

FINDINGS FROM PUBLIC DIALOGUE BEFORE THE LAND TENURE REGULARIZATION PROCESS

Project Area: Bisoke, Kaguhu and Nyonirima cells
of Kinigi sector, Musanze District, Northern Province

Giuseppe Daconto, Mireille Ikirezi, Yvette Nduwimana, Emmanuel Nsengimana,
Isaac Nshimiyimana

March 2011



A PROGRAM FUNDED BY THE HOWARD G. BUFFETT FOUNDATION

VERSION: EEEGL Land FGDs final.doc

Circulation: Internal

CONTENTS

EXECUTIVE SUMMARY.....	3
1 INTRODUCTION.....	6
1.1 BACKGROUND	6
1.2 RATIONALE FOR THE CHOICE OF THE TARGET CELLS	6
1.3 SCOPE OF THIS REPORT	7
2 METHODOLOGY OF PUBLIC DIALOGUE ACTIVITIES	8
2.1 FOCUS GROUP DISCUSSIONS.....	8
2.2 VILLAGE LEVEL DIALOGUES	10
2.3 RADIO BROADCASTS.....	11
3 FINDINGS.....	13
3.1 GENERAL CONSIDERATIONS ON THE APPROACH AND QUALITY OF DIALOGUE.	13
3.1.1 <i>FGDs</i>	13
3.1.2 <i>Village dialogues</i>	13
3.1.3 <i>Feedback provided by facilitators</i>	13
3.2 TRENDS IN LAND AVAILABILITY AND OWNERSHIP	14
3.3 SOURCES OF LAND TENURE DISPUTES	15
3.4 ISSUES ARISING WITH THE EXPECTED LAND REGULARISATION PROGRAMME.....	15
3.5 LAND RIGHTS OF ORPHAN, WOMEN, CHILDREN AND OTHER VULNERABLE PERSONS.....	16
3.6 DISPUTE RESOLUTION	19
4 CONCLUSIONS.....	20
5 REFERENCES.....	21

ACKNOWLEDGEMENTS

The activity was carried out under the EEEGL project of CARE International and IGCP (www.virunga.net).

The task received the following inputs:

- The task was delivered by a field team composed of Mireille Ikirezi, Emmanuel Nsengimana (CARE International), Yvette Nduwimana (Rwanda Environment and Development Organization) and Isaac Nshimiyimana.
- Damascene Gashumba of REDO advised on the organisation and approach of the events.
- Field work planning was supported by Thabit Masoud, CARE International
- Planning and analysis were supported by Giuseppe Daconto, CARE International

The task was carried out in partnership with the National Land Centre, the District of Musanze and Kinigi Sector.



EXECUTIVE SUMMARY

CARE INTERNATIONAL delivered a public dialogue and awareness programme in three cells of Musanze District as part of a partnership with the National Land Centre (NLC). The exercise preceded the registration of land titles of the residents in the three cells, conducted by NLC as part of the national Land Tenure Regularization Programme (LTRP).

The overall objectives of the CARE facilitated programme were:

1. to assist and enhance capacity of local institutions in the target area involved in land awareness and land dispute /conflict management in impartial and resourceful approach; and
2. to raise public awareness about the law governing land rights and dispute/conflict resolution mechanisms.

The programme was undertaken as a pilot activity to develop and test a model of awareness raising and public dialogue on the LTRP and land rights. It was delivered in close collaboration with NLC and local authorities (District, Sector and Cells) and in partnership with a local Rwandan NGO, the Rural Environment and Development Organization (REDO).

This report documents a set of events and activities to raise public awareness about the LTRP, land rights as established under the Rwandan legal framework and land dispute resolution options at grassroots level. These activities included village level meetings, the display of a documentary film, focus group discussions (FGDs) with community representatives, and radio broadcasts. A separate report covers the technical capacity building activities targeting local officials and delivered before this set of public dialogue activities.

FGDs targeted landless residents, widows, women with husbands in jail, women involved in polygamous marriages, orphans / orphans head of household, people living with disabilities, recent repatriates and historically marginalized people. Three FGD sessions involved 66 people from these categories. We also organised 25 village meetings: these were open to all residents and saw the participation of 1,951 people (ca. 20% of the adult population).

The events provided opportunities to collect views from the populations on factors affecting land rights within their local context, and to engage in dialogue about the provisions of the legal system and of the forthcoming LTRP.

The dialogues highlighted the following key issues of concern:

- Overall land availability had been dramatically declining due to unrelenting population growth in the area.
- Land tenure discussions were dominated by the concern surrounding the fact that virtually all people who owned land in the area, do so on the basis of an out-grower scheme dating back from the '60s. Tenure rights under this scheme were disputed at the time of our exercise.
- Participants indicated that 80% of local conflicts are land related; and these are mostly related to inheritance.
- The issue of the recent returnees' access to land also looks prominent with regard to the LTRP; the discussions stressed that in those cases, whenever known ancestral rights to land are not recognised (which is not always the case), these should be addressed during the registration process. If these local discussions would not yield, cases should be referred to the Abunzi.
- Land rights of women were the major issue of attention. This related to a set of issues, including the custom of polygamy, which is very common in the area. In addition: (a) most marriages are not formally registered and most participants seemed aware that if a marriage is not registered, the wife would have problems in having her share of family land recognised; (b) customary biases in favour of male children denied girls rights over an equitable share of family land; (c) lack of protection of women's inheritance rights for old cases pre dating the 1999 Inheritance Law (d) widows from non legally recognised or polygamous marriages; (e) several case studies brought to the fore the fundamental implications of the local understanding of women rights (or lack of it) under the law, as a common cause of conflicts with relatives, especially for widows.
- Disputes or concerns associated with polygamy refer both to rights of women engaged in polygamous relationships and those of the children born from them. Women in this condition appeared well aware of their weak position with respect to rights over family land. Yet, they were often very vocal in advocating for the rights of their children. Many women were rushing or fighting

for registering their marriage, ahead of the LTRP. Yet, they feared that polygamy may prevent many of them to succeed.

