

FOOD SECURITY AND LAND GOVERNANCE FACTSHEET

Rwanda



Contents

Land governance	3
Food security	7
Realities on the ground	8
Resources and other information	10
References	11

ABSTRACT

Rwanda faces strong pressure on land that affects tenure security and therefore food production. This situation is primarily due to a continuous process of land fragmentation driven by population growth and inheritance practices requiring family land to be divided amongst all members of each new generation. An ambitious centrally driven land reform agenda seeks to address these issues, in conjunction with the agricultural policy (2006). Its long term goal is to intensify agricultural production and increase output. Core components of the reform agenda are the establishment of a uniform and secure legal tenure regime, the creation of a land market, the facilitation of access to credit through mortgaging, a land consolidation policy, and a crop intensification programme. Draining of valley bottoms, important for hydrology, also plays an important role in this strategy. Although the implementation of the agenda is underway nation-wide, the land registration programme may not improve the position of the (near) landless in rural areas. Equally important is the management of disputes and conflicts over land, which requires strengthening of mediation capacity. In urban areas, implementation of town plans (such as the Kigali City Masterplan) is leading to the expropriation of people living in informal settlements and in areas planned for 'improved' land uses.

This country factsheet was prepared under auspices of LANDac – the Netherlands Academy on Land Governance – and was originally compiled by the Royal Tropical Institute (KIT – Thea Hilhorst and Nicolas Porchet) at the request of the Netherlands Ministry of Foreign Affairs. In 2015, the factsheet was updated by Mireille Biraro (INES Department of Land Admin) in collaboration with LANDac (Chris Huggins, Gemma Betsema, Gerard Baltissen LANDac/UU) with support from the Food and Business Knowledge Platform (F&BKP) as part of the LANDac/F&BKP knowledge agenda on land governance and food security.

About LANDac

LANDac, the Netherlands Academy on Land Governance for Equitable and Sustainable Development, is a partnership between Dutch organizations working on land governance. The partners are the International Development Studies (IDS) group at Utrecht University (leading partner), African Studies Centre, Agriterra, the Sociology of Development and Change (SDC) group at Wageningen University, HIVOS, the Royal Tropical Institute (KIT), and the Netherlands Ministry of Foreign Affairs. The LANDac network conducts research, disseminates information, and organizes courses and training, focusing on new pressures and competing claims on land and natural resources. Guiding question is how to optimize the link between land governance, sustainable development and poverty alleviation.

www.landgovernance.org

About F&BKP

The Food and Business Knowledge Platform (F&BKP) is one of the five Knowledge Platforms initiated by the Dutch Ministry of Foreign Affairs. It is an open and independent initiative where representatives from international networks and organizations of business, science, civil society and policy come together. The Platform shares, critically reflects on, generates, deepens and improves (interdisciplinary) knowledge and feeds practices and policies on food and nutrition security. Land governance is one of the prioritized themes in its mission to develop a more focused knowledge agenda.

www.knowledge4food.net

Regulatory land governance framework

The recognition of state and private property and the right of every citizen to private property, whether held individually or in association with others is inscribed in the Constitution of the Republic of Rwanda. The state has the authority to grant rights to land, including private ownership rights, and to establish laws governing land acquisition, transfer and use. State land is classified as public or private; public land cannot be alienated (GOR Constitution 2003). The 2005 Organic Land Law and the 2013 Land Law stipulate that the State has the supreme power of management of all land situated on the national territory in general interest of all and that it has the right to order expropriate in the public interest. After the land tenure regularization program, most land holders are issued with land leases (termed emphyteutic¹ leases), for which the lease period differ depending on the land use (e.g. up to 99 years for agriculture; 20 years for residential) and are inheritable, transferable, and renewable. The change from lease hold to freehold title can be issued to any Rwandan and is strictly limited to the area of land reserved for residential, industrial, commercial, social, cultural or scientific services and the size to which freehold can be granted shall not exceed five (5) hectares (GOR Law Governing Land in Rwanda, 2013).

Policy framework

National Land Policy of 2004	All Rwandans will enjoy the same right of access to land All land shall be registered, and land shall be alienable Consolidation of household plots is encouraged Land administration shall be based on a title-deeds registration system
------------------------------	--

(GOR Land Policy 2004a)

This national land policy is being reviewed, an activity conducted by the Rwanda Natural Resources Authority with the assistance of USAID through Land Project. An assessment report was completed in July 2015 and proposed that the review of the National Land Policy of 2004 should look into some key issues related to the land use planning and restrictions such as the weakness in preparing and implementing the master plans; the expropriations practices in public interest; the program of land use consolidation; grouped settlements in rural areas; management of unused, abandoned or poorly managed properties; prohibition of subdividing agricultural land that would generate parcels below one hectare; allocating and leasing of marshlands; taxes and fees on land and land transactions; leasing durations and conditions for renewal; land rights of women in informal or polygamous marriages; the sustainability of land administration services, etc. (Byamugisha, 2015).

Legislative Framework

Order No. 002/2008	Defines Modalities of Land Registration and provides for two types of certificates of land rights: the Certificate of Registration of Full Title and a Certificate of Registration of Emphyteutic Lease (by far the most common form of title)
Order No. 001/2008	Determines requirements and procedures for land lease that apply i.a. to the Emphyteutic Lease issued in the land registration process.
Law governing land in Rwanda of 2013	<ul style="list-style-type: none"> • This law repeals the Organic Law of 2005 Determining the Use and Management of Land in Rwanda. • Land is part of the common heritage of all Rwandan people: ancestors, present and future generations. • The State has the supreme power of managing all land situated on the national territory in the general interest of all with a view to ensuring rational economic and social development. • Registration of land is obligatory for every land owner. • For the purpose of land use consolidation, it is prohibited to subdivide plots of land reserved for agriculture and animal resources if the result of such subdivision leads to parcels of land of less than a hectare in size for each of them. Owners of lands prohibited to be subdivided shall co-own and use the land in accordance with the laws.

(GOR Land Registration Order 2008d; GOR Land Lease Order 2008b; GOR Order on Registrar of Land Titles 2006b); (GOR, 2013).

