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THE INTERSECTION OF GENDER AND LAND IN POST-GENOCIDE RWANDA: LAND  
TENURE REGULARIZATION AND ITS IMPACT ON WOMEN

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THE INTERSECTION OF GENDER AND LAND IN POST-GENOCIDE RWANDA: LAND  
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COLLEGE OF INTERNATIONAL STUDIES

BY

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## **Abstract**

Following the violent and destructive genocide of 1994, Rwandan women were especially vulnerable because social and legal barriers kept them from accessing resources that were already scarce. The government of Rwanda, seeking to promote peace, unity, and development after such a devastating event, incorporated women's rights into numerous policies. Land is the economic backbone of Rwanda and therefore an important social resource, meaning that land reforms had the potential to influence other areas of Rwandan society. The government of Rwanda incorporated important rights for women into post-genocide land reforms and, through the Land Tenure Regularization Program, issued formal land titles and provided education about land reforms to every district of Rwanda in a country-wide implementation effort. Using historical, political, and economic approaches, this paper argues that the government's effort to expand women's legal rights through land reform legislation and to educate citizens about these legal reforms has given women more legal rights and is beginning to impact the ability of women to take part in other decision-making processes in their homes and communities.

## **Introduction**

“To be a rural Rwandan woman is difficult, first of all, you go to cultivate the land early in the day and return home only late carrying produce in a basket on your head, with a baby on your back, a hoe in one hand, and a rope attached to your goat in the other.” This quote from Jaqueline, a rural Rwandan woman who has chosen to assert her rights to land, highlights the daily challenge that women in Rwanda face in regards to cultivating land and performing domestic duties.<sup>1</sup> Land is an invaluable asset in Rwanda, it is the lifeblood of society and the backbone of the economy. For Rwandan women, land can serve as both a means and an end to empowerment, equipping women with real assets while changing society’s perception of women’s roles at the same time. In 1994, Rwanda experienced a violent genocide, leaving Rwandan women particularly marginalized as social norms and inadequate legal rights blocked their access to already scarce resources. In response to this unique marginalization, the Rwandan government created numerous reforms, weaving women’s rights into all types of legislation and specifically targeting this vulnerable population. Due to the significance of land in Rwandan society, land reform policies which address women’s rights can have especially significant impacts for women. In this paper, I examine the changes Rwandan women have experienced since the beginning of a land reform project that began in 2005, and I argue that the government’s effort to address women’s rights

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<sup>1</sup> “Rose of Rwanda – Promoting Peace Project,” *Landesa*, March 17, 2016, <https://www.youtube.com/watch?v=smKF4ImJfnE&feature=youtu.be>.

through land reform, along with help from international and local organizations, has led to improved legal rights and is beginning to affect the ability of women to influence household and community decisions.

## **History**

The 1994 genocide placed Hutu “perpetrators” against Tutsi “victims” and was a result of numerous factors that placed stress on existing ethnic and social divides. At the heart of these stressors was the issue of land scarcity and insecure land rights which led to increased conflict across the country. Rwanda’s informal land tenure system not only created disjointed practices across the country creating insecurity in the years before genocide, but the dependence on customary practices also created barriers for women by barring them from rights to inheritance and ownership.<sup>2</sup> During the genocide, men were particularly targeted, leaving thousands of Rwandan women as heads of house but without a claim to formal or customary land rights and therefore without secure access to a basic resource necessary for survival in Rwanda. Further, women were often victims of sexual attacks during the genocide, which typically meant that they were rejected by their families and communities after the violence ended, particularly when a rape resulted in the birth of a child.<sup>3</sup> These factors combined to make women particularly vulnerable in post-

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<sup>2</sup> Shinichi Takeuchi and Jean Marara, “Conflict and Land Tenure in Rwanda,” *JICA Research Institute, Working Paper* (Sept 2009): p. 27.

<sup>3</sup> Burnet, *Genocide Lives in Us: Women, Memory, and Silence in Rwanda* (Madison, Wisconsin: University of Wisconsin Press, 2012), p. 135.



genocide Rwanda and in desperate need of reforms to protect and promote their rights throughout the country.

### **Government and Policy**

The post-genocide government, led by Paul Kagame and the formerly exiled Rwandan Patriotic Front, has formally recognized the marginalization of Rwandan women and has addressed the issue through its policies. The policies of the Rwandan government are complex in that they often promote democratic ideas, but exist within an authoritarian regime. The primary goals of post-genocide policy then, were not necessarily to promote true democracy, but to create a sense of Rwandan unity and to bring justice in the aftermath of genocide. These ideas have been invoked to promote women's rights as a form of unity and social justice. Further, the current Rwandan government understands gender as a driver of development. At a Millennium Development Group meeting in January 2015 President Paul Kagame expressed this view when he stated that "gender equality cuts across all the other indicators."<sup>4</sup> In the quest for justice, unity, democracy, and development, the Rwandan government has made significant advances in regards to protecting women's rights.

The specific policies that I will look at in this paper pertain to land rights for Rwandan women. In 2005, the government began a massive overhaul of its land-related policies, seeking to create a uniform system of land tenure throughout the

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<sup>4</sup> "Gender Equality is Common Sense – President Kagame," *PaulKagame.com*, 23 January 2015, <http://www.paulkagame.com/index.php/news/1478-gender-equality-is-common-sense-president-kagame>.

country. The importance of land in Rwanda cannot be overstated, and the topic is therefore very high on the policy agenda for the post-genocide Rwandan state. As massive amounts of refugees began returning to the country in the years after the genocide, unclear land rights and the absence of any system to record land ownership or titles had the potential to spark more division and violence.<sup>5</sup> The government created a series of land reforms which were then implemented through the Land Tenure Regularization Program whose purpose was not only to record and issue land titles, but also to educate populations on new land legislation, including information on women's rights to ownership, use, and inheritance of land. The massive program took place in two phases from 2005 to 2013, with the major portion of the program taking place in during phase II from 2010 to 2013.<sup>6</sup> As Rwanda is by and large dependent on agriculture, land is incredibly important both culturally and economically. The changes in legislation and the implementation program from this period significantly improved the legal land rights of women, and due to the importance of land in this society and its ability to touch all areas of Rwandan life, could have much wider impacts on the lives of women.

### **Impacts of Land Rights**

Rwandan women are actively engaged in agricultural practices and they also manage most household responsibilities. Despite their role in managing both the

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<sup>5</sup> Saskia Van Hoyweghen, "The Urgency of Land and Agrarian Reform in Rwanda," *African Affairs* vol. 98, no. 382 (July 1999): P. 362.

<sup>6</sup> Dr. Polly Gillingham and Felicity Buckle. "Rwanda Land Tenure Regularisation Case Study," *Evidence on Demand*, (March 2014): p. 3.

household and agriculture, women have not historically had access to land of their own.<sup>7</sup> By expanding their rights to land and including women in the decision-making process surrounding land, women can change their role in society more broadly. When women become involved in decision-making about land, the most important resource in Rwanda, they can gain more leverage in other important areas such as local politics or household spending habits. In this paper, I will examine the effects that Land Tenure Regularization Program had on women's access to land and other aspects which influence their bargaining ability within the household. Early research from the first phase of the program has indicated some positive effects for women, therefore I will examine these studies and also incorporate some of my own research to argue that the program is indeed having an effect on the experiences of Rwandan women, although the full scope of its impact will require years of ongoing study. The Rwandan government focused on women's rights throughout its land reform policies and as a result has initiated societal changes, the effects of which will continue to reveal themselves in coming years.

### **Multidisciplinary Approach**

I use historical, political, and economic approaches to examine post-genocide land reforms and their impacts on Rwandan women. By examining Rwanda's colonial past, the historical importance of land, and traditional roles of women I argue that women in post-genocide Rwanda were in a particularly vulnerable

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<sup>7</sup> Jennie E. Burnet, "Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda," *African Affairs* vol. 107, no. 428 (2008): p. 379.

situation. Through the study of post-genocide policies in Rwanda, I argue that the government promoted gender equality as a policy which would bring unity and justice to the recovering country and as a means for development. In order to measure some initial impacts from the program, I use an economic approach to determine correlation between land reform and some variables which indicate improved bargaining ability for women in the home and community.

## **Outline**

In Chapter 1 of this paper, I provide a more thorough background to the genocide, specifically focusing on the ways that gender and land interacted during and after the genocide, shaping the experience of women in the post-genocide world. This section serves to highlight the unique challenges that Rwandan women faced at the end of the violence and the serious need for land reform throughout the country. Chapter 2 goes into detail about the policy goals of the post-genocide government, the land reform policies that were created after 1994, and the Land Tenure Regularization Program that was created to implement those policies. Finally, Chapter 3 examines the effects of land reform on the lives and experiences of Rwandan using previous studies from local institutions and the World Bank, as well as my own research findings based on data from USAID, the National Institute of Statistics of Rwanda, and Demographic and Health Surveys. I argue that the women of Rwanda, and Rwandan society as a whole, are experiencing a shift as the government has taken steps to dramatically increase women's rights through land reform policy in response to their severe marginalization in the wake of the 1994 genocide.

# **Chapter 1: Land, Genocide, and the Marginalization of Rwandan**

## **Women**

### **Introduction**

Land and agriculture play a critical part in Rwandan society. President of Rwanda, Paul Kagame, said in May of 2014, “The importance of agriculture cannot be overstated. It has been there for long and will continue to be there.”<sup>8</sup> According to the World Bank, agriculture makes up about 35 percent of Rwandan GDP and close to 75 percent of employment.<sup>9</sup> Due to the importance of land for agricultural and economic purposes, it has also come serve as an important part of Rwandan culture and social life. Therefore, the complicated system of land tenure has contributed to social division within the country. Further, the women of Rwanda were marginalized by patriarchal land tenure systems, placing them in a particularly vulnerable situation after the genocide of 1994. This chapter argues that Rwandan women found themselves in a unique intersection of marginalization as they faced both gendered challenges and limited resource availability in a post-conflict country, necessitating new legislation to address their specific issues.

This chapter will discuss the history of Rwanda’s land tenure system and the role that land disputes played in the genocide of 1994. In the first section, I outline the factors that influenced land tenure systems in Rwanda, particularly the different

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<sup>8</sup> President Paul Kagame, “Common Sense and Enlightened Self Interest,” (Discussion, 24<sup>th</sup> World Economic Forum, Abuja, Nigeria 7 May 2014) <http://paulkagame.com/index.php/news/1371-common-sense-and-enlightened-self-interest>.

<sup>9</sup>“Results Profile: Rwanda,” *The World Bank*, accessed 20 January 2016, <http://go.worldbank.org/57RY4X44D0>.

“customary” practices and colonial policies that shaped land policies and practices and the rights of women under these systems. In section two I discuss the impact these policies and practices had on ethnic tensions within Rwanda and the subsequent genocide. Finally, I will introduce some of the challenges that women in post-genocide Rwanda faced in their efforts to secure land rights and act as head-of-household in the wake of over 100,000 deaths. Land plays a critical part of Rwanda’s culture and economy and therefore policies and practices of ownership can shape social relationships within the country.

## **Section 1: Influential Factors for Rwandan Land Tenure**

### *Customary Practice*

Pre-colonial land tenure practices in Rwanda were largely divided based on region. The Central Kingdom comprised the central and southern regions of modern-day Rwanda and was under the control of the Tutsi court. This region practiced a form of land tenure called *isambu* under which land belonged to a Tutsi ruler, called *mwami*, who utilized local chiefs to distribute land to individuals.<sup>10</sup> Under the *isambu* system some land, called *igikingi*, was identified as communal land for grazing animals and was not distributed.<sup>11</sup> The Northern region of Rwanda was not under Tutsi control and practiced a different form of land tenure, *ubukonde*. The *ubukonde* system was based on family lineage rather than a king or ruler. Land

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<sup>10</sup> Laurel L. Rose, “Women’s Land Access in Post-Conflict Rwanda: Bridging the Gap between Customary Land Law and Pending Land Legislation,” *Texas Journal of Women and the Law* vol. 13, no. 197 (2004): p. 207.

<sup>11</sup> Aparna Polavarapu, “Procuring Meaningful Land Rights for the Women of Rwanda,” *Yale Human Rights and Development Journal* vol. 14, no. 1 (2011): p. 109.

was owned and controlled by the head of a lineage who was able to allocate portions of the land to other members of the family line and occasionally individuals outside of the lineage.<sup>12</sup>

Both the *isambu* and *ubukonde* systems have evolved and been influenced by outside factors, but many of the primary elements of these systems have persisted in Rwanda and effect the system of land tenure today. While the *isambu* system became closely linked to Rwanda's colonizers and was an important tool in asserting colonial control, the *ubukonde* system persisted in many rural areas of Rwanda and has been the typical model for land inheritance and ownership for many Rwandan families. The disjointed and informal nature of this land tenure system has contributed to a number of social issues in Rwanda, especially as population growth in the small country created serious problems with land scarcity. Further, both systems can limit the rights of vulnerable groups by blocking access to land.<sup>13</sup>

### *Colonial Influence*

Rwanda came under German control during the late 1890s until becoming a Belgian mandate following World War I. German colonizers introduced formal laws and private property rights in Rwanda which affected Rwandan's rights to land and customary forms of land ownership.<sup>14</sup> However, the period of Belgian colonization was perhaps more influential for Rwandan systems of land ownership. The Belgians,

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<sup>12</sup> Rose, "Women's Land Access in Post-Conflict Rwanda," *Texas Journal of Women and the Law* vol. 13, no. 197 (2004): p. 207.

<sup>13</sup> Van Hoyweghen, "The Urgency of Land and Agrarian Reform in Rwanda," *African Affairs* vol. 98, no. 382 (July 1999): p. 353.

<sup>14</sup> Polavarapu, "Procuring Meaningful Land Rights for the Women of Rwanda," *Yale Human Rights and Development Journal* vol. 14, no. 1 (2011): p.109.

seeking to assert their authority through local forms of government, favored the Tutsi chiefs and the *isambu* system of land tenure. Under this system, Belgians could exercise influence in different areas of Rwanda by gaining the cooperation of Tutsi chiefs.

Belgian favoritism of Tutsis created problems in two main ways. First, it fostered ethnic tensions between Hutus and Tutsis by limiting land access for Hutus, which I will address later in this Chapter. Second, by concentrating on Tutsis, the Belgians created an inconsistent system of land tenure throughout Rwanda due to the limited scope of Tutsi control within the country. In her article, "Procuring Meaningful Land Rights for the Women of Rwanda," Aparna Polavarapu states that "a result of the colonial changes was a dualist system in which the question of whether customary or written law was applied depended on the region, who was applying the law, and the land in question."<sup>15</sup> Rwanda was not clearly divided by ethnicity and Tutsi control was not absolute, limiting the scope of Belgium's written land tenure laws. The informality and inconsistency of land tenure in Rwanda would persist into the present-day, despite numerous past efforts to unify the land system. Political, cultural, and geographic differences would continue to divide land tenure practices in the country. This dualist system would eventually come not only to haunt Rwanda as it influenced the start of the genocide but also to complicate the myriad social issues that Rwandans faced in the aftermath of genocide. Without the right to formally claim secure land titles, Rwandans, especially women and other

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<sup>15</sup> Ibid.



vulnerable groups, could not rebuild.

### *Women's Access to Land*

Although colonial favoritism of Tutsis and the Tutsi monarchy certainly contributed to ethnic tensions and altered class relations by enabling Tutsi elite to control valuable resources, throughout much of Rwanda individuals and communities continued to follow traditional *ubukonde* practices. As I have already stated, this ongoing practice was detrimental for all of Rwanda because it created inconsistent land tenure systems throughout the country and did not provide formal land titles, but it was also specifically harmful to women who could not access their own land under the *ubukonde* system. Similar to other patrilineal systems, women could only formally claim land through their relationship to a man. Daughters would live and work on their father's land until they were married, at which point they would typically relocate to live with their husband's family. Should a woman's husband die, she would not inherit his land. Instead, the husband's land would fall to the closest male relative, often a brother, who would then have the choice to allow his brother's widow to stay on the land or send her back to her family.

Women could not claim land for themselves under the *ubukonde* system, but they played a critical role in land and household management. Similar to many other societies, the role of Rwandan women was primarily that of a wife and mother. In the home, women typically took charge of the children, managed domestic tasks, and were responsible for the cultivation of food crops while men focused on the production of cash crops. Additionally, women had little ability to manage their own resources, even those earned outside of the household setting through other

employment.<sup>16</sup> These traditional roles of men and women and the allocation of resources within a household created serious barriers for women in the wake of genocide because they had little experience working with property authorities (such as banks) to manage their assets and also struggled to overcome social norms in their quest to gain rights to their home and resources. While women certainly took part in land and resource management, their lack of recognition and formal involvement in these tasks limited their ability to assert rights in later years.