- Entrenched customary biases affect inheritance rights of children. Widows and women in the dialogues highlighted that when it is time to transfer land through inheritance or *Umunani*, fathers tend to donate land to male children.
- Orphans were particularly uncertain of their rights under the law and expressed concerns related to potential abuse of influence by family members. Uncertainties were also associated at times with their dealing with local government authorities. Orphans from couples nor formally married were also a common case of concern:
- Participants discussed manners and channels to solve land tenure disputes. They generally acknowledged that local informal solutions prevailed in all the most common situations: these involved the role of extended family relations; local officials (village or cell) and eventually the Abunzi (mediators). Few cases ever go to court and local people prefer to resolve disputes locally.
- The dialogues listed the following dispute resolution problems: poor knowledge of land rights (especially of orphans and widows) among family members; and cases of overriding influence by wealthy parties or corruption biasing the local mediators.
- Participants acknowledged the lack of avenues locally to voice their concerns with particular regard to the rights of women not legally married and/or in polygamous relationships. No advocacy channel or organisation active locally was recognised in this regard.

I INTRODUCTION

1.1 Background

CARE INTERNATIONAL delivered a public dialogue and awareness programme in three cells of Musanze District as part of a partnership with the National Land Centre (NLC). The exercise preceded the registration of land titles of the residents in the three cells, conducted by NLC as part of the national Land Tenure Regularization Programme (LTRP).

The overall objectives of the CARE facilitated programme were (CARE, 2010):

1. to assist and enhance capacity of local institutions in the target area involved in land awareness and land dispute /conflict management in impartial and resourceful approach; and
2. to raise public awareness about the law governing land rights and dispute/conflict resolution mechanisms.

The programme was undertaken as a pilot activity to develop and test a model of awareness raising and public dialogue on the LTRP and land rights. It was delivered in close collaboration with NLC and local authorities (District, Sector and Cells) and in partnership with a local Rwandan NGO, the Rural Environment and Development Organization (REDO).

The programme comprised two sets of activities:

- 1) Training and dialogue events to strengthen the capacity of officials from the local institutions and their understanding of the legal framework, with particular regard to the LTRP, overall land rights and land dispute resolution procedures. This set of activities included training events at District and Sector levels and cell level
- 2) A set of events and activities to raise public awareness about the LTRP, land rights as established under the Rwandan legal framework and land dispute resolution options at grassroots level. These activities took place in the three target cells and included
 - a) Village level meetings
 - b) Documentary film display
 - c) Focus group discussions with community representatives
 - d) Radio broadcasts

1.2 Rationale for the choice of the target cells

CARE, in consultation with NLC and local government authorities, selected Kinigi Sector of Musanze District as the target area for the exercise. The selection of the target area was determined by both analysis and pragmatic considerations.

We intended to work in cells adjacent to Parc National des Volcans (PNV) consistently with the geographical targeting of EEEGL. These cells share general attributes common across the wider volcanic belt around the park, and specifically, high population density, small and decreasing land holdings, and similar land use patterns and farming systems. The population resident close to the park is the one most directly affecting biodiversity conservation (through use of park resources); and, in turn, it is the one most affected by park conservation values and measures, including benefits (from tourism generated revenues, support from conservation oriented grants, etc.) and costs (park interface management measures, land use opportunity costs).

At an analytical level, we based ourselves on the data generated by a recent socioeconomic study (Bush et al, 210). This study produced a baseline description of socio-economic conditions of communities (cells) adjacent to PNV. Although the study was not aimed specifically at determining geographical patterns across the target area in a statistical sense, we did use its descriptive statistics to discern potential geographical distributions of these factors: presence of women-headed households and average HH land holdings (Table 1).

The process selected Kinigi sector, because (a) there is a relatively higher percentage of women headed households; (b) the sector is near the Park head-office and has attracted growing conservation and tourism related interest and investments; (c) road connections are good and access from Musanze town is easy.

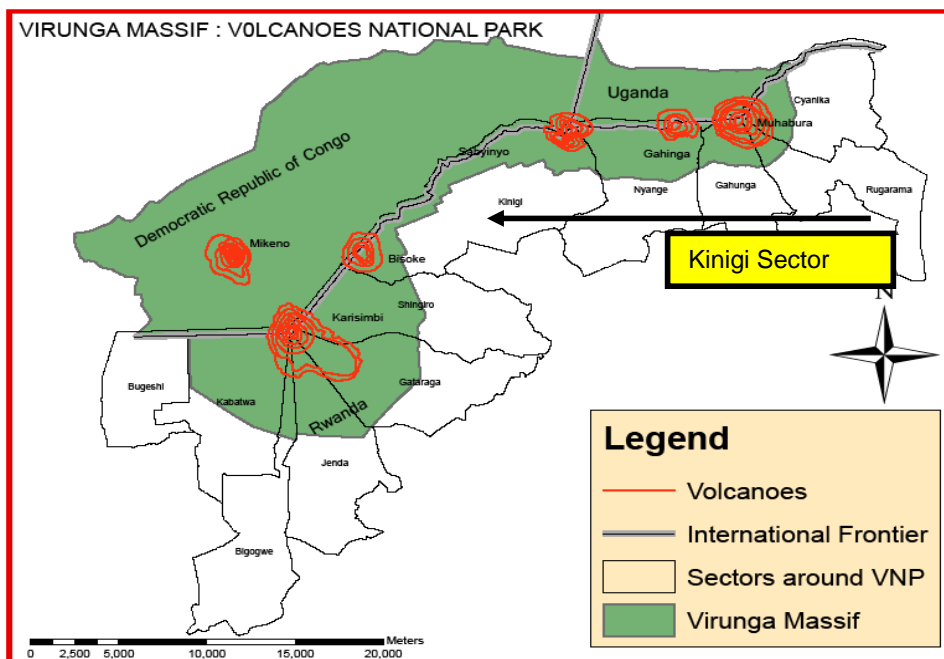
In the District of Musanze, at the time of the exercise, NLC had undertaken or was in the process of undertaking registration in two sectors only: Cyuve and Musanze, one cell each, at a distance from our target area.

Table 1. Key Indicators for sectors adjoining Volcano National Park.