¹ An emphyteutic lease is a long term contract between the State and a person to exploit land in return for a periodic agreed fee payment (GOR Law Governing Land in Rwanda, 2013)

Traditionally, matters related to ownership of land by rural Rwandans were regulated by customary law. Before independence (1962) customary authorities allocated land in most parts of the country. After independence customary structures were largely dismantled and local authorities acquired extensive and virtually exclusive power in matters of land allocation (Pottier 2006: 515).

Since 1999 legislation has been passed that significantly reduces the scope for application of customary law. First, a law was adopted that brought inheritance matters under the scope of formal law (GOR Inheritance Law 1999). The 2004 Land Policy characterized customary law as “widely practiced, but with a tendency to cause insecurity, instability and precariousness of land tenure.” And whilst the law governing land in Rwanda of 2013, repealing the Organic Law of 2005, recognizes claims to land obtained under customary law, it converts them to lease rights and demands that they are registered, which effectively means that they are drawn into the formal system (GOR, 2013). This formal land administration system was initiated in 2009 through a program known as Land Tenure Regularization Program (LTRP) with two main objectives: (1) to ensure secure forms of land tenure for citizens and (2) to ensure efficient management and administration of land. The program set up procedures to carry out first-time systematic registration of land in the names of its owners with the aim of creating a complete public record of land holdings. The registration ended in 2013 with around 10.3 million parcels registered and 8 millions of land certificates issued to their owners. In practice, however, some rights, such as women’s rights to land, as guaranteed by the Inheritance Law of 1999, are difficult to claim in practice due to customary practices and land scarcity.

Land tenure forms and transactions

Research (Biraro *et al*; 2015a) was recently conducted to assess how citizens are accessing the formal land administration system (LAS) and what impacts the formalization has had on them in terms of access to credits and investing in land. This indicated that most land holdings are acquired through sales (51%) where traditional means, (e.g. through donation or inheritance) come at the second position with respectively 20% and 14%. Some of the other findings generated by the research showed that most of the surveyed citizens know about the existence of the formal LAS, whereas about half of them are not familiar with its procedure and requirements to register a change in land information (Biraro *et al*; 2015a). Therefore, some respondents (18%) did not use the LAS to register transactions. The research tested several factors influencing citizens’ decision to use or not use the system. The analysis indicated that age, sex and income of landowners; and location, land use and how a property was acquired are influencing this decision. The survey also investigated whether citizens can afford land transaction and associated costs for land registration. It was found that transactions fees are too high compared to the monthly income of the respondents. Furthermore, results show that Rwandans are still reluctant to seek credit from banks despite having a land certificate which can be used as loan security. Respondents who reported using credit for a particular investment mostly used it to build residential houses and invested in annual crops. In general, the research findings revealed that land certification has reduced land disputes. However, disputes over boundaries were still dominating the types of land disputes despite land demarcation. In examining the impact of the issuance of certificates on volume of land sales and rentals, a comparison of transaction frequency was done of the time periods before and after 2010, considering that 2010 was a peak period for systematic land registration. Survey results indicate transactions per year rates of sale and purchase transactions after 2010 are conceivably higher.

Biraro, *et al* (2015a) also tried to ascertain if land owners have any lingering concerns related to tenure security that were not addressed by the land tenure registration and certification process. The majority of the survey respondents reported being satisfied with the system thus far (87%) whereas 13% had concerns that are not addressed by the existing land registration and certification process. These include for example persons having registered their land, but not receiving their land certificate; the high cost of land administration services; delays in delivering land administration services; unresolved land disputes; the high costs of land lease fees and the short period for land leaseholds.

Based on the above findings, it appears that there are positive impacts brought by the land tenure regularization program in Rwanda. However, high rates of people not using LAS to register land transactions could be problematic.

Since 1990, the number of land sales has increased by as much as 500 percent in some areas. Over the same period, land prices have also shot up, especially in peri-urban areas and in areas where cash crops are successfully grown. The average price per hectare in rural areas is about RWF 1.2 million (roughly EUR 1.550 or USD 1.950), which equals about four to five times the average annual income of ordinary Rwandans. (Veldman and Lankhorst, 2011a).

The following table provides an overview of the main forms of tenure rights created by the Law governing land in Rwanda repealing the 2005 Organic Law.

Forms of land tenure rights

State ownership of public land	Also referred to as the 'public domain'. This land cannot be alienated or leased out.
State ownership of private land	Land held by the state as a private owner (which can be alienated or leased out – see below).
Individual ownership of private land	Land held by persons or entities vested with legal personality as private owners.* This land right may be transferred between persons through succession, gift, inheritance, ascending sharing, rent, sale, sublease, exchange, servitude, mortgage or any other transaction, in conformity with the conditions and methods provided for by the laws and regulations.
Lease of private land owned by the state	Depending on the designated land use (e.g. agricultural lands, or wetlands), leases may have a maximum duration varying between 15 and 49 years.
Lease of individual land – Emphyteutic leasehold	These are, essentially, the civil code equivalent of a (long term) leasehold in the common law system. This form of leasehold has duration of 3 to 99 years.

(GOR Land Registration Order 2008d; GOR National Land Law 2013). (GOR Land Lease Order 2007c). (GOR 2007; GOR Land Leasing Law 2007c)

* Whilst this type of tenure right is recognized by the Constitution and the National Land Law, very few persons or entities vested with legal personality will hold such a right, since the Land Law and the registration process convert all land acquired through custom or from administrative authorities into emphyteutic leaseholds. But the leasehold can be converted into freehold title to individual land reserved for residential, industrial, commercial, social, cultural or scientific services. The land should be developed and not exceed five hectares. This rule is not applicable to State land.

