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Land Policy Reform in Rwanda and Land Tenure Security for all Citizens: Provision and Recognition of Women's Rights over Land

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Keywords: Rights to land, Female orphans, Land reform policy, Land law, Inheritance law, Land tenure security.

SUMMARY

In Rwanda, for many years ago, rights over land for women and female orphans were not recognized. The main causes were the inexistence of efficient land administration systems and the prevalence of traditional system of land tenure which were complex and did not favor women and female descendants. In 2004, the Government of Rwanda had adopted a new land policy which was complemented by the 2005 Organic Land Law and a series of laws and regulations with regard to access to land, land management perspectives, and to the modalities of land rights transfer. The main goal of land policy reform in Rwanda is to protect and to enforce land holders' rights and the provision of land tenure security for all citizens without any discrimination. The study investigates the effects the land policy reform on rights over land for widow and female orphans. Data collected from the field survey in five districts of Rwanda and literature review were analyzed using qualitative and interpretative methods, following the principles of impact/outcome evaluation approach. Findings show that the implementation of a new land policy and associate regulations are having a positive impact in safeguard, protection and enforcement of land rights for widow and female orphans. Widow and female orphans are given back their lands previously grabbed by their relatives. However, there is a need to continuously and widely empower widow and female descendants for defending themselves against practices of land grabbing and/or land deprivation through sensitization and reinforcement of land related laws and regulations in place.

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1. INTRODUCTION

Access to land and security of land tenure have been considered as a paramount condition for socio-economic development of countries and of citizens' welfare. Nevertheless, land tenure security for all is sometime threatened in some countries with an uncertainty in their land administration systems. In this context, land rights of poor, vulnerable groups and women are affected mostly by traditions rules especially in countries with customary arrangement and communal legacy prevailing in their land administration systems. This can exist also under statutory regimes where the systems of land administration are weak as stressed by FAO as follows: " *In any country where the systems of land administration are weak, they don't recognize the rights of vulnerable people, and in some cases women may be disadvantaged from holding property rights under statutory law as well as customary law*" (FAO, 2007). In Rwanda, for many years ago, rights to land for women and female orphans have not been recognized. The main causes were the inexistence of efficient land administration systems and prevalence of traditional system of land tenure which were very complex and did not favor women and female orphans. The patrilineal customary inheritance practices that only allowed a woman access to and/or use of land based on a relationship with men in her marital and/or birth families was a worsening factor (RDI, 2008)

In 2004, the Government of Rwanda had adopted a national land policy with a series of land reform practices in the central part of the mentioned policy. The land policy reform consists of defining a new legal framework and institutional arrangement through institutionalizing structures governing the humankind relation to land by intervening in the prevailing land ownership, control and usage (Macmillan, 2000). Indeed the new land policy aims at ensuring the equitable allocation of land ownership (Stibbe and Dunkley, 1997), enhancing the land rights and improving access to land for disadvantaged people through legal and administrative acts (Besley and Burgess, 2000; Ghimire, 2001). In Rwanda, the undertaken land reform is embedded in the designed national land policy that underlines the significance of an effective land administration system as a prerequisite for land tenure security for all Rwandans and reinforces a legal environment that recognizes landholders' rights and provides to the holders the possibility for registering and transferring their rights over land, including the redistribution of land for landless. It also addresses the problem of customary inheritance and illegal practices that had deprived female orphans and widow from their rights over lands (Government of Rwanda, 2004; Musahara, H., 2006; MINITERE, 2007; MINIRENA, 2008; MINIRENA, 2008). Furthermore, it clarifies inheritance process and intends to solve the prevalent land conflicts resulting from the traditional practices of exclusion which was practiced towards the aforementioned vulnerable categories of Rwandans. In line with the principles of a good land administration, a land policy which establishes women's rights to hold property and recognition of the principle of equal rights of

men and women on land is perceived as an essential means of securing the broader objectives of social justice and economic development (EU, 2004).

Following the land policy perspectives, different documents related to land reforms, including the new land laws, have been developed and disseminated, and the implementation of new land policy is being undertaken. However, little is presently known about their effects on land tenure security as one of the goals for the government of Rwanda to adopt the land reform is the provision of land tenure security for all citizens, and solving disputes over land that result from obsolete, and unclear and discriminatory land regulations.