Sector	Mean Annual Household income (Rwf)	Mean Household land holding (ha)	Mean years resident	% of female headed households
Nyange	143,988	0.26	7.33	23.33
Bugeshi	232,744	0.36	11.90	26.67
Cyanika	153,908	0.39	12.47	20.00
Jenda	345,697	0.41	11.93	27.59
Mukamira	221,732	0.47	8.60	28.89
Kinigi	371,827	0.49	11.15	30.00
Bigogwe	578,830	0.53	8.40	20.00
Kabatwa	271,575	0.53	11.26	26.67
Shingiro	227,615	0.64	10.67	20.00
Rugarama	350,998	0.69	14.52	20.00
Gataraga	286,775	0.70	15.59	26.67
Gahunga	481,683	1.17	17.41	9.68
All	302,622	0.55	11.66	22.13

Source: Bush et al, 2010.

Figure 1. Target area.



1.3 Scope of this report

This report documents the second set of activities, i.e. those undertaken to foster public dialogue on the LTRP and land rights. It presents

- (a) a brief description of the methodology and processes used;
- (b) the main findings of the events: these include general considerations on the quality of the dialogue and specific summaries of issues arising from the discussions (both FGDs and village dialogues).

The findings explore perceptions of participants with regard to land rights and the capacity of people, especially vulnerable social groups like women (and, among those, specifically widows, women in polygamous marriages, women in non registered marriages), children and orphans to assert their rights over land within customary practice and in dealing with authorities. We also captured additional perceptions or uncertainties about the implementation of the LTRP and the use of formal and informal channels for settling land related disputes.

The findings of this report are expected to:

- (a) provide a reference for land access and rights issues in the target area;
- (b) provide a basis for the scoping of an impact study which CARE will deliver after the conclusion of the LTRP.
- (c) inform further reviews at national level (e.g., through Landet) with regard to the implementation of the LTRP and land tenure policy review.

2 METHODOLOGY OF PUBLIC DIALOGUE ACTIVITIES

The set of public dialogue activities involved focus group discussions, village meetings, and the broadcasting of a radio programme from a local radio. The purpose of these activities was to provide avenues to:

- 1) Increase the awareness of the local population about the purpose and procedures of the soon starting LTRP and provide opportunities for an open dialogue;
- 2) Gauge people's perceptions about land tenure issues in the area, sources of conflicts, and their relations to formal and informal channels for dispute resolution.



2.1 Focus Group Discussions

These events were organised in Bisoke, Kaguhu and Nyonirima cells to engage in in-depth dialogue with selected target groups among the most poor and marginalised residents in the area.

They were held in a public venue, easily accessible to participants in the respective cells. Table 2 presents the overall programme of the FGDs and the record of attendance. Participants ranged 16-

25. Participants were selected among cell residents to represent a cross-section of

- o landless
- o widows
- o women with husbands in jail
- o women involved in polygamous marriages
- o orphans / orphans head of HH
- o people living with disabilities
- o recent repatriates and
- o Historically Marginalized.

Recent repatriates are people coming mainly from neighbouring countries (mostly DRC) who have moved to the region over the recent past (up two years ago). These are from families who originated from this region; sometime these returnees still have local relations, sometimes they do not. This return flow has several land access implications, as they may or may not know of their family land and may or may not gain access to this land once returned.

The participants were selected from the list of Ubudehe¹, a government decentralized program through which funds target the poorest members of the communities. The Ubudehe lists are produced and maintained by local authorities and classify people according to six wealth classes. We agreed on the above selection criteria with the Cell's Executive Secretary and with his assistance we identified individual participants in the list of each cell's households

The venues of the meetings were in friendly and neutral local settings to facilitate the participation.

Prior to the Focus Group Discussions, we aimed to have 15 participants in each event. However, after the first session we decided to increase the number of participants to 25 to broaden the range of views.

The programme of the FGDs included:

- 1) An introduction to the objectives of the event, by the CARE Officer. The sessions were introduced as events of open discussion on the LTRP and on land rights. Participants were encouraged to participate freely and openly, so that their feedback could be conveyed to local authorities and the LTRP process.
- 2) Welcome remarks by a representative by the local authority.
- 3) An introduction by a CARE staff member to the land issues in the area, drawing from the earlier socio-economic survey carried out by CARE. This brief session enabled an initial sharing of perceptions about land availability and trends in the area.
- 4) A brief oral presentation of legal provisions (Organic Land Law 2004, LTRP procedures, Abunzi Order, Land Committee order, Law on regimes, liberalities and succession), by a REDO lawyer staff.
- 5) An open session of discussions questions and answers.

The meetings were held in Kinyarwanda. The facilitators produced detailed written notes of the discussions and specifically of the final session, which constituted the main and informal dialogue of the FGDs. The conclusions presented herewith are based on these notes and transcripts.

¹ The Ubudehe initiative was launched in 2001 as part of partnership between the Ministry of Finance and Economic Planning and the Ministry of Local Government. It seeks to promote self governance and greater community involvement in affairs of governance putting into operation the principle of citizens participation through local collective action in Rwanda. In 2008, all of 9000 villages nationwide actively and participated in developing their own social maps and visual representations and data of the state and extent of poverty and exclusion that various social groups face in Rwanda. From the exercise, local communities at Cell level defined and stated their preferences and priority problems".
www.cdf.gov.rw/ubudehe/UBUDEHEDOCS/ubusummary439130.html

Table 2. Schedule and Participation in the FGDs.

Cell	Venue	Date	Time	Participants N.	Participants by gender	N of Participants by selection criteria
Bisoke	Centre de Santé de Bisate	1.12.2010	10:00AM – 1:00PM	16	8 Women 8 Men	4 Women involved in Polygamous relationships 3 Widows 2 Women with husbands in prison 3 Orphans 2 The Crippled 2 Recent Repatriates
Kaguhu	Centre de Santé de Bisate	2.12.2010	10:00AM-1:00PM	25	16 Women 9 Men	5 Women involved in Polygamous relationships 5 Widows 4 Women with husbands in prison 5 Orphans 4 The Crippled 2 Recent Repatriates
Nyonirima	Ecole Primaire de Kabwende	3.10.2010	10:00AM-1:00PM	25	17 Women 8 Men	5 Women involved in Polygamous relationships 5 Widows 4 Women with husbands in prison 5 Orphans 4 The Crippled 2 Recent Repatriates

2.2 Village level dialogues

The FGDs were followed by public dialogue meetings. These were public events organised in each village within the target cells. We organised 24 events. Meetings were convened in the later afternoon when people come back from the fields.