## **Section 2: Land Tenure, Ethnicity, and Genocide**

### *Role of Land in Ethnic Tensions*

As previously discussed, Belgian colonizers largely favored the Tutsi Kingdom due to its structure which enabled colonizers to exercise influence through local chiefs. The convenience of the Tutsi Kingdom as a tool for colonial rule was not the only factor that motivated Belgian favoritism of Tutsis. Europeans cast the Tutsi as superior, “white Africans” that originated from the northeast and were therefore more closely tied to Europeans. Colonizers manufactured a set of physical and intellectual characteristics to identify Tutsis; they were “tall, elegant, narrow-featured” and were also considered to be better suited to leadership and more intelligent than Hutus. Hutus served as no more than productive laborers. Belgians reserved administrative and leadership positions for Tutsis and granted them more

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<sup>16</sup> Kati Schindler, “Who Does What in a Household after Genocide? Evidence from Rwanda,” *Households in Conflict Network: The Institute of Development Studies – University of Sussex*, Working Paper 90 (2010): p. 8.

access to valuable resources.<sup>17</sup> By choosing to interact with only one ethnic group which they deemed superior, the Belgians exacerbated existing tensions between Hutus, Tutsis, and Twa, a smaller minority in Rwanda. However, the resulting favoritism of the Tutsi population over other ethnic groups, specifically Hutus, had serious implications for the social climate in Rwanda. Particularly, through the allocation of land, arguably the most valuable resource for Rwandans, colonizers created real socio-economic differences between the two groups that did not exist prior to colonization.

Ethnic tensions had long existed in Rwanda, but they first manifested themselves in a major political event in 1959 during the Rwandan Revolution as independence approached and Hutus demanded equal treatment and the end of Tutsi dominance. Revolutionary action began in 1957 with the “Hutu Manifesto,” a document created by Hutu activists demanding equal opportunity in the areas of education, employment, and social services.<sup>18</sup> The Manifesto drew criticism from some Tutsi elite and served to escalate tensions between Hutu and Tutsi populations. Much of the tension during this time revolved around access to resources, especially land. The High Council, entirely made up of Tutsis, planned to begin a program of land redistribution to ease some of the Hutu frustrations. However, their effort to distribute some land to Hutus was impeded by a group of

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<sup>17</sup> Alison Des Forges, “The Ideology of Genocide,” *Issue: A Journal of Opinion* vol. 23, no. 2 (1995): p. 44.

<sup>18</sup> Catharine Newbury, “Ethnicity and the Politics of History in Rwanda,” *Africa Today* vol. 45, no. 1 (Jan – Mar, 1998): p. 12.

Tutsi elders who claimed that land redistribution would “provoke the death of those who have land and those who do not, such that those who have the possibility to do so will be obligated to emigrate towards the British territories,” essentially arguing that a land redistribution program would create violence and civil war, leading many powerful Tutsis to evacuate the country.<sup>19</sup> Land was an immeasurably valuable asset and played such an important role in the ethnic divide that powerful Tutsi elders were willing to threaten violence and emigration to block Hutu access to land.

The Revolution of 1959 began as a result of these escalating tensions and Tutsi resistance to the expansion of Hutu rights. The revolution included rural violence against Tutsis, although this was notably focused on affluent Tutsis and not on “commoners,” demonstrating that the issue was not purely based on ethnicity but on economic and social standing.<sup>20</sup> Ultimately, the Hutu party, Parmehutu, with the support of European colonizers, overthrew the existing Tutsi regime. Notably, one of the first actions by the new government was to redistribute land that had been occupied by Tutsis, many of whom fled the country during the Rwandan Revolution. However, the land redistribution process was not always inclusive of Tutsis and even saw some cases of corruption as land was distributed to well-connected individuals.<sup>21</sup> In the wake of the 1959 revolution, political turbulence

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<sup>19</sup> Ibid., p. 13.

<sup>20</sup> Ibid.

<sup>21</sup> Takeuchi and Marara, “Conflict and Land Tenure in Rwanda,” *JICA Research Institute, Working Paper* (Sept 2009): p. 9.

continued to plague Rwanda and drive ethnic disputes. Juvénal Habyarimana came to power in 1973 following a coup d'état and pursued a number of policies aimed at suppressing political opponents. Following an attack from the Rwandan Patriotic Front (RPF), a group made up of Tutsi refugees from Rwanda and a key player in the genocide of 1994, on October 1, 1990, Habyarimana began using ethnicity as a means to bolster support for his own regime.<sup>22</sup> This tactic, combined with increasing economic distress and land scarcity, fostered the scapegoating of Tutsis that would eventually lead to genocide.

### *Land and Genocide*

The attack from the RPF in October 1990 marked the beginning of civil war in Rwanda which eventually ended in a ceasefire in July 1992. A peace agreement was reached in Arusha, Tanzania, known as the Arusha Peace Accords, which required that President Habyarimana accept a power sharing system with the RPF. Despite the peace negotiations, tensions were still high between the RPF and Rwandan government and between Hutu and Tutsi populations within Rwanda, especially because the system of power sharing was viewed as a threat to Hutu authority.<sup>23</sup> As the government and the RPF were working toward establishing a more lasting peace, President Habyarimana was killed when the aircraft that was carrying him was shot out of the sky.<sup>24</sup> The catastrophic event shattered the

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<sup>22</sup> Catharine Newbury, "Background to Genocide: Rwanda," *Issue: A Journal of Opinion* vol. 23, no. 2 (1995): p. 13.

<sup>23</sup> *Ibid.*, p. 15

<sup>24</sup> Marijke Verpoorten, "Leave None to Claim the Land: A Malthusian Catastrophe in Rwanda?" *Journal of Peace Research* vol. 49, no. 4 (2012): p. 549.

tentative peace that had been achieved in Rwanda and incited the violence of the now infamous genocide. There is still debate over who was actually responsible for shooting the President's plane: members of the RPF seeking to establish their role as the dominant political power in Rwanda, or loyal Hutus who were unhappy with the President's cooperation with the RPF and sought to incite violence.<sup>25</sup>

Regardless of who carried out the killing of President Habyarimana, the event led the national military, the Forces Armées Rwandaises (FAR) and the Interhamwe militia, which was originally organized by the President's political party, to resume the violence that had ceased with the 1992 peace talks. Aside from fighting between organized armies, the President's murder led ordinary Rwandan citizens to lash out in violence directed toward both Tutsi and moderate Hutus.<sup>26</sup> This violence was largely driven by media, especially by an influential radio station which not only propagated racist ideologies about Tutsis, but expressly encouraged Rwandans to take up arms and attack their Tutsi neighbors. Unlike in 1959, in which most violence targeted wealthy Tutsis, in 1994 Rwandans were encouraged to attack even poor citizens as they were promised rights to their land and businesses as reward.<sup>27</sup>

The use of land rights as an incentive for violence demonstrates the level of importance that land access had in the ethnic tensions that led to the 1994 genocide.

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<sup>25</sup> Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will be Killed With Our Families* (New York: Farrar, Straus and Giroux, 1998), p. 113.

<sup>26</sup> Verpoorten, "Leave None to Claim the Land," *Journal of Peace Research* vol. 49, no. 4 (2012): p. 549.

<sup>27</sup> Des Forges, "The Ideology of Genocide," *Issue: A Journal of Opinion* vol. 23, no. 2 (1995): p. 44.

Rwanda, the most densely populated country on the African continent at the time of the genocide, was experiencing serious problems of land scarcity and low production in the years before the genocide.<sup>28</sup> In a study of land scarcity from 1988-1993, authors André and Platteau reveal that in the years leading up to genocide, Rwanda experienced intense land scarcity, particularly in densely populated regions. This scarcity, combined with the small size of Rwanda's non-agricultural sector, created conflicts within communities that traditional systems of land tenure were incapable of addressing. The authors argue that "the prevailing state of extreme land hunger created an enabling environment which made the most desperate people (particularly young people with only bleak prospects) ready to seize any opportunity to change their present predicament."<sup>29</sup> While land scarcity and land disputes were not the only social issue at the heart of the Rwandan genocide these issues certainly increased tensions between Tutsis and Hutus, especially because the disjointed system of land tenure could not cope with increasingly complex disputes.

The genocide began on April 7, 1994, the day after President Habyariman's death, and focused primarily on Tutsis, but also affected many Hutus who were considered sympathetic to Tutsis. The violence was driven by a belief that all Tutsis were co-conspirators with the RPF and sought to reinstate the Tutsi monarchy,

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<sup>28</sup> Verpoorten, "Leave None to Claim the Land," *Journal of Peace Research* vol. 49, no. 4 (2012): p. 549.

<sup>29</sup> Catherine André and Jean-Philippe Platteau, "Land Tenure Under Unendurable Stress: Rwanda Caught in the Malthusian Trap," *Centre de Recherche en Économie du Développement (CRED) Facultés Universitaires Notre-Dame de la Paix* (January 1996): p. 34.

depriving Hutu of rights, resources, and power.<sup>30</sup> Estimates state that close to one million people were killed during the genocide, which took place from the beginning of April to late June or early July when humanitarian forces entered the country. Militias and official militaries joined forces to identify and eliminate Tutsis. National media, specifically Radio Television Libres Des Mille Collines (RTLM) launched a radio broadcast throughout the genocide inciting violence and inviting average citizens to take up arms against their neighbors. Additionally, 150,000-250,000 women were victims of rape over the course of the genocide.<sup>31</sup> The violence was brutal. Most of the killings were carried out with weapons such as machetes and clubs.<sup>32</sup> Rwandan society was forever impacted by the genocide as thousands fled the country as refugees, women were left widowed and as the sole heads of their households, and relations between Hutu and Tutsi populations became locked in fear and uncertainty.

### **Section 3: Women, Land, and the Aftermath of Genocide**

#### *Women after Genocide*

Following the 1994 genocide, Rwandan women were forced to deal with the emotional, physical, social, and material damage that was brought about by violence. Many women had been victims of sexual violence, had lost access to their land and

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<sup>30</sup> Des Forges, "The Ideology of Genocide," *Issue: A Journal of Opinion* vol. 23, no. 2 (1995) p. 46.

<sup>31</sup> "Rwanda: A Brief History of the Country," *Outreach Programme on the Rwanda Genocide and the United Nations*, accessed on 2 February 2016.

<http://www.un.org/en/preventgenocide/rwanda/education/rwandagenocide.shtml>.

<sup>32</sup> Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1995), p. 49.



members of their family, and were left to navigate a new social environment. During the genocide, most murder victims were men, while women were often victims of sexual assault. In many cases militant groups or community members partaking in genocide would separate the local Tutsi population into men and women (regardless of age) in order to kill all the Tutsi men in an area.<sup>33</sup> Although many women were also killed in the violence, this focus on men left a large population of widows in the wake of genocide that were responsible for rebuilding their lives with few or no resources. The dramatic change in the makeup of Rwanda's population as well as the loss of vast amounts of goods from food to simple commodities like pots and pans. This environment was exceedingly difficult for all Rwandans, but women especially found themselves in a poor position to assert their rights to land or other goods.

### *Competition for Land*

The social context in Rwanda shifted dramatically after the genocide, and tensions over land were not only affected by new social conditions, but also by the new *Imidugudu* system of village settlement that was implemented by the government. Rural Rwandans typically lived scattered around the countryside and not in close quarters with other families. However, in the wake of genocide there was a serious need to consolidate rural populations in order to distribute aid efficiently and provide shelter to displaced citizens, so the government of Rwanda

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<sup>33</sup> Jennie E. Burnet, *Genocide Lives in Us: Women, Memory, and Silence in Rwanda* (Madison, Wisconsin: University of Wisconsin Press, 2012), p. 82

created the *Imidugudu* system to resettle scattered populations in villages.<sup>34</sup> However, the *Imidugudu* system has been criticized because it somewhat overstated the need for shelter in Rwanda and might have been more of a development project rather than a path for emergency relief. As a development project, the *Imidugudu* system would consolidate the population and make more land available for commercial use. In the context of land access, this system further complicated the way that land changed hands in Rwanda and the ability of individuals to assert land rights.<sup>35</sup>

While the *Imidugudu* system of village creation added a new level of complexity to the already inconsistent land tenure system in Rwanda, the influx of returning refugees after the genocide created new competitors for land. In the years subsequent to the genocide, roughly 800,000 refugees made their way back to Rwanda.<sup>36</sup> Many refugees had spent almost their entire lives in exile, having left during the Rwandan Revolution of 1959, and faced myriad problems of their own upon returning to Rwanda. These individuals hoped to return to their former way of life and social status and expected the government of Rwanda to provide for their needs. However, jobs and resources were limited and these expectations were seldom met, which created more opportunity for conflict. Therefore, returning

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<sup>34</sup> Dorothea Hilhorst and Mathijs Van Leeuwen, "Emergency and Development: the Case of *Imidugudu*, Villagization in Rwanda," *Journal of Refugee Studies* vol. 13, no. 3 (2000): p. 269.

<sup>35</sup> *Ibid.*, p. 272.

Jennie E. Burnet and the Rwanda Initiative for Sustainable Development, "Culture, Practice and Law: Women's Access to Land in Rwanda," in *Women and Land in Africa: Culture, Religion and Realizing Women's Rights*, ed. L. M. Wanyeki, (New York: Zed Books, 2003), p. 177.

<sup>36</sup> Burnet and Rwanda Initiative for Sustainable Development, "Culture, Practice and Law: Women's Access to Land in Rwanda," (2003), p. 184.

refugees were yet another population of discontented individuals seeking rebuild their lives and forced to compete for limited resources in the wake of death and destruction.<sup>37</sup> Rwandan women and returning refugees both had unclear rights to land, which created an environment in which people were reluctant to invest in or develop land due to the risk of losing their access to it.

### *Social Consequences*

As I have already discussed, the sex ratio in Rwanda was skewed by the genocide, leaving a much higher proportion of widows and female-headed households than average in a society where women historically accessed land and resources through their relationship to men. According to demographic surveys, 54 percent of the Rwandan population was made up of females in 1996 and 34 percent of households were female-headed. Of those female-headed households, 60 percent belonged to widows, most of whom were over 30 years of age. The survey also revealed that Rwandan women who were divorced or widowed typically remained single while men in the same situation more often chose to remarry.<sup>38</sup> The large number of single women without formal access to resources made women a particularly vulnerable population in the aftermath of genocide.

Following the ethnically-driven violence of 1994, the government of Rwanda sought to end any classification by ethnic group. However, a narrative persisted that

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<sup>37</sup> Benon Kabeera and Vishanthie Sewpaul, "Genocide and Its Aftermath: The Case of Rwanda," *International Social Work* vol. 51, no. 3 (May 2008): p. 326.

<sup>38</sup> Catharine Newbury and Hannah Baldwin, "Aftermath: Women in Postgenocide Rwanda," *USAID Center for Development Information and Evaluation*, Working Paper no. 303 (July 2000), p. 7.

portrayed Tutsis as victims and Hutus as perpetrators of genocide, adding another layer of complexity to the social setting in Rwanda. Although ethnic titles were no longer used, the system of classification as either aggressor or victim essentially fulfilled the same purpose as ethnic identifiers. In her book *Genocide Lives in Us: Women, Memory, and Silence in Rwanda*, Jennie Burnet, a leading scholar in the area of gender in post-genocide Rwanda, discusses the specific challenges that certain women faced due to the portrayal of Rwandans as either victim or aggressor. Individuals who did not fall into the popular narrative of genocide were unable to share their experience of the genocide and were often socially ostracized, a condition that deprived them of access to services and resources in the post-genocide system. Women who fell into these categories were made even more vulnerable by their role in the genocide.

First, women who had been victims of sexual abuse at the hands of Hutu men were typically marginalized, often meaning that the woman was not considered honorable and therefore ineligible for marriage. In many cases, Rwandan women attempted to hide their assault in order to save themselves from social consequences. However, victims of sexual assault who bore a child from their attacker were unable to hide their rape and were ostracized along with the child. In cases where the woman did not bear a child, but contracted a sexually transmitted disease, especially HIV, she would also suffer social consequences. Of course, each case is different and families may react differently to a woman who suffered sexual assault, some may choose to reject the woman while others offer assistance. Burnet shares the story of one woman whose family rejected her and considered her a

“collaborator” in the genocide because of her rape at the hands of a Hutu.<sup>39</sup> Women in this situation struggled to gain land rights not only because they did not have a husband through whom they could access resources, but also because their association with perpetrators of genocide disqualified them as strictly “victims.”

Second, Hutu widows did not fit the state-supported narrative of genocide and some were disqualified from some services because of their status as “perpetrator.” Again, Burnet provides a strong example of this situation through an interview with a women’s group in southern Rwanda. According to the women, their social standing and their relationship to their deceased husband’s family depended largely on the role their brothers played during the genocide. If the brothers took part in the genocide, or even in some cases played a direct role in killing their nieces and nephews born of Tutsi men, the widow too took on the label of aggressor. If the brother had helped to protect his Tutsi relatives, the woman usually had better social status following 1994. The women gave one example of the marginalization they experienced through an emergency land distribution program in their town. The program required that local authorities create a list of all the individuals and families that needed land. In this case, a Tutsi authority excluded the group of Hutu women from this list and made it impossible for them to receive land through the government program.<sup>40</sup> This example demonstrates how Hutu women, even those who were married to Tutsi men, were unable to claim resources and services

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<sup>39</sup> Burnet, *Genocide Lives in Us: Women, Memory, and Silence in Rwanda* (Madison, Wisconsin: University of Wisconsin Press, 2012), p. 135.