According to Place, Roth et al (1994), land tenure security is the land owner's perception of his/her rights to a piece of land on a constant basis, free from eviction or interference from outside sources. It includes the ability to enjoy the benefits of the investments in land. Various authors (Bruce and Migot-Adholla, 1993; Deininger and Feder, 1999; Braselle et al. 2002; Rot, 2008) argue that there is security of tenure if a landholder perceives little or no likelihood of losing physical possession of the land within some future time period. According to those authors, the perception of enjoying right over land denotes the degree of self-confidence held by people that they will not be arbitrarily deprived of the land rights they have and/or of the economic benefits of labor and capital invested in that land, either in use or upon transfer to another holder. In this context, security of tenure includes two elements namely the "Objective" element consisting of the nature, content, duration and enforceability of the rights, state guarantee, quality of boundary descriptions, conflict handling in land related matters and the "subjective" element referred as the landholders' perception of the security of their rights.

This research aims at assessing whether land policy reform undertaken by the Government of Rwanda, contributes to land tenure security of socially marginalized people namely widow and female orphans. Specifically, it assesses if the policy is implemented and if the government expectations such as the provision and enforcement of land tenure security to those traditionally underprivileged groups of people are perceived at the ground. Drawing from the aforementioned elements of tenure security, the study assesses whether, from the angle of the current land policy reform, rights of widow and female orphans on land are recognized, enforced and if their security of tenure is guaranteed. In this study, attention is drawn towards widow and female orphans since there are the main people who had been deprived from the possession, use and control of land by traditional rules which had governed the access and control on land.

The paper is structured as follows: First, the methodology used in this study is described and discussed; second, the issues related to land tenure system for women till 2000s, and general principles guiding land tenure security for women, as stated in the current land laws and in the new land policy, are discussed. Additionally, the impact of land reform in Rwanda on tenure security for women and female orphans is analyzed, and finally, conclusions are drawn by stressing on overall assessment with some remarks.

2. METHODOLOGY

The study intends to explore whether land reform undertaken by the Government of Rwanda, is improving the security of rights to land for widow and female orphans and contributes to their security of tenure.

For the purpose of this study, existing literature and field survey were used as the main source of data. The review of existing literature on land tenure system, land reform in Rwanda was carried out. Government publications such as reports on land administration status, regulatory framework of land registration, land laws, and strategic plans for land reform were also reviewed. Other reviewed documents are the claim archives at cell and sector levels. Those archives contained data about the received and solved claims on land ownerships as a direct result of on ongoing implementation of new land policy.

Primary data about land tenure security for women and female orphans were collected in five districts, in October 2010, through face to face questionnaires and interviews. Within each district, one sector was selected as shown in figure 1. The sampled districts are Burera and Gakenke in the Northern Province, Gisagara in the Southern Province, Ngoma in the Eastern Province, and Rusizi in the Western Province. Each sector comprises of four to five cells and in total the field survey covered twenty three cells, and respondents were purposely selected from each cell. Given that we did not have empirical data about the total number of the target population (who are, in our case, composed of widows and female orphans, married women, and female orphans and old people); it was not possible to proceed with sampling for the determination of the number of respondents to survey. Therefore a purposive sampling technique and a random administration of the survey questionnaire were adopted where two widows, two female orphans and two old people were picked up as our sample size per cell. In total, the survey questionnaire was administrated at household level and filled by forty six widows and forty six female orphans. For having a good understanding on traditional tenure arrangement and inheritance practice, forty six old people were interviewed and in this category thirty women and sixteen men were targeted. In addition, interviews were conducted to local leaders and other government officers enrolled in land related processes such as land