In preparation to the events, EEEGL convened the local authorities notably the Executive Secretaries of the target Cells and Sector along with village leaders of each target cell, to review the upcoming plan of village level dialogues. EEEGL requested strong mobilization of village communities:

- i. EEEGL provided a megaphone to local authorities for use in mobilization prior to village dialogues in each village. Locals were invited three to five days in advance; and
- ii. Local authorities also used 'Umuganda' (government organized community work) and village-level special meetings for mobilization.

Average attendance was 80 people per event (Table 3) and reached a total of over 1,951 people (56% female), which represent about 20% of the total adult population.

The programme of these events was as follows:

- 1) An introduction by CARE staff, presenting the purpose of the meeting, that is (1) ensuring a flow of information with regards to laws governing land rights and (2) fostering dialogue on the matter.
- 2) Welcome Remarks by the Sector Executive
- 3) The projection of a documentary film (about 20') produced by the NLC and illustrating the LTRP procedure.
- 4) An open session of questions and answers facilitate by REDO and CARE staff.

Table 3. List of Participants in Village Dialogues.

Cell	Village/venue	Location	Date	Time	Male	Female	Total No. of Attendees*
Bisoke	1) Bunyenyeri 2) Kumazi 3) Kazi 4) Susa 5) Karambi 6) Kamata 7) Shonero	Baptist & Pentecostal Churches	December 7, 2010 – December 15, 2010	3:00PM–5:00PM	223	325	548 out of 4214 residents / 2810 adult population
Kaguhu	8) Impano 9) Kaniga 10) Rugeshi 11) Rurembo 12) Musingi 13) Kabeza 14) Nyundo 15) Myase 16) Nyarusizi 17) Ruinga	Baptist & Pentecostal Churches	December 16, 2010 – December 29, 2010	3:00PM–5:00PM	306	462	813 out of 5225 resident / 3231 adult population
Nyonirima	18) Kansoro 19) Butorwa1 20) Butorwa 2 21) Gahisi 22) Nyagisenyi 23) Kanyampereri 24) Bazizana 25) Gasura	Baptist & Pentecostal Churches	January 5, 2011 – January 14, 2011	3:00PM–5:00PM	269	321	590 out of 6358 residents / 3718 adult population
					798	1108	1,951 out of 15,797 residents / 9,759 adult population

*The total number of attendees was calculated by estimations from counting by hand. The total number of local residents was determined from local government records.

2.3 Radio broadcasts

A radio message was produced and broadcasted through a Government run radio station in Musanze (Radio Musanze). This broadcaster reaches across Musanze District and neighbouring Districts.

The broadcasts consisted of two and half minutes shots, announcing the LTRP and the pre-registration activities to be carried out in the three target cells. These were broadcasted over two months (18 December 2010 to 15 February), three times per day. The purpose was to raise local interest in the pre-registration activities to be carried out and in their link to the LTRP.

Box 1- Text of the radio shot produced and broadcasted.

A. Skit

Beginning: A child singing in the background

Brother: Where is your mother child? Oh, there she is. What do you want from me woman? Do you see, I put in boundaries around my land, and then you pull them out? How dare you do such a thing? Don't you want to quarrel with me woman? (With angry voice)

Sister: What are you talking about? I don't feel shy to pull them out because this is the land I received from back ago, and here I have documents from the Court to prove it. Try to beat me again... (With confidence)

Brother: Who told you that a woman can own land?

Sister: Oh my God! I have rights to pull out the boundaries since everybody knows that I received one land as 'Ingarigari' from my father, and in addition you know well that I received as well those three acres (ibikebo bitatu) in Gacyamo valley from my Grandfather ... this is why I presented my land as collaterals to the bank so that I would receive a loan.

Brother: This is what I don't like. You need to grow up woman– know that you don't have any rights to using my father's land starting from now. (With angry voice)

Sister: Things have changed given that I have authentic documents proving ownership – you will never pull out anything from me again.

Brother: Shameless! You dare insulting me, let me come and show you on how to beat a woman... (With furious voice)

Neighbour: Please calm down and don't quarrel over large lands as you are brothers and sisters – What if you had a small land like mine, won't you kill yourselves over it? - try to resolve the problem peacefully. If LTR could come to the Paysannat, it could resolve these family disputes including yours by means of confirming the boundaries of each land plot to the right owner in the community. Let's hope competent authorities will come soon to start the LTR.

Sister: I know! Even my brother has some land he is using which belongs to some people in Kigali. Now the case has been presented in Court by landowners claiming their property.

Neighbor: Please understand each other and try again to resolve the matter peacefully

Brother: Neighbour, you should have let me beat her since this lady is stubborn! You know I am a man in the family... (With embarrassed voice)

B. Call

Man: It is true that the LTR countrywide is an answer to land issues concerning many people. Registering land ensures land ownership and land disputes/conflicts solutions. This is why with the support of CARE INTERNATIONAL RWANDA through EEEGL partnering with REDO and the National Land Centre, LTR program is coming to the Paysannat area surrounding the Volcanoes National Park.

Man: The target sector is Kinigi sector in three cells of Bisoke, Kaguhu and Nyonirima.

Woman: The programme before the LTR the program will (1) begin with institutional capacity building for local authorities involved in land dispute management and (2) conduct village-level awareness dialogues on laws governing land rights with a main focus on vulnerable and marginalized groups.

Man: In 25 villages encompassing the target cells, gender inequality in land allocation will be discussed, in addition to how communities can use their land as collaterals in order to request loans from credit institutions.

This is a Government-led priority; please kindly participate in the program.

END

3 FINDINGS

3.1 General considerations on the approach and quality of dialogue.

3.1.1 FGDs

We chose to undertake FGDs to target and involve in dialogue specific social groups, whose voices typically risk being marginalised in broader social interactions and enquiries. We also wanted to reach a sufficient depth of dialogue on the topics at stake and assess whether a small group discussion would engender spontaneous contributions. The topics covered can be relatively contentious in the local context. We refer in particular to issues concerning land conflicts, which are often of intra-family nature. We also expected to deal with issues of polygamy and non registered marriages, which are common features across the area.

