

Land Tenure Reform. The Case Study of Rwanda

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1. Introduction

Rwanda is a hilly and evergreen country, nicknamed “Land of a thousand hills”, located in East Africa, between the 1°04’ and 2°51’ Southern Latitudes and between the 28°53’ and 30°53’ Eastern Longitudes . Rwanda is bordered by Uganda in the north, Tanzania in the East, Burundi in the South, and the Democratic Republic of the Congo in the West. Rwanda is a landlocked Country. The shortest route to the ocean is 1,200 km long. Due to its high altitude, Rwanda enjoys a tropical temperate climate. The average annual temperature ranges between 16 and 20°C, without significant variations. Rainfall is abundant generally well distributed throughout the year, although it has some irregularities. Rainfall ranges from about 900 mm in the east and southeast to 1500 mm in the north and northwest volcanic highland areas. The rainfall patterns are characterized by four seasons, a short rainy season from October to December and a longer season between March and June. Between these seasons are two dry periods, a short one in February and March and a long one from July to September. The spatial variability has been attributed to the complex topography and the existence of large water bodies within the Great Lakes Region. The temperature is more or less constant throughout the year (16°C – 17°C in the higher altitudes, 18°C – 22°C in the Central Plateau and 22°– 26°C in the eastern and western lowlands).

Rwanda has a total territorial area of 26,338 km² with a population of 10,537,222¹ (NISR 2012). The average population density of Rwanda is of 416 inhabitants per km², making Rwanda the most populated Country in Africa and the second in the World. The fertility rate is of 4.6 births per woman, and the population growth rate stands at 2.6 %. Rwandan economy heavily dependent on rain fed agriculture and climate is of particular importance.

2. The land resource in Rwanda

In Rwanda, land as a resource is the most important asset both for production, and survival and will remain the foundation of the economy, based on agriculture, for a long time to come.

¹ Figure from the 4th population and housing census released in December 2012 by the National Institute of Statistics of Rwanda (NISR). www.statistics.gov.rw

From a social-cultural point of view, Rwandans are very attached to the land which is the foundation of Rwandan social and cultural traditions. As a result, competition for access to land is growing due to the combined effects of scarcity, population growth, and a high number of landless.

The total arable land is 1.4 million hectares, which is about 52% of the total surface area of the Country. However, due the high population density and heavy pressure on the land resource, the actual area cultivated has reached about 1.6 million ha in recent years thus bringing the total land under use to almost 61% of the total surface area of the Country (UNDP/SLM, 2008; REMA, 2009)². A recent inventory of wetland resources in the Country shows that they represent 278.536 ha, equivalent to 10.6% of the total surface area (REMA, 2009)³

The water body (lakes and rivers) represent a total surface area of 176,050 ha equivalent to around 6.6% of the total surface area of the Country (REMA, 2009)⁴.

A recent forest inventory shows that the total forest cover is about 240,746ha, equivalent to about 10% of the total surface area of the Country (MINIRENA, 2008).

Table1. Land cover in Rwanda

Land cover types	Area (ha)	% of the total
Potential Arable Land (land actually under agriculture)	1.612.068	61
Wetlands	278.536	10
Forest	240.746	10
Water body (lakes and rivers)	176.050	6
Protected areas (parks)	226.400	8
Towns and Highways ⁵	100,000	5
TOTAL	2,633,800	100

Source: UNDP/SLM, 2007 and REMA, 2009

² UNDP: Sustainable Land Management Project and REMA: The State of Environment in Rwanda

³ The State of Environment in Rwanda

⁴ The State of Environment in Rwanda

⁵ The estimation of real towns and major highways of national interest. Estimation from UNDP/SLM project document.

Most land under agriculture in Rwanda is cultivated under very small landholdings, primarily for household subsistence.

Subsistence agriculture in Rwanda is generally characterized by the high diversity of crops grown throughout the country. The main types of subsistence cultivated crops are food staples, namely: bananas, beans, sorghum, potatoes (including sweet potatoes), cassava, and maize. Of these, bananas are the most important staple crop for small land holders in Rwanda (348,717 ha), providing a major component of daily calorific intake as well as a key income source; followed by beans (336,577 ha), Cassava (163,099 ha), Sweet potatoes (149,724 ha) and Irish potatoes (127,226 ha). On the other hand, cash crops occupy less than 3% of the harvested land area and consist mainly of coffee and tea.

