

***Strengthening Women's Access to Land into IFAD projects:
The Rwanda Experience***



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List of Acronyms

DED	Germany Development Cooperation
DFID	Department for International Development
DLB	District Land Bureau
DLC	District Land Commission
ICCO	Dutch Non-Governmental Organisational
IFAD	International Fund for Agricultural Development
KWAMP	Kirehe Community-based Watershed Management Project
MINAGRI	Ministry of Agriculture and Animal Resources
MINELA	Ministry of Environment and Lands
MINIRENA	Ministry of Natural Resources
NLC	National Land Centre
NLRP	National Land Reform Programme
PCU	Project Coordination Unit
PDRCIU	Umutara Community Resource and Infrastructure Development Project
RISD	Rwanda Initiative for Sustainable Development
RWF	Rwandan Franc
UNOPS	United Nations Office for Project Services
MINIJUST	Ministry of Justice

1. Introduction

Emerging countries in Africa are experiencing increasing extreme poverty that is affecting national development and growth. The predominant economic activity for the majority of people in these countries, including Rwanda, is agriculture. Food production and security are increasingly being affected by spells of drought, soil quality and run-off rain water. Investing in modern agricultural methods, including water irrigation and soil water conservation, may be methods to improve food production and security. In addition, having tenure security for the agricultural activities can also help to increase productivity and open up options for credit opportunities (IFAD, 2008(b)).

In this scenario, land is one of the most fundamental resources to men and women's living conditions. However, due to economic, legal, social and cultural factors women's rights to land access, control and transfer are weaker compared to those of men. This affects their economic status, social empowerment and, to some extent, their struggle for equity and equality.

IFAD wishes to pay greater attention and to better mainstream the strengthening of women's land rights into its operations. The Fund has developed a Concept Note, which describes a 2 to 4 year project for *Raising Awareness of and Mainstreaming the Strengthening of Women's Land Rights in IFAD's Operations* that aims to: Raise awareness and building the capacities of IFAD headquarters and field staff; mainstream the women's land rights through policy dialogue at country level; conduct participatory research and analysis at country/project level; pilot and document appropriate methodologies which strengthen women's land rights; and share lessons learned at country, regional and international levels.

In its implementation, research papers on Niger, Burundi, El Salvador and Tanzania have been produced and a regional workshop in the Eastern and Southern Africa region was held in November 2010 to share experiences and lessons learned related to women's land rights¹.

In Rwanda, IFAD is implementing two specific projects which focus on land tenure security, namely the Umutara Community Resource and Infrastructure Development Project (PDRCIU) and the Kirehe Community-based Watershed Management Project (KWAMP). The development goal of PDRCIU is to promote an equitable process of economic, human and institutional development that is consistent with sustainable mobilization and efficient use of human, natural and financial resources in the Districts of Kayonza, Gatsibo and Nyagatare. The project's aim for its Land Sector Strategy is to strengthen the capacity of Districts to manage land and other natural resources effectively and sustainably². The KWAMP on its side promotes the shift from subsistence to intensified market-based agriculture in Kirehe District. In terms of land tenure, it is upgrading the land registration process in the District in collaboration with the National Land Centre.

At the same time, the Rwanda Initiative for Sustainable Development (RISD), through its Land Dispute Management Project (LDMP), carried out a study on land disputes and women's access to land in Kayonza District. The study focuses on identifying land disputes, their causes and how these impact on women's land rights as the main land users in the agriculture sector upon which over 90 percent of the Rwandan population depends for their livelihood. The project aims at strengthening the capacity of local leaders in managing land related disputes³ and to increase community awareness of land rights especially for rural women who depend only on land for their livelihood. The LDMP is implemented in three other Districts in addition to Kayonza, i.e. Kamonyi, Musanze, and Gasabo, since the issue of women's rights is a national one. The project seeks to have a clear understanding of the real land related issues including land related disputes that affect the population, especially women, and identify the most effective intervention. The research methodology adopted by RISD in the area of land dispute management is an interactive one, using a participatory research methodology through public awareness on community land rights, with a special focus on the rights of women. Like most parts of Rwanda, Kayonza District has its own experience of the