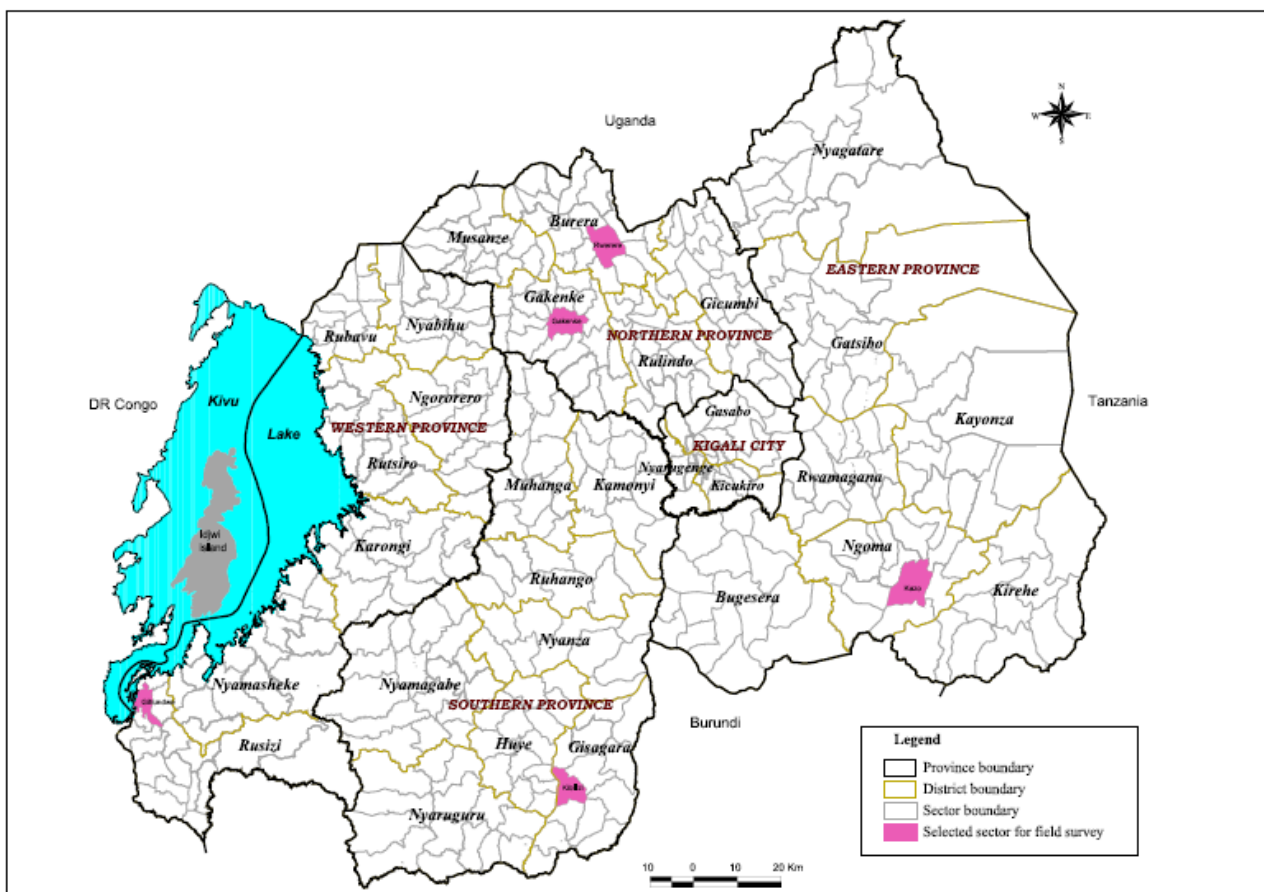


Figure 1 shows the areas where the survey was conducted. Five sectors were selected in five districts that are located in different regions of the country, in rural areas where traditional rules of land administration had been prevalent. The survey covered different regions to assess whether the implementation of land policy is similarly shaped or if there is any particularity within one or another area.

The key areas covered in surveys and interviews included awareness of widow and female orphans on their rights over lands, the recognition of their rights by the community or by the current land laws and land policy, the existence of legal institutions enforcing and protecting their rights on lands with regard to the old system of land administration.

As the study evaluates the impact of land policy reform on the provision of land tenure security, data collected from the field survey and literature review were analyzed using qualitative and interpretative methods, following the principles of impact/outcome evaluation approach (Kumar, 2005). The later consists of testing if some of targeted goals of the land policy reform were achieved. One of the reforms that land reform policy in Rwanda advocates and which this study assesses is the tenurial reform. As advocated by UN/ECE (1996), tenurial reform consists of improving the ownership of land rights in the context where there is a little or no likelihood of land tenure security for landowners. Normally, land reform is perceived as successful if it is beneficial for socially marginalized people and the success is perceived if such reform provides tenure security and unconditional land rights for those people (Deninger, 2003; Toulmin and Quan, 2000). In this study, the assessment consists in testing if the land reform provide land tenure security and increases access to land for socially marginalized people namely widows and female orphans. The evaluation was based on intended goals. In this case, the provision of land tenure security for all citizens without any discrimination is considered as the main goal as stated in the land policy reform. The recognition, protection and enforcement of widow and female orphans rights over land is one of the sub-goals that the study assesses if it is being attained or not. The impact/outcome evaluation approach was found as effective because it consisted of asking questions about the substantive content of the land policy reform, and its outcomes.