In Rwanda, type of crop cultivated has any implications neither on tenure type nor tenure security. As stipulated in the Organic Land Law of 2005 (Art.6, 7 and 30), the Ministerial Orders no 02/208 on modalities of land registration and the Ministerial order no 30/01 on the exact number of years of land lease, both of 2008, all rural land previously under customary tenure are untitled to be registered and granted an Emphyteutic Lease of 99 years and a certificate of emphyteutic lease of 99 years. The same tenure type is granted to land under cash crops (coffee and tea), being commercial agriculture (i.e. tea industry) or commercial farm cooperatives generally owned by individual farmers who consolidated their lands but by keeping their individual ownership. The kind of land consolidation observed is in reality a “crop consolidation” where farmers cultivate a same kind of cash crop or subsistence crop on their respective land, making it uniform.

3. Land issues

Prior the development of the National Land Policy in 2004 and the enactment of the Organic Land law n° 05/2005 of 14 July 2005 determining the use and management of land in Rwanda, there was a juxtaposition of customary tenure and statutory tenure. Most rural land in Rwanda was accessed through inheritance and leasing through customary tenure arrangements and most urban land was accessed through purchase and leasing through statutory tenure arrangements. Other methods of acquiring land included government land allocations, borrowing, gift, first clearance and informal occupation (GOR 2007; GOR Land Registration Order 2008; GOR et al. 2008). Other the years, the growing population, competing claims to land, government expropriations, history of conflict and land degradation have put pressure on the customary land tenure system. While residents continued to rely on the customary land tenure system to support and enforce their land rights, surveys conducted in the course of development of

the National Land Reform Program report that most landholders were highly motivated to formalize their rights under the new legal framework (GOR 2007; GOR et al. 2008).

At various times since the end of the genocide, the Rwandan government has allocated land to returning refugees and displaced people in an effort to provide people with land for farming and prevent further conflict. Beginning in 1994, refugees (some of whom left the country in the 1950s and 1960s) returned to the country and sought to reclaim their land, which may have been occupied by others for years, if not decades. In order to accommodate returning refugees, the government allocated land in game reserves and parks and created resettlement villages (imidugudu) in some areas. The government also instituted programs for land-sharing in some areas, which required existing occupants to give up a portion of their land to returnees. This program was not easy to implement and has been a source of land related disputes outside a legal framework that was inexistent.

The majority of Rwandans rely on agriculture for their livelihoods, yet access to agricultural land is severely limited and most farmers cultivate small rain fed plots on a subsistence basis. Eighty eight percent of Rwanda's labor force works in agriculture, but produces only 36% to 40 % of GDP (PSTA II, 2009).

Rural land is unequally distributed in Rwanda. The smallest group (about 24% of all households) controls roughly 70% of the country's agricultural land, with average landholding of about 2 hectares. Many of the landholders in this category are wealthy elites, and many of the holdings are in excess of 20 hectares. The second-smallest group (30% of households) controls 24% of agricultural land and has average landholdings of 0.6 hectares. The largest group (36% of households) controls only 6% of the country's agricultural land. Households in this category have average holdings of less than 0.20 hectares. This group includes 11,5% of all households that are landless, according to the EICV1 survey of 2001 (PSTA II, 2009). Most landless households are poor and marginalized groups. In this category fall historical marginalized people, polygamous women and genocide survivors in rural areas comprised by widows and orphans.

The extremely high demographic pressure, the resulting increased number of the landless and the inappropriate land use results in land degradation, deterioration in soil fertility and declining yields. Furthermore, in spite of formal laws supporting women's rights and the equality of men and women, women's access to agricultural land remains seriously restricted in practice although women constitute the major work force in Rwandan agriculture sector.