<sup>40</sup> *Ibid.*, p. 141.

because of their classification as “aggressor,” which essentially served as an ethnic category.

Burnet describes a third and final category of marginalized women as Tutsi wives of prisoners. Similar to the case of Hutu widows, this group of women fell outside of the traditional story of genocide because of intermarriage among the different ethnic groups. Although their Tutsi ethnicity qualified them as “victims,” their association with men accused of perpetrating genocide in some ways negated this status. Further, their status as wives of prisoners was very much a public matter because the women typically had to deliver food and other necessities to inmates on a near daily basis.<sup>41</sup> Tutsi wives of Hutu men also experienced rejection from their families because they were considered to be collaborators in the genocide. Burnet explains that these women were not welcome in community groups or survivor organizations because of their relationship to Hutu men, which decreased their opportunity to receive resources that were often allocated through these survivor groups.<sup>42</sup>

The stories of marginalized women discussed by Burnet have been echoed by other researchers in the field, all of whom also acknowledge some of the most pressing challenges women faced in post-genocide Rwanda. As I have already discussed, women had to cope with the physical, psychological, and social consequences of sexual abuse following the genocide. Additionally, widows were

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<sup>41</sup> *Ibid.*, p. 138.

<sup>42</sup> *Ibid.*

left to fend for themselves and their families in a culture which traditionally required that women access resources through men. This shift also required that women take on new responsibilities not only in their home and community but also in national politics.<sup>43</sup> Women's organizations, which served many purposes but were often formed as a mechanism for support in post-genocide years, also created new ways for women to interact with each other and society.<sup>44</sup> The genocide caused a massive upheaval of Rwandan social structure and left women in a particularly vulnerable situation, but also created an environment in which major social change was absolutely necessary for survival so that women could take on new roles and responsibilities.

### *Changing Role of Women*

First, women were required to take on new roles in the household and in the management of land. This new role had especially high stakes due to the unstable nature of land access and titles. Prior to the genocide, Rwandan women were expected to be reserved and obedient, and were restricted by social taboos in what duties they could perform in the home. Women did not engage in repairs to the home or to other structures on family land, they did not take part in the management of cattle, or in certain labor-intensive tasks such as cutting firewood. Ultimately, decisions on farm and agricultural management fell to men. In order to engage in

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<sup>43</sup> Newbury and Baldwin, "Aftermath: Women in Postgenocide Rwanda," *USAID Center for Development Information and Evaluation*, Working Paper no. 303 (July 2000): p. 6.

<sup>44</sup> Burnet, "Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda," *African Affairs* vol. 107, no. 428 (2008): p. 371.

activities outside the home, such as entrepreneurial activities, women had to have the consent of their husbands.<sup>45</sup> After the genocide, women had to take part in certain activities despite cultural taboos. Women had to provide food and shelter for their families and simply could not conform to traditional ideas about the role of women. Further, many children were left as orphans in the wake of the genocide meaning that surviving relatives often took responsibility for nieces, nephews, or even children of close friends. This required women to provide even more resources than what their family consumed prior to the violence.<sup>46</sup>

Outside of their new roles in the household, women also had to take on new responsibilities in their communities and in the political sphere. In post-genocide Rwanda, women form a significant portion of the country's leadership. This pattern exists not only at the national level, but also in communities throughout Rwanda through the leadership of individuals, women's associations, and other community groups.<sup>47</sup> This increase in political participation came about largely because of the acute social needs women faced following the genocide. Women came together in groups not only to help each other cope with the memory of violence, but also to assert their rights and advocate for the needs of their community.<sup>48</sup> Following the genocide, the social structure in Rwanda changed drastically and, while women

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<sup>45</sup> Schindler, "Who Does What in a Household after Genocide? Evidence from Rwanda," *Households in Conflict Network: The Institute of Development Studies – University of Sussex*, Working Paper 90 (2010): p. 9.

<sup>46</sup> Newbury and Baldwin, "Aftermath: Women in Postgenocide Rwanda," *USAID Center for Development Information and Evaluation*, Working Paper no. 303 (July 2000): p. 5.

<sup>47</sup> *Ibid.*, p. 6.

<sup>48</sup> Burnet, *Genocide Lives in Us: Women, Memory, and Silence in Rwanda* (Madison, Wisconsin: University of Wisconsin Press, 2012), p. 13.



were certainly vulnerable in this situation, the need to rebuild and develop Rwanda meant that they, by necessity, took on a wider variety of roles in their households and communities. The different forces at work in Rwanda following genocide simultaneously made women severely susceptible to scarcity in land, food, and other resources while providing them with opportunity to assert their rights in an emergency situation.

#### *Need for Land Reform in Rwanda*

There were numerous reasons for land reform in Rwanda, all of which are listed in the National Land Policy of Rwanda that was published in February 2004.<sup>49</sup> As I have already discussed, the old disjointed system created a number of problems that qualified the Rwandan system of land tenure for serious changes. In the following section I will focus on four main factors that eventually drove the government of Rwanda to create policies and social programs to change land tenure and use in the country. These are certainly not the only factors that motivated the government, but they are some of the most widely recognized and discussed and they demonstrate the unique position of Rwanda in the post-genocide years. These factors are the protection of women other vulnerable groups, the need for proper management of land, the desire to grow commercial agriculture and non-agricultural sectors, and serious concerns about food security.

Rwandan legislation did not match the social change that occurred during

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<sup>49</sup> Republic of Rwanda, "National Land Policy," *Ministry of Lands, Environment, Forests, Water and Mines* (Kigali, Rwanda, February 2004), p. 5.

the post-genocide period. Women were playing major roles in rebuilding their own lives and their communities; their roles were not necessarily confined by strict social norms anymore because those norms could not apply in the post-genocide setting. While there was serious need for emergency response and numerous policy changes in post-genocide Rwanda, land tenure reform was arguably the most important and most complex of these needs due to the country's heavy dependence on agriculture.<sup>50</sup> However, the process of land reform can create even more challenges for vulnerable populations because they can lose access permanently through the use of formal land titles. Land reform had the potential to secure rights for Rwandan women but new policies had focus specifically on protecting women and other vulnerable populations so that the new system would not create additional barriers.<sup>51</sup>

Rwanda was clearly suffering severe economic consequences after the genocide. The sheer loss of human capital alone was enough to significantly shake any economy. However, as this country was particularly reliant on agriculture, which required large inputs of human capital, it was in serious distress after the loss of nearly one million citizens. Further, property rights were insecure for women, as I have already discussed, but also for returning refugees who were not legally allowed to reclaim old land if they had been in exile for more than ten years. Unclear

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<sup>50</sup> Van Hoyweghen, "The Urgency of Land and Agrarian Reform in Rwanda," *African Affairs* vol. 98, no. 382 (July 1999): p.353

<sup>51</sup> Leslie Gray and Michael Kevane, "Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa," *African Studies Review* vol. 42, no. 2 (Sep. 1999): p. 17.

or insecure property rights created opportunity for conflict and, as economic evidence suggests, decreased incentives to invest in long-term development of agriculture because there was no guarantee of return on the investment.<sup>52</sup> The land of Rwanda itself was suffering because of poor property rights. Investment in things like fertilizers, protection against soil erosion, and the maintenance of agricultural terraces were all in decline after the genocide.<sup>53</sup> Land reform became necessary not only for the purpose of securing the rights and livelihood of the Rwandan people, but also for the sake of maintaining proper management of the land itself.

Land reform was also needed due inefficient patterns of land use in Rwanda. For the most part, farmers all over the country planted essentially the same crops despite differences in soil and climate.<sup>54</sup> The uniform agricultural practices across the country resulted in inefficient use of land for crop production, something that the government of Rwanda expressed serious concerns about in the years following the genocide. The government recognized that Rwanda was heavily dependent on agriculture for local consumption and for most of its economic production. However, they also believed that expansion of commercial agriculture and growth of non-agricultural sectors would be the best path for the future development of Rwanda. The government planned to use land reform policies and social programs as a tool to change patterns of crop production and push the country toward other

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<sup>52</sup> Tim Besley and Maitreesh Ghatak, "Reforming Property Rights," *VOX CEPR Policy Portal* (22 April 2009), <http://www.voxeu.org/article/reforming-property-rights-and-economic-development>.

<sup>53</sup> Van Hoyweghen, "The Urgency of Land and Agrarian Reform in Rwanda," *African Affairs* vol. 98, no. 382 (July 1999): p. 357.

<sup>54</sup> *Ibid.*, p. 367.

economic sectors and the use of cash crops based on the productive capacity of the land.<sup>55</sup>

Finally, there was serious concern about food security after 1994, especially with the influx of returning refugees and increasing environmental pressure. Poor Rwandans typically cultivated small plots of land for income and used remaining area to grow food for household consumption. With the large numbers of refugees and internally displaced Rwandans all competing for land, this system of cultivating small plots of land was unlikely to continue functioning simply because the plots of land themselves had to become smaller. There was fear not only that agricultural production would be too low to support agricultural markets, but also that it would not be sufficient to provide for household needs.<sup>56</sup>

## **Conclusion**

The 2004 National Land Policy of Rwanda stated that land is “the most important factor of production and survival for the nation and the entire population.”<sup>57</sup> Rwanda was not the only African country with a disjointed system of land tenure, but the country’s heavy dependence on land for survival made the issue especially pressing. Land disputes became increasingly tense as population growth forced the population, particularly the rural poor, onto smaller plots of land and created more severe consequences for the loss of land. The pressure on land affected

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Republic of Rwanda, “National Land Policy,” *Ministry of Lands, Environment, Forests, Water and Mines* (Kigali, Rwanda, February 2004), p. 8

many aspects of Rwandan social life; customary marriages were more difficult to attain because of families could not provide the appropriate wedding gifts or the new couple could not find land for themselves and intra-family disputes over inheritance of land were far more common.<sup>58</sup> In the years before genocide, land use and ownership in rural communities was usually arranged through numerous delicate agreements between family members or community members which could easily lead to severe conflict if any of these agreements were violated. Young people especially struggled to claim land because they could not compete with long-standing ownership of older generations. This pressure on land fed existing ethnic and other social tensions and certainly contributed to the violence of the 1994 genocide.<sup>59</sup>

Following the massive death and destruction of the genocide of 1994, Rwandans were left to rebuild their lives with severely limited resources, while at the same time more than 800,000 refugees added to the problem as they returned to the country en masse. Women were left in a particularly difficult situation as huge numbers became widows after the violence but struggled to secure resources for their families because women were not customarily allowed to own their own land. With a 61 percent increase in the number of female-headed households and a 25 percent decrease in the number of men between ages 15 and 64, women's land

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<sup>58</sup> André and Platteau, "Land Tenure Under Unendurable Stress: Rwanda Caught in the Malthusian Trap," *Centre de Recherche en Économie du Développement (CRED) Facultés Universitaires Notre-Dame de la Paix* (January 1996): p. 31.

<sup>59</sup> *Ibid.*, p. 33.

access was no longer a marginal concern for the Rwandan government, rather it became an issue that would impact the overall development of the country.<sup>60</sup>

I have listed some of the major reasons for land reform in Rwanda which were recognized by researchers, organizations of the United Nations, the government of Rwanda and the citizens themselves. However, the execution of these reforms was absolutely critical to the protection of vulnerable groups, particularly women, and the development of the country. In the years following genocide the Rwandan government created a number of important documents aimed at unifying the national system of land tenure while also guaranteeing rights for all Rwandan citizens. The implementation of these written laws, which I will discuss in the following chapter, was a critical part of the process of reform and had the potential to empower the women of Rwanda by changing behavior and social norms relating to land.

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<sup>60</sup> Van Hoyweghen, "The Urgency of Land and Agrarian Reform in Rwanda," *African Affairs* vol. 98, no. 382 (July 1999): p. 357

## **Chapter 2: Overcoming Marginalization, Policies and Legal**

### **Mechanisms for Rwandan Women**

#### **Introduction**

In the wake of genocide, the Rwandan government sought to create new laws and institutions to foster the reconstruction of society after such a severe disruption. As discussed in the previous chapter, the unstable state of land tenure in Rwanda was a major contributing factor to the violence that erupted in April 1994. The National Land Use Policy issued by the Government of Rwanda in February of 2004, stated that the existing land policy enhanced the “duality between the very restrictive written law and the widely practiced customary law, giving rise to insecurity, instability, and precariousness of land tenure” and that a solution to this problem required a policy that “reduces land-related conflicts by resolving them as soon as they surface.”<sup>61</sup> The national government also recognized the need to empower and protect the rights of women and I argue that they intentionally included women’s rights in land reform legislation to promote both women’s empowerment and the reconstruction of the country.

In order to address issues in land tenure, inheritance, and land use practices the Government of Rwanda put out numerous pieces of legislation to create comprehensive legal rules for Rwandan Land. The purpose of the Land Tenure

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<sup>61</sup> “National Land Policy,” *Ministry of Lands, Environment, Forests, Water and Mines*, Republic of Rwanda, (Kigali, Rwanda, February 2004), p. 6.

Regularization (LTRP) program was to manage the registration of land parcels in Rwanda and to educate citizens about new land policies. Finally, the Government set up legal structures called Mediation (*Abunzi*) Committees to manage land disputes at the local level. In section one of this chapter I will discuss some of the main objectives of the Government as they established policies in the post-genocide setting. In section two, I outline the major pieces of legislation and their contributions to the rights of Rwandan women pertaining to land. Section three will explain the role of local Mediation Committees and the legal structure of Rwandan land tenure reform. Finally, in section four, I describe the two phases of the Land Tenure Regularization Program.

### **Section 1: Politics and Policy in Post-Genocide Rwanda**

In July of 1994, the Rwandan Patriotic Front set up a government in Rwanda titled the “Government of National Unity.” Although this new government made commitments to democracy and power sharing, it is today widely acknowledged that the Rwandan government is effectively authoritarian and has taken actions to consolidate state power.<sup>62</sup> Although the authoritarian nature of the Rwandan government is not the focus of this chapter, it is necessary to acknowledge the fact that legislation in post-genocide Rwanda often serves the interests of the state in some way. This fact does not delegitimize the legislation altogether, however, and

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<sup>62</sup> Burnet, “Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda,” *African Affairs* vol. 107, (May 2008): p. 365.

Paul Gready, “You’re either with us or against us’: Civil Society and Policy Making in Post-Genocide Rwanda.” *African Affairs* vol. 109, (July 2010): p. 639.



can serve valuable purposes for the citizens of Rwanda and even facilitate more democratic practices in the future.

### *Unity*

The primary focus of the Rwandan government in the immediate aftermath of genocide was reconciliation, and the avoidance of any action that could create conflict within Rwandan society. In fact, the government today does not use ethnic categories like Hutu and Tutsi even in demographic data and has criminalized their use for purposes other than discussing the genocide. Of course, as discussed in the previous chapter, these categories have simply been replaced by words like “victim” or “perpetrator,” but ultimately the goal of the government is to avoid any formal classification that could cause a rift in society.<sup>63</sup> Elections were even delayed because the government claimed that they would be “divisive” for the Rwandan people. While this may have simply been an excuse to delay elections in order to garner more support for the Government’s chosen candidate, it demonstrates the goal of the administration to put forth an image of unity and peace among the population.

### *Justice*

In addition to the administration’s efforts to create a Rwandan society unmarred by ethnic or other divisions, the government also had to establish mechanisms for justice. Notably, scholars have argued that the Tutsi-led

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<sup>63</sup> Gready, “Civil Society and Policy Making in Post-Genocide Rwanda.” *African Affairs* vol. 109, (July 2010): p. 639.

government preferred methods that would establish a kind of “victor’s justice” and offer retribution for Hutu perpetrators of genocide.<sup>64</sup> However, the backlog of cases and need for community reconciliation became issues that the Government could not solve with conventional criminal hearings. The situation in Rwanda was unique because the sheer number of ordinary citizens who were accused of perpetrating genocide made it unrealistic to prosecute each individual. As many as 120,000 individuals were still detained in the early 2000s awaiting trial for participation in genocide.<sup>65</sup> Although the International Criminal Tribunal for Rwanda managed the more prominent cases of officials and leaders from the time of genocide, local cases needed to be managed in a more efficient way. In order to deal with the massive number of cases and continue the reconciliation process, the Government of Rwanda turned to a historic practice, *gacaca* courts. These courts, literally translated as “grass,” developed from the tradition of Rwandan communities to settle disputes openly, on the grass, in front of community leaders. Without going into extensive detail about the functioning of the *gacaca* courts, they demonstrate how customary legal practices were incorporated into the Rwandan judicial system, which will help in explaining the Mediation (*Abunzi*) Committees that were created to manage land disputes.