The following elements have been taken into account in assessing the implication of the current policy on land tenure security for widow and female orphans and will be verified in this assessment:

Equality and equity in access to land: socially marginalized groups like widows and female orphans are among the beneficiaries of the land reform as the current policy provides equal rights for men and women to acquire land through inheritance process or other ways such as donation or buying.

Security of tenure: Rwandan land laws and policy recognize and safeguard the land rights of women, widows, female orphans as well as rights of men, without any discrimination whatsoever. This implies the recognition of women and female orphans' rights by the community and the freedom of widows and female orphans in using and transferring their rights over land.

3. GENDER DISCRIMINATION AND UNFAVORABLE LAND TENURE SYSTEM FOR WOMEN TILL EARLY 2000s

For many years, Rwanda had been characterized by customary land administration system inherited from the monarchy power. Since the colonial era, the customary tenure system coexisted with a codified land tenure law which was introduced by the Belgium colonial power (Musahara and Huggins, 2005). The latter governed the use and transfer of land owned by foreigners and few indigenous people who were leaving in cities and commercial centers. The customary system remained predominant at the national territory and governed the acquisition and use of land for most of Rwandans through inheritance practices. Although there had been different statutory land laws, they did not supplement the customary laws. They prescribed the process of land use, and transfer in cities or in rural areas but for only land owned by or acquired from the state. The customary rules remained the guidelines for the possession and transfer of lands for most of citizens.

Customarily, land rights were transferred from father to son through inheritance process, and land rights were being passed on within a lineage or family to male children or relatives (André and Plateau, 1998). Female descendants were excluded from inheritance of the family land. When a young man reached the age of maturity, generally considered as the age of marriage, he received a plot of land from his father where he built his house (Mushara and Huggins, 2004; MINITERE, 2004). This is the way through which the inheritance process was practiced and only male children inherited land while the female children were disadvantaged in term their rights over their parents' properties although there have been traditional ways of giving land to women as gifts. A woman could receive a gift of land from her father, known as a souvenir or "*urwibutso*". At the age of marriage, a young bride could receive a piece of land as a marriage gift from her family. The gift was called "*intekeshwa*". Similarly, when a married woman brought her newborn baby to her parents, she could be given a plot of land called "*inkuri*". A woman could also acquire land when she was repudiated by her husbands and returned to her parent. In that case her father gave her a plot of land known as "*ingagari*" and was used to provide for her needs. All those are exceptional and special cases through which women should possess plots of land which would remain their property and could be bequeathed to their sons (Musahara, H., 2006; MINIRENA, 2008; MINITERE, 2007).

According to customary system of land administration in Rwanda, land ownership was basically the prerogative of men, and land rights were inherited from father to son (Government of Rwanda, 2004; RDI, 2008). The system prevented a woman from land ownership, particularly a widow when she was not legally married to the deceased husband. She was entitled only to the right of usufruct over family land while waiting for her sons to come up the major age and to inherit his father land. In case a couple did not give birth to children, the widow might stay on the land if she is on good terms with his relatives (RDI, 2008). In most cases, a woman could not claim any of her husband's land unless she married one of his brothers. In such a way, it was the new husband who became the owner of the land. When the second marriage did not take place, the widow returned to her parents and could not claim any right over her husband property (MINITERE, 2004; MINITERE, 2007; MINIRENA, 2008).

A part from the traditional laws, the exclusion of women and female orphans from land was worsened by the old statutory laws and regulations related to land registration which were implicitly discriminatory against women rights on land. Land was registered in the name of husband even for legally married couples and women did not have any control over land. A husband could sell his land without any consent of his wife and the family should stay landless.

According the old statutory laws, the rights to succession were conferred to the male heirs. (Mushara and Huggins, 2004; Musahara, 2005). In cases of death of the husband or both parents, the rights of the widow or female orphans to land were denied, underestimated and unrecognized by the husband relatives. They had the practices of grabbing the lands from the widow or female orphans if there were no male heirs to succeed to father property (André and Plateau, 1998). The grabbed lands were confiscated and the female orphans could not have any rights over those lands. Such practices had characterized the traditional system of land administration in Rwanda until 1999 when the inheritance law was enacted.