Each FGD session lasted about 2-3 hours. Those residents who participated in the FGDs or village meeting showed a high degree of participation and interest. Conversations were vibrant and engaging. Discussions were fairly open and participation even. The most active participants were women in polygamous relationships (*inshoreke*): many of them spoke openly about their situation and seemed well aware of their weak position with regard to land rights. In the words of one of them:

“We, women endure lots of hardships when it comes to property ownership, land inclusive – men tend to take everything from us, and this is why we came to listen and ask questions about land.”

The facilitators acted to support the discussion and dialogue. However, a significant proportion of the discussions involved questions about the requirements and implications of the announced LTRP: participants were eager to obtain clarifications from the facilitators and local authorities about this. Intense dialogue took also place among the participants, particularly when specific cases and disputes were raised and advice and reactions to those were vividly shared.

Participants were informed that notes would be taken during the events and will be used to document opinions collected and to convey these to the authorities.

3.1.2 Village dialogues

Attendance was numerous, yet low in proportion to the resident population (ca 20%). Participants complained at times of that they had not been invited early enough. Rains during the period limited the participation. Some others complained for the lack of compensation and incentives: participants were not paid to attend the events.

Village dialogues also encountered open and active participation, despite the larger number of people attending. Even at these events, women were among the most vocal participants and appeared to openly raised their concerns.

A particularly difficult question which focussed many participants' minds (both in FGDs and the village meetings) was the SOPIRWA's case (see below).

3.1.3 Feedback provided by facilitators

This set of events was implemented after a set of training activities targeting local officials at District, Sector and cell levels. Those training activities covered the following main items.

- The origins and pressing need of the Land Organic Law
- The importance of the land registration and its implications in the Land Tenure Regularization in Rwanda
- The Inheritance/Succession Law 1999
- The importance, functionality and responsibility of Land Committees and Abunzi in land dispute resolution.
- Options available for the management of land disputes with specific regard to intra-family and inter-family land-related disputes

The content, case studies and guidance developed during the training activities are presented in a separate report (Masengo, 2011). They provided the reference for the feedback and advice which the facilitators gave to the FGDs and village meeting participants, when questioned about issues of

concern on land rights. Most issues raised and feedback provided concerned the implementation of the Inheritance Law 1999, and formal and informal means to settle disputes thereof.

3.2 Trends in land availability and ownership

Two aspects were raised evenly across the participants:

- Overall land availability had been dramatically declining due to unrelenting population growth in the area. Participants appeared genuinely and spontaneously concerned about this².
- Land tenure discussions across the area were dominated by the concern surrounding the fact that virtually all people who owned land in the area (participants indicated often a 90% proportion of these) own land on the basis of an out-grower scheme dating back from the '60s to establish pyrethrum production. A pyrethrum processing factory was established then (SOPYRWA) and farmers were engaged in pyrethrum production through a contractual arrangement (*paysannat*). The story was summarised in this way by one participant:

- “The land had decreased due to acute population increase in what is so called ‘*Paysannats*’³. These are lands our ancestors, we and our descendants lived and are to live in, but the major problem we face is that they belong to SOPYRWA. We have been living on that land for more than thirty years starting in 1960s when SOPYRWA gave lands to our ancestors, who were engaged through contracts signed between SOPYRWA and the farmers. In addition these had to agree to cultivate pyrethrum on 40% of the given land while the remaining land would be exploited as we wished. From the contract between the farmers and SOPYRWA, it was also agreed that it was illegal to sale or transfer it through ‘*Impano*’⁴ to people outside of the family as the land was not owned by local communities. If he decided to sale, the landowner of SOPYRWA plots would sell the whole plot and notify SOPYRWA employees or Agriculture Officers and sign the official documents for land transfer; the buyer had also to follow the same as the previous owner, mainly in growing pyrethrum on 40% of the land. This would apply to the children who would inherit and acquire SOPYRWA land through succession or donation (*Impano*, *Umunani*⁵ or *Umurage*⁶)”

The fate of the land owned for generation under such a scheme gave rise to considerable anxiety among those who owned land, because at that time it was not clear how this case would be handled through the LTRP exercise⁷. During the FDGs and village dialogues the opinion strongly prevailed that titles over *paysannat* land need to be transferred to the farmers who had been exploiting the land for decades.

- An elderly man in the village-level discussions pointed with a desperate voice:” If the lands are not registered under the farmers during the registration, it means that we residing around the Volcanoes National Park will become landless and wont benefit from advantages that the land registration will bring in the aftermath; where would we go if it is the case? Definitely the Government needs to let us own this land for the sake of our future.”

Participants generally indicated that just 10% of land-owners owned land outside this scheme. It was recognized that some of those who own SOPYRWA land, own also land outside of *Paysannats*.

² A quantitative analysis of perceptions of land availability in the area is presented in the socio-economic study carried out by EEEGL (Bush et al., 2010).

³ *Paysannats* are resettlement schemes which were introduced during colonial time, whereby groups of households were physically clustered and given agriculture plots for subsistence and production of cash crops.

⁴ *Impano* also known as ‘Inter vivos gift’ is given to any person by the landowner. This type of gift can be either movable or immovable property, such as land and takes effect once both parties are alive.

⁵ *Umunani* aka “Ascending Partition” is a type of gift parents give to their children once everyone is still alive.

⁶ *Umurage* aka “Legacy” is a type of gift given by the land holder to anyone. Takes effect when the benefactor is deceased.

⁷ Similar concerns also dominated the discussions during the training events organised for local government officials (see separate report, CARE, 2011). At the time of the exercise the SOPYRWA case was being handled by NLC and the highest levels of government to seek a solution through the LTRP.

- Distress sales were acknowledged as frequent: land scarcity impoverishes the most vulnerable families and these sometime sell their land. This happens also for land under the SOPYRWA scheme, even though (according to local authorities) the farmers are not supposed to sell or subdivide their assigned plots.
 - One of the elderly widows articulated in a gentle yet distressed voice: “It is impossible for us very poor people not to sell this land abiding by the law; regardless of what the contract states, we sell parts of our small land without acknowledging SOPYRWA in fear of losing our land”.
 - Asked why very poor people sell land, a woman whose husband is in prison answered: “It is because of acute poverty. For example, I have a husband in prison that I need to feed daily, and then I have six children who need school fees and learning material to go to school. I decided to sell part of our land in the Paysannat given that I was extremely poor, to raise money and meet those needs.”