Institutional land governance framework

According to the law managing land in Rwanda, Article 21, the land can be acquired through succession, gift, inheritance, ascending sharing, rent, sale/purchase, sublease, exchange, servitude, mortgage or any other transaction (GoR, 2013). A research recently done, showed that the predominant mode of land acquisition is through sale followed by donation through *umunani* or inheritance (Biraro, et al, 2015a). Each land transfer has to be formally registered and included in the official land register. To facilitate the updating of this activity, which implies the updating of the land information system, the government has undertaken some actions. Firstly, there is a Land Administration Procedure Manual describing how to register changes in land information used in the updating process. The document explains different types of changes in land information recognized in Rwanda; actors involved in the process and their roles; required documents; and forms to be used when applying for a change in registration (RNRA², 2012). Secondly, there is a Land Administration Information System (LAIS), a web based land registration tool designed to support the maintenance of the land register. The system comprises a data store (spatial data and legal information) and a processing capacity held centrally where the users at the local offices are able to interface with the system using a web browser via internet (RNRA, 2012). When established, the system was accessible only at the province level (Rwanda has four provinces and the Kigali City) but now it exists in all the thirty districts within the country. Thirdly, the decentralization of land services from District to Sector level. According to the Land Administration Procedure Manual, the District Land Officer operating at the District level is responsible for preparing documents evidencing land transactions for submission to the Registrar of Land Titles at the province level, which in turn is responsible for issuing leasehold certificates, widely referred to as "titles". The provision of these documents was brought at sector level (there are 426 sectors). This was to facilitate the accessibility to the land services. Difficulties to access the land services were confirmed by the research done to assess the accessibility of ordinary citizens to the land administration system, it was found that citizens do around 12 km to go to the district to seek for land services (Biraro et al, 2015a). In addition, some citizens are unwilling or unable to pay the fees required to register land transactions.

The national land register is within the Lands and Mapping Department (the former National Land Centre), one of the four departments under the Rwanda Natural Resources Authority. The RNRA, created in 2011, has the mandate to lead the management of natural resources (land, water, forests, mines and geology). RNRA is entrusted with supervising, monitoring and ensuring the implementation of issues relating to the promotion and protection of natural resources in programs and activities of all national institutions (GOR 2011 b). The Lands and Mapping department has the responsibilities to put in place and operationalise an efficient system of land administration and land management that secures land ownership, promotes investment in land for socio-economic development and poverty reduction (www.rnra.rw).

To enable landholders to register changes in land transactions following first-time registration, the GoR established land offices in every district, known as District Land Bureaus, as part of the decentralization program implemented by the

² Rwanda Natural Resources Authority

Ministry of Local Government. The decentralization of these services at sector level is also ongoing. With respect to land management, responsibility for land matters rests with the Ministry of Natural Resources (MINIRENA) to: a) Prepare and ensure the follow up and evaluation of policies, strategies as well as environment protection; b) Prepare draft bills and establish norms and practices for rational exploitation and efficient land management, Environment, Water Resources and evaluate their implementation; c) Promote research and exploit Rwandan underground natural resources and set up appropriate mechanisms for their extraction and valuation; d) Plan and follow up pure water distribution programme and basic health activities; e) Initiate incentive measures and support programmes to private sector and civil society so as to invest in land protection activities, Water Resources and Environment; f) Coordinate stakeholders activities and mobilise necessary resources for land management and land use planning, Water Resources as well as Environment protection; g) Reinforce capacities of decentralised entities in matters of land management, Water Resources and Environment. (GOR 2011a)

Responsibility for balancing national population policy, land-use planning, and environmental needs to ensure that land is not degraded lies with the Rwanda Environment Management Authority (REMA), which is a non-sectorial institution mandated to facilitate coordination and oversight of the implementation of national environmental policy and the subsequent legislation (GOR 2011c).

There are several non-governmental organizations (NGOs) working in the land sector, with some policy influence. However, the government prefers a model of civil society in which NGOs work primarily to implement government policy, rather than monitoring or criticizing policy implementation in a classic 'watchdog' role. As a result, the influence of NGOs over policy making is limited (Gready, 2011).

Gender

The principal means for women to access and use land under customary law was through marriage, but this did not grant them control rights (selling, gifting, renting, building). In principle, customary law also did not enable women to inherit their husband's or their father's land, but, under certain conditions, they exercised their use rights until they die or their sons reach the age of marriage.

Therefore, that customary law did not meet the need for secure access to land for the large number of female-headed households in Rwanda after the genocide (roughly a third of all households) (Lankhorst 2012). This was viewed as a potential threat to economic development as the wife is the one ensuring the management of the family welfare. To remedy this, the Matrimonial Regimes, Liberties and Succession Law (often referred to as the Inheritance Law) was introduced in 1999. Its aim was not only to formalize the way in which inheritance was regulated and bring within the scope of the state justice system, but also to break with important aspects of customary law. First, it granted daughters the right to inherit land from their parents. Like their brothers, therefore, women are entitled to a share of family land when they get married (through *umunani*) or when their parents die. Second, the law gave wives rights to matrimonial property. Third, it allowed widows to inherit their deceased husbands' property.

The scope of this law, however, is not as wide as it might seem. The law applies only to formally married wives and widows, thus excluding those who marry under customary including polygamous or religious unions which is particularly common in rural areas. In addition, although the law provides that daughters have an equal right to the land left behind when their parents die, with respect to gifts it only provides that they may not be discriminated against when the parents give land to their children during their lifetime (*umunani*). In many cases, such gifts involve the bulk of a family's land, leaving little to be inherited. Moreover, lawyers frequently interpret the term 'discrimination' used in the law to mean that if a girl has acquired access to sufficient land through her marriage, this justifies her receiving a smaller gift from her parents than her brothers.

While there is a basic awareness among most men and women that the law has changed in favor of the latter, in practice, customary law continues to have a strong influence on how marriage and inheritance are regulated in rural areas. The adoption of formal laws guaranteeing women's access to marital and natal family land has therefore not led to significant changes on the ground. The adverse consequences of the failure of formal law to change marriage and inheritance practices in rural areas are exacerbated by the narrowing of the scope for acceptance of women's land claims under customary law (Lankhorst and Veldman 2011a; Uwizeza and Pearson 2009; Rose 2004; Scalise and Giovarelli 2010; GOR 2007; GOR Law 22/99 1999). Research conducted by the Institute of Legal practice and Development (ILPD – Havugiyaremye *et al*; 2015) found that while the vast majority of respondents reported favoring giving land to both sons and daughters, one third of respondents reported their belief that daughters should receive a smaller portion than sons.

The desire to avoid disputes with their family and ignorance of the law are the two main reasons some women do not claim their rights to *umunani*.