1 For those interested in receiving more information on the project and/or the reports, please contact Mr. Harold Liversage, IFAD Regional Land Adviser for East and Southern Africa, h.liversage@ifad.org

2 The project has been providing support to land policy implementation through: (i) strengthened land-use planning capacities at the District and provincial levels; (ii) land tenure security for poor rural households in support of implementation of National Land Policy and National Land Act; (iii) land tenure safeguards in the project; and (iv) developed and strengthened local land dispute resolution through support to the National Commission for Unity and Reconciliation.

3 RISD chose to train local leaders so that they are equipped with knowledge and skills to handle land related disputes affecting women at the local level where over 80 percent of the disputes are concentrated.

1994 war and genocide which left many women as widows and with new challenges as household heads and therefore sole providers of all household needs and in control of family property including land. These responsibilities are culturally a responsibility for men and the impact of war has created this new situation.

About 30 percent of the households in Kayonza are now headed by women and over 93 percent of these depend on land for their livelihood. It is therefore imperative that in a situation of increasing population, shortage of land and increasing value of land as a result of the Land Tenure Regularisation Process (LTRP) in Rwanda women know their land rights in order to defend themselves against patriarchal oppression that has existed for decades. It is also important that women are aware of the new land reforms in the country and the legal provisions put in place to defend their rights especially with regards to land.

2. Background

This paper is a joint effort of IFAD and RISD to analyse and investigate women's land rights in Rwanda. It presents the outcomes of the investigation on women's land rights and its implications in the redistribution, delimitation and registration process carried out in the Nyagatare, Gatsibo, Kayonza and Kirehe Districts in the Eastern Province. For the assessment, meetings were held in the four Districts, with IFAD project staff, beneficiaries, Cell and District Executive Secretaries, Districts Mayors, members of various men and women cooperatives, District Land Officers, members of Cell and District Land Committees⁴.

The paper is composed as follows: Section 3 will present women's land rights in Rwanda, with specific reference to the statutory laws and the customary norms that prevail in the country. Section 4 will expose the legislation organs and institutions that relate to the implementation of the land policy. Section 5 will present the work that RISD has been carrying out in relation to women's land rights, while Section 6 will analyse IFAD experiences of PDRCIU and KWAMP projects. The last section will provide some recommendations and indicators for affirmative actions to mainstream women's land rights into the ongoing and forthcoming IFAD interventions in the country.

3. Women's Land Rights⁵

The Customary Norms

Deep-rooted traditional patriarchal stereotypes regarding the role and responsibilities of men and women still persist in the country. According to Rwandan tradition, the man is the head of the household who controls all the assets of the family – including land – which are passed on from father to son: Wives do not inherit from their husbands and daughters do not inherit from their fathers (IFAD, September 2010). However, as it will be presented later, dissemination of information on land rights and awareness raising activities lead to soften, if not cancel, the bias against women of these customary norms.

Rwandan women are disadvantaged in many areas of customary law and one of the most significant discriminations lies in the area of access to and control over land. Before the Civil War (early 1990s), women did not own or inherit land, and had limited rights to control and dispose of property. A woman usually did not inherit land from her father, while a married woman received land from her husband only to provide for the needs of the family. If the husband died, the widow was allowed to retain usufructuary rights to her husband's land and to remain in the matrimonial home, holding both in trust for her male children. If the marital union produced no children, a widow could stay on her husband's land if she was on good terms with his relatives. At the same time, the levirate practice, i.e. a widow marrying the brother of her deceased husband, sometimes took place in the country. Daughters did not automatically inherit from their fathers, but were sometimes enabled to receive land as a gift or when they had no brothers (Rose, 2004; Republic of Rwanda, 2004).