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<sup>64</sup> Erin Daly, “Between Punitive and Reconstructive Justice: The Gacaca Courts in Rwanda,” *International Law and Politics* vol. 34, (August 2002): p. 367.

Jeremy Sarkin, “The Tension between Justice and reconciliation in Rwanda: Politics, Human Rights, Due Process and the Role of the *Gacaca* Courts in Dealing with the Genocide,” *Journal of African Law* vol. 45, no. 2 (2001): p. 149.

<sup>65</sup> Sarkin, “The Tension between Justice and reconciliation in Rwanda,” *Journal of African Law* vol. 45, no. 2 (2001): p. 144.

### *Democratization*

A final focus of the Rwandan government in the post-genocide years was movement toward democracy. As I have mentioned, the Government has been heavily criticized for its failure to complete the transition to democracy. However, the state has created programs to involve vulnerable populations in the political populations and has specifically gone to great lengths to include women in government. Today, Rwanda leads the world for the number of women in parliament and has instituted quotas for women's participation in government at all levels.<sup>66</sup> Post-genocide Rwandan policies repeatedly address the protection of women's rights and increased political participation. President Paul Kagame and the Rwandan Government have been commended on numerous occasions for their dedication to women's empowerment. In fact, these policies have actually served as a distraction from the increasing authoritarianism of the Rwandan government. However, expanding women's participation in politics and society remains a major policy objective of post-genocide governance of Rwanda.<sup>67</sup>

### *Development*

Finally, the government of Rwanda sees women's empowerment as a means to broader development, not necessarily as an end in itself. When speaking about gender equality and the empowerment of women, President Kagame continually

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<sup>66</sup> "Women in National Parliaments," *Inter-Parliamentary Union*, February 2016, <http://www.ipu.org/wmn-e/classif.htm>.

<sup>67</sup> Burnet, "Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda," *African Affairs* vol. 107, (May 2008): p. 375.

invokes ideas about development and socio-economic growth within the country. From this perspective gender equality is common sense, which also happens to be the title of one of Kagame's recent speeches. While speaking at a panel on African development and women's empowerment, President Kagame stated that gender equality is important in society because it serves to "raise everyone to a level where they can play their rightful role in development."<sup>68</sup> Therefore, Kagame sees the empowerment of women as a necessary step in the development of the country. Later in the same speech, Kagame states that women offer "an indispensable contribution to the socio-economic transformation" of Rwanda, again demonstrating that in Rwanda, women's empowerment is a tool for developing and reconstructing a state that was torn apart by genocide.<sup>69</sup> The Rwandan government understands women's empowerment as a tool for development, and has therefore incorporated it throughout land policies in order to drive change not only in the land sector, but in Rwandan social and economic life as well.

## **Section 2: Major Legislation Regarding Women and Land**

While I have only discussed a few of the main objectives in post-genocide policies, understanding the goals of unity, justice, and women's empowerment in the Rwandan government allows for better understanding of the land reforms that

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<sup>68</sup> "Driving African Development through Gender and Women's Empowerment TICAD V," *PaulKagame.com*, 2 June 2013, <http://paulkagame.com/index.php/speeches/summits-meetings-conferences/1098-driving-african-development-through-gender-and-womens-empowerment-ticad-v>.

<sup>69</sup> *Ibid.*

were created by this administration. Each piece of legislation that I will describe in the following sections serves at least one of these policy goals. My main concern is not to arbitrate whether these policies were pursued primarily for the sake of fostering progress and development in Rwandan society or were instead cynical tools for legitimizing the RPF and its government. Rather, by examining the implementation process and the real impact of the laws, I aim to shed light on how these reforms have shaped the lived experiences of Rwandan women both in the home and in their communities.

#### *1999 Inheritance and Succession Law*

The first notable law that emerged for the protection of women's rights in Rwanda was the Inheritance and Succession Law of 1999, and significantly enhanced the rights of women to family land. By granting wives and daughters access to land, the law can potentially combat favoritism of men within the household which prevents women from accessing resources. As viable heirs and successors, women gain entry into the land market and are able to engage more fully in Rwandan society. The law served as a complement to the 1960 Civil Code regarding marriage and the family and it made great strides concerning women's rights to land, explicitly guaranteeing equal inheritance rights for male and female heirs. Further, the law protects the rights of a wife to own and use her husband's land in the case that he passes away. The law also required that husbands and wives choose among three "property regimes" at the time of marriage – community of property, limited community of property, and separation of property – which helped

to clarify women's legal rights.<sup>70</sup> As stated in the previous chapter, under the customary *umukonde* system, this land would have gone to the deceased husband's closest male relative. Further, a 2014 World Bank study of the law's impact revealed that the long-term effects of inheritance rights have increased the bargaining power of Rwandan women and has even led to the inheritance of larger plots of land for women that were married after the law went into effect.<sup>71</sup> Specifically, the study suggests that "women who have inherited or are expecting to inherit land have better control on how their income is spent."<sup>72</sup> The 1999 Inheritance and Succession Law expanded the rights of wives and daughters by giving them access to land, arguably the most valuable asset in Rwandan society, which has in turn expanded their ability to influence decisions within the household.

The Inheritance and Succession Law, though it has had significant positive effects, receives some criticism because it fails to protect the rights of women in informal unions. A policy brief published by USAID on de facto unions and property rights outlines some of the major challenges that women in informal marriages face regarding land. First, women in both formal and informal union are not granted the right to weigh in on decision-making regarding land, especially transfers of land, which are the responsibility of the male in the relationship. Second, women in de

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<sup>70</sup> "Experiences of Women in Asserting their Land Rights: The Case of the Bugesera District," *Rwanda Women's Network*, (March 2011): p. 2.

<sup>71</sup> Daniel Ayalew Ali, Klaus Deiniger, Tomomi Tanaka, "The Impact of the 1999 Inheritance and Succession Law on Land Inheritance and Implications for Women's Bargaining Power in Rwanda," *The World Bank*, (March 2014): p.1.

Chapter three goes into greater detail about the effects of improved property rights for women.

<sup>72</sup> *Ibid.*, p. 11.

facto unions do not have formal access to land in the event of separation or death of the husband.<sup>73</sup> While the Inheritance and Succession Law created mechanisms for wives to assert land rights in both of these situations, there are no stipulations for women in informal marriages. Finally, women in informal unions are not only deprived of their rights to land through marriage, but their rights to inherited land from their own family can also be affected by their lack of formal marriage. The USAID brief explains that because women in informal unions are not typically given a “bride price,” or a gift from the husband to the wife’s family, they feel that they cannot claim family lands as their union offered no monetary gain to the parents.<sup>74</sup> Though the Inheritance and Succession Law of 1999 greatly expanded women’s rights, there is certainly room for improvement, particularly in the case of women in informal unions.

### *2003 Rwandan Constitution*

The new Constitution created precedents regarding women’s rights that influenced both practices and future legislation. The preamble to the Constitution describes the primary goals of the document, listing the country’s commitment to ensure equal rights “between women and men without prejudice to the principles of gender equality” alongside ideals like fighting the “ideology of genocide” and promoting “national unity and reconciliation.”<sup>75</sup> These statements in the preamble

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<sup>73</sup> Ailey Kaiser Hughes, Madina Ndangiza, Mireille Ikirezi, “The Rights of Women in De Facto Unions to Land and Property,” *USAID, LAND Project*, (March 2016): p. 19.

<sup>74</sup> *Ibid.*, p. 21.

<sup>75</sup> Preamble, “The Constitution of the Republic of Rwanda,” *Republic of Rwanda*, Kigali, Rwanda, 26 May 2003.

demonstrate that women's empowerment was a primary goal for the Rwandan government and that it was linked to fundamental ideas about reconciliation and unity. The constitution promises that women will hold at least 30 percent of positions in "decision making organs."<sup>76</sup> Aside from its more general promise of equality between men and women, the constitution sets out some specific laws regarding the treatment and rights of women. Regarding marriage and the family, Article 26 recognizes that men and women have equal rights in marriage which could serve to protect women's rights after divorce. Further, Article 27 promises that the government will take measure to ensure the protection of rights for mothers and children. Somewhat similar to the issues addressed by the Inheritance and Succession Law, Article 28 of the constitution ensures the right of all children to be protected by their family regardless of their gender.<sup>77</sup> The constitution does not necessarily create mechanisms for the practice of these rights, but sets the tone for future policy regarding the rights of women and girls.

The 2003 Constitution also addresses land ownership and use in addition to its statements about gender equality. First, the Constitution establishes the state as the primary administrator of private plots of land, which established legal grounds for the massive land registration program that the state would undertake in subsequent years. Article 29 states that "private property, whether individually or collectively owned, is inviolable" which serves to ensure secure property rights for

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<sup>76</sup> Article 9, "The Constitution of the Republic of Rwanda," *Republic of Rwanda*, Kigali, Rwanda, 26 May 2003.

<sup>77</sup> *Ibid.*, Articles 27 and 28.



those with titles to land, something which was not legally guaranteed under *umukonde* practices. Though the Constitution itself does not outline rules for land transfer or land use, it does stipulate in Article 30 that the written laws created by the government will be the method of land acquisition and use in Rwanda, as opposed to customary practices.<sup>78</sup> As with women's rights, the Constitution prepared the way for new legislation regarding land and set standards of compliance with national laws regarding land.

#### *2004 National Land Use Policy*

The National Land Use Policy served to document all of the reasons for land reform, the challenges to creating a new system, and the goals of new land legislation. It reveals the intention to address numerous national issues by changing laws surrounding land, and specifically discusses the "unfavorable" nature of the former land tenure system to women. The government of Rwanda, along with Rwandan land stakeholders and some international actors like the United Nations Development Program and the Food and Agriculture Organization, created a first draft of a new land law before an official land policy had been created. However, at the urging of regional actors, the government chose to postpone official adoption of law until a national land policy could be created to inform the law making process. The National Land Use Policy would act as a guide to inform the entire legislative process surrounding land and would influence not only the first piece of legislation,

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<sup>78</sup> Ibid., Article 30.

but all land-related documents to follow.<sup>79</sup> The role of this document as a guide for subsequent legislation makes it one of the most important publications for land reform in Rwanda and the policies it proposed had a profound impact on the country. The full National Land Use Policy provides detailed assessments and policy recommendations for the myriad issues facing Rwandan land management, addressing issues like the creation of maps, urban development, and land valuation. The major topics addressed by the Land Policy have to do with the establishment and formal record of property rights, ensuring fair allocation of land, and promoting sustainable land use.<sup>80</sup>

In an account of land issues listed in the National Land Use Policy, the Government of Rwanda recognized that these problems were “multiple and varied” originating from “the morphology and physiology of the land” as well as the “socio-demographic and socio-economic situations.”<sup>81</sup> By acknowledging the social factors that affect land in Rwanda, the Land Policy calls for an integrated response that addresses not only physical but social issues. In the chapter titled “Land Issues” the government specifically addresses the unfavorable situation of women in the land tenure system. This section explains many of the same issues that have already been discussed – that women do not have right to land under traditional practices and that land is socially considered to be the business of men. The document provides

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<sup>79</sup> Gready, “Civil Society and Policy Making in Post-Genocide Rwanda.” *African Affairs* vol. 109, (July 2010): p. 645.

<sup>80</sup> “National Land Use Policy,” *Ministry of Lands, Environment, Forests, Water and Mines*, Republic of Rwanda, Kigali, Rwanda (February 2004), p. 6.

<sup>81</sup> *Ibid.*, p. 15.

some information about traditional methods under which a woman could receive land as a gift, for example when a woman is married or has a baby her family might gift her a parcel of land to pass on to her sons.<sup>82</sup> These precedents provide some ground for female land acquisition to become a more socially acceptable practice in Rwanda.

In addition to the Land Policy's recognition of social factors, the document heavily emphasizes the need for sustainable mechanisms for creating land tenure security. The Government of Rwanda recognized the need for security for the purpose of ensuring economic value of the land and for encouraging investment in the soil itself. With such severe scarcity of land, the Rwandan government was motivated to establish secure land rights not only for the purpose of minimizing conflict, but also for the promotion of soil conservation and responsible farming practices.<sup>83</sup> The emphasis on secure land rights and women's land access in the National Land Use Policy provided favorable conditions for women not only to gain ownership rights, but to have real legal mechanisms to ensure that these rights were not violated. The following pieces of legislation give tangible authority to the principles outlined in both the National Land Use Policy and the 2003 Constitution.

*2005 Organic Land Law – Land Use and Management*

The 2005 Organic Land Law regarding the use and management of Rwandan land was the first document created to legally enforce the policy prescriptions set

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<sup>82</sup> Ibid., p. 20.

<sup>83</sup> Ibid., p. 22.

out in the National Land Use Policy. Article 4 of this law states that discrimination “based on sex or origin” is prohibited and says that the “wife and the husband have equal rights over the land.” Though this article is intended to criminalize discrimination, the widely disseminated English version of the law mistakenly translated the words “men and women” to “wife and husband,” implying that unmarried women do not have rights to land. The mistake was later corrected, but the incorrect version is still available and unfortunately informed early understandings of the law, potentially limiting the understanding that both women and local authorities had of unmarried women’s legal rights.<sup>84</sup>

The land law stipulates in Article 30 that land registration is obligatory and establishes a land bureau in all of the districts of the Rwanda to manage the land registration process and issue certificates of ownership.<sup>85</sup> However, the land law makes sure to qualify land that was previously acquired through customary practices is legally owned, but still must be registered.<sup>86</sup> Through the registration process, the Organic Land Law establishes security of ownership for lands in Rwanda. Article 8 of the law establishes land commissions at multiple levels of government (national, provincial, district, and town) that serve to manage land and references the Mediation Committees, which I will discuss in more detail later, as the primary authority for settling disputes over land.

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<sup>84</sup> Florence Santos, Diana Fletschner, and Giuseppe Daconto, “Enhancing Inclusiveness of Rwanda’s Land Tenure Regularization Program: Insights from Early Stages of its Implementation,” *World Development* vol. 62, (2014): p.31.

<sup>85</sup> Article 30, “Organic Law N° 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda,” *Republic of Rwanda*, Kigali, Rwanda, 21 June, 2005.

<sup>86</sup> *Ibid.*, Article 11.

The 2005 Organic Land Law has since been repealed and replaced by the 2013 Organic Land Law on use and management. The new law maintains the major provisions from the 2005 law, but offers some more detailed explanation of procedures regarding land. The 2013 law addresses very specific issues that could arise regarding the use of land in Rwanda, like the amount of land that is available for freehold titles, or the right of a land owner to refuse passage to his or her neighbors.<sup>87</sup> The 2005 Organic Land Law created some basic reforms, while the 2013 land law was created in light of the massive reform that had already taken place and goes into more detail about proper use and management of land and the authorities that are in charge of land without withdrawing any of the rights that were established in the original law.

#### *2009 Law on Gender-Based Violence*

Rwanda's Law regarding gender-based violence is not explicitly a land law, but is relevant to the discussion of land because of the stipulations it makes regarding property rights and ownership within different types of relationships. Further, the existence of a law to specifically address gender-based violence reiterates level of importance that the Rwandan government places on women's empowerment. The 2009 law regarding gender-based violence was heavily influenced by the Convention on Elimination of all Forms of Discrimination against Women (CEDAW), which Rwanda ratified in March of 1981, and many other major

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<sup>87</sup> Article 38, "Organic Law N° 03/2013 of 16/06/2013 Repealing Organic Law N° 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda," *Republic of Rwanda*, Kigali, Rwanda, 14 May 2013.

human rights treaties.<sup>88</sup> This law took major steps to protect the rights of Rwandan women and reflects the goal of the administration to promote gender equality. However, the law is certainly not perfect and, although it does expand the rights of women in legal marriages, it still does not fully address the property rights of women in other types of relationships. The law criminalizes polygamous relationships, which is intended to end the practice as it is considered harmful to women. However, the criminalization of polygamy might actually have harmful effects for women who have been in this type of relationship for many years because as they may not have access to their own resources outside of that relationship. However, to address this potential problem, the law requires that a person in a polygamous relationship must “share the commonly owned belongings... equally.”<sup>89</sup> Although many parts of the document speak more generally to gender-based violence in society, the laws relating to violence within a relationship almost exclusively use the formal terms “husband” and “wife” which do not fully address the variety of relationships present in Rwandan society – especially the de facto marriages that are common in the country.<sup>90</sup>

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<sup>88</sup> “Law N° 59/2008 of 10/09/2008 on Prevention and Punishment of Gender-Based Violence,” *Republic of Rwanda*, Kigali, Rwanda, 23 July 2008, p. 8. Convention on the Elimination of All Forms of Discrimination against Women, States Parties, *United Nations Treaty Collection*.

[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en).