4. THE NEW LAND POLICY AND GENERAL PRINCIPLES GUIDING LAND TENURE SECURITY FOR WOMEN

In early 2000s, the Rwandan Government, found it imperative to arm itself with a national land policy that would enable the population to enjoy a safer and more stable form of land tenure (MINITERE, 2007; MINITERE, 2008). The government was committed to take measures that guarantee land rights for all Rwandans in line with its millennium goals, including the reconstruction of a democratic society. Some of the ingredients of democracy include the recognition and guarantee the rights and assets of every citizen, indigenous people and vulnerable groups inclusive (Deninger, 2003; EU, 2004).

In that line, in 2004 a new land policy was enacted and the government of Rwanda embarked on land reform process with aim of securing rights for land owners. The development of the new land policy for Rwanda was motivated by the desire to provide tenure security to all Rwandans (Musahara, 2006) as one of the strategies towards the attainment of the process of national unity and reconciliation, the promotion of economic growth and social welfare of all citizens (MINITERE, 2008). The safeguard of the security of tenure for women is very imperative as women in Rwanda are main category of people who take part in the economic development of the country due to their significant involvement in and dependence on agriculture which is the main source of income for more than 90% of Rwandans (MINITERE, 2007; MINITERE, 2008; USAID, 2008). As prescribed by the land policy, one of the objectives of the land reform is “ to put in place strategies that ensure that equal rights and security of tenure are guaranteed for all land users without discrimination whatsoever” (Government of Rwanda, 2007). This objective is reiterated in the articles 4 and 7 of the organic land law of 2005 which complements the land policy and clearly prescribes the respect and recognition of land rights for men, women, and heirs without any discrimination based on sex as follows:

Article 4: Any person or association with legal personality has the right over the land and to freely exploit it as provided by the organic law. Any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over land.

Article 7: The organic law protects equally the rights over the land acquired from custom and the rights acquired from written laws. With regard to laws, owners of land acquired from custom are all persons who inherited the land from their parents, those who acquired it from competent authorities or those who acquired it through any other means recognized by national custom whether purchase, gift, exchange and sharing.

The organic land law also complements the inheritance law of Rwanda that takes effect from November 1999 and provides the rights of all orphans to parents' lands as follows: "all children have equal rights to inherit their parents' land without any discrimination between male children and female children" (Republika y'u Rwanda, 1999). The organic land law originated from the principles of good governance which prohibit any gender discrimination in regard to succession on land (FAO, 2007). It prescribes the equal rights of men and women on access, acquisition and ownership of land for all Rwandans, and protects women, female orphans from eviction from their husbands or parents' lands.

Government recommendations that aim at safeguarding women rights on land and rights of succession for female orphans are not only underlined in the new land law and inheritance laws. There are incorporated in national constitution that recommends the equal recognition and enforcement of rights of male and female descendants to their parents' property. According to the principle of equality of all citizens as stipulated in the constitution of Rwanda, revised in 2005 and 2008, all Rwandans enjoy the same rights of access to land without any discrimination whatsoever (Republic of Rwanda, 2003). Following that principle, women, and widow should not be excluded from the process of land acquisition, use and control. Moreover, female orphans should not be excluded from the process of land inheritance.

With regards to different clauses regarding the protection and recognition of widow and female children's rights over land as stipulated in the new land law, land policy, inheritance law, and the national constitution, there is optimism that its implementation should increase the security of tenure for those people. The following section presents the situation on ground with regards to the objective of the study.

5. IMPACTS OF LAND REFORM IN RWANDA ON TENURE SECURITY FOR WOMEN AND FEMALE ORPHANS

The objective of land policy reform in Rwanda is to establish a land system that secures all Rwandans. In line with the aim of the study, this section discusses the implication

of the land reform on tenure security for widow and female orphans who had been prohibited from possessing, and inheriting land by the previous system of land administration.

