse et propositions préliminaires. Kigali.
- Bigagaza, J. Abong, Mukarubuga** 2003. Land Scarcity and conflict in Rwanda in *Scarcity and Surfeit*. ACTS.
- Bigsten & Yanizagawa.** 2005. Rwanda. An assessment of poverty reduction strategy. SIDA.
- Birgegard, L-E.** 1993 *Natural Resource tenure. A review of issues and experiences with emphasis on Sub-Saharan Africa*. Rural Development Studies No 31. Uppsala
- Blarel, B.** 2001 Tenure Security and agricultural production under land scarcity: The case of Rwanda in J. & S Mighot-Adhola. *Searching for land tenure security in Africa*. Kendall/Hunt, Dubuque, USA.
- Bledsoe, D.** 2004. *Republic of Rwanda Land Policy and Law. Trip Report: Findings and Recommendations*. RDI/USAID/ MINITERE.
- Clark, G.** 1995. More evidence on income distribution and Growth. *Journal of Development Economics*. Vol. 47.
- Clay, D.** 1996. Fighting uphill battle. Population pressure and declining labour productivity. MSU WP No. 58.
- Clay, D. & Ngenzi, I.** 1990. Migration temporaires dans les ménages au Rwanda. Kigali. MINAGRI.
- Daudelin, J.** 2003. Land and violence in post conflict situation. North-South Institute. World Bank.
- Deininger, K.** 2003. *Land policies for growth and poverty reduction*. A World Bank Research Report.
- Dorner, P.** 1972. *Land Reform and Economic Development*. Penguin, London.
- ENBC** 1985. Enquete Nationale des Budgets et Consommation. MINIPLAN.
- FAO** 2002. SD Dimensions. Rome.
- Gasarasi, C.** 2005. Conflicts Fonciere en Kibuye Province. Centre for Conflict Management. National University of Rwanda.
- Gasarasi, C. and Musahara, H.** 2004. *The Land Question in Kibungo*. Centre for Conflict Management. National University of Rwanda.
- Gasasira, E.** (1995). *Land issues after the war*. Kigali. UNDP/FAO.

- GoR** 1997. *Analysis of Housing and Land Reform in Rwanda*. Kigali.
- GoR** 2001. *Rwanda Development Indicators*. Directorate of Statistics. Kigali.
- GoR** 2002. *Poverty Reduction Strategy Paper*. National Poverty Reduction Programme. Ministry of Finance. Kigali.
- GoR** 2002a. *Household Living Conditions Survey 2001*. Ministry of Finance. Kigali.
- GoR** 2002b. *Rwanda Development Indicators*. Ministry of Finance. Kigali.
- GoR** 2002c. *Poverty Reduction Strategy Paper*. Ministry of Finance. Kigali.
- GoR** 2002d. *A Poverty Profile for Rwanda*. Ministry of Finance. Kigali.
- GoR** 2004. *National Land Policy*. Ministry of Lands. Kigali.
- GoR** 2005. *Poverty Reduction Strategy*. Second Annual Progress Report. Kigali. (mimeo)
- GoR** 2006. *The Evaluation of the Poverty Reduction Strategy Paper*. Kigali.
- Howe, G. & MacKay, A** 2004. *Poverty Reduction in Rwanda. Focusing on chronic poverty*. DFID Kigali and ODI.
- ICARRD** 2006. *Implications of Land Reform to poverty reduction and sustainable development in Rwanda*. FAO International Conference. Porto Alegre, Brazil.
- ICARRD** 2006b. *Land Access and poverty reduction*. Paper by IIED for ICARRD.
- Landal, R.** 1970 Reorientation in Rwanda. *African Affairs* Vol. 69 (275): 141-154.
- Marara & Takeuchi** 2000. *Agriculture and peasants in Rwanda*. A preliminary Report. Tokyo. Joint Research Programme. No. 127.
- Muller, C.** 1997. *Transient Seasonal and Chronic Poverty of Peasants: Evidence from Rwanda*. WPs/97-8.
- Musahara, H.** 2002. Poverty and land. OXFAM GB website on land rights and livelihoods.
- Musahara, H.** 2001. *Land and Poverty in Rwanda*. Presented at RISD/OXFAM Conference, 13<sup>th</sup> August 2001.
- Musahara, H.** 2005. *Poverty and Government Expenditure. An assessment of the impact of government expenditure and intervention on poor groups with a focus on Rwanda*. University of the Western Cape. (Ph. D. thesis).
- Musahara, H. & Huggins, C.** 2005. Land Reform, Land Scarcity and post conflict reconstruction. A case study of Rwanda. Ch. 6 in **H. Musahara**, 2002. *Poverty and land*. ACTS/ISS.
- Musahara, H., Musabe, T. & Kabenga, I.** 2006. Economic Analysis of natural resource Management in Rwanda. For REMA/UNDP/UNEP. Kigali.
- NURC** 2000. Annual Report of the Unity and Reconciliation Commission in Rwanda. Kigali.

- Okoth-Ogendo, H.W.O.** 1998. Land Tenure and natural resource management. The Kenyan Experience. GTZ.
- Percival, V & Homer-Dixon, T.** 1995. Environmental Scarcity and Violent Conflict: The case of Rwanda. *Project on Environment, Population and Security*. Toronto, Canada. University of Toronto.
- Pottier, J.** 1997. *Social Dynamics of Land and Land Reform in Rwanda*. Department of Anthropology and Sociology. University of London.
- Prunier, G.** 1995. *The Rwandan Crisis 1959-1994. History of genocide*. Fountain Kampala
- Quan, J.** 2000. Land tenure, Economic Growth and Poverty in Sub Saharan Africa in C. Toulmin & J. Quan. 2000. *Evolving land rights, policy and tenure in Africa*. DFID – IIED.
- Reitsma, M.** 1983. *Land Tenure in Rwanda*. Kigali. AID.
- Toulmin, C. and Quan, J.** 2000. *Evolving land rights, policy and tenure in Africa*. DFID – IIED.
- UNCTAD** 2006. The Least Developed Countries Report 2006. Geneva, Switzerland.
- UNICEF** 1998 *Children And Women of Rwanda*. Kigali and New York. United Nations.
- Van Huyweghen, S** 1999. The Urgency of Land and Agrarian Reform in Rwanda. *African Affairs*. Vol. 98:353-72
- Waller, D.** 1996. *Rwanda. Which way now?* OXFAM Country Profile. Oxford, UK, Oxfam.
- World Bank** 1998. *Rwanda Poverty Note*. Washington, D.C.
- Zhou, L-M.** 1999. *How to Carry Out Land Consolidation: an International Comparison*. European University Institute, Department of Economics. Working Paper No. 99/1.