<sup>89</sup> Article 22 and Article 39, “Organic Law N° 03/2013 of 16/06/2013 Repealing Organic Law N° 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda,” *Republic of Rwanda*, Kigali, Rwanda, 14 May 2013.

<sup>90</sup> Hughes, Ndagiza, and Ikirezi, “The Rights of Women in De Facto Unions to Land and Property,” *USAID, LAND Project*, (March 2016): p. 6.

Despite some of its flaws, the law still establishes meaningful rights for Rwandan women. Article 18 calls for equal treatment of children regardless of their biological sex and states that anyone found guilty of this type of discrimination can be sent to prison for a period of 6 months to 3 years.<sup>91</sup> The law has an intriguing article on “distorting tranquility of one’s spouse” which forbids a number of actions that could cause damage to “tranquility.” Though the document never defines what “distorting tranquility” entails, other translations of the phrase could be read as “disturbing the peace” of a spouse or actions that would inhibit their freedom. This article forbids disturbing your spouse due to a “dowry, reproduction, and his/her natural constitution.”<sup>92</sup> This document also classifies the deprivation or property or employment rights as action that “distorts tranquility,” establishing property rights as a factor that affects the overall peace and well-being of a person. This law does not necessarily reflect the practices of Rwandan society and attitudes towards gender-based violence certainly do not align with the rights established in this document.<sup>93</sup> Regardless, this piece of legislation reflects the goals of the Government and sets legal standards for equality in every area of life for Rwandan women.

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<sup>91</sup> Article 18, “Organic Law N° 03/2013 of 16/06/2013 Repealing Organic Law N° 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda,” *Republic of Rwanda*, Kigali, Rwanda, 14 May 2013.

<sup>92</sup> *Ibid.*, Article 4.

<sup>93</sup> National Gender Statistics data shows that many Rwandans still consider spousal abuse justifiable for various reasons. See the Rwanda National Institute of Statistics for publications regarding these attitudes and other major indicators of gender equality in the country. <http://alpha.statistics.gov.rw/publication/national-gender-statistics-report-2014>.

### Section 3: Mediation Committee and Legal Structure

The Mediation Committee, also called *abunzi*, was officially created in 2004 as a mechanism to settle land disputes that would inevitably arise throughout the registration process. Legislation regarding the institution has been updated since its establishment in 2004 to provide more comprehensive information about the functioning of the committee. The Rwandan Ministry of Justice (MINIJUST) refers to the Mediation Committees as a “Home Grown Solution” for handling disputes at the local level.<sup>94</sup> The *abunzi* system, similar to the *gacaca* courts, originates from a customary system of mediation in Rwandan villages and has been incorporated into official institutions by the Rwandan government.<sup>95</sup> The use of a local institution with ties to Rwandan history to settle land disputes mirrors the *gacaca* system that was used to manage cases of accused genocide perpetrators. These local mediation committees can be a valuable tool for women as they assert their rights and are created to implement reforms at the local level. Rwanda is divided into districts which are made up of sectors, and each sector is made up of smaller cells similar to a town or village. The 2010 Organic Law on the Organization, Jurisdiction, Competence and Functioning of the Mediation Committee calls for Mediation Committees at the cell and sector levels to be made up of twelve officials who serve

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<sup>94</sup> “Rwanda Home Grown Solution Mediation Committee (Abunzi),” *Ministry of Justice*.  
<http://www.minijust.gov.rw/services/abunzi/abunzi-achievements/>.

<sup>95</sup> Aparna Polavarapu, “Procuring Meaningful Land Rights for the Women of Rwanda,” *Yale Human Rights and Development Journal* vol. 14, no. 1 (2014): p. 124.



in five year terms.<sup>96</sup> The Mediation Committees serve as a step between the Primary Courts of Rwanda and smaller councils within the family or village.<sup>97</sup> The Mediation Committee can decide cases where assets do not exceed three million Rwandan Francs, which encompasses many of the rural land disputes in Rwanda.<sup>98</sup>

The Mediation Committees are headed by a Chairperson and Vice Chairperson and committees at the Sector or Cell levels each have an Executive Secretary who receives cases to be submitted.<sup>99</sup> As with other Rwandan institutions, the 2010 law on Mediation Committees requires that the Mediation Committee is made up of at least thirty percent women.<sup>100</sup> The primary goal of the *abunzi* is conciliation of the two parties, and if there is no possible way to reconcile the parties, the Mediation Committee may decide on a case by an absolute majority vote.<sup>101</sup> The Mediation Committees have been useful in Rwanda since land reform took place as the process of land registration brought up many disputes. The most recent data shows that in 2014/2015 the *abunzi* committees received 40,111 cases, most of them civil, and closed 80.5% of these cases through mediation.<sup>102</sup> The presence of an effective, local body of community members that can manage land

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<sup>96</sup> Article 4, "Organic Law N° 02/2010 of 09/06/2010 on Organisation, Jurisdiction, Competence and Functioning of the Mediation Committee," *Republic of Rwanda*, Kigali, Rwanda, 21 May 2010.

<sup>97</sup> The Rwandan Judicial system also includes more informal councils at the Family, Village, and Cell level which would typically be used to manage small disputes before they are taken to the Mediation Committee. "Experiences of Women in Asserting their Land Rights: The Case of the Bugesera District," *Rwanda Women's Network*, (March 2011): p. 3.

<sup>98</sup> Article 8, "Organic Law N° 02/2010 of 09/06/2010 on Organisation, Jurisdiction, Competence and Functioning of the Mediation Committee," *Republic of Rwanda*, Kigali, Rwanda, 21 May 2010.

<sup>99</sup> *Ibid.*, Article 5.

<sup>100</sup> *Ibid.*, Article 4.

<sup>101</sup> *Ibid.*, Article 21, Article 22.

<sup>102</sup> "Rwanda Home Grown Solution Mediation Committee (Abunzi)," *Ministry of Justice*.  
<http://www.minijust.gov.rw/services/abunzi/abunzi-achievements/>.

disputes has aided the process of land reform and registration in Rwanda by creating a legal outlet for disputes. The presence of women on Mediation Committees can be helpful to Rwandan women seeking to claim land rights in a society that has traditionally thought of land ownership as the right of a man. The creation of *abunzi* helps to ensure that legal rights are put into practice in all of the cells of Rwanda.

#### **Section 4: The Land Tenure Regularization Program**

The Land Tenure Regularization Program (LTRP) in Rwanda was a massive undertaking that took place in two separate phases and included numerous international and local stakeholders and donors. Most funding came from the United Kingdom's Department for International Development, but USAID, the Food and Agriculture Organization, the UN Development Fund, and the European Union also contributed to the process.<sup>103</sup> The process sought to reach every cell of Rwanda and to register all Rwandan land and compile maps of land parcels using aerial photography.<sup>104</sup> Despite its large scope, the use of local institutions made the project one of the most cost-effective of its kind.<sup>105</sup>

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<sup>103</sup> "Land Stakeholders," *Rwandaland*, <http://rwandaland.org/en/land-partners>. This website was compiled by USAID and is a valuable resource for anyone interested in the state of land reform in Rwanda.

<sup>104</sup> Gillingham and Buckle. "Rwanda Land Tenure Regularisation Case Study," *Evidence on Demand*, (March 2014): p.14.

<sup>105</sup> Daniel Ayalew Ali, Klaus Deininger, Markus Goldstein, "Environmental and Gender Impacts of Land Tenure Regularization in Africa: Pilot Evidence from Rwanda," *Journal of Development Economics* vol. 110, (2014): p.262.

The two-phase project began with a three and a half year program from November 2005 to May 2009 which served as a pilot for the large-scale roll out of land reforms. The first phase informed Rwanda's Strategic Road Map (SRM) for the implementation of land reform.<sup>106</sup> The SRM was accepted in 2009 and guided the process of land regularization throughout the rest of the country.<sup>107</sup> The initial phase took place in just four sectors of Rwanda which offered some information about potential challenges for the nation-wide roll out, but some have argued that a more regional approach might have been more beneficial to the program. However, as one case study of the program revealed, the Government of Rwanda emphasized the importance of exposing all districts to the program simultaneously so as not to create any divisions in society.<sup>108</sup> This attitude toward the project's implementation emphasizes the ongoing impact of the genocide on policy decisions in Rwanda.

The fact that the program was rolled out in all but four sectors at one time makes it difficult for researchers to measure the impacts or the success of the program, especially as baseline data for the years before implementation is hard to come by. However, researchers from the World Bank were able to use data from the pilot program and compare those results with data from surrounding districts in order to determine some early results of the LTRP. The first phase of the LTRP took place in four sectors: Ruganda, Rwaza, Gatsata, and Mubama. The sectors were

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<sup>106</sup> Gillingham and Buckle. "Rwanda Land Tenure Regularisation Case Study," *Evidence on Demand*, (March 2014): p. 8.

<sup>107</sup> "Strategic Road Map for Land Tenure Reform," Ministry of Natural Resources, *Republic of Rwanda*, April 2009, p. 3.

<sup>108</sup> Gillingham and Buckle. "Rwanda Land Tenure Regularisation Case Study," *Evidence on Demand*, (March 2014): p. 19.

chosen because they represented the different types of land and population densities throughout the country.

The World Bank's study of the LTRP pilot revealed some encouraging results from the project, but also pointed out weak areas, specifically the rights of women in informal unions. In order to find effects of the program, the researchers tested sample groups and utilized the spatial discontinuity created by sector borders to determine the impacts of the program. They selected groups, half of whom were located within the sector that was exposed to the LTRP while the other half were located just outside the sector boundary and did not receive treatment. Each household in the sample groups was given a survey between April and May of 2010, two and a half years after the pilot program began which asked them about various household characteristics and asked that they recall information from the beginning of the pilot.<sup>109</sup> The survey was administered to 3,554 households and recorded information about 6,330 land parcels.<sup>110</sup>

The 2014 World Bank paper goes into great detail regarding the econometric approach used by the researchers and various other factors that they considered in determining effects, such as political pressure.<sup>111</sup> However, I discuss only the major findings of the paper as they are relevant to the effectiveness of the LTRP and its impact for women's rights to land. First, the authors found that the treated group

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<sup>109</sup> Ayalew, Deininger, and Goldstein, "Environmental and Gender Impacts of Land Tenure Regularization in Africa: Pilot Evidence from Rwanda," *Journal of Development Economics* vol. 110, (2014): p. 269.

<sup>110</sup> *Ibid.*, p 268.

<sup>111</sup> *Ibid.*, p. 271.

was more likely to invest in soil protection through the use of bunds, terraces, and check dams. Further, they found that the use of soil protective measures was much larger for female heads of house, which could be explained by the higher level of tenure insecurity that women experience prior to the program. This result is significant because one of the major goals of the program was to incentivize long-term investment in land through increased land tenure security.<sup>112</sup>

The study examined land rights as well as investments in land as a result of the program. For legally married women, the authors found that women in areas that received the pilot program were seven percentage points more likely to “be regarded as joint land owners.”<sup>113</sup> In contrast to this effect, their study also indicated that women in informal unions actually experienced a *negative* effect from the program, which the authors propose was a result of land laws that specifically refer to husbands and wives without referencing more informal relationships.<sup>114</sup> Regarding inheritance, the study found that households in treated areas were more likely to understand who would inherit land and that “gender bias was virtually eliminated” as households revealed that planned inheritance for boys and girls was roughly equal. The researchers argue that land reforms seeking to enhance women’s rights are often negatively impacted by inheritance preference for boys. The data in this study only accounts for planned inheritance however, and may not be representative of how inheritance will actually unfold. Interestingly, the study found

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<sup>112</sup> Ibid., p. 272.

<sup>113</sup> Ibid., p. 273.

<sup>114</sup> Ibid., p. 272.

that in female-headed households, daughters were significantly less likely to inherit land which the authors explain may be a result of the need for old age support, which might be a more pressing issue for female heads of house.<sup>115</sup>

This study revealed that the LTRP had some important impacts for married women and for investments in soil. However, the study also revealed some areas that could continue to pose challenges for the program. First, as has already been discussed, the rights of women in de facto marriages or informal union were not sufficiently protected by the land laws and may actually decrease after exposure to the LTRP. Inheritance practices will also need ongoing monitoring in order to determine if planned inheritance actually takes place. Assuming that what the authors of this study hypothesize is true, and female heads of house are less likely to bequeath land to their daughters for fear of losing old age support, then increasing the rights of female land owners could potentially alleviate these fears. Women who believe that their sons will be more prosperous than their daughters are less likely to leave their land to daughters. Therefore, more investment in women as land owners could normalize the idea that women can manage land successfully and combat the idea that sons are more prosperous than daughters. As female-headed households experience more success themselves, they may be more likely to leave land to their daughters.

Following the pilot program, or “Phase I” of the LTRP, the Government of Rwanda created the Strategic Road Map for Land Tenure Reform (SRM) to outline

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<sup>115</sup> Ibid., p. 273.

the implementation of land reforms country-wide. The SRM planned to bring the LTRP to every cell in Rwanda by the end of 2011 through the use of a decentralized approach that utilized local institutions for policy implementation. The SRM defined responsibilities for the national Ministry of National Resources (MINIRENA), the National Land Center and Land Commission, District Land Bureaus and Commissions, and finally Sector and Cell Land Committees.<sup>116</sup> At the Sector and Cell level, committee members were trained to gather information on land transactions and to send their accounts to higher level commissions. At the national level, the Land Center and MINIRENA guided policies for administration of the program throughout the country.<sup>117</sup> Notably, the process included detailed accounts of land parcels through “unique parcel identifiers” which were used to record parcels and their owners. These identifiers could be used to translate information on land parcels onto satellite imagery and maps for national data collection. The detailed use of mapping and land registration provided individuals with clear land rights.<sup>118</sup> Land that was classified as “disputed” would not result in a title until the dispute was resolved either by the Cell Land Committee, the *abunzi*, or by a national court.<sup>119</sup> The emphasis on fair titling for disputed land was intended to minimize conflict over land and could potentially minimize negative effects for disadvantaged populations.

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<sup>116</sup> “Strategic Road Map for Land Tenure Reform,” Ministry of Natural Resources, *Republic of Rwanda*, April 2009, p. 7.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*, p. 9.

<sup>119</sup> *Ibid.*, p. 10.

Most of the information that is available on the effects of the LTRP in Rwanda focus primarily on the number of land parcels that were demarcated and the level of satisfaction that Rwandans experienced from the program. A case study of the second phase of the project stated that in three years, between February 2010 and August 2013, 10.3 million land parcels were demarcated through the LTRP and 81% of those parcels were approved for titling.<sup>120</sup> Notably, the program was incredibly cost effective, especially because it utilized local resources, costing 5-6 USD per parcel while similar programs cost nearly 70 USD per land parcel.<sup>121</sup> The program has been effective in granting land rights to many Rwandans and in creating institutions like the *abunzi* committees through which individuals can settle disputes locally, minimizing severe land conflicts.

In addition to the flaws in the LTRP that were identified by the World Bank's study and others, some challenges have been identified in phase two of the project as well. The Land Administration System that was used to record demarcated land parcels is potentially unsustainable if it is not maintained by well-trained staff. As land continues to change hands and parcels are separated or combined, the Land Administration System must be equipped to manage those changes.<sup>122</sup> Another pressing issue has to do with fees that are required for lease documentation. Many local institutions have found that the poorest households are unable to pay fees,

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<sup>120</sup> Gillingham and Buckle. "Rwanda Land Tenure Regularisation Case Study," *Evidence on Demand*, (March 2014): p. 17.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid., p. 20.



restricting their land access and potentially forcing the rural poor to revert to customary practices.<sup>123</sup> Finally, the capacity of judicial mechanisms for land disputes could potentially restrict the rights of more vulnerable groups because land transactions will continue to occur and will inevitably result in some conflicts. Where the capacity of local institutions for settling disputes is not maintained, it is likely that the least powerful groups in society, like poor women, will be unable to assert their legal rights to land.<sup>124</sup>

## **Conclusion**

The legislation that was created by the post-genocide Rwandan government regarding land and women's rights focused on the need to minimize conflict and divisions in society, the desire for both justice and reconciliation in the process of reconstruction, and the use of local and traditional institutions to guide the transition to new policies. The laws that have so far been created and disseminated to the Rwandan population through the LTRP have made great strides in unifying land tenure policy throughout the country and granting rights to women, but there is certainly room for improvement in the expanding the rights of informally married women and daughters. In the same way, local and national institutions will continue to face administrative and cultural challenges in maintaining the national Land

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<sup>123</sup> Ibid.

<sup>124</sup> Ibid., p. 21.

Administration System and expanding the rights of vulnerable groups through local judicial bodies.