4. Historical background to land tenure in Rwanda

4.1 Land tenure system in pre-colonial period

The pre-colonial land system was characterised by collective ownership of land, and was based on the complementary links between agriculture and livestock. This system facilitated economic production, stability and harmony in production. Families were grouped together under lineages, and these were in turn grouped under clans. A chief ruled each clan. A clan was normally spread throughout the national territory, in different proportions according to regions. The profits were thus based on the liberty to occupy any territory as well as the complementary links among types of production. Land was managed at the top level by the King in the general interest of Rwandans.

The main aspects of land tenure were as follows:

◆ The “**Ubukonde**” or clan law, enacted by the chief of the clan that was the first to penetrate the forest. Such a chief usually owned vast tracts of land, on which he would resettle several families, henceforth known as “Abagererwa”. The latter enjoyed certain rights over the land they occupied. These rights were subject to some customary conditions.

◆ The “**Igikingi**” or right to graze, accorded by the King or one of his chiefs known as “Umutware w’umukenke” to any family that reared livestock.

Right up to the advent of the colonialists, the “Igikingi” was the most common land tenure system, especially in the central and southern parts of the country.

◆ The “**Inkungu**” or custom authorising the local political authority (on his own, and on others’ behalf) to dispose of abandoned or escheated land. These lands were grouped into a sort of land reserve from which the ruler of the time accorded plots to any who required one.

◆ The “**Gukeba**” was the process of settling families onto grazing land, or on fallow land. “Gukeba”, or “Kugaba”, as it was sometimes called, was the responsibility of the authority in place.

As the socio-political and administrative structure became stronger and better organised, so land resources became more important. The proper management of these resources was symbolised by the presence of a chief in charge of the land, “*Umutware w’ubutaka*” and a chief in charge of livestock “*Umutware w’ubukenke*”, both considered to be at the same level as the chief of the army, “*Umutware w’ingabo*”. All those chiefs were under the authority of the King.

Land rights were respected and transmitted from generation to generation according to Rwandan tradition and custom. The colonial rulers of Rwanda found this system in place. Over this system, they added a new method of land administration governed by written law. In this case, there was no smooth co-habitation. One would rather term this as a dualism modeled on the duplicity of the King's powers, and those of the colonial power.

4.2 Land tenure system during Colonial period

Colonisation introduced new elements to Rwandan society. These elements lead to causing changes and distortions in the social fabric.

The German colonisation started right after the end of the 19th century and lasted till 1916. Concerning land, the German authority recognised the king's authority over land. The first Catholic and Protestant missions bought land properties and obtained the land ownership. The purchase of territory became more of a gift than a counter-value to an acquired territory.

While the political management was based on the control of Rwanda's economy which was based on 3 pillars: proper land management for agricultural purposes, livestock, and security, in order to guarantee prosperity; the Belgian colonizers introduced deep, managerial changes which were later to destroy the traditional leadership system.

The traditional trilogy, a well-balanced system, was completely dismantled and transformed into a centralised administration.

The Belgian Colonial administration established the decree of 1885 concerning land occupation. Two main ideas can be drawn from this decree:

- ◆ **Only the Colonial Public Officer** could guarantee the right to occupy land taken from indigenous Rwandans. Colonialists or other foreigners intending to settle in the country were to apply for the intervention of the colonial administration, follow its rules for obtaining land, as well as the rules for settlement.
- ◆ **Occupation of land** should be accompanied by a title deed. The natives should not be dispossessed of their land. Vacant land is considered as state-owned land. This very provision triggered off the dual land system of administration.

All occupied land remained subject to customary law, and only the colonialists and other foreigners could benefit from the new system that ensured the protection of the colonial administration. The written law was also applied to Catholic and Protestant Missions (decree of 24 January 1943 concerning free transfers and concessions to scientific and religious associations, as well as parastatals), urban districts, as well as trading centres.

The 1926 reforms divided the country into chiefdoms and did away with chiefs owning vast tracts of land in different parts of the country; even though this aspect had underscored the chief's importance in the country's hierarchy. The removal of traditional structures, aiming at a more effective territorial control by the colonial administration greatly disrupted Rwandan society. Nevertheless this land system continued to borrow from traditional principles.

The colonial government also introduced the written law into the "*Codes and Laws of Rwanda*". They imposed this legal structure to protect the interests of colonialists and any other foreigners who desired a plot of land in Rwanda.