Foreign direct investments

The government strongly encourages foreign investment in agriculture in the fertile river valleys, which are held in private ownership by the state to ensure national food security and promote access to income. Sometimes Rwandan entrepreneurs and associations have leased river valleys for commercial crop production. While yields are often good, the ways in which associations and businesspeople acquire and manage such areas is sometimes problematic, resulting in the marginalization of poor households who previously used them (Ansoms et al, 2014).

Promoting foreign investment is at the core of the Organic Environment Law of 2005, a law also of 2005 relating to investment and export promotion and facilitation; and to the law of 2013 governing land in Rwanda. The investment law aims to facilitate procedures for investors and provides significant incentives for investors, in terms of a number of tax breaks (notably on VAT and income tax). In addition, the law provides guarantees for the protection of foreign investments. It stipulates that the only way for the Government to acquire rights over the investment is by following established expropriation procedures; in this case, adequate compensation will be paid in foreign convertible currency within 12 months (Veldman and Lankhorst 2011b). In the law governing land in Rwanda, investors have rights to an emphyteutic lease of 49 years renewable based on the approved land use plan and business plan. In Special Economic Zones, a foreigner is treated as a national and can receive even a freehold title (GoR, 2013). The activities to be undertaken by these investors are based on national priorities as set in an investment guide being (UNCTAD³, 2012). In the agriculture sector, the priority is given to the production of traditional cash crops of tea and coffee in order to improve value-addition and assert the 'Rwanda' brand. The target is to also to invest in horticulture and floriculture to see whether Rwanda has an opportunity to emulate Kenya's success, though progress in these sectors has been considered slow by some (Booth and Mulebi-Gootoba, 2012).

In some areas, the government ensures that targets for particular crops are included in household-, cellule-, sector- and district-level performance contracts (called *imihigo*), that are signed by citizens and local leaders. According to some commentators, these act as a top-down planning mechanism that ensures that local production is aligned with the interests of potential corporate investors (Huggins, 2014a), in a strategy termed state-imposed contract farming (ibid).

Based on the Land Matrix (<http://www.landmatrix.org/en/get-the-idea/global-map-investments/>), large-scale foreign investment in Rwandan land is still mostly limited to tea as one of the traditional cash crops.

FOOD SECURITY AND LAND GOVERNANCE

Food Security

The National Census of 2012 has shown that around 73% of the active population in Rwanda is engaged in subsistence agriculture (NISR⁴, 2012a). This activity is practiced on plots for which the average size is estimated at 0.33 hectare GoR, EDPRS II⁵, 2013). Besides, a Comprehensive Food Security and Vulnerability Analysis and Nutrition (CFSVAN) survey done in 2012, reports that around 51% of all households said having some difficulties in accessing food in the year preceding the survey (NISR, 2012b). Thus, this food production, predominantly dependent on the productivity in small- and fragmented farms has pushed the government to seek ways and policies to intensify production and raise farmers' income on existing land. Heavy investments were made to modernize agriculture for those willing to engage in land use consolidation in order to increase the level of productivity in small farms (improved seeds and fertilizers). With a national density of 415 habitants per square meter and a yearly growth rate of 2.6 per cent, proper utilization of land is paramount to food security for this rapidly growing population (NISR, 2012a). The Ministry of Agriculture and Animal Resources (MINAGRI) has embarked on a simplified land use consolidation model whereby farmers, in a given area, grow two or three of the priority food crops (maize, rice, wheat, Irish potato, cassava, soybean and beans) in a synchronized fashion while keeping their land rights intact. Although consolidation is voluntary, it is a pre requisite for availing the benefits such as subsidized inputs under the Crop Intensification Program (CIP), a revolutionary flagship program promoting food production,

3 United Nations Conference on Trade and Development

4 NISR: National Institute of Statistics in Rwanda

5 Economic Development and Poverty Reduction Strategies II (2013 - 2018)

and some compulsion has been used by agronomists, local administrators, and other powerful actors to encourage consolidation (ARD, 2008). To support this land use consolidation program, and in the scope of managing the farm lands in order to support agriculture production, the law governing land in Rwanda endorses the consolidation of the use of small plots of farm. This is stipulated in the Article 30 that says: "...It is prohibited to subdivide plots of land reserved for agriculture and animal resources if the result of such subdivision leads to parcels of land of less than a hectare in size for each of them" (GoR, Law governing land in Rwanda, 2013). This means in practice that further subdivision through inheritance is not allowed for plots under one hectare.

Under the Crop Intensification Program (CIP), it was envisaged that the renewed focus on sustainable intensification of crop production would enable Rwanda to move beyond ensuring food security to become a food supplier for the region by 2017. The program undertook a multi-pronged approach that includes facilitation of inputs (improved seeds and fertilizers), consolidation of land use, provision of extension services, and improvement of post-harvest handling and storage mechanisms. The program focuses on the aforementioned six priority crops. An assessment done shows that as a result crop productivity has increased. The production of maize and wheat has sextupled, and that of Irish potato and cassava has tripled. The production of rice and beans has increased by 30% in the past 4 years. These outputs have pushed Rwanda to the verge of becoming a food secure country. However, the nutrition gains have been less than expected (Malyon, 2015) and different regions have experienced different outcomes, depending on the appropriateness of the crops chosen under the regional crop specialization policy to local agro-climatic and market conditions (Huggins, 2014b)

Despite a significant production resulted from the cultivation of the selected crops, the land use consolidation caused a steady decline in area under cultivation of other traditional crops (non- priority) traditional crops – from 52.6% in 2004 to 42.4% in 2011 (MINAGRI, 2012). Since cultivation of some of the other non-priority crops could provide additional revenues, protect risks from mono cropping and balanced nutrition, the replacement of other crops by priority crops in consolidated areas needs to be justified on such factors as profitability and household food security (MINAGRI, 2012). Besides its availability, the quality of the food is also being ensured through different strategies including among other vegetable garden per rural household, where each household in rural areas must have a kitchen garden to grow vegetables; and one cow per household aiming to get manure and dairy products. However, all these programs are intended to assist those who own land among the poor households and land is already scarce resource in Rwanda (Mukahigiro, 2015). An assessment done on the land use consolidation program by the University of Rwanda (Nyamulinda, *et al.* 2014) found a high levels of satisfaction of the program amongst farmers, who believed it has brought them benefits, including increased yield, access to inputs, such as improved seed and fertilizer, as well as frequent visits by extension agents. However, the research findings also indicated that even with any improvements that may have resulted from the land use consolidation program, many households continue to struggle to meet basic needs. In the survey that covered 742 households country wide, two-thirds of the farmers reported that their household did not have enough to eat in the past week. In addition, over half the respondents had experienced some kind of shock in previous three years that affected their household's ability to eat or changed their asset ownership and farmers exhibit low levels of per capita expenditures consistent with high rates of poverty (Nyamulinda, *et al.* 2014).