5.1. IMPLICATION OF NEW LAND LAW AND INHERITANCE LAW

The new land law and land policy stipulate that, in case of death of a husband, a legally woman has rights to inherit the land as prescribed by the inheritance law. This applies also equally for orphans, being female or male in case of death of both parents. For the children born from the couples which are not legally married the laws prescribe that in the case of death of their father, female and male children have equal rights over their father land as heirs. Their mother has therefore the usufruct rights as she has to feed them. In 5 districts, where the survey for this study was conducted, the results of research prove that the land law is implemented and has been applied to protect the widows after the death of their husbands. Different leaders at local levels reported having received the claims of the widows who were evicted, with their children, from the land of their husbands before the issuance of the new land law and policy. Following the new land law and land policy, local leaders have helped the widow with children in receiving back land that they were evicted from. Most of solved claims were cases of female orphans who were evicted from their land by their uncles and nephews, after the death of both parents. Through implementation of the current land and inheritance laws, local leaders have assisted those orphans in getting back their lands. With regards to results of its implementation, it sounds that the land reform is becoming successful as it is beneficial for socially marginalized people. Success are perceived as the reform provides land tenure security and unconditional land rights for people whose rights were not recognized. Women, and widow have the same rights as men to inherit land, and female orphans share equally their parents land with their brothers.

According to the results of the survey, female orphans whose lands were grabbed witnessed that the current land laws and policy have helped them to claim their rights. 94% of them reported having received back their lands that were grabbed by their uncles and brothers, while 6% stated that their rights were recognized by the mediation committee and low courts. However, they had to pay for improvement made on their lands (perennial crops) before those who grabbed it can give them back.

With regards to rights of widow, the implementation of the current land laws has helped in protecting and recognizing their rights by the community. In the survey areas, since the year 2000, local leaders at cell and sector levels received claims related to land ownerships for four hundred fifty two widows as illustrated in table 1. Those claims resulted from the non recognition of the rights of the widow by her sons or the relatives of her deceased husband. In most cases, the relatives of the husbands tended to grab the lands of the illegally married widow although the deceased husband let her with some children that she had to feed with the income from the use of lands. In other few cases the married sons of the widow denied her rights to sell her lands although she was legally married with the deceased husband.

Table 1: Number per sector of widows who claimed land rights from 2000 till October 2010

Claims	Sector					Total	%
	Gakenke	Gihundwe	Kazo	Kibilizi	Rwerere		
Received claims	132	98	113	39	152	452	100%
Solved claims	104	77	93	24	143	441	97%

According to table 1, in all surveyed areas, laws were applied and rights of 97% of received claims from widows were solved. 3% of the claims were still being processed during our survey.

As regards to rights of female orphans, table 2 shows the number of claims that were received and solved by local leaders in all surveyed areas. Those claims related to land grabbing by their relatives, like their brothers, uncles or grand parents. There are also claims related to land sharing. These resulted from the male descendants who do not want to share with female descendants the properties of their deceased parents. In some cases the male refused or did not want to share equally with their sisters. All those disputes are received by the local leaders and mediators and more than 90% of received claims were solved till October 2010. As for the claims raised by widows (see table 1), the claims received from female orphans and which were not solved were those which were recently received and then were still in process. But also, local leaders and land managers reported that about 2% of cases may remain unsolved when the occupants of the land do not want to reconstitute land they grabbed or if there is a refusal for equitable land sharing between family members. In such cases, claims are sent to courts for further resolution.

Table 2: Number per sector of female orphans who claimed land rights from 2000 till October 2010

Type of claimant	Sector									
	Gakenke		Gihundwe		Kazo		Kibilizi		Rwerere	
	Received claims	Solved claims	Received claims	Solved claims	Received claims	Solved claims	Received claims	Solved claims	Received claims	Solved claims
Land grabbing	104	90	56	44	97	83	31	25	142	127
Land sharing	121	121	97	95	104	104	53	51	149	145
Total	225	211	153	139	201	187	84	76	291	272
%	100%	94%	100%	91%	100%	93%	100%	90%	100%	93%

Referring to the above tables, from 2000 after the ratification of the inheritance law which was complemented by land policy reform declared in 2004 and the new land law of 2005, more than 90% of claims related to land were solved. Lands grabbed from widows and female

orphans are being restituted. In all surveyed areas, the claims related to land ownership for female orphans were more predominant than for widow because traditionally, orphans are the category of people who had frequently been victims of land grabbing or imbalanced land sharing. Furthermore in Rwanda, 65 percent of the population is female as a consequence of the excess of male deaths during the genocide of 1994 which took away a great number of Rwandans. It is why many household heads are females (Nelson, 2004). The government effort to establish legal systems which protect them against land grabbing has constituted a catalyst towards the recognition of their rights over land.