Due to the high population density, and the need to exploit new areas, the colonial administration introduced the system called "paysannats", which is similar to the traditional system of "Gukeba". It was mostly developed in regions with a lot of grazing land, and other land reserves, and consisted of giving each household two hectares for cultivating crops such as the cotton of Bugarama in the south west region of Rwanda, and the coffee of Mayaga in the southern region of Rwanda. Thus a new aspect of economic development was introduced, based on agriculture.

Between 1952 and 1954, King Mutara III Rudahigwa abolished the ubukonde system and decreed that all abakonde would henceforth share their land property with their tenants, known as "Abagererwa".

From 1959 onwards, the land system became a conflict factor among the population. The chaotic political situation brought ethnical division among Rwandans and the first ever refugees from Rwanda were registered. Having fled to neighbouring countries, or resettled in new sites allocated to them, the displaced families had no choice but to forget about their properties.

4.3 Land tenure system after Independence⁶

⁶ In National Land Policy of Rwanda, MINITERE, 2004

As compared to the colonial period, the situation after independence did not change much. As a matter of fact, 90% of the country's arable land was still governed by customary law. The written land law still applied to a very small number of persons, especially in urban entities, trading centers, as well as religious communities.

After independence, the government gave an important role to the "communes" in the administration of land. Through the 'Loi Communale' (communal law) of 23/1/63, the protection of rights relating to the registered land and the land under the customary law became the responsibility of the communes. However, the provisions of this law were virtually nullified by Decree No. 09/76 concerning the purchase and sale of customary land rights or land use rights as described below. The beginning of the 1960's saw the regime in place recovering and redistributing the land abandoned by the 1959 refugees under the authority of the communes.

In 1976, decree No. 09/76 of 04/03/76 concerning the purchase and sale of land customary rights, or the right of soil use, authorized individuals to purchase and sell customary land after application to the competent authorities, and subject to retaining at least 2 ha of land. The buyer was also to justify that he did not have land property equal to at least 2 ha. Ever since, the Government recognized only the right of ownership based on land registration and became, therefore, the eminent land owner. Under customary tenure system, women were not allowed to purchase any land.

The 1970-1980 decade, however, saw an intensive migration from the densely populated areas of Gikongoro, Ruhengeri, Gisenyi and Kibuye to the semi-arid savannas of the East (Umutara, Kibungo and Bugesera) in search for vacant land. It is during this period that the Government attempted to introduce a new agrarian system called "paysannat". The purpose was to enforce a more even distribution of plots, that were becoming more and more scarcer.

At the beginning of the 80s, serious problems of land scarcity began to emerge. From 2 ha in 1960, the average surface area of a family's cultivation plot was reduced to 1.2 ha in 1984, according to a land use survey conducted by the Ministry of Agriculture aimed at assessing house hold land distribution for agriculture purpose (Ministry of Agriculture, Land Use Survey, 1984).

Since the beginning of the 90s, the country experienced a deadlock in the land issue. The problems included insufficient agricultural production, an increasing population pressure on natural resources, a growing number of landless peasants, and steep competition among projects of agriculture, livestock, and natural reserves. The government strengthened its role in the appropriation of vast stretches of land.

Reforestation has been given priority in the midst of all land accumulation by the state and private individuals. These forests are being extended onto cultivated areas, as well as marshlands. Thus reforestation can be considered as a long-term form of land appropriation.

4.4 The Land Situation After 1994

The Genocide of Tutsis of April - July 1994, decimated a section of the Rwandan population estimated at over one million. The Genocide also resulted in millions of refugees and displaced persons.

After the genocide against Tutsis, the return of the 1959 refugees had been stipulated in the framework of the **Arusha Peace Accords**. The Article 2 of the Arusha Accords between the Government of the Republic of Rwanda, and the Rwandan Patriotic Front, concerning the Repatriation of Rwandan refugees and the resettlement of displaced persons states the following: " *...each person who returns is free to settle in any area, within the country, of his/her choice, as long as he/she does not attempt on somebody else's rights.*"

Article 3 of the Accords states the following, "*in order to resettle the repatriates, the Rwandan Government should release all unoccupied land, after identification by the Repatriation Commission. The commission will be at liberty to prospect sites for resettlement in any area within the national territory*". Afterwards, the mixed Commission (Government and RPF) traveled throughout the country, and identified potential receiving sites. On the other hand, in article 4, the Accords stipulate that "*the right to property is a fundamental right for all Rwandans. Consequently, the refugees have a right to return with their belongings*". However, the two parties recommended that "*with a view to promoting social harmony and national reconciliation, refugees who fled the country over 10 years ago should not claim their property if it has been occupied by other individuals. To compensate them, the Government will put land at their disposal, and will assist them to resettle*".