Other research based on household data has found that agricultural policies have had negative impacts on many households and have accelerated processes of socio-economic differentiation which 'polarize the rural population between the relatively wealthy or less poor minority' (Dawson *et al.*, 2016). Based on interviews in 165 households in 3 districts of Western Rwanda, the study found that, 'agricultural policies... negatively impacted participants through restrictions placed upon agricultural practices (which particularly constrained subsistence production), and reduced tenure security over agricultural land.' Expropriation of land, and loss of control over land use, was particularly associated in this study with the government-facilitated expansion of tea estates.

REALITIES ON THE GROUND

The land tenure regularization program had a positive impact in reducing land related disputes in Rwanda (Biraro, *et al.*, 2015a). The growing population (202 inhabitants per km² in 1991; 384 per km² in 2009; 445 per km² in 2015 and an estimated at 531 per km² in 2020) is putting pressure on land tenure structure for some time, as manifested by competing claims to land.

The pressure on land, combined with limited non-agricultural livelihood options, was one of the factors that fuelled the 1994 genocide. The displacement of large groups of people brought about by the violence produced new challenges. In

several cases multiple groups occupied and laid claim to the same land. Competing claims to land are influenced by the reintegration of demobilized soldiers, former prisoners, and old- and new-case returnees from neighboring countries. To handle this, the government of Rwanda allocated some of the State land, such as the land in Gishwati forest and game reserves in Akagera National Park, to these landless people through land sharing process.

The government estimates that by 2001 land-related disputes concerned as much as 80% of the cases coming before prefect courts (Musahara 2006; André and Platteau 2005; GOR 2007; Wyss 2006). Intra-family disputes occur most frequently (79% of land cases at primary court level). Most of these (74% of land cases at primary court level) involve some form of inheritance claim (which often arise from polygamous relationships). The overwhelming majority of disputes are occurring within extended families rather than between different social groups (Veldman and Lankhorst 2011a; GOR 2007; Wyss 2006; ARD 2008a; ARD 2008b).

Other causes of conflict are government expropriations. The compulsory villagisation and land-sharing programs were mostly conducted without due process or payment of fair compensation, required settlement in areas without services or adequate farmland and resulted in increased insecurity and tension (GOR 2007; Bruce 2007). The shared land is registered in the names of those who received it (GoR, 2010c). Although the beneficiaries of this sharing can sell the land, they are not to change the land use or to subdivide it. In case of selling, the new owner will also have to respect these restrictions (GoR, 2012). The implementation of the villagisation policy in recent years requires all new houses to be built in designated village areas, using permanent materials, a situation which has led to younger people having difficulties affording housing (Sommers, 2012). The Rwandan government has also allocated land in game reserves. Two major commissions of inquiry have been conducted into land issues in sensitive areas of Rwanda (Eastern Province, where large areas of ranchland were grabbed by senior soldiers and other influential figures after the genocide; and Gishwati forest, an environmentally important area), but the outcomes of these have been mixed (Huggins, 2011).

As elsewhere in Africa, the bulk of land disputes are handled at the local level, with only a fraction entering the formal court system. Roughly one in 40 disputes started at village level will enter the formal court system and 48% of the land cases that do enter the formal court system are summarily dismissed. At the local level, disputes may more or less informally be put before a family council, local authorities (the head of the *imidugudu* or the executive secretary of the cell). Before a case can be brought to court, disputants must submit it to a mediation committee (or *abunzi* committee). If the parties cannot be reconciled the *abunzi* are required to apply the law and adopt an adversarial decision. This decision is binding on the parties unless one of them submits the case to the Primary Court for review. A committee is composed of 12 community members elected for a five year term (Veldman and Lankhorst 2011a).

The mediation process is hampered by the fact that the *abunzi* mostly position themselves as judges rather than as mediators facilitating a dialogue between the parties. Since they lack knowledge of relevant laws and procedures, the outcome is often unsatisfactory. Nonetheless, the rural population in general and vulnerable groups, in particular, tend to prefer the *abunzi* over local authorities and formal courts. In part, this is due to a suspicion that the latter are biased or can be corrupted (ARD 2008b; Veldman and Lankhorst 2011a; Lankhorst and Veldman 2009; GOR 2007).

The land tenure regularization programme (mentioned above) was a major endeavor in Rwanda and all parcels have now been demarcated. This is a major achievement and one of the few in its kind in Africa. However, policy space in Rwanda for farmers to question aspects of land policy and registration process is perceived to be insufficient. It is suggested that government land reforms are mostly the product of central level decision making, with less consideration for rural realities (Anseeuw and Alden, 2010; Ansoms 2009, Ansoms et al. 2010). The use of monitoring for adaptive management is hampered by a tendency to approach the presentation of results as “public relations” (e.g. very low percentage of disputed cases of land registration).

The sustainability of the system requires adequate procedures to make sure that the changes in land information are captured on time. Biraro *et al* (2015b) identified some of the issues that may discourage land owners to report these changes (eg: long procedures). The Rwandan Land Administration System is now being decentralized at local level (since 2015, there are Sector Land Managers) to reduce the long distances to the District offices. Although the land services can now be acquired at Sector level instead of District level, these local offices are still lacking some resources such as the connection to the central land register, known as Land Administration Information System (LAIS). Thus the applications are submitted at Sector Level but their processing done at District level where the access to the digital land register is possible.