3.3 Sources of land tenure disputes

The participants identified the following sources of land disputes:

- 80% of conflicts at village level are land-related.
- Most land disputes relate to inheritance, especially when it comes to male vs. female children.
- Boundary disputes also occur although their frequency was reported low in the region of *Paysannats*. Most boundary conflicts occur with those people whose land borders the National Park, due to problem animal damage, especially buffalo (i.e., technically these are not boundary disputes) “These animals raid the crops we depend on for living, but the question is that we haven’t received any compensation; this situation always puts us in conflict with the National Park authorities”
- Cheating in selling the same land plot to more than one buyer
- Polygamy is a common phenomenon across the area; this creates family disputes when land is distributed among or inherited by many children through customary law.
- Unlawful inheritance practices, whereby widows and orphans may become victims.
- Disputes over land lease contracts
- Local people not willing to give out their lands for Imidugudus or villages⁸
- Conflicts between SOPYRWA and farmers of pyrethrum

Based on our coding of the discussions recorded during the Focus Group Discussions and Village Dialogues, we observed that the three cells shared similar patterns of concerns regarding land, i.e., 80% of the issues raised were related to polygamy, 18% to orphans involved in intra (inter)-family disputes, and the remaining 2% were attributed to general questions, such as other land transactions, etc.

The following sections highlight these issues in more detail.

3.4 Issues arising with the expected land regularisation programme

The events were held in preparation and ahead of the LTRP implementation in the target cells. The participants raised a number of concerns with regard to the incoming land registration. These mainly referred to areas of uncertainty about the legal procedures and their rights. Among the issues raised:

- The overriding concern was about the registration of the *Paysannat* land. This was the single most widely shared concern across all events:
 - “to whom land will be registered if we have been cultivating it for more than thirty years? To SOPYRWA or local communities?”
 - “If the land will be given to us, will we receive a lease or will we own the land? And if we shall be the owners, do we still need to cultivate pyrethrum?”

⁸ This refers to the resettlement programme aiming at moving people to clustered settlements from scattered homesteads.

- It was not clear how land plots presently under dispute would be registered.
 - “If someone owns lands which are still under disputes presented in the Court, can these be registered during land registration starting soon in Bisoke cell?”
- The registration of land of absentees was raised in several instances. This concerned people detained, or as explained in the following section, people who have moved, sometime leaving behind wives and children.
 - “Lots of people here died during the genocide and the period of instability afterwards. Some have moved, some others are in prison for a long time. Some of these have not left people behind.”
 - “To whom will the land be registered if owned by those who are in prison charged of high crimes during the Genocide and the insurgency period?”
 - “Many people from here have left in search of better opportunities, some have migrated to other parts of Rwanda, some have gone to Congo, some are still in exile.”
- The issue of the recent returnees’ access to land also looks prominent with regard to the LTRP; the discussions stressed that in those cases, whenever known ancestral rights to land are not recognised (which is not always the case), these should be addressed during the registration process. If these local discussions would not yield, cases should be referred to the Abunzi.
 - A young man born in DRC had recently come back to the region: “I have found my relatives and my family friends here; my family used to have land here but they do not recognise me now; I want to be recognised and receive some land. People know that I have right to it”.
- Some participants were concerned about the fees which they knew they would have to pay to obtain the registration of their plots. Some wondered whether they had to pay for each plot they owned.
- Additional areas of technical uncertainty:
 - “I rent land from a family for a long time; to whom the parcel will be registered?”
 - “If some people have received property, but do not have documents proving ownership rights, can these people be able to register their lands”
 - “I bought land from someone whose child did not sign the paper as a witness for land transfer to my full ownership. How will I register this land?”
 - “In 1983, my father gave me a cow. Few years later, my father sold the cow and bought me instead land. While buying the land, the woman and her children who owned the land signed the papers of the sale. Nonetheless in 2010, one of the children came to me arguing that he is not agreeing with me owning now the land. Can I register this land?”
 - A woman asked a question after looking at the film on the LTRP: “In the movie, I heard that if a landowner does not use productively his/her land, the State is allowed to take back the land. Can the State do that? What are the criteria used to assess if someone is not using well his/her land?”

3.5 Land rights of orphan, women, children and other vulnerable persons.

The discussions explored in particular the land rights of children, orphans, widows and women in general. Several aspects of concern and uncertainty were raised.

- Land rights of women were the major issue of attention. This related to a set of issues, including the common custom of polygamy. In addition: (a) most marriages are not formally registered and most participants seemed aware that if a marriage is not registered, the wife would have problems in having her share of family land recognised; (b) customary biases in favour of male children denied girls rights over an equitable share of family land; (c) lack of protection of women’s inheritance rights for old cases pre dating the 1999 Inheritance Law (d) widows from non legally recognised or polygamous marriages; (e) several case studies brought to the fore the fundamental implications of the local understanding of women rights (or lack of it) under the law,

as a common cause of conflicts with relatives, especially for widows.