In the first place, the return of the "1959 refugees" gave rise to some serious land problems, mostly because it was difficult to apply the Arusha Accords which had been violated during the 1994 Genocide (Articles 2, 3, 4 of the Arusha Accords).

As they returned, some of the former 1959 refugees briefly occupied land and property that had been abandoned by the refugees of 1994. Other former refugees were granted public state land , and vacant land on which they could resettle and produce.

They received to this effect:

- ◆ The Mutara Game Reserve, two thirds of the Akagera National Park, and the Gishwati Mountain Forest; as well as land belonging to certain state-owned projects were partitioned and distributed to the 1959 refugees
- ◆ Communal land, woody areas on fertile land, pastures, and areas near the shallow sections of marshlands were allocated to the 1959 refugees.

Also, in some provinces, the Government policy of plots sharing has been encouraged to allow old case refugees of 1959 to get a piece of land to survive.

5. Gender and land tenure security in Rwanda

In Rwanda, as in all sub-saharan African countries, women play a key role in agriculture, food production and food security. A great majority of the population in rural areas is fully dependent on land and other natural resources for its livelihood and in Rwanda, women represent 80% of the rural agricultural workforce. The Constitution of Rwanda promulgated in 2003 states that women and men have equal rights and prohibits discrimination on the basis of sex. The Organic Land Law grants husbands and wives equal rights to land, has been interpreted as consistent with the Constitution: women and men have equal rights to property. Under formal law, women have the ability to purchase and hold property (GOR Constitution 2003; GOR Organic Land Law 2005; Scalise and Giovarelli 2010).

The Constitution recognizes only monogamous marriages between a man and woman and registered under civil law. Echoing the Constitution, the Law No. 22/99 (Law to Supplement Book One of the Civil Code and to Institute Part Five regarding Matrimonial Regimes, Liberalities and Successions) governs marital property and inheritance rights and only recognizes marital property rights arising out of civil marriages; consensual unions and polygamous marriages are not recognized. Under Law 22/99, couples in registered marriages can elect one of three marital property regimes: (1) a community property regime in which property is held jointly; (2) a limited community of acquests in which the couple designates property acquired during marriage as either community or separate property; or (3) a separate property regime. The selected regime governs the couples' rights to property in the event of death, divorce, or separation. If a couple in a community property regime divorces, each spouse will be entitled to one-half of the property. If the couple does not make an election, a community property regime is presumed, and the community property regime is the most commonly elected (GOR Law 22/99 1999; Brown and Uvuza 2006).

The Law No. 22/99 includes some additional protections for land. In the event of the husband's death, the law provides the widow with usufructory rights to the marital house, regardless of the property regime

selected. The law also states that the written consent of both spouses is required for land transactions (GOR Law 22/99 1999; Brown and Uvuza 2006), So is also the case in the land law..

The Law No. 22/99 also governs inheritance rights and provides that children have the right to inherit their parents' property equally and without regard to gender. If land cannot be partitioned because it would violate the 1 hectare minimal holding requirement under the Organic Land Law, an heir can be compensated with the monetary value of the land share.

Despite the constitutional mandates of equality and provisions in the formal laws supporting women's land rights, traditional and cultural practices tend to govern women's land rights.