A particular problem for Rwanda is the landlessness of marginalized groups particularly abasigajwe inyuma n'amateka (known as the Abatwa or Twa), genocide survivors, orphans and legally vulnerable women (Musahara 2006; André and Platteau 2005). In the case of the Twa, they have received services from the government (such as housing and education) but have been forbidden by law from identifying themselves by their customary ethnic identifier, or from identifying as indigenous. This, as well as the generalized government control of civil society advocacy groups has limited Twa access to land through legal and policy reform (Huggins, 2009; Dawson 2013).

The major aspect regarding food security and land governance is found in the land use consolidation program where by neighboring farmers grow a single priority crop (identified by the Ministry of Agriculture as best suited to local conditions), while retaining individual ownership of their parcels. The rationale for this program is that joining small plots together to farm as a single unit would deliver important economies of scale in agricultural production, resulting in improvements to efficiency and sustainability, which would in turn, boost household well-being and promote greater equity. It is a large-scale initiative, being implemented to some extent in all districts of Rwanda.

As said in the above paragraphs, Nyamulinda, *et al.* 2014, in the assessment they did, indicated that despite the improvements brought by the program (increased yield, access to improved seed and fertilizer, frequent visits by extension agents), many households continue to struggle to meet basic needs. In the survey that covered 742 households country wide, two-thirds of the farmers reported that their household did not have enough to eat in the past week. In addition, over half the respondents had experienced some kind of shock in previous three years that affected their household's ability to eat or changed their asset ownership and farmers exhibit low levels of per capita expenditures consistent with high rates of poverty (Nyamulinda, *et al.* 2014).

RESOURCES AND OTHER INFORMATION

Related country profiles

FAO: <http://www.fao.org/countryprofiles/index.asp?lang=en&ISO3=RWA>

FAO/Gender: http://www.fao.org/gender-landrights-database/country-profiles/countries-list/general-introduction/en/?country_iso3=RWA

IMF: <http://www.imf.org/external/country/RWA/index.htm>

World Bank: <http://www.worldbank.org/en/country/rwanda>

Land Portal: <https://landportal.info/book/countries/RWA?indicator=INDFAOFSEC1&comparing-country=DZA>

Laws, policy and regulations search engines

FAO Lex (Land & NR search engine): <http://faolex.fao.org/faolex/index.htm>

Water Lex (Water laws search engine): <http://faolex.fao.org/faolex/waterlex.htm>

Maps and Databases

Land and soils databases/information systems: <http://www.fao.org/nr/land/databasesinformation-systems/en/>

Water database/information systems: http://www.fao.org/nr/water/infores_databases.html

Land and water maps and graphs: http://www.fao.org/nr/solaw/maps-and-graphs/en/http://www.fao.org/nr/water/infores_maps.html

Global map of investment: <http://www.landmatrix.org/en/get-the-idea/global-map-investments/>

Portals and other resources

http://landportal.info/search/apachesolr_search/rwanda

<http://www.landesia.org/search/?q=rwanda>

<http://www.rwandaland.org/en/>

Donor support programs

The Global Donor Working Group on Land (GDWGL) quotes 19 donor programmes and projects in Rwanda (finalized and ongoing): <https://landgov.donorplatform.org>.

USAID has supported the government of Rwanda in its development of land policy and the legal framework governing land. Also the UK's Department for International Development (DFID), Sweden, European Union and the Netherlands are funding and providing technical support for Rwanda's National Land Tenure Reform Programme.

Since 2011, the World Bank is promoting the implementation of the land governance assessment framework (LGAF), an activity that is facilitated by RISD.

Civil society organizations working on land governance

Members of International Land Coalition from Rwanda:

Rwanda Initiative for Sustainable Development (RISD) www.risdrwanda.org

Members of EAFF (farmers's organisations) in Rwanda:

Syndicat des agri-éleveurs du Rwanda (IMBARAGAE) – http://www.agro-info.net/?menu=organisations&view=organisation&organisation_id=15325

Syndicat Rwandais des Agriculteurs et Eleveurs INGABO – http://www.agro-info.net/?menu=documents&view=document&document_id=52534

The Eastern Africa Farmers Federation (EAFF) participates actively in national and international discussions on land governance. They also published in 2010 The Entebbe Declaration on Large Foreign Land Acquisitions <http://www.eaffu.org/go/downloads/EAFF%20Position%20on%20Land%20Grab.pdf>

EAFF covers the following countries: Burundi, Democratic Republic of Congo, Djibouti, Eritrea, Federal Democratic Republic of Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania. General website: <http://www.eaffu.org/go/>

Documentations on food security

National Institute of Statistics in Rwanda; Ministry of Agriculture and Animal Resources; World Food Program. 2012. Comprehensive Food Security and Vulnerability Analysis and Nutrition Survey 2012 (Data collected in March-April 2012). <http://www.wfp.org/food-security>, www.statistics.gov.rw

Kathiresan, A. 2012. Farm land use consolidation in Rwanda, Assessment from the perspective of agriculture sector. Published by the Ministry of Agriculture and Animal Resources, Kigali, Rwanda