While the Government has demonstrated a commitment to the expansion of women's rights, especially their property rights, little research has been done regarding the impact of the LTRP on the lives of Rwandan women. Early research on the program has emphasized its scope and the number of parcels that were demarcated, but there is not much evidence for long-term impacts on land use or ownership. This is due in part to the age of the program, which was only completed in 2011 and has required a significant amount of energy just to maintain administrative tasks. However, it is important to attempt to measure the effects of the program on women's rights in Rwanda in order to determine future policies and strategies for promoting equal rights among the sexes. In the next chapter, I will attempt to determine some indicators of women's participation in the legal processes around land and their rights in the various districts of Rwanda using national data from the years immediately after the LTRP was completed.

## **Chapter 3: Shifting Experiences: Impacts of Land Reform on the Lives of Rwandan Women**

### **Introduction**

As women faced a unique and multifaceted set of issues in post-genocide Rwanda, the government created policies to specifically target gender-based marginalization and intentionally created space for the expansion of women's rights in land reform legislation. However, as the history of land tenure systems in Rwanda suggests, written laws do not always translate into practice. The massive effort by the Government of Rwanda and its partners to implement land reform uniformly throughout the country through the Land Tenure Regularization Program (LTRP) intended to overcome issues of incongruence between written law and practice. While the laws that were created during the period of land reform in Rwanda are encouraging and seem to provide substantial rights for women, this chapter examines the real impact of land reform on the lives of Rwandan women and argues that, although effects are difficult to see this early in the reform process, there is evidence that the LTRP has impacted the lives of Rwandan women by improving their access to land, and therefore altering their level of participation in other household and community decision-making.

This chapter will discuss early evidence from the first phase of the LTRP and some early results of the second phase of the program. Section one discusses the findings of two studies of the LTRP conducted by organizations operating within Rwanda and also briefly revisits the early results that the World Bank revealed in their 2014 study of the program. Section two introduces some evidence of change

in Rwandan society since the second phase of the LTRP was completed and introduces the indicators and methods that I use to measure effects. Finally, section three contains my own research in which I look for correlation between household exposure to the LTRP and various indicators of women's empowerment. In this section I argue that, although there is room for improvement and the program is not yet old enough to determine definitive effects, there is some evidence that the lives of Rwandan women have improved, or at least that there are some initial changes in the lives of women, as a result of the LTRP and the specific efforts of the government to empower this marginalized group.

### **Section 1: Existing Studies on the Impacts of Land Reform**

#### *Study of the Bugesera District*

The Rwanda Women's Network (RWN) is a nonprofit organization operating in Rwanda that is "dedicated to promotion and improvement of the socio-economic welfare of women and their communities in Rwanda."<sup>125</sup> In 2011, RWN examined the effects of the program in the Bugesera District. The researchers sampled women from two sectors within the district who had been involved in land disputes. The Bugesera District had recorded a relatively high number of land disputes which made the area a good study subject for women's participation in dispute settlement systems. The study utilized three main data sources: first, they conducted interviews with women involved in land disputes; second, they hosted focus group

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<sup>125</sup> "About RWN," *Rwanda Women's Network*, <http://www.rwandawomennetwork.org/spip.php?article2>.

discussions with land administrators and members of *abunzi* committees; and third, they collected court records from *abunzi* committees and local courts. The study covered 147 cases, conducted follow-up interviews with 50 women involved in those cases, and selected four women for “extensive interviews” to provide a narrative for land tenure in the Bugesera District.<sup>126</sup>

First, the authors identified the type of dispute that was most common for women and found that the majority of disputes were based on inheritance of *Umunani* (a type of inheritance or gift that can be given before the parent has died). Based on the data from both the *abunzi* and local courts, 76 percent of the reported cases were classified as “concluded” with 40 percent of disputes resulting in a decision that favored the woman. The report also notes that there was a large increase in the number of cases reported by women around 2006, which the authors suggest was related to the land reform laws and efforts by the government to make women aware of their rights and encourage them to report situations in which their rights were violated.<sup>127</sup> This initial information is encouraging and suggests that the *abunzi* committees and courts were at the very least available for women and that, despite other challenges in receiving a favorable decision from the court, women had confidence to take cases before these institutions.

Notably, the study found that almost half of the 50 women who were interviewed regarding their case were involved in a “traditional” or “customary”

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<sup>126</sup> Experiences of Women in Asserting their Land Rights: The Case of the Bugesera District,” *Rwanda Women’s Network*, March 2011, p. 4.

<sup>127</sup> *Ibid.*, p.6.

union rather than a civil marriage.<sup>128</sup> As I have discussed in previous chapters, the rights of women outside of formal civil unions are particularly vulnerable because land reform legislation specifically uses language of “husband” and “wife,” creating a tension between customary marriage practices and land reform. However, the fact that these women are still taking cases to *abunzi* committees and courts is encouraging as they are still attempting to assert their rights. Some other factors that the study identified as challenges to women’s land rights were literacy and language barriers that prevented them from reading the texts in Kinyarwanda or French. Further, many of the disputes were between a husband and wife and involved “un-consented land sales” in which the wife was not considered as a partial owner of the land and consulted for transaction decisions.<sup>129</sup>

Interviews revealed the experiences women had with the *abunzi* committee and the court system and shed light on some of the challenges that they faced in bringing cases before the court. Of the women who stated they were unsatisfied with the case, the majority took issue with ruling of the deciding body, but there were some instances of frustration because of delayed cases or because the defendant was not compliant with a ruling. In addition, roughly half of the respondents reported that the *abunzi* committees were biased in their decision-making, but were reportedly better equipped to handle cases in a timely manner. Village-level committees, which are below the level of the *abunzi* and are not a required step in

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<sup>128</sup> Ibid., p.7.

<sup>129</sup> Ibid., p. 8.

the legal process but are often chosen by claimants due to their proximity, were considered both biased and lacking legal capacity to manage land disputes. Courts above the level of *abunzi* were considered to be less biased, but were largely criticized for delayed decisions.<sup>130</sup> This information suggests that the *abunzi* committees are successful in that they can manage cases and are less biased than local judicial bodies like the village or family committees. However, the information collected by the RWN also demonstrates that women still feel some level of bias in *abunzi* courts, or even have to choose an informal local court due to proximity.

The paper identifies four primary challenges that women face in bringing their cases to a legal institution based on interviews with women and members of the courts and committees themselves. First, women “lack confidence” due largely to their lack of knowledge or understanding of laws or even out of fear of violence in response to a land claim.<sup>131</sup> Second, women in informal or traditional marriages do not have the same protections as women in civil unions. Third, favoritism was an issue for many women as members of local committees may offer special treatment to one party in a particular case. The RWN cited one woman in particular who stated that her case had been transferred to another committee in a different area in an effort to delay a decision because the other party in her dispute had a relationship with an executive member of the committee. Finally, women stated that distance to formal courts inhibited them from following up on cases with more formal judicial

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<sup>130</sup> Ibid., p. 9.

<sup>131</sup> Ibid., p.10.

bodies.<sup>132</sup> These challenges deal largely with local social norms and culture and are therefore difficult to address. Additionally, aside from cultural challenges many women are affected by practical barriers as well, such as the distance from their home to a court. It is encouraging that women have utilized the legal system to gain land rights at all; however, there are certainly challenges to overcome. Further, the situation in the Bugesera District is not necessarily indicative of the state of land tenure throughout Rwanda and more evidence should be collected regarding women's exercise of their legal rights to land.

#### *Study of the Eastern Province*

Two organizations, the International Fund for Agricultural Development (IFAD) and the Rwanda Initiative for Sustainable Development (RISD), came together to assess the state of women's land rights in four districts (Kayona, Gatsibo, Nyagatare, and Kirehe) of Rwanda's Eastern Province. The goal of the joint study was to identify land disputes, their causes, and the effects they have on the women of Rwanda, especially as women are the primary users of land in this agriculture-dependent country.<sup>133</sup> The two organizations utilized projects that were already operating in these districts in order to collect information on the effects of land reform. IFAD ran two projects in the Eastern Province, the Umutara Community Resource and Infrastructure Development Project and the Kirehe Community-based Watershed Management Project. RISD was operating a Land Dispute Management

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<sup>132</sup> Ibid.

<sup>133</sup> F. Carpano, "Strengthening Women's Access to Land into IFAD Projects: The Rwanda Experience," *Rwanda Initiative for Sustainable Development*, February 2011, p.4.



Project in the Eastern Province and in other areas of Rwanda which were not included in this study.

RISD has been involved with the land tenure reform process since 1999 and has informed government land policy based on their own research and interviews with rural women and helped to train local leaders during the country-wide roll out of the LTRP. The organization is well acquainted with the situation of Rwandan women regarding land and their experience in land disputes.<sup>134</sup> In RISD's most recent study, they found that over 60 percent of women in one district of Rwanda were aware of the rights guaranteed in the Organic Land law and the Inheritance and Succession Law. They also found that 70 percent of the women in the study knew that their husband could not legally sell land without their consent, which RISD argued is a significant impact of the program as customary practices do not require the consent of the wife for sale of land.<sup>135</sup> RISD also argued that the increasing number of land disputes raised by woman was an indication of improved knowledge of rights, which is consistent with the findings of the Rwanda Women's Network in the Bugesera District.

The IFAD reported on land disputes and women's rights in their project areas in the Eastern Province.<sup>136</sup> They noted that land disputes in their project areas were unique because the districts, which were redrawn in 2005, were made up largely of land that had previously been part of a national park and was given to returning

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<sup>134</sup> Ibid., p.12.

<sup>135</sup> Ibid., p. 13.

<sup>136</sup> Ibid., p.14.

refugees. This situation made land disputes regarding inheritance less frequent, although some inheritance disputes still come up in old districts while disputes about borders or land use continue to arise in the new districts.<sup>137</sup> IFAD focused their efforts on supporting and training authorities, informing rural women of their rights, and teaching proper land management techniques. According to IFAD, the District Administration reported a reduction of the number of disputes that were reported to its office following the land regularization process, implying that these disputes were managed at local levels, or that the registration process was handled in such a way that disputes did not arise. They also reported that women's rights were being co-registered and that farmers were interested in investing more in their land and using land titles to access credit.<sup>138</sup>

In addition to the results IFAD gathered from district and local authorities, they also conducted interviews with residents in the areas that they studied. These interviews revealed some encouraging results, or at least indicated that the population was aware of expanding legal rights for women. One woman in the Nyagatara sector stated, "If my husband wants to chase me away, he cannot do it as the land belongs to both of us," demonstrating that rural women were aware of their ownership rights. Another interesting quote came from a young man also living Nyagatara who said, "Women's rights are protected. Now men's rights should be protected!"<sup>139</sup> Although the young man's attitude may not seem entirely supportive,

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<sup>137</sup> Ibid., p. 13.

<sup>138</sup> Ibid., p. 17.

<sup>139</sup> Ibid., p.15.

the quote reveals that there is widespread knowledge of government efforts to strengthen the land rights of Rwandan women. Altogether, the RISD and IFAD project areas seemed to indicate that women were aware of their rights and were taking advantage of legal authorities to assert their rights. However, the organizations stress the need for “sensitization, awareness raising and information dissemination activities” in order to expand the knowledge of not only women, but the rest of the community regarding land rights in order to overcome cultural resistance. Further, increase awareness on practical challenges can shed light on more practical barriers, such as registration fees, which might prevent the most vulnerable women from gaining land rights.<sup>140</sup>

#### *Study of the Land Tenure Regularization Pilot*

The World Bank conducted research to determine early effects of the LTRP by utilizing sector borders in areas that the pilot program took place. I will only briefly revisit their results here as I have already discussed their methods and findings in Chapter 1. The study revealed that women in a legally recognized marriage were more likely to be co-owners of land with their husbands. They also found that the program might have actually had a negative impact on women in informal unions as they were not formally considered joint owners of land.<sup>141</sup> Early results indicated that gender bias in planned inheritance was almost completely

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<sup>140</sup> Ibid., p. 17.

<sup>141</sup> Daniel Ayalew Ali, Klaus Deininger, Markus Goldstein, “Environmental and Gender Impacts of Land Tenure Regularization in Africa: Pilot Evidence from Rwanda,” *Journal of Development Economics* vol. 110, (2014): p. 273.

gone in pilot areas as parents planned to give equal land to both sons and daughters. However, the authors also found that female-headed households were significantly less likely to plan an inheritance gift for their daughters and were much more likely to pass land to sons, which the authors argue resulted from a greater need for old age support and a belief that sons would be more successful in caring for their parents.<sup>142</sup> This study provides some concrete evidence for the early results of the program which have also been supported by interviews and data collected by organizations like IFAD, RISD, and the RWN at the district or province levels.

## **Section 2: Evidence since the Completion of Land Tenure Regularization**

### *Trends throughout Rwanda*

In Rwanda, women have experienced real changes in their societal roles as the government has made great strides to increase the rights of women through post-genocide legislation. In their reconstruction efforts and desire to create an environment of unity for Rwandans, the government of Rwanda has advanced the rights of women as a marginalized group and created space for real cultural shifts. As Jennie Burnet argues in her article on the role of women in post-genocide Rwanda, the government of Rwanda “has linked gender equality to nationalism,” making women’s rights a national concern and tying those rights to other issues, such as land tenure.<sup>143</sup> President Paul Kagame has spoken out about gender equality and has made the issue a top concern for his administration. Speaking as a co-chair

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<sup>142</sup> Ibid.

<sup>143</sup> Jennie E. Burnet, “Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda,” *African Affairs* vol. 107, (May 2008): p. 386.

of the Millennium Development Goals Advocacy Group in 2015, President Kagame stressed the idea that gender equality impacts all other indicators of development.<sup>144</sup> This conscious effort not only to achieve gender equality as an ends of development, but to utilize women's empowerment as a means for development has resulted in significant changes for Rwandan society.

Shifts in the role of women in Rwandan society can be observed through national trends in the role of women's organizations, employment and occupational choices of women, and female political participation. Following the genocide, women's organizations proliferated in Rwanda and took on a leading role in the reconstruction of Rwandan society.<sup>145</sup> As I discussed in chapter 2, Rwanda has also seen a number of laws passed that empower women and protect the rights of wives and daughters. There are some broad indications that Rwandan women are experiencing change in their ability to assert their rights and engage fully in all the social, economic, and political aspects of Rwandan life. According to Demographic and Health Surveys (DHS) of Rwanda, the provinces of Rwanda experienced an average increase in women's employment of nearly 9 percent, with some provinces jumping about 18 percent.<sup>146</sup> Additionally, women's employment in unpaid

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<sup>144</sup> "Gender Equality is Common Sense – President Kagame," *PaulKagame.com*, 23 January 2015, <http://www.paulkagame.com/index.php/news/1478-gender-equality-is-common-sense-president-kagame>.

<sup>145</sup> Catharine Newbury and Hannah Baldwin, "Aftermath: Women's Organizations in Postconflict Rwanda," Working Paper No. 304, *Center for Development Information and Evaluation USAID*, July 2000, p. 1.

<sup>146</sup> "Rwanda Demographic and Health Survey 2010 – Final Report," National Institute of Statistics of Rwanda, Ministry of Finance and Economic Planning, *ICF International*, Calverton, Maryland, February 2012.

agricultural work fell from 64.2 percent in 2005 to 15.9 percent in 2010.<sup>147</sup> Further, recent Household Living Surveys conducted by the Rwandan government reveal that female employment grew by 3.2 percent between 2011 and 2014.<sup>148</sup> DHS surveys also revealed that net attendance rates for girls in primary school grew from 76.6 percent to 88.4 percent and secondary school rates increased from 3.8 percent to 15.6 percent.<sup>149</sup> Further, Rwandan women are involved in politics at both the local and national levels with women representing nearly two-thirds of parliament, though quota laws only require 30 percent representation.<sup>150</sup>

In the wake of genocide, Rwandan women were especially vulnerable to the issues that plague post-conflict societies like ongoing tension and violence, and resource shortages. However, women's organizations, the national government, and Rwandan women themselves were instead able to assert their rights and begin to change the perception of women in Rwanda in the post-genocide society. National trends demonstrate political, economic, and social advancement of women and past studies have shown encouraging results that the same trend is true in the case of

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"Rwanda Demographic and Health Survey 2005," National Institute of Statistics of Rwanda, Ministry of Finance and Economic Planning, *ORC Macro*, Calverton, Maryland, July 2006.

<sup>147</sup> Ibid.

<sup>148</sup> "Integrated Household Living Conditions Survey EICV 2013/2014 – Thematic Report: Gender," *National Institute of Statistics of Rwanda*, Kigali, Rwanda, March 2016, p. 59.

<sup>149</sup> "Rwanda Demographic and Health Survey 2010 – Final Report," *ICF International*, Calverton, Maryland, February 2012.

"Rwanda Demographic and Health Survey 2005," *ORC Macro*, Calverton, Maryland, July 2006.

Net attendance rates (NAR) show the percentage of school-age population that is attending school. School-age for primary school is 7-12 years and 13-18 years for secondary school.