After the 1994 war and genocide against the Tutsi, the government of national unity enforced the Arusha Peace Accords of 1993 which provided for the return of exiled Rwandans to their motherland and even "repossess their properties upon their return" if they had not lived outside the country for over 10 years⁶. In such a situation the customary land rules were not always adequate to face the complex land situation

4 The full list of people met is provided in Annex 2.

5 This chapter is heavily drawn from the Working Paper on Legal Aspects of the Gender and Youth in the Tea and Coffee Value Chain, IFAD, September 2010.

6 The Republic of Rwanda: National Land Policy 2004

accompanied with new resettlement programmes of villagisation. With many men in exile, dead, or in prison, a significant number of women – many of them widows – assumed positions of authority and responsibility over family property - the greatest of which was over land; yet some women were still faced with threats of land being taken over by families of their non present husbands. In this situation of uncertainty, women could foresee new opportunities, as well as face some constraints for addressing their limitations within customary land norms (Rose, 2004).

The Constitution and the National Legislations on Marriage and Inheritance

At national level, the Constitution, the Civil Code, and the 1999 Law⁷ contain key articles for the protection of women's rights⁸.

In the **Constitution**, Article 11 prohibits discrimination based on sex, while Article 26 states that wife and husband have equal rights. Article 9 guarantees equality between women and men, ensuring that women are granted at least 30 percent of posts in decision making organs.

The **Civil Code** is being reviewed to repeal discriminatory provisions against women, e.g. the man is no longer the presumed head of the family.

The **1999 Law** regulates the matrimonial regimes: Article 2 obliges spouses upon entering marriage to choose between community of property⁹, limited community of acquests¹⁰, or separation of property¹¹. In case no provision is made, the spouses shall be deemed to be married under the regime of community of property. This is the most common choice made by married couples as it is based on joint ownership of all their property and their present and future charges.

This law also provides a legal framework for **inheritance** rights with Article 50 stating that all legitimate children of the deceased inherit in equal parts without any discrimination between male and female children.

Articles 42 and 43 deal with ascending partition as an act accomplished by parents while they are still alive, by which they share their patrimony between their children who each acquire, for the portion devolved to him or her, full ownership. All children, without distinction between boys and girls have a right to the partition made by their ascendants.

Article 21 states that whatever the matrimonial regime chosen, the agreement of both spouses shall be required for the **donation** of an immovable property and of any other property in the community, as well as for the acknowledgement of any right attached to these properties. At the same time, Article 31 gives everyone the right to make donations from his or her own patrimony. Whatever matrimonial regime is opted for, the transferable quota shall not exceed 1/5 of the patrimony of the donor if he/she has a child. However, when the donor has no child, the transferable quota shall not exceed 1/3 of his or her patrimony¹² (IFAD, September 2010).

7 Republic of Rwanda (1999), Law No 22/1999 regarding matrimonial regimes, liberalities and successions.

8 At international level, Rwanda has signed several international and regional legal documents that protect women's rights – which have precedence over the Constitution; these are, for instance, the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW); the African Charter on Human and People's Rights; and the International Covenant on Economic, Social and Cultural Rights.

9 Art 4: The regime of community of property is a contract by which the spouses opt for a marriage settlement based on joint ownership of all their property and their present and future charges.

10 Art 7: The regime of limited community of acquests is a contract by which the spouses agree to pool their respective properties owned on the day of marriage celebration, to constitute the basis of the acquests as well as the property acquired during marriage.

11 Art 11: The regime of separation of property is a contract by which the spouses agree to contribute to the expenses of the household in proportion to their respective abilities while retaining the right of enjoyment, administration and free disposal of their personal property.

¹² These articles protect against excessive donations from community property as well as from the own patrimony. It will prevent the husband from giving away property to others, hereby excluding his spouse and children. For donation of communal property, the agreement of both spouses is necessary and donations from the own patrimony are limited as only 1/5 of the patrimony can be given away if the donor has a child and 1/3 if the donor does not have children. The remaining 4/5 or 2/3 of the patrimony is called 'reserve' and will belong to the surviving spouse and the children (IFAD, September 2010).