REFERENCES

- André, C. and J.P. Platteau. 1995. Land Relations Under Unbearable Stress: Rwanda Caught in the Malthusian Trap. Centre de recherche en économie du développement (CRED) Faculty of Economics, University of Namur, Belgium
- Anseeuw, W. and C. Alden. 2010. The Struggle over Land in Africa: Conflicts, Politics & Change. HSRC Press, 2010
- Ansoms, A. 2009. Re-Engineering Society: The Visions and Revisions of Rwandan Elite. *African Affairs*, 108/431:289-309 (3 February)
- Ansoms, A., A. Verdoodt, and E. Van Ranst. 2010. A Green Revolution for Rural Rwanda: Reconciling Production Growth with Small-Scale Risk Management. A paper prepared for the Ten Years of War Against Poverty conference, 8-10 September, Manchester, UK. http://www.chronicpoverty.org/uploads/publication_files/ansoms_et_al_rwanda.pdf
- Ansoms, A., G. Cioffo, C. Huggins and J. Murison. 2014. The reorganisation of rural space in Rwanda: Habitat concentration, land consolidation, and collective marshland cultivation, in: Ansoms, A. and Hilhorst, T. (eds) *Losing Your Land: Dispossession in the Great Lakes*. James Currey
- Associates for Rural Development (ARD). 2008. Land Related Program Activities Completion Report. Washington: USAID
- Associates in Rural Development, Inc. 2008a. An Assessment of Local Resolution of Land Disputes in Two Pilot Areas: Kabushinge and Nyamugali Cells, Rwanda. Submitted by ARD to USAID. June 2008
- Biraro, M., Khan, S., Konguka, G., Ngabo, V., Kanyiginya, V., Tumusherure, W. and P. Jossam. 2015. Final Report of Study on the access to the land tenure administration system in Rwanda and the outcomes of the system on ordinary citizens. Kigali, Rwanda: USAID LAND Project. Accessible on <http://rwandaland.org/en/landprojectreports>
- Biraro, M., Bennett, R. and C. Lemmen. 2015. Accelerated Land Administration Updates, in *Advances in Responsible Land Administration*. CRC Press, (Page 145-161), United States
- Booth, D. and F. Golooba-Mutebi. 2012. Policy for agriculture and horticulture in Rwanda: A different political economy? *African Power and Politics Programme Working Paper*. London: Overseas Development Institute
- Brown, J. and J. Uvuza. 2006. Women's Land Rights in Rwanda: How can they be protected and strengthened as the Land Law is implemented. *Rural Development Institute Report No. 123*. Seattle: RDI
- Bruce, J. 2007. Drawing a line under the crisis: Reconciling returnee land access and security in postconflict Rwanda. *Humanitarian Policy Group (HPG) Background Briefing*, Overseas Development Institute (ODI). London: ODI
- Byamugisha, F. 2015. An Assessment and Plan for a Comprehensive Review of Rwanda's 2004 National Land Policy. Kigali, Rwanda: USAID LAND Project
- Dawson, N. 2013. An assessment of multidimensional wellbeing in rural Rwanda: Impacts of and implications for rural development and natural resource conservation. Norwich: PhD, University of East Anglia

- Dawson, N., Martin A. and T. Sikor. 2016. Green Revolution in Sub-Saharan Africa: Implications of Imposed Innovation for the Wellbeing of Rural Smallholders. *World Development* Vol. 78, pp. 204-218
- Food and Agriculture Organization. 2009. Aquastat Summary Fact Sheet: Rwanda. Rome: FAO
- Gready, P. 2011. Beyond 'You're Either with us or Against Us': Civil Society and Policymaking in Post-genocide Rwanda, in Straus S. and Waldorf L. (eds.): 87-102. *Remaking Rwanda. State Building and Human Rights after Mass Violence*, Madison, University of Wisconsin Press
- Government of Rwanda. 1988. Loi No. 47/1988 Organisation du Régime Forestier. http://www.amategeko.net/display_rubrique.php?ActDo=ShowArt&Information_ID=499&Parent_ID=307135&type=public&Langue_ID=Fr&rubID=307139#307139
- Government of Rwanda. 1999. Law No. 22/99 of 12/11/99 to Supplement Book One of the Civil Code and to Institute Part 5 Regarding Matrimonial Regimes, Liberalities, and Successions. <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwerwa.htm> (accessed 13 October 2010)
- Government of Rwanda. 2003. Constitution of the Republic of Rwanda. <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwerwa.htm>
- Government of Rwanda. 2004a. National Land Policy. http://www.minirena.gov.rw/IMG/pdf/National_Land_Policy.pdf
- Government of Rwanda. 2004b. Water and Sanitation Policy. http://www.minirena.gov.rw/IMG/pdf/Water_and_Sanitation_Policy.pdf
- Government of Rwanda. 2005. Organic Law Establishing the Land Tenure System in Rwanda. <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwerwa.htm> (accessed 13 October 2010).
- Government of Rwanda. 2006a. Law Determining the Organisation, Functioning and Responsibilities of National Forests Authority (NAFA). http://www.rema.gov.rw/index.php?option=com_docman&task=catview&gid=144&Itemid=77&lang=en
- Government of Rwanda. 2006b. Presidential Order Determining the Structure, the Powers and the Functioning of the Office of the Registrar of Land Titles.
- Government of Rwanda. 2007b. Law Relating to Expropriation in the Public Interest. Law N° 18/2007 OF 19/04/2007. <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwerwa.htm>
- Government of Rwanda. 2007c. Presidential Order N° 30/01 OF 29/06/2007 Determining the Exact Number of Years of Land Lease
- Government of Rwanda. 2007d. Ministry of Lands, Environment, Forestry, Water and Mines (MINITARE). 'Results of Preparatory Field Consultations in Four Trial Districts; March – October 2006'. Kigali: DFID and Herts., UK: HTSPE publication
- Government of Rwanda. 2008b. Ministerial Order No. 001/2008 of 01/4/2008 determining the requirements and procedures for land
- Government of Rwanda. 2008d. Order No. 002/2008 of 1/4/08 Defining Modalities of Land Registration
- Government of Rwanda. 2008e. Putting in Place the Use, Management and Protection of Water Resources Regulations http://www.minela.gov.rw/IMG/pdf/Loi_fixant_les_rgles_d_utilisation_de_conservation_de_protection_et_de_gestion_des_ressources_en_eau.pdf
- Government of Rwanda. 2010a. Ministry of Environment and Lands Annual Report July 2009 – June 2010.
- Government of Rwanda. 2010b. Ministry of Agriculture and Animal Resources (MINAGRI). 'Website: About the Ministry.' http://www.minagri.gov.rw/index.php?option=com_content&view=article&id=49&Itemid=27&lang=en
- Government of Rwanda. 2010c. Ministerial Order N°001/16.01 of 26/04/2010 determining the modalities of land sharing
- Government of Rwanda. 2011a. Ministry of Natural Resources (MINIRENA) 'Website: Vision and Mission.' <http://www.minela.gov.rw/spip.php?article3>
- Government of Rwanda. 2011b. Rwanda Natural Resources Authority (RNRA) 'Website: Official Gazette no 10" http://www.nlc.gov.rw/index.php?option=com_jdownloads&Itemid=&task=finish&cid=45&catid=20&lang=en
- Government of Rwanda. 2011c. Rwanda Environment Management Authority (REMA) (MINIRENA) http://www.rema.gov.rw/index.php?option=com_content&view=category&layout=blog&id=188&Itemid=161&lang=en
- Government of Rwanda. (2012). *Amabwiriza ya Minisitiri w'Umutungo Kamere akena imikoreshereze y'ubutaka bwasaranganyijwe mu Ntara y'Iburasirazuba* (Order of the Ministry of the Natural Resources determining the use of the shared land in the Eastern province). Accessible on: www.rnra.rw/index
- Government of Rwanda. 2013. Law N° 43/2013 Governing Land in Rwanda, Official Gazette, Kigali
- Government of Rwanda. 2013. Economic Development and Poverty Reduction Strategy II 2013-2018. Published by the Ministry of Finance and Economic Planning, Kigali
- Government of Rwanda (Ministry of Natural Resources). 2008. Establishing a Land Administration System for Rwanda: Technical and Economic Analysis http://siteresources.worldbank.org/INTIE/Resources/Sagashya_English_Present.pdf
- Havugiyaremye, A., S. Wiehler, C. Wibabara and D. Ndayisaba (with assistance and advice from Prof. Susana Lastarria-