5.2. IMPACT OF LEGAL FRAMEWORK REGARDING LAND REGISTRATION AND LAND RIGHTS TRANSFER

Under the current regulations and decrees that support land registration and titling process, rights on land for women and female orphans have received a considerable attention. Results of research show that current land titling program as part of implementation of the land policy, has positive effect on land tenure for women and female orphans.

Women participate in the ongoing process of land adjudication with the use of ortho-rectified aerial photographs and local trained para-surveyors. Women or widow heading households, orphans as well as other land owners (figure 2) guide the surveyor responsible for boundary demarcation, in presences of local leaders. Land rights pertaining to widow, and orphans, being female or male are ascertained at the same level as rights of men and are registered in name of the claimant orphans if there are at age of maturity (18 years old or more). In case they are still at minor age, orphans appoint their representative to whom land are registered in presence of local leaders. As stated in the Organic Land Law, when any of those orphans reaches the major age, the registered rights will be transferred to him or her.

Figure 2: Women participation in process of land adjudication and parcel boundaries demarcation



Participation of women in the process of land adjudication, and boundary demarcation is encouraged by local leaders. They believe that it is one of the ways for a whole community to recognize women's rights and to enforce those rights.

As the process of land titling is of concern, the results of the study show that implementation of current regulations related to land registration has equally and positively impacted on the level of land tenure security for men and women. Those regulations provide that land rights are registered on both the husband and wife, for legally married couples. In case of the death of any spouse, the remaining widow continues to be the registered right holder of the land. In practice, landholders, land officers, and other government authorities involved in land registration process comply with those regulations and this has increased the security of tenure for women. Women have been enabled to exercise a control over family land and all decisions on land sale or land rights transfer are made upon a unanimous consensus between husband and wife. A husband can no longer sell any land without the agreement of his wife, and if he does so, the wife can refer the case to the court and claim the return of the land by the buyer.

However, some problems noted in previous studies like the study of André and Plateau (1998) who pointed out that the new legislations guarantee women's and children's right to inherit land for the legally married wives, but they do not cover the rights of women married in a non-customary way or in the case of polygamy are still unsolved. Current regulations provide land rights to children, and the mother is protected through the rights of her children. They do not provide any solution in the case of death of the illegally married husband who passes away without any heirs. In such case, the property of the deceased husband return to his relative and the widow does not have any rights over her husband property.

6. SUMMARY OF ASSESSMENT

The land policy reform adopted in 2004 by the Government of Rwanda aims at developing an appropriate land administration system that provides land tenure security for all citizens. As complement to the national constitution, the inheritance law, the land policy and new land law are used to safeguard, protect and enforce land rights of women and female orphans in different regions of the country. In practice, the implementation of land related laws and policy had allowed women and female orphans to repossess and take control over their land for which they were deprived under the old and traditional system of land administration. Moreover, the revision of inheritance practice, and the implementation of land laws and regulations regarding land registration allow the Rwandan community to recognize the rights of women, female orphans over land. Widows have rights to inherit their husband if they were legally married. Female orphans being descendants from a legal or illegal marriage have also rights to inherit their parents' land at the same level with male orphans. With regard to expectation from the Rwandan land policy reform and its implication on tenure security of widow and female orphans, the study found that the principle of equality and equity in access to land is being applied. Positive outcomes of land policy reform on land tenure security for women and female orphans are perceived at different levels, (district, sector, and cell), of

local government as advocated by different respondents comprising local leaders, citizens including women, female descendants with whom we entertained during this research. Women, widow, female orphans are among beneficiaries of the land policy reform as they are being restituted their rights which were confiscated under the old system of land administration. The undertaken land reform constitutes the adequate mechanisms for promoting gender equity as it increases land tenure security for women and female descendants as well as men and male descendants.