- “My husband died in 2000. Since then, my brother-in laws chased me away from my late husband’s property land, accusing me of adultery. They wanted to acquire my husband’s land illegally. What to do in order to obtain the land of my husband?”
- “My father refused to give my share of the land since I am a woman and gave land only to my brothers instead. His excuse is this: he tells me that I cannot have my share because I had a child without being married”.
- “My husband has fled the country and has left me with my children. I am not legally married with him. Can I register our land in my name?”
- A young lady asked: “We have parcels outside of Paysannat. Our aunts have taken and subdivided the land without taking into consideration our shares since the land is owned by our father who now lives in Uganda. Our aunts have also taken the land we cultivated before the departure of our father. They say that this land belongs to our grand-parents. Don’t we have rights to our father’s share?”
- “I am a widow. It has been few months since my daughter had disputes with her husband and as a result she came to work with me with her five children. Since then, my daughter keeps asking me to give her land while she is still legally married to the husband. I do not feel like giving her land until she is divorced”.
- “It has been explained that not formally married wives according to the Law do not have rights to own or inherit their husbands’ property, land inclusive. Here is my story: my husband, though not formally married, died living with me three children. He left me the land we bought together, but this land is in his name. How will I register this land in my name ?”
- “I have remarried with a widower. This one has a parcel. But I have three children from the previous marriage and he has two children from his previous marriage. Are we going to register all our children to the parcel of my current husband?”
- “Since I own a shop selling different commodities, I and my husband bought land together but with my own money; but the land was registered under his name only. Now my husband sold the land without my consent and I furiously asked him why, he told me that the land does not belong to me as I am not on the authentic documents signed during the transaction. I took now the matter to the Cell authorities since I want a portion of the money owned from the sale, and I am waiting for their response, hopefully it will work out”.
- “My husband sold family owned land without my consent, and this has created continuous fights within the family, as he has been selling everything we own and has left us in poverty. Most of the money he spends buying beer with his friends, this really makes the family angry. I cannot do anything as all of our lands are written under his name. May be LTR will help us solve this type of problem, which is common in our region”.
- Polygamy is very frequent in the region. Land tenure issues associated with polygamy were an overriding concern across the three FGDs. Several women involved in such relationships talked openly about their concerns and sometime showed considerable level of anxiety. Participants shared several typical cases and their associated uncertainty. These refer both to rights of women engaged in polygamous relations and those of the children born from them. Women in this condition appeared well aware of their weak position with respect to rights over family land. Yet, they were often very vocal in advocating for the rights of their children. Many women were rushing or fighting for registering their marriage, ahead of the LTRP. Yet, they feared that polygamy may prevent many of them to succeed.
 - “I am the second wife of my husband, meaning I’m not legally married. After the death of my husband I remained with my 5 children. The first (legal) wife has refused to allow me exploit my land share my husband had given me. Don’t I have the same rights to utilize the land like the first wife?”
 - A young man asked: “I am a child from a legal marriage even though my father has two wives. Since my mother has been ill for a long time, my father is not allowing me to have a portion of my mother’s share of the family land, as my mother wishes. How can I reclaim my mother’s land share”?

- A case was presented about a man who had had seven wives, and several children from them. Some of the wives had died already.
- “In our cell, 80% of men have more than one wife. Some of these prefer giving land to their second wife, at the detriment of their first wives. There are other men who, to avoid problems among their wives buy land plots for their second wives with discretion. And then ask the woman to sign the land in their name, to avoid quarrels with the other wife. The rest of the land related problems concern children who live alone or who have conflicts with their brothers on land sales”.
- ” As you can see, I lost one eye from family quarrels about land. My husband is now dead and has left me in one of his land plots with our three children. However, two children from his first (legal) marriage beat me to the point when my eye broke, asking me to leave the land my husband had given me.
- “As a second wife I cannot be protected, and this is why I among other many illegal wives need the Government to help us register the land our husbands left us and protect us from family abuse with compensation”.
- Entrenched customary biases affect inheritance rights of children. Widows and women in the dialogues highlighted that when it is time to transfer land through inheritance or *Umunani*, fathers tend to donate land to male children. Asked why, women often answered that across the region, (1) there is a cultural mind-set in inheritance along male lineage, that is, boys are considered true heirs because they are sole carriers of the family name and better farmers than females; and (2) female children are excluded since they can acquire lands from their husbands. From this custom disputes often arise when female children ask for their right to portion of their parents’ land. This was acknowledged as the most frequent case of disputes involving children.
- Orphans were particularly uncertain of their rights under the law and expressed concerns related to potential abuse of influence by family members. Uncertainties were also associated at times with their dealing with local government authorities. Orphans from couples nor formally married were also a common case of concern:
 - A young orphan asked whether he will be able to register his own land once he will form his own family.
 - A young man presented this case: “My mother, father and grand-father are already dead. My grand-mother is still alive, but very old of more than 100 years. My father had a land plot which he shared among my brothers before he died. In addition, my grand-mother gave me another plot, but my aunts are not allowing me to register this land in my name. Do my aunts have reason in acting in this way?”
 - A young man raised this case “Our parents are dead. We are now 4 children in the family who are now managing the land our parents left us. Under whom this land will be registered?”
 - “My parents died sometimes ago, and now I live with my brothers. One of our plots has been chosen as “Umudugudu”⁹ for land consolidation purposes and given way to a new person. This one gave us the money, but we haven’t signed yet the papers in approving it. To the surprise during registration, this one registered our land under his name, what will we do in order to obtain back our land and register it under our name?”
 - A young lady asked: “We are orphans of father and mother. We are now living with our grand-mother who is refusing to give us our land share of our parents saying that she has been paying for school fees and that she feeds and shelters us as well. What will we do in order to inherit our parents’ land?”
 - “I am an orphan of mother and father. Before my dad died, he had two wives. Now I live in a plot with my father’s other wife. This one is always looking for an opportunity to chase me away from the land which belonged to my father. She had given me some land to use in the parcel, but after few months, she came back and told me that she was mistaken in giving me the land, and that I had nothing to do in exploiting the land. We went to the Cell and Abunzi, and now the case is in the Court. How will I register the land of my father? And the problem is that neither my mother nor his

9

Government resettlement programme to establish clustered settlements.

- other wife were legally married to my father.”
- “My father had two wives and I was born by one of them. The other woman divorced my father after having together a boy. The boy later returned to his family (my family) after many years. At that time, my father was already dead. Hence my mother gave a share of the father’s land to the boy according to the law. Following the 1998 insurgency period in the region, my half-brother joined the insurgents and hasn’t returned since. Now we do not know how his land plot will be registered”.
 - People living with disabilities were identified as at risk of negation of their land rights: in the words of a young participant:
 - “I am handicapped since birth, however since I am a lady and crippled, my family did not recognize me as a person to inherit land since I won’t be able to exploit it. How can I claim my share?” Disabled participants asked for advocacy from CARE and Government in rights protecting them.
 - Intra-family disputed presented a multiplicity of cases over and above the critical ones presented above. We recorded a number of these which were presented either during the FGDs or during the village dialogues.
 - A young man raised his life story regarding land: “We are 8 children in our family with no father since he passed away in 1998. When our mother decided to give us a share of the land owned by the family through “Umunani”, I was not present because I was in exile. Once I returned home, I asked my mother to give me my share of the land. To my surprise, she told me that I do not have to claim land as she paid for my school fees when I was a child. What should I do in order to get my rights in obtaining my share of the land?”
 - Landless: These are very poor people that do not own any land or just own the land where their poor dwellings lie. Some of those who participated in the sessions stated that they expected some land redistribution through the LTRP. These appeared disappointed when the discussions clarified that the LTRP had no such an objective.
 - “If the Government does not help us, then development will not be promoted; can the Government at least help us through land sharing as it has been in other areas?” This referred to land redistribution which had taken place in other regions, particularly in the East.