The indirect impact on women will be improved wages and employment opportunities, as agriculture is their most important source of livelihood for Rwandan women. Two key indicators on land are included in the EDPRS⁷: a) increase land tenure security for women to 40%; b) at least 30% women representation in the decentralized land use management decision making processes;

6. Land Tenure Reform Process in Rwanda

In a bid to address continuing insecurity regarding land rights and all land related issues, the Government of Rwanda adopted policies and enacted laws and decrees that are a good move into land tenure reform process where key elements of land rights and tenure arrangements are found in different laws and policies, like among others:

- The Constitution of the Republic of Rwanda of 04/06/2003 (Art. 29,30,31,32)
- The National land Policy of February, 2004 (Chapters 4 and 5)
- The Organic Law determining the use and management of land in Rwanda of 14/05/2005
- The Law relating to expropriation in the public interest of 19/04/2007
- The Inheritance Law of 1999
- Series of decrees or orders (more than 20) have been enacted to clarify and implement various aspects of the Organic Land Law. The most important include: (1) Order No. 53/01 of 12/10/06 determining the Structure, the Powers and the Functioning of the Office of the Registrar of Land Titles; (2) Order No. 30/01 of 29/06/2007 determining the Exact Number of Years of Land Lease, which sets out the length of leases available for certain types of land; and (3) Order No. 002/2008

⁷ EDPRS: Economic Development and Poverty Reduction Strategy

of 1/4/08, which defines Modalities of Land Registration and provides for two types of certificates of land rights – the Certificate of Registration of Full Title and a Certificate of Registration of Emphyteutic Lease. Full Title is available for private land of individuals, private state land, the City of Kigali land, district land and land held by parastatals. Emphyteutic leases (15 to 49 years) are generally granted for long terms and require prescribed land uses and development and emphyteutic lease of 50 to 99 years similar to concession are granted to private state land given to private investors for industrial, and commercial uses in urban area or agriculture uses in rural areas (GOR Land Registration Order 2008d; GOR Land Lease Order 2007c; GOR Order on Registrar of Land Titles 2006b).

The land policy (2004) and Organic law on land (Law No. 08/2005 of 14/07/2005) constituted the first comprehensive governance framework for land ownership, use and management in Rwanda. These provisions recognize land as an instrument for social, economic and political transformation. With regard to agriculture and gender integration, the land law has paved way for improving security of tenure through land registration; and removing barriers for women to acquire and own land either individually or through marriage. Land registration has raised the value of land as an instrument of collateral to secure credit financing, and has improved market transactions which is boosting production. Historically marginalized groups such as women could now inherit or acquire land.

The Organic Land Law n° 08/2005 of 14/07/2005 determining the use and Management of land in Rwanda seek to ensure better land management and land administration but more importantly to ensure tenure security to all existing occupants of the land.

Rwanda has adapted the Torrens land registration system and, indeed, the certificate of land registration constitutes full evidence of ownership of land right⁸.

Key characteristics of the organic land law are:

- Land as Land as a common heritage of past, present and future generations (Art 3): With exceptions of the rights given to people, the state has supreme powers to manage all the national

⁸ The statement is based on relevant provisions of Ministerial Order n°002/2008 of 01/4/2008 determining modalities of land registration.

land, and this is done in public interest aimed at sustainable, economic development and social welfare, in accordance with procedures provided for by law. In that regard, it is the state that guarantees the right to own and use the land

- Rights of access to land for all Rwandese without discrimination (Art.4): Following this article principle, women, and widow should not be excluded from the process of land acquisition, use and control. Moreover, female orphans should not be excluded from the process of land inheritance.
- Rights of foreigners over land are protected (Art.6)
- Equally protection of rights over the land acquired from custom and the rights acquired from written law (Art 7).
- Land tenure according to different land categories identified in the law (Art.9 to Art.18) and land tenure types are related to the categories of land identified in the law (Art 23 to Art 29). The large dominating customary tenure is formalized and converts into different land tenure types depending on identified categories of land as referred to the ministerial order on land registration.
- Systematic registration of all occupied land (being occupied under customary arrangements or under written or statutory arrangements) and issuance of new land title (Art.30). Systematic registration is supposed to be a mean to secure land tenure and as such is one of the objective of the land policy and the law (to ensure security of tenure, and to mitigate conflicts among others)
- The property of the State comprises of public and private property of decentralized local government organs. The public property of the State is inalienable unless there has been prior transfer thereof to the private property of the State (Art.31).
- Land transactions or transfers of land rights are authorized by the law (Art 33 to Art.38)
- Rights and obligations of land lord for a good management of land resource in the country (Art. 54 to Art.68). The Ministerial Order on land registration establishes rules for land leases.
- Prescription of 30 years on land rights (Art.69 to Art.72). This is a time limit for adverse possession for someone who has occupied the property in good faith.
- Penalties on misuse of land and land rights (Art 73 to Art.85)
- The responsibility of the State to give land to persons who were denied their rights to land in the former regimes (Art.87).