- Cornhiel). 2015. The Impact of Gendered Legal Rights to Land on the Prevalence and Nature of Intra- and Inter-Household Disputes. Final Research Report. Kigali, Rwanda. USAID LAND Project. Accessible on <http://rwandaland.org/en/landprojectreports>
- Huggins, C. 2014a. 'Control Grabbing' and small-scale agricultural intensification: emerging patterns of state-facilitated 'agricultural investment' in Rwanda, in: *Journal of Peasant Studies*, 41 (3)
- Huggins, C. 2014b. Restrictions on Land Use Rights in Rwanda: Understanding the 'Bundle of Land Rights' in Context. Focus on Land in Africa (FOLA) Brief
- Huggins, C. 2009. Historical and Contemporary Land Laws and their Impact on Indigenous peoples' Land Rights in Rwanda. London: Forest People's Programme
- Lankhorst, M. and M. Veldman. 2009. La Proximité de la Justice au Rwanda: Rapport Socio- Juridique sur les Modes de Gestion de Conflits Fonciers, RCN Justice & Démocratie Research Report, Kigali
- Lankhorst, M. and M. Veldman. 2011. Engaging with Customary Law to Create Scope for Realizing Women's Formally Protected Land Rights in Rwanda, in: *Working with Customary Justice Systems, Post-Conflict and Fragile States*, E. Harper (ed), International Development Law Organization, Rome
- Lankhorst, M. 2012. Women's land rights in customary dispute resolution in Rwanda. Focus on land in Africa (FOLA) Brief, August 2012, <http://www.focusonland.com/countries/womens-land-rights-in-customary-dispute-resolution-in-rwanda/>
- Malyon, S. 2015. *Understanding Rwanda's puzzling nutrition paradox*. <http://www.ciatnews.cgiar.org/2015/04/29/understanding-rwandas-puzzling-nutrition-paradox/>
- Mukahigiro, A. 2015. Secure women's land rights in Rwanda: Investigating its impact on food security (MSc Thesis), University of Twente, Enschede, The Netherlands
- Musahara, H. 2006. Improving Tenure Security for the Rural Poor, Rwanda: Country Case Study. FAO, LEP Working Paper #7. Rome: FAO. Rwanda Environment Management Authority. 2009a. State of the Environment and Outlook Report. <http://www.rema.gov.rw/soe/>
- National Institute of Statistics of Rwanda; Ministry of Finance and Economic Planning. 2012. Rwanda Fourth Population and Housing Census. Thematic Report: Population size, structure and distribution. Kigali, Rwanda
- Nyamulinda, B., Bizimana, C., Niyonzima, T. and H. Musahara. 2014. Assessment of the economic, social, and environmental impacts of the land use consolidation component of the crop intensification program in Rwanda. Kigali, Rwanda: USAID LAND Project.
- Rwanda Water and Sanitation Corporation 2010. RWASCO Projects. <http://www.electrogaz.co.rw/projectsrwasco.html>
- RNRA. 2012. Land Administration System: Land Administration Procedures. Published by the Ministry of Natural Resources, Kigali – Rwanda http://rnra.rw/fileadmin/fileadmin/user_upload/documents/LAS_Manual.pdf
- Scalise, E. and R. Giovarelli. 2010. Making Equal Rights Real: Land Rights, Vulnerability, and Legal Empowerment. Rural Development Institute
- Sommers, M. (2012) *Stuck: Rwandan Youth and the Struggle for Adulthood*. Athens, Georgia: University of Georgia Press
- UNCTAD (United Nations Conference on Trade and Development). 2012. An investment guide to Rwanda opportunities and conditions 2012. New York and Geneva
- United States Agency for International Development. 2010. Property Rights and Resource Governance, Rwanda Country Profile <http://usaidlandtenure.net/usaidltp/products/country-profiles/rwanda> (accessed 2012)
- Veldman, M. and M. Lankhorst 2011a. Legal Empowerment and Customary Law in Rwanda: Report on a pilot project concerning community level dispute resolution and women's land rights, IDLO Research Report, International Development Law Organization, Rome
- Veldman, M. and M. Lankhorst 2011b. Socio-economic impact of commercial exploitation of Rwandan marshes: A case study of sugar cane production in rural Kigali, paper contributed to an international study by the International Land Coalition on Commercial Pressures on Land, Rome
- Wyss, K. 2006. A Thousand Hills for 9 Million People: Land Reform in Rwanda, Reforestation of Feudal Order or Genuine Transformation. Swiss Peace Working Paper 1, FAST Country Risk Profile. http://www.swisspeace.ch/typo3/fileadmin/user_upload/pdf/Working_Paper/WP_1_2006_rwanda2.pdf



LANDac

More information about LANDac and our activities is available on our website: www.landgovernance.org.

Contact

LANDac is based at International Development Studies, Utrecht University

Address

LANDac, attn. Gemma Betsema
Utrecht University / Faculty of Geosciences
Human Geography & Planning (SGPL) /
International Development Studies
PO Box 80 115
NL-3508 TC UTRECHT
The Netherlands

landac.geo@uu.nl
www.landgovernance.org