<sup>150</sup> "Keynote Address by President Paul Kagame at the Women in Parliaments Global Forum – Joint Session with MDG Advocacy Group," *PaulKagame.com*, 3 July 2014, <http://paulkagame.com/index.php/speeches/summits-meetings-conferences/1337-keynote-address-by-president-paul-kagame-at-the-women-in-parliaments-global-forum-joint-session-with-mdg-advocacy-group>.

national land reform. The case studies I have discussed from IFAD, RISD, and RWN as well as research of the LTRP pilot program from the World Bank suggest that national land tenure legislation is beginning to impact the lives of Rwandan women. With this chapter, I aim to test the effects of land reform in Rwanda in relation to the household bargaining ability of women and their role in both the home and the community.

### *Challenges in Measuring Results*

There are numerous challenges to measuring the impact of the LTRP at this point, and any results must be considered only small indications of effects from the program. This is an area that will require ongoing study as the effects of the program continue to be revealed throughout Rwanda. I will briefly discuss some of the most serious challenges in measuring results from the program, specifically the age of the program, the way that it was administered, missing data, and other factors that may heterogeneously affect the districts.

First, the LTRP was only officially concluded in 2013 and it is very difficult to determine effects of the program so soon after its completion. Additionally, various other programs hosted by non-governmental organizations and local actors may continue to affect women's rights to land and community perceptions throughout Rwanda, which could significantly change future measurements of the program's impacts. Another issue with measurement, and perhaps the most challenging in gauging effects of the program, is the fact that the Rwandan government sought to implement the entire program uniformly across the country. In post-genocide Rwanda, any action that could be perceived as divisive was avoided, leading the

government to try to administer the program at the same time and in the same way throughout the country. Aside from the brief and small-scale pilot phase, the administration of the program makes it difficult to determine effects due to the lack of a control or comparison group. Beyond this issue, the lack of baseline data throughout Rwanda makes comparison with historic data difficult, especially at the district level.

Beyond these issues with data collection, there are other factors that could certainly affect the impacts of the program. Although the government made significant efforts to administer the program in the same way throughout the country, differences in local government and administrators may have created differences in how the program was received that are not necessarily measurable. This could mean that although a district has a certain percent of households that were “exposed” to the LTRP, those households may not have received the program the same way as households in another district. Along the same lines, cultural and societal factors may have influenced the program’s success or failure in certain districts. A more comprehensive study of the particular cultural factors that unevenly affect districts could be useful in future studies of the LTRP. Historical factors may change the program’s success as well, such as exposure to violence in the genocide and historical boundaries. Areas that were once a part of the Tutsi Central Kingdom, which had more central land rights, may have been more accepting of land tenure reform.



### *Indicators and Method*

For my research, I chose to look for correlation between exposure to the LTRP and variables that could demonstrate increased bargaining ability for Rwandan women. Rwanda is divided into five provinces, Northern, Eastern, Southern, Western, and Kigali, which in turn consist of 30 districts. Districts are further divided into sectors and cells, but administrative data is usually collected at the district or province levels. I will use data provided by the National Institute of Statistics of Rwanda through their 2010/11 Integrated Household Living Conditions Survey (EICV3) about the percentage of households in each district that were exposed to the LTRP as demonstrated in Figure 1 and Figure 2. Figure 1 shows bar graphs which express the percentage of households that were exposed to the LTRP based on data from Rwanda. Figure 2 is a map from the EICV4 which also demonstrates household exposure to the program. I will use this information to compare various factors in the districts of Rwanda in order to determine if a higher level of exposure to the LTRP resulted in better outcomes for women. As the program aimed not only to register land, but to inform citizens about their rights under new land legislation, I expect to see a correlation between areas with more exposure to the LTRP and areas which indicate better political, economic, and social opportunities for women. My primary data sources are the EICV3 and EICV4 (a follow-up household survey conducted in 2013/14), a publication from USAID in 2015 on the gendered nature of land disputes in Rwanda, and Demographic and

Health Surveys conducted by The DHS Program in Rwanda in 2005 and 2010.<sup>151</sup> The first Organic Land Law was created in 2005 and by 2010 the country-wide roll out of LTR was already in its early phases, therefore differences in the two DHS surveys could reveal some early changes from land reform laws. Further, the EICV3 and EICV4 provide more information from the post-implementation period and can demonstrate more recent changes that may have been a result of the LTRP.

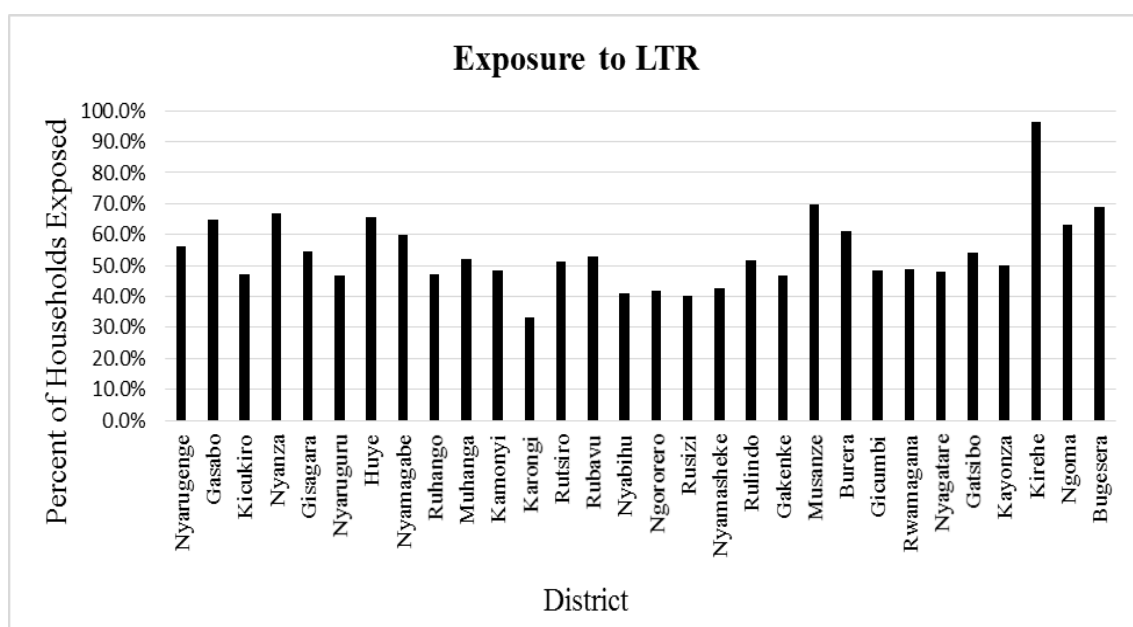


Figure 1: Graph of Household Exposure to Land Tenure Regularization Program by District

<sup>151</sup> “Integrated Household Living Conditions Survey EICV 2013/2014 – Thematic Report: Gender,” *National Institute of Statistics of Rwanda*, Kigali, Rwanda, March 2016.

“Integrated Household Living Conditions Survey EICV 2013/2014 – Thematic Report: Economic Activity,” *National Institute of Statistics of Rwanda*, Kigali, Rwanda, March 2016, Havugiyaremye Aimable, Dr. Simeon Wiehler, Dr. Wibabara Charity and Ndayisaba Daniel, with assistance and advice from Prof. Susana Lastarria-Cornhiel, “The Impact of Gendered Legal Rights to Land on the Prevalence and Nature of Intra- and Inter-Household Disputes - Final Research Report,” *USAID /LAND Project*, Kigali, Rwanda, September 2015.

“Rwanda Demographic and Health Survey 2010 – Final Report,” National Institute of Statistics of Rwanda, Ministry of Finance and Economic Planning, *ICF International*, Calverton, Maryland, February 2012.

“Rwanda Demographic and Health Survey 2005,” National Institute of Statistics of Rwanda, Ministry of Finance and Economic Planning, *ORC Macro*, Calverton, Maryland, July 2006.

I chose to study variables that indicate increased bargaining ability for women both in the home and in the community. Research has shown that increased land rights for women can increase their bargaining ability in the home. A study of joint land certification for husbands and wives in Ethiopia resulted in more positive attitudes towards women's land rights and increased participation of women in decision-making processes like community meetings regarding land reform. The study showed that these attitudes resulted in both increased bargaining ability within the home and a shift in the community's perception of the role of wives.<sup>152</sup> A similar study of a joint-titling program in Peru showed that women in areas with titled plots were 5.3 percent more likely to take part in household decision-making.<sup>153</sup> Finally, a study of Nepal revealed that women with land rights were much more likely to have a significant say in household decisions. They argue this point by measuring the weight of children in the household because studies have shown that women are typically more likely to spend household funds on children and they find that in children of women with land rights are much less likely to be underweight, indicating that the woman has more say in household spending.<sup>154</sup> I aim to test whether or not Rwandan women experience a similar increase in bargaining power as a result of land rights.

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<sup>152</sup> Stein T. Holden and Sosina Bezu, "Joint Land Certification, Gendered Preferences, and Land-Related Decisions: Are Wives Getting More Involved?" *Norwegian University of Life Sciences, Center for Land Tenure Studies*, June 2014: p. 21.

<sup>153</sup> Henrik Wiig, "Joint Titling in Rural Peru: Impact on Women's Participation in Household Decision-Making," *World Development* vol. 52, 2013: p. 115.

<sup>154</sup> Keera Allendorf, "Do Women's Land Rights Promote Empowerment and Child Health in Nepal?" *World Development* vol. 35, no. 11, 2007: p. 1975.

At the district level, I first chose to use the measures of household exposure to the LTRP and compare this information to the ratio of women to men on district councils. A portion of the LTRP was dedicated to the creation of local institutions for monitoring and settling land disputes, but the program also stressed the importance of including women in systems of land management. I expect to see more women serving on district councils in areas that were more exposed to the LTRP. Next, using information from the 2010 DHS I measure the correlation between wives' control over their earnings and exposure to the LTRP because the ability of women to manage household earnings is indicative of their ability assert rights in the home. I expect to find a positive correlation as increased rights to land and resources can lead to better bargaining ability within the home. Finally, I use information from EICV4 and EICV3 to measure the change in the percentage of households that consider land to be co-owned by both spouses. I then compare the amount of change to household exposure to the LTRP and expect to see a positive correlation between co-ownership and exposure to the program as a primary goal was to grant legal rights for women and to give them more control over resources.

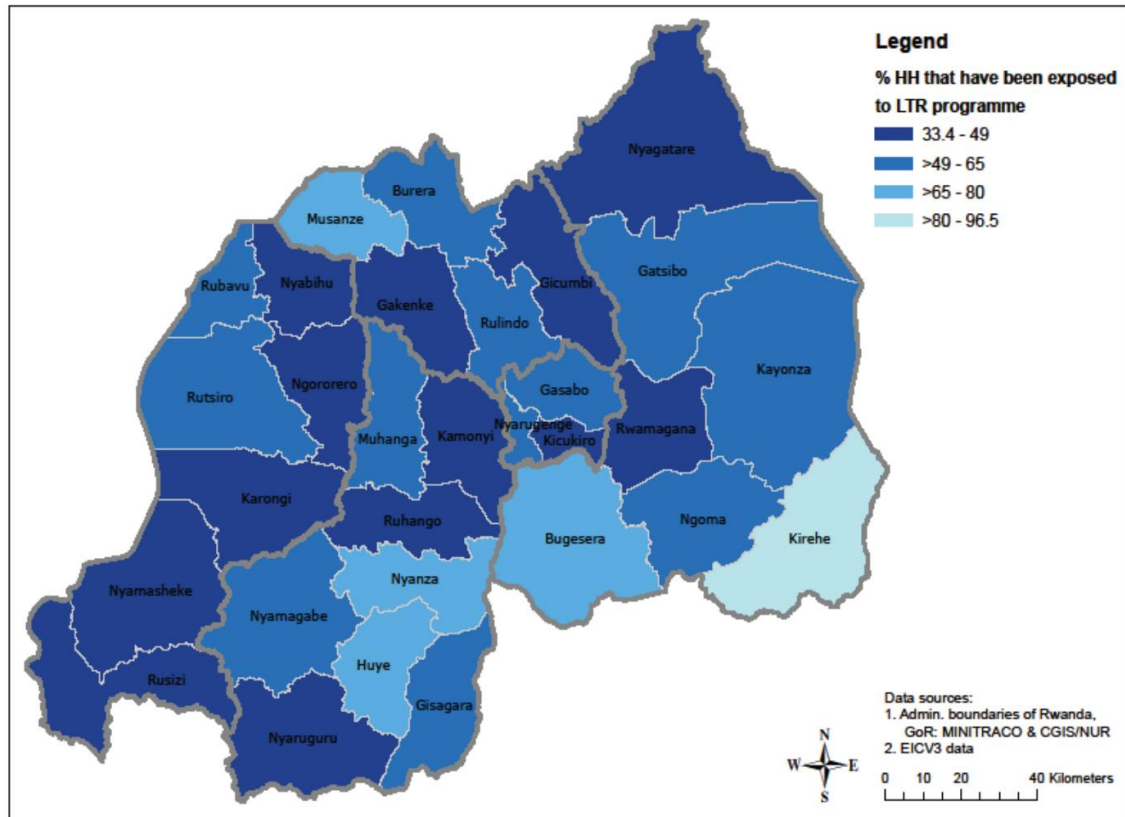


Figure 2: Map of Exposure to Land Tenure Regularization Program by District

At the province level it is harder to determine correlation because there are only five data points. Still, correlation at this level can indicate trends and some impacts from the LTRP program. First, I use two measure of land disputes and gender provided by USAID, the percentage of households with resolved disputes that involved a woman or girl and the percentage of land disputes that resulted in gender-based violence. I expect to find that provinces with more exposure to the LTRP would have a higher percentage of resolved disputes involving a woman, but would have fewer cases of gender-based violence assuming that the program properly educated citizens about their rights and provided access to legal avenues to access those rights. As I have discussed, there is evidence at the national level that women’s employment in unpaid agriculture decreased significantly between 2005

and 2010. In order to better understand this, I use data from the DHS on women's occupational change between 2005 and 2010 and compare that with exposure to the LTRP in order to determine if the program was correlated with women's occupational choices.

### **Section 3: Results and Discussion**

In light of all the challenges I have discussed, the results I discuss here are not conclusive. However, they may indicate some effects of the program which should certainly be researched further in the coming years. Figure 8 lists the correlation coefficients between exposure to land reform and each outcome variable that I tested. First, I found that there was some positive correlation between household exposure to the LTRP and the ratio of women to men serving on the district council with a correlation coefficient of .2078. Although this coefficient is very small, it is positive which could indicate that exposure to the LTRP and understanding of land reform laws leads to increased legal participation for women. A higher number of women on district councils demonstrates that women are accepted as trustworthy and informed citizens capable of serving on a decision-making body. Further, a higher number of women on the District Council could lead more female citizens to take disputes to the council because they are better

represented. Figure 3 graphically represents the relationship between land reform exposure and the ratio of women to men on district councils.

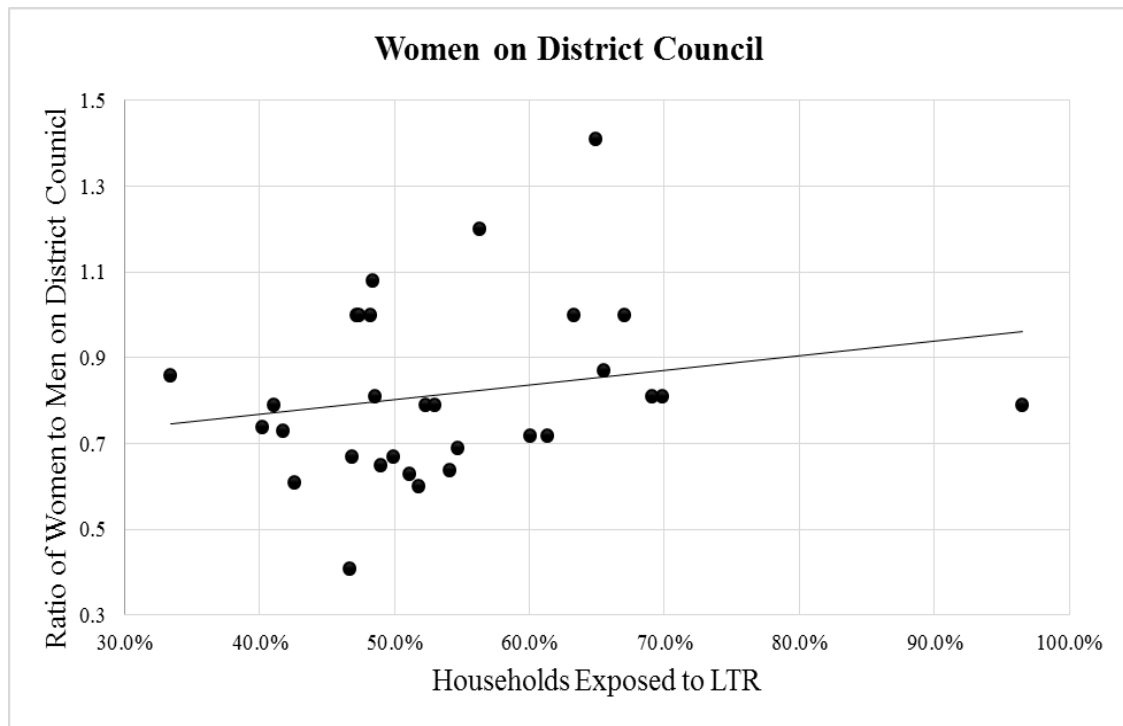


Figure 3: Graph of Women on District Councils

Second, my results indicate that there is also a positive correlation between the level of control that wives have over their income and exposure to the program. The variable measured households in which wives had independently controlled their own earnings and does not include households in which husbands and wives jointly make decisions about the wife’s income. The data for control over earnings is only available for 2010, so I was not able to compare the level of change in control that women had. Still, the results show that women in areas with higher exposure to the LTRP tend to have more control over earnings with a coefficient of .1848, which is again positive, but still a small coefficient. This is certainly an area that deserves further research and can demonstrate increased bargaining ability for women within the household. As women gain access to improved land rights, they

may also gain access to more control over other resources within the home. This early correlation, shown in Figure 4, demonstrates that land reform could be influential in giving women more control over their own resources and income.