However, the 1999 Law also contains provisions which allow discretionary powers to the Council of Succession, i.e. family council, to limit, and rescind the inheritance rights of a surviving spouse to his or her deceased spouse's property: Article 53(4) provides that a legal heir can be excluded if he or she failed to care for the deceased during his or her last days of illness; Article 70 (6) provides that a surviving spouse who fails to care for the deceased's children will forfeit three quarters of his or her succession; and Article 76 provides that a Council of Succession can petition for the forfeiture of the surviving spouse's right to alienate or otherwise transact the patrimony, if such actions are determined to be damaging to the household. Each Council of Succession has therefore power to determine the adequacy of an heir's care for the deceased before his or her death, the adequacy of an heir's care for the deceased's children, and the appropriateness of an heir's property transactions (Rose, 2004).

These legal provisions try to limit the social, economic and cultural bias against women. For instance, the legislation regulating inheritance tries to protect against excessive donations limiting the husband to give away property to others excluding his wife and children.

Specific attention needs to be given to the issue of **polygamy**. According to Rwandan formal legislation, a man can marry only one wife, although in practice before the Civil War, many men married one "legal" wife and took on numerous other so-called "illegal" wives. A so-called "illegal" or "non-legal" marriage may be of several types, e.g. informal cohabitation and cohabitation following traditional marriage that is not registered at a District office. The informal practice of polygamy has a negative effect on the inheritance rights of the "illegal" wives and their children, both sons and daughters, because the "illegal" wives have no recognized right to their "husband's" land or property, while their children only have a right to their father's land or property if he formally recognized them at the District office and added their names to his identity card (Rose, 2004).

GRASSROOTS DISPUTE RESOLUTION MECHANISMS

The Ministry of Justice (MINIJUST) is promoting dispute resolution mechanisms at the community level and enforcing councillors at village level and mediators at the cell and sector levels, to make justice accessible to people at the grassroots and prevent overburden of the courts.

Councillors – If a conflict that cannot be resolved amongst the different parties, they will inform the village chief. The chief will call for a meeting with three elected councilors who will try to come to a solution. If they fail to solve the conflict, the plaintiff submits the case to the Cell Executive Secretary who receives and submits the case to the Cell Mediation Committee. If the case fails to be resolved it will be referred to the *Abunzi* appeal at the Sector level.

Abunzi - The Mediation Committee, called *Abunzi*, is established by Article 159 of the Constitution. Its jurisdiction, competence and functioning is determined by the Mediation Law N° 02/2010/OL. The Committee is composed of volunteers¹³, elected by the community and trained by MINIJUST. Every committee consists of 12 members and 3 substitute members. In line with Article 9 of the Constitution, minimum 30 percent of the members of each *Abunzi* committee must be women.

The civil and criminal cases over which the *Abunzi* have jurisdiction and competence to handle are provided for in articles 8 and 9 of the *Abunzi* law respectively. Although they are not lawyers but mediators, it is mandatory to consult the *Abunzi* on these cases before filing them in the formal court.

Source: IFAD, September 2010; RISD.

Polygamy

Polygamy is accepted by women as long as their rights are respected. The man can have more wives, but the women must have their rights respected. When the registration started, if a man had more than one wife, then he had to split his land between them. The first wife would have the land registered with the husband. The other wives had land registered in their name – having received this land as a 'friend' – and they could decide to have or not the name of the man in the certificate. The village land committee guaranteed that all the wives got the land, even if not being legally married with the polygamous husband.

Source: Interview with members of the Cell Land Committees of Nyabikokora Cell, Kirehe Cell, Rwesero Cell, Kirehe District.

¹³ Their services are free but as an incentive, they receive payment for the mutuelle de santé of their family up to 5000 Rwf (about 8.5 USD).