3.6 Dispute resolution

Participants discussed manners and channels to solve land tenure disputes. However, this critical aspect of the dialogue received less detailed attention than mapping the source of land conflicts and the opportunities offered by the imminent LTRP to address them. In particular local institutions were not targeted as such through the exercise (sector and cell institutions were targeted as part of the preceding capacity building programme, Masengo, 2011). Participants generally acknowledged that local informal solutions prevailed in all the most common situations:

- Boundary disputes are resolved by the concerned individuals dealing with their neighbours. Neighbours also assist addressing intra-family disputes, because they know the source of conflicts and the conditions of the land. Extended family relations are also involved in these situations.
- If these processes do not yield results, cases are referred through local authorities (Village or Cell) to the Abunzi or Mediators courts.
- If this step does not suffice, the parties go to higher formal institutions / courts

Participants however articulated that few cases ever go to Court since they are far away (in Musanze town) from where they live and their cases take too long to process. They prefer disputes to be resolved at the local level.

- One of the participants highlighted: “Informal channels are much easier to deal with since the mediators are among us and have known our cases since the beginning. They are easy to talk to in case there is a dispute.”

With regard to the level of satisfaction on how these channels and institutions handle land-related disputes, most participants, and particularly women tended to express lack of satisfaction. Among the reasons cited were:

- Rich people sometime bribe the institutions (Abunzi for instance) and poor people facing these ones are victimized, resulting into losing their cases.
- Families do not resolve disputes well, because they often lack knowledge regarding land rights of orphans and widows.
- Participants specifically acknowledged the lack of avenues locally to voice their concerns with particular regard to the rights of women not formally married and/or in polygamous relationships. No advocacy channel or organisation active locally was recognised. Some women participants asked for support to raise their concern and to advocate for a revision of the laws to allow them to assert their rights over land they had received from their husbands.

4 CONCLUSIONS

The purpose of the set of public dialogue activities supported by our project was to establish an open grassroots discussion on factors affecting the capacity of the local population, and especially of segments often marginalised, to assert their rights within the framework of the LTRP.

Participation was open and engaging. Complex and personal issues were raised in a seemingly direct manner, both in FGDs and village meetings. On the other hand, the village meetings reached only a relatively lower proportion of the population than expected, due to logistic and scheduling constraints.

The issues of concern brought to the fore are by and large consistent with those established in other available analysis concerning land rights in Rwanda (e.g., Ansoms & Holvet, 2008; ARD, 2008). These can be summarised as follows.

The Organic Land Law 2005 establishes equal right for husband and wife over land. It refers to the Inheritance Law 1999 as a complementary statute to govern land rights within the household. It also attempts at striking a balance between the need for formalising land rights and procedures to assert them, and at the same time providing some space for customary practices.

Customary practices in Rwanda have not been static. They have rather evolved through history as a consequence especially of conflicts and demographic growth. Population growth has dramatically intensified pressure on land, weakening the capacity of households to maintain land within themselves and that of customary practices to provide for the protection of land rights of weaker population groups (e.g., widows and orphans, whose numbers have grown). Land ownership is increasingly seen as an individual issue. Informal markets play a growing role in allocating land.

The Inheritance Law 1999 established equal rights of legitimate children to inherit from father, and of legally married women to inherit from husbands. However, it presents certain ambiguities and gaps: it protects rights of wives only since the date when it came into force; wives in non legalized marriages (very common in rural areas of Rwanda) or polygamous marriages (very common in the target area) are not protected; children born out of these relationships are in a complex situation and within legal ambiguity.

Our data confirms that gender related land disputes typically concern widows with children, when they oppose land claims by members of the husband's family; women in illegal or polygamous marriages, who may need to seek their titles against their husbands, or his other (legal) wife, or children of the husband's other (legal) wife; and sibling disputes.

Participants in our discussions showed appreciation of the ambiguities or outright weaknesses in the legal framework with regard to vulnerable groups. They were eager to get advice and orientation to the relevant statutes (we refer to Masengo 2011 for an outline of the advice provided throughout these exercise).

The LTRP brought these broad concerns to the fore, often with a sense of urgency. The imminent land registration heightened the need for people, and especially women, to address their legal status with regard to land rights. This would place significant demands both on the LTRP process (through its pre-adjudication and correction stages) and the local and formal channels for dispute resolution.

Participants clearly expressed their preference for local (i.e., community based) mechanisms for the resolution of disputes). These rely on local institutions (umudugudu, cell) which are easily accessible and know well the cases and local context. However, they lament widespread ignorance of the law among these institutions (especially with regard to rights of vulnerable groups), and their susceptibility to pressure and overriding influences which may bias the outcomes.

In a few occasions, requests were clearly voiced to address the ambiguities within the legal system

(especially concerning gender issues) through advocacy action; a lack of channels to voice these concerns and reach policy level was also mentioned.

5 REFERENCES

Ansom A and Holvolet, N, 2008. Women and land arrangements in Rwanda. In Englert B and Daley E, Women's land rights and privatization in eastern Africa. James Currey Fountain Publishers, EAEP.

ARD Inc. 2008. An assessment of local resolution of land disputes in two pilot areas: Kabushinge and Nyamugali cells, Rwanda. USAID, Rwanda.

Bush GK, Ikirezi M, Daconto G, Fawcett K and Gray M. 2010. Assessing Impacts from Community Conservation Interventions around Parc National des Volcans, Rwanda. Dian Fossey Gorilla Fund International – Karisoke Research Center, CARE International, International Gorilla Conservation Programme. Kigali, 129 pp.

CARE International. 2010. Workplan on Land Reform Awareness. Project Area: Bisoke, Kaguhu and Nyonirima cells of Kinigi sector, Musanze District, Northern Province. November 2010. EEEGL Programme, Kigali.