While in other developing countries laws and policies aiming at promoting the principle of equality of men and women in land access and ownership had not been easily enforced and unsuccessful (EU, 2000; Nelson, 2004), success observed in Rwanda resulted from the approach it is being implemented. It has been argued that the policy succeeds if it is implemented in a decentralized approach (see Deninger, 2003; Toulmin and Quan, 2000). In the case of Rwanda, the results of the adopted land policy are rooted from the governmental process of decentralization and the commitment of leaders at different levels of governance to enforce and implement government directives and laws. The process of performance evaluation-where all leaders, especially local leaders report to government leaders at high level, their achievements with special reward for those who perform and warning with risk of dismissal for those who do not perform- is also playing an important role in land policy implementation. Such assessment focuses also on the issues related to services delivery, including the assistance of vulnerable people and resolution of claims reported by the population. Furthermore, all leaders at local level of government are bound to find solutions to claims raised by all categories of the population. If they do not do so, the population raises those claims during the visit of high level leaders, including the President of the Republic, to local levels of government, especially districts, and then the concerned local leader may be humiliated. Furthermore, in Rwanda, in line with the policy of gender promotion, women have been empowered by the government, and are represented at all levels of government. They are among the local leaders who implement government policies, have possibility to claim for their rights, and to instill other women to claim for their rights. This has also contributed to the implementation of laws and policies that aim at safeguard rights of women, widow and female orphans inclusive.

7. CONCLUSION

Access to land in Rwanda had been guided by traditional rules which had constituted the cause of exclusion for women and female descendants. In the quest for the tenure security for all Rwandans, the government of Rwanda has recently adopted a comprehensive land reform program that provides all land users with more certain rights on basis of the constitutional principle of equality for all citizens. In this context, different laws, decrees, policies, and directives regarding access to land, use, and land rights transfer have been issued and are being implemented by different leaders from district to village levels. Such implementation allows the current government to protect, and enforce land rights for widows and female orphans who had been deprived from the possession of land by previous system of land administration. This is proven in section five where the results of study show that the impact

TS04G - Gender Issues in Land Administration, Paper N° 4914

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Land Policy Reform in Rwanda and Land Tenure Security for all Citizens: Provision and Recognition of Women's Rights over Land

FIG Working Week 2011

Bridging the Gap between Cultures

Marrakech, Morocco, 18-22 May 2011

of land and inheritance laws is positive on land tenure security for widows and female orphans. Their land rights are recognized and enforced, and those laws have been used as instruments to return back lands which were grabbed from land owners.

For a fully enforcement of land rights and the promotion of tenure security for women, widows and female orphans, the study formulates the following remarks as drawn from findings: In line with the perspective of the current land laws, there is a need to empower women and female descendants for having more capability to defend themselves against the practices of land grabbing and/or land deprivation. The study revealed that most of them are not yet informed about their rights over land. From the local leaders' experience there are some cases where rights of illiterate widows and female orphans are still denied by their relatives, because those widows and female orphans are not aware about what is the status of the current laws in terms of their rights with regards to succession and inheritance. That is true since with regards to those laws and policy that protect widow and female orphans against land grabbing, the survey revealed that some of widow and female orphans they are not yet aware about their rights on land and don not know how they can claim if there is case of injustice that may tend to deprive them from enjoying their rights. The study found that 88 % of widow and female orphans are aware about the land law and policy and their rights over land. They have known their rights through media and meetings, and land registration publicity. However, 12% of them are not aware about laws and policy. They think that they can have rights over land if the relatives provide them such rights, and do not have any information about the way to claim and defend their interest in land. A sensitization for widow and female children about their rights over land is still recommended.

In line with the above, there is a category of local leaders who are commonly known as "Abunzi" (the mediators). The study found out that there are not knowledgeable about the current land law and inheritance law although there are among leaders who have been assigned the tasks of mediators at sector and cell level. They play a key role in solving social conflicts including conflicts over lands. Government officers in charge of land registration and land management at district and sector levels reported that the some of those mediators are not aware about the current land law and inheritance law. They hardly solve conflicts related to land rights. It is recommended that they should also be sensitized about those laws. If that is done, they will contribute more in solving land conflicts and they will be positively involved in protecting and enhancing land rights for women and female who were traditionally victims of social injustices in land right transfer.

Current laws clearly protect and enforce the rights of widow and female orphans, but it is not the case for women illegally married, especially in the case of death of their husband. Laws do not provide any rights for the widow whose husband passes away without having given birth to children who should inherit the father property. This case remained unsolved and the government should state clearly the alternative way the widow without children should be protected against land deprivation.

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