4. The National Legislation on Land

In terms of land management and administration, in Rwanda the Land Policy was approved in February 2004 and the Organic Land Law No. 08/2005 (Land Law) was promulgated in July 2005. Since then the Ministry of Lands, Environment, Forestry, Water and Mines (MINITERE) has been developing an implementation programme for the policy and law (UNOPS/IFAD Technical Report, December 2006).

The **National Land Policy** provides a platform for a secure and stable form of land tenure, and brings about a rational and planned use of land while ensuring sound land management and an efficient land administration. It provides policy guidelines on tenure, land management and guidelines on how demarcation of agricultural land can be carried out; and describes the use and management of rural land (IFAD, 2008(b)). In line with the national legislation above mentioned, one of the guiding principles of the Policy states that *"...women, married or not, should not be excluded from the process of land access, land acquisition and land control, and female descendants should not be excluded from the process of family land inheritance"* (Republic of Rwanda, 2004).

Since November 2005, MINITERE has been developing the National Land Reform Programme (NLRP)¹⁴, which has adopted a holistic and flexible approach as it recognises that progress in one area is dependent on progress in others. The NLRP's objectives are to develop an implementation plan for land tenure reform - including the formulation of ancillary legal instruments; build the capacity in MINITERE and decentralised institutions; and establish a framework for complementary donor support (UNOPS/IFAD Technical Report, December 2006).

The Organic Land Law No. 08/2005¹⁵ is the basis of a legal framework for land management and administration. Article 4 prohibits any discrimination based on sex in matters relating to ownership or possession of rights over the land, as the wife and the husband have equal rights over the land. Article 36 relates to final transfer of rights on land like sale, donation or exchange stating that a representative of the family requires the prior consent of all other members of the family who are joint owners of such rights. The head of the household can thus not decide unilaterally on land transfer. Article 30 makes mandatory the registration of land a person owns. The land officer shall keep land registers and issue certificates approving ownership of land (IFAD, September 2010).

Article 20 prohibits reducing the parcel of land reserved for agriculture of one or less than a hectare. This article reinforces Article 91 of the Law 1999, which affirms that a property which does not exceed an area of one hectare cannot be partitioned. The average size of land parcel per household in Rwanda is 0.76 hectare.¹⁶ Therefore, the majority of households can not further divide their land amongst their children, so that, in practice, the parents will have to indicate an heir. The heir is not the owner of the land but will represent the succession and will be the final decision maker. According to Rwandan culture the heir will always be a man (IFAD, September 2010).

Land Tenure Systems in Rwanda

In the country there is public and private land ownership with the State having supreme powers to manage national land. Land is held under customary, leasehold and freehold tenure systems:

- **Customary tenure** is probably the oldest system of land holding especially in the rural area: it is governed by customary and cultural values on traditional and hereditary rights to land.
- **Leasehold tenure** involves a contract and a grant of an estate in land for a specific period of time; plots of land are leased out to the public by the government.
- In **freehold tenure**, the interest in land goes on in perpetuity, with the advantage that it encourages investment and security. (IFAD, 2008(b))

14 The British Government's Department for International Development (DFID) has been providing technical assistance to the Ministry to develop NLRP. Other international development partners providing support to the programme include: USAID, UN Habitat, SIDA, ICF and the Government of South Africa. (UNOPS/IFAD Technical Report, December 2006).

15 Republic of Rwanda (2005), Law No 08/2005 determining the use and management of land in Rwanda.

16 Ministry of Agriculture and Animal Resources (2004). Strategic Plan for Agricultural Transformation in Rwanda, pp 112.