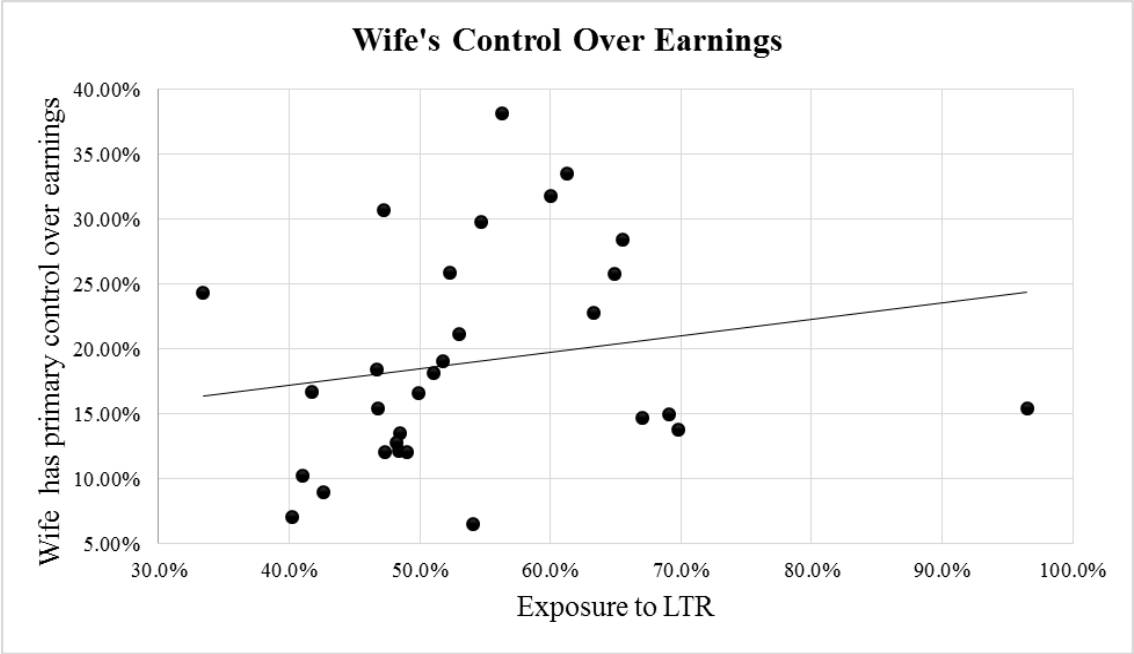


Figure 4: Graph of Wife's Control over Earnings

Finally, I measured the change in land that was considered to be co-owned by both spouses between EICV3 and EICV4. The correlation I found was small, but negative with a coefficient of  $-.0918$ . The correlation is so small that it might simply indicate that more time has to be allowed for the effects of the program to be identified in this area or that the program has been unsuccessful in establishing co-ownership of land. However, as there is no data on the sex of the head of household, it is possible that some households in which land is owned only by the head are actually headed by a female. Although there is a very small, but positive correlation between exposure to the LTRP and number of female-headed households with a coefficient of  $.0233$ , this does not significantly indicate an increase in female heads



where the program was more prevalent or that this correlation could explain the decrease in co-owned land. This is certainly an area that deserves further research as it may take more time to find an effect. It could also be the case the program has not successfully advanced the rights of women to their husband's land and more effort is required to implement this particular legal right. Aside from correlation with exposure to the LTRP however, co-ownership increased across Rwanda by 9.24% on average between EICV3 and EICV4.<sup>155</sup>

The results for province-level factors show some stronger correlations, but this may be misleading as there are only five data points available. First, there was a positive correlation of .5250 for exposure and the portion of households that reported having a resolved land dispute which involved a girl or a woman, demonstrated in Figure 5. This suggests that more exposure to the program led to more disputes involving girls and women in general. The data does not indicate whether or not women in these cases received land or not, but the correlation between resolved disputes implies that more cases involving women were heard by legal authorities and came to an official conclusion. The program aimed to inform women and their communities about women's rights to land, so the fact that cases involving women and girls took place and were resolved implies community acceptance of a woman's ability to assert rights to land through legal institutions.

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<sup>155</sup> "Integrated Household Living Conditions Survey EICV 2013/2014 – Thematic Report: Utilities and Amenities," *National Institute of Statistics of Rwanda*, Kigali, Rwanda, March 2016.

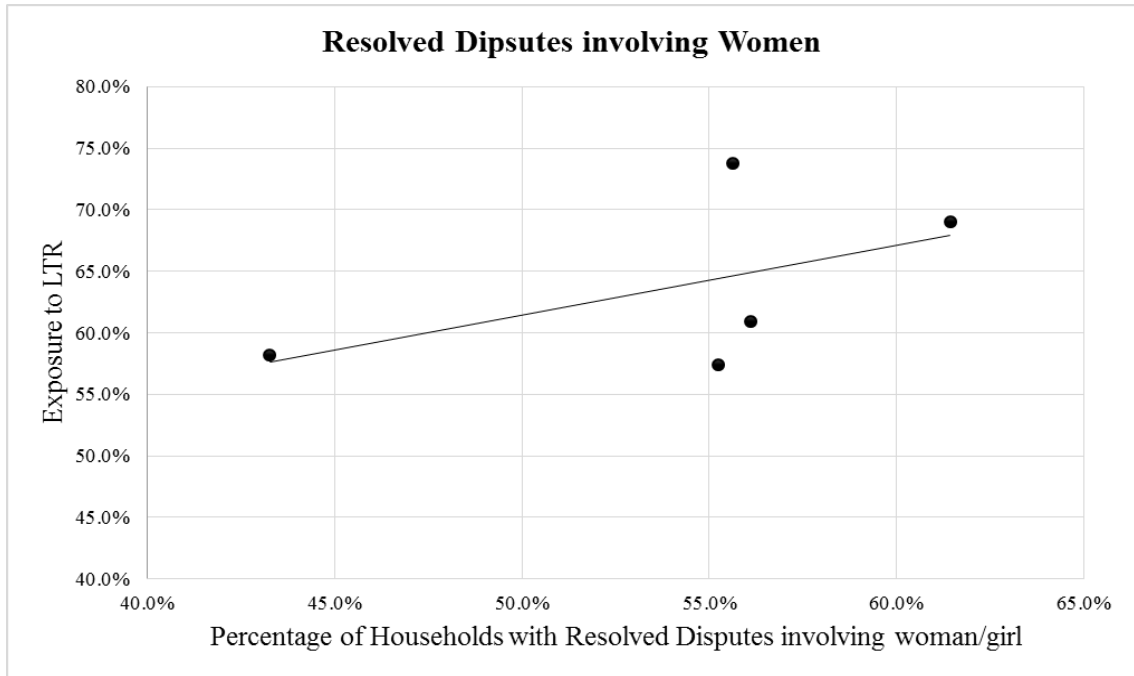


Figure 5: Graph of Households with Resolved Land Disputes involving a Woman or Girl

In addition the evidence regarding resolved disputes involving women, I also tested the number of disputes that resulted in gender-based violence. This factor had the strongest positive correlation of all the areas that I tested with a coefficient of .9247 demonstrated in Figure 6. Although I expected to find a negative correlation between exposure to the program and gender-based violence, there is evidence that expansion of women’s rights initially results in an increase in gender-based violence. In a study of women’s status in Bangladesh, Koenig et. al. found that in culturally conservative areas, increases in women’s autonomy was actually associated with higher levels of violence while the same effect was not observed for areas considered to be less culturally conservative.<sup>156</sup> Again, in a study of the effects

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<sup>156</sup> Michael Alan Koenig, Saifuddin Ahmed, Mian Bazle Hossain, A.B.M. Khorshed, Alam Mozumder, “Women’s Status and Domestic Violence in Rural Bangladesh: Individual- and Community-Level Effects,” *Demography* vol. 40, no. 2, May 2003: p. 269.

of a rural employment plan in India, researchers found that increased female labor participation actually increased violence, including not only domestic violence but also sexual harassment and kidnappings of women.<sup>157</sup> The positive correlation between program exposure and gender-based violence does not necessarily indicate failure of the program or the legal institutions it created. Rather, it could show that as women in areas with greater exposure to the LTRP assert their rights to land, they experience some level of backlash from the community. This is certainly an unfortunate trend and the opposite of the response that policy-makers would hope for, but it may be a step in the process of expanding women’s legal rights.

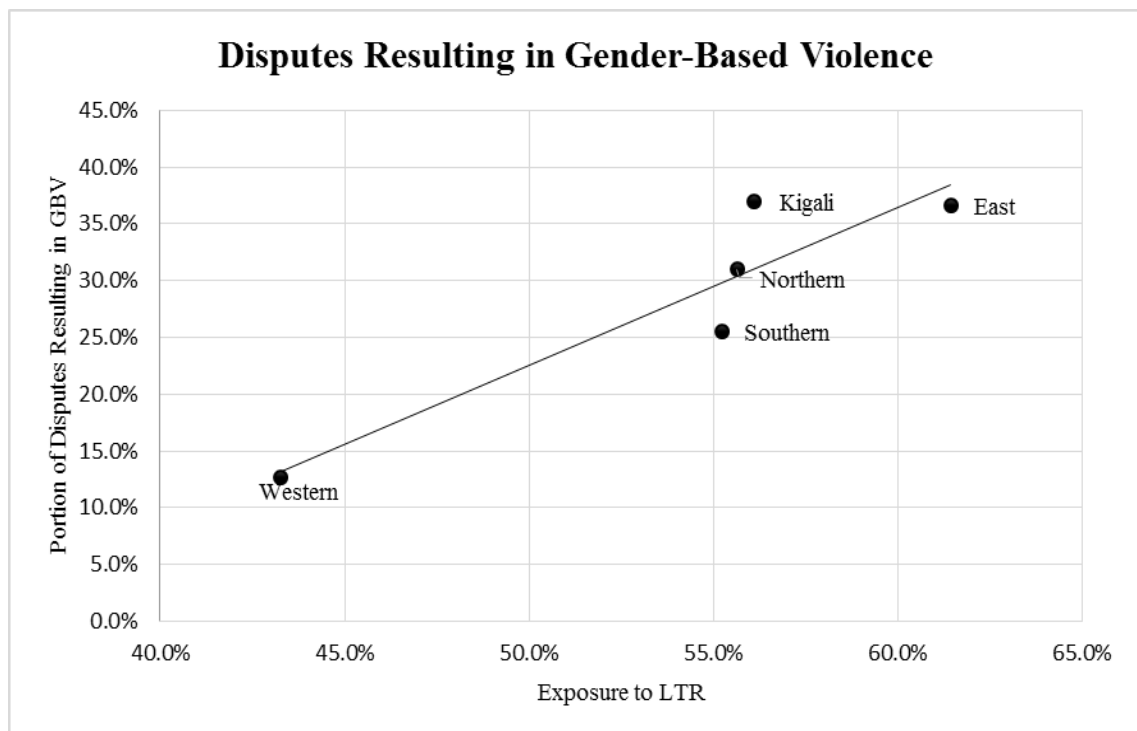


Figure 6: Graph of Households with Disputes that Resulted in Gender-Based Violence

<sup>157</sup> Sofia Amaral, Siddhartha Bandyopadhyay, Rudra Sensarma, “Employment Programmes for the Poor and Female Empowerment: The Effect of NREGS on Gender-Based Violence in India,” *Journal of Interdisciplinary Economics* vol 27, no. 2, 2015: p. 199.

Finally, I used data about women's occupations between 2005 and 2010 from DHS surveys to determine if the program had an effect on the occupations of women, especially because national data indicated that the number of women working in unpaid agricultural work decreased significantly between 2005 and 2010. Figure 7 demonstrates the results for each occupation that I tested. I found a slightly negative correlation for the professional, clerical, and agricultural occupations, and also found that, on average, across Rwanda fewer women were employed in these types of occupations from 2005 to 2010. The strongest positive correlation I found was in the area of skilled labor, with small but positive correlations for occupations in sales and unskilled labor. Despite some overall decline in agricultural employment across Rwanda, agriculture remains the largest sector for both men and women in rural areas, making up about 80 percent of women's employment in each province excluding Kigali, which is much more urban.<sup>158</sup> The correlation between exposure to the LTRP and increased employment in skilled labor may demonstrate increased ability for women to use their skills outside the home for wage-earning occupations.

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<sup>158</sup>"Rwanda Demographic and Health Survey 2010 – Final Report," *ICF International* Calverton, Maryland, February 2012, p. 48.

<b>Occupation</b>	<b>Correlation</b>	<b>Average Change</b>
Professional	-.1137	-1.52%
Clerical	-.1445	-.56%
Sales	.0707	1.86%
Skilled Labor	.8831	1.14%
Unskilled Labor	.1000	1.24%
Agriculture	-.1452	-5.46

*Figure 7: Table of Correlation Coefficients for Women's Occupational Change*

The results I have found here, demonstrated in Figure 8, show some correlations that demonstrate increased bargaining ability for women in the community and in the home. As I have discussed, these results are not conclusive and can only show some initial correlation between exposure to the LTRP and factors that indicate women's empowerment. Certainly, these are areas that should continue to be studied in order to determine effects from the LTRP and the new land laws that Rwanda began creating in 2005.

	<b>District Level</b>	<b>Province Level</b>
Women on District Council	.2078	-
Control over Earnings	.1848	-
Co-Ownership of Land	-.0918	-
Resolved Disputes with Women	-	.5250
Dispute Resulting in GBV	-	.9247

*Figure 8: Table of Correlation Coefficients for Outcome Variables*

## **Conclusions**

The results that I have found, along with results from the Rwanda Women's Network, the Rwanda Initiative for Sustainable Development, the International Fund for Agricultural Development, and the World Bank suggest some early indications of benefits for women from the LTRP. While this is a topic that requires years of ongoing research and monitoring in order to determine effects, it is evident that women have increased ability to assert their rights through legal mechanisms, and may experience new employment opportunities and control over their earnings. The government of Rwanda specifically targeted women in its land reform policies in order to change their rights to inheritance and land ownership, and to include women in decision-making processes regarding land. Land is the most important resource in Rwanda both socially and economically, as the country is largely dependent on agriculture, land has come to be important not only for survival, but also has established social value. The important status of land in Rwanda makes land reform a useful tool to address the marginalization of women because land tends to influence many other factors of life in Rwanda. The results discussed here demonstrate that new land policies have already had some impact on the experiences of women in asserting rights to land and resources, and could continue to impact their role in the home and the community through increased decision-making power over land and other areas.

## **Conclusion**

The 1994 genocide was the result of colonially-influenced ethnic divisions made more severe by extreme stress on Rwanda's most valuable resource, land. Women of Rwanda, who typically do not have access to land and other resources, were especially vulnerable in the aftermath of genocide and were in need of significantly improved legal rights. The government of Rwanda, seeking to develop the country and promote unity and peace after such a violent event, addressed women's rights in numerous ways, but one of the most important approaches that they took was to incorporate women's rights into land reform policies. By granting women legal rights to land and providing mechanisms through which they can assert those rights, the government of Rwanda could begin the process of making real societal changes for the women of Rwanda.

The Land Tenure Regularization Program brought land reforms to the citizens of Rwanda and served to register land and educate citizens about new laws. In other countries, there is evidence that land rights can lead to increased household bargaining ability for women. In this paper, I chose to study whether the land reforms of the Rwandan government had similar effects for Rwandan women, especially as they faced unique challenges in the years after the genocide. I searched for correlation between measures of household exposure to the LTRP and other variables which indicate household bargaining ability and ultimately found some evidence that women of Rwanda have gained some ability to take part in decision-making processes in the home and in the community. However, my results are inconclusive, and ongoing research of the program is necessary to determine its long-term effects for Rwandan women.

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