- Article 30 of the Organic Land Law (2005) stipulates that registration of land a person owns is obligatory. Registration of the land people have allows them to get legal documents and clarify their land rights, which increases their land tenure security.

It is anticipated that Land Tenure Reform will facilitate Rwandan economic transformation in both the urban and rural sectors and contribute to economic development by:

- Enabling all citizens of Rwanda – as individuals, businesses or public bodies to transfer their land assets freely and fairly.
- Encouraging changes in land use to support development, while managing and guiding the change to ensure the benefits are divided equitably and the environment is protected.
- Private investment will be promoted in land through increased land tenure security.

As part of its Land Tenure Reform Program, the Government of Rwanda developed and adopted a strategic program called “Strategic Road Map for Land Tenure Reform” in 2008 (GoR and al. 2008). This roadmap is a framework for implementation of the o the National Land Policy and the Organic Law determining the use and the management of land in Rwanda.

The Strategic Road Map has five major objectives for land tenure reform in Rwanda (GoR and al.2008):

- To improve land tenure security through an efficient, transparent and equitable system of land administration nationwide;
- To contribute to good governance by implementing the already existing programme of decentralization through the decentralized land institutions;
- To play key role in facilitation of economic transformation in both urban and rural sectors by encouraging multi-sectoral growth through increased investment in the productive sectors of trade, infrastructure, agriculture, etc.;
- To encourage good land use practices and sustainable natural resource and environment management;
- To contribute significantly to land conflict management

The Strategic Road Map details proposals and costs for implementing the new arrangements and provides a full time bound program. The broad strategy covers the following key elements:

- *Legal and institutional framework development:* this refer to the refinement of land policy, the development of secondary legislation and developing land management organizations at central and district levels (the Land Centre and Office of the Registrar of Land Titles, Land Commissions at central and district levels, District Land Offices, Land Committees at Sector and Cells levels)
- *Development of a national system and program for land tenure regularization:* to systematically bring land to first registration and to allow all citizens equal access to the new systems
- *Development of low cost, effective and simplified land administration system at national and decentralized levels and operational guidelines:* to secure land rights and promote investment through regulated land transactions
- *Development of a national land use master plan :* for land planning and development control to ensure rational use of land and effective development as well as environment protection

In order to define and decide how the land registration process should be carried out, a Ministerial Order determining modalities of land registration was enacted in 2008. This Order was prepared based on results of the trial land registration which aimed primarily to test and decide on various land registration procedures and what resources and time are needed for that.

The process of transferring rights registered under previous laws and demarcating and registering unregistered land under a systematic registration plan. (GOR 2007; GOR et al. 2008; RNRA, 2012). As systematic land registration proceeds, landholders can also register their land on an individual basis. And they can use their land titles as collateral to get loans in the banks and other financial institutions. Joint ownership of land by married couples and joint registration of marital property is presumed by the Organic Land Law, its implementing decree and the Family Code (GOR Organic Land Law 2005; GOR Order on Lease Procedures 2008).

The trial land registration results suggest that in order to speed up the process, systematic registration should be carried out country wide. This work suggests that the first registration of most land in Rwanda should take place through a process of land tenure regularization (LTR), involving the following stages:

- Selection of the area and public information campaign;
- Training of local land committees at cell and sector level and other local authorities;
- Public information campaign;
- Land demarcation and land adjudication;
- Publication of records and Objections and Corrections period;

- Mediation period;
- Registration and titling.

For the sustainability of this land registration, a Land Administration Information System was developed and it is now the official digital land register that is used to conduct all transactions related to land, hence maintaining the first registration.

The Land Tenure Regularization process is currently underway across the country and is at its final stage. It is envisaged that by December 2013 this process should be completed. By the end of December 2012, all estimated 10.3 million parcels were already demarcated, adjudicated and digitized (100%), 10.3 million parcels entered in Land Tenure Regularization Database (LTRSS) with 8.3 million with full information, 7 million leasehold titles approved, 7 million leasehold titles printed for distribution and 4 million leasehold Titles collected by owners. Only 11,840 disputes were registered Countrywide.

7. Challenges encountered

- Land registration in islands: some people claim the ownership of islands, yet they belongs to the State according to the land law
- Marshlands boundaries: the limit between marshlands and uplands is not easy to determine
- Land rights for polygamous cases are not easy to determine as referred to the Constitution
- Unclaimed lands still high due to people who still are outside the Country (mainly refugees)
- Rural women still not well knowing their land rights. They are still in custom setting.

8. The success of land registration in Rwanda

The key and satisfactory results from the land tenure reform in Rwanda should be summarized as follow (Sagashya, 2012):

Clear and strong institutional framework with a strong political will

Strong legal framework that ensure security of tenure to all land owners

Systematic Land Registration that allowed to secure the delivery of land titles to all land owners and helped in land related disputes resolution

Providing a good foundation for economic growth, all in the interests of all landowners

Land has got its real identity as a capital and the title is used to get access to bank loan using land as a collateral

National land use master plan that enable rational use of land resource

National spatial data portfolio (orthophoto and base map) as a tool that facilitate land administration and land management

Land Administration Information System with a digital register as a tool that facilitate land data maintenance and flexibility to accommodate new changes (parcel updates, personal and land rights information) and land transactions, contributing to ease doing business

Future development in pipeline consisting to link the interface to mortgage registration, to connect banks to land owners and to link geo-data to land rights information and to link the System with districts using the fiber optic capability.

9. Conclusion

It is known worldwide that land is a precious asset; socially, economically and environmentally.

Socially as a primary source of wealth and the basis for shelter and the household's most important asset to sustain livelihoods. Economically as a primary, secondary and tertiary main source of production and Environmentally, as a basis for quality of life through protection and conservation of natural resources.

Rwanda has taken this option of securing land rights and improving land use to ensure economic growth, poverty alleviation and environment sustainability for the betterment of its citizen.

The importance of land is well stated in these two statements:

“Land is our most valuable resource... it is the means of life without which we could never have existed and on which our continued existence and progress depend” . FAO, 2012

“Land is one of the natural resources essential for social existence. Land property is a root and symbol of security of life and the identity of human being in a community as a whole and without it life becomes hopeless “. Marcus, 1991

The main conclusions that can be drawn from the land tenure regularization were that the models and procedures used can be implemented at local levels in both urban and rural settings. The main outcomes can be summarized as follows:

- i). *Using Local Capacity to the Full:* Against the background of Government's wider decentralization policies, land tenure reform will be built on the strong sense of community participation at local

levels. The Ministry will provide clear guidelines, basic technical training required to complete the tasks and management support.

- ii). *Public Awareness*: The administration of land tenure is a public service and it depends on public awareness. To realize all its benefits, the public must understand how the service works and actively use and maintain it.
- iii). *Informing Development of Legislation and Procedures*: The outcomes of the field trials have served to inform development of secondary legislation (orders), regulations and procedures. These have been kept as simple as possible, and tailored to what users need and can afford. Where possible the orders, regulations and procedures have taken account of past practices.
- iv). *Use of Aerial Photography and Satellite Images for Land Demarcation*: The trials demonstrated that local communities with simple basic training can use these tools to systematically identify and demarcate land parcels on the ground, mark these on the image to make a simple index map. This map is based on ‘*General Boundaries principles*’ that allows each landholding to be measured from the map, without the expense of physically measuring boundaries or surveying on the ground. This information can also be captured in a database and provides details on land use, ownership and size of parcels with consistent geographical control.
- v). *Determining Work Rates and Resource Requirements*: The field trials have enabled the Ministry to project, with some accuracy, what will be required to implement the law on the ground in terms of time required to complete registration of an area through LTR, including technical inputs, basic training, local personnel requirements, equipment and associated costs.

With this development, by December 2013, Rwanda will probably be among the most prepared Countries in Sub-Saharan Africa to meet challenges as regard to land administration and management.

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