Other legislation regulating land issues:

- Presidential order determining the structure, the powers and the functioning of the office of the Registrar of Land titles No 53/01 of 12th October 2006, which establishes the highest office that issues full ownership titles on land.
- Presidential order determining the structure, the responsibilities, the functioning and the composition of the land commissions No 54/01 of 12th October 2006, which are the governing bodies over the decentralized units that are responsible for land administration and management.
- Ministerial order determining the structure of land registers, the responsibilities and functioning of the District land bureaus No 001/2006 of 26th September 2006, which are the offices responsible for land administration and management.
- Ministerial order on expropriation No 18/2007 of 19th April 2007.
- Ministerial order determining procedures of land registration which also has a provision for a Land Tenure Regularization manual.
- Draft Law proposing and determining the structure, responsibilities and functioning of the National Land Centre (NLC); although the law is still a draft, the NLC is provided for in the organic land law and clearly authorizes the Registrar of Land Titles to carry out NLC duties until such a time that it will be legally established.

Source: IFAD, 2008 (b).

In terms of institutions, the **National Land Centre (NLC)** is the implementing agency for land law framework. Under the National Land Centre are the Registrar of Titles, the Land Commissions and the District Land Bureaus. The National Land Commission is responsible for providing guidance to the operations of the NLC. Each District has a District Land Bureau (DLB) and a District Land Commission (DLC) (See graph below). Structurally, the whole institution is in place; however, the main challenge is a capacity issue, and the staff turnover at District level.

The **District Land Bureau** technically reports to the **District Land Commission** which offers guidance on land matters and is also responsible for land disputes. The **Sector and Cell Land Committees** are responsible for land allocation at their respective administrative units. These committees are instrumental in delivering community participatory requirements in implementing land registration (IFAD, 2008(b)).

However, there are still some existing gaps regarding the implementation of these legal reforms and provisions which need to be addressed. Despite the fact that there are good legal provisions, coordination of different government institutions that are responsible for land related programs still remains a problem.

There is a lack of sufficient information for the public, especially the majority of the rural population who depend on land, about what is provided for in the land law in relation to their land rights, as well as their benefits from the current land tenure regularization/land reform process. The population needs to clearly understand the impact of the land reform under implementation in Rwanda in relation to the protection of the land rights of smallholder farmers and marginalized groups which include women, orphans, widows and the youth. Such a gap includes the need to analyze the impact of programmes in public interest such as expropriation, which is a major component of the land reform through the master planning process. It remains a big challenge as it has proved to be another form of violence against women. Women form about 93 percent of the majority population employed in agriculture, yet many of them stand the risk of losing their land rights as a result of unjust implementation processes.

One of the provisions of the Organic Land Law of 2005 is the systematic land registration process for land by all legal land owners irrespective of how the land was acquired. This is envisaged to offer greater opportunities of land tenure security; however, the population lacks a clear understanding of the strategic linkage between the land registration process as part of the land tenure reform in Rwanda and the land rights of Rwandan women and men, in particular by the majority rural poor women who only depend on land for their livelihood. With these challenges, since 2008, Rwanda Initiative for Sustainable Development (RISD) has engaged in national Public Awareness Program which also includes a component of the Land Dispute Management Report (LDMP), through local leaders¹⁷.

¹⁷ RISD's intervention in the area of land dispute management and the protection of women's land rights is discussed in more details under Section 5.

INSTITUTIONS IMPLEMENTING THE LAND LAW

✘ National Land Centre

Advise MINITERE(MINELA) on policy review and legislation related to land and procedures and guidelines to be followed in implementing land reform

Support, supervise and coordinate all activities related to land administration and land use management

Administer and issue leases, title deeds and certificates on land in all categories

Overall management of land related activities in the country, including those related to information and mapping.

This is the most active level of the land registration institutions and the highest, managed under the Director General.

✘ National Land Commission

This level acts as the advisor to the National Land Centre.

✘ District Land Commission

Coordinate land use management and administration at national/District level

Ensure that land committees are directly involved in land adjudication and conflict resolution

✘ Office of the Registrar of Land Titles:

1 National Office with National Registrar of Land Titles

5 Zonal Offices with Deputy Registrar of Land Titles

Register and maintain records for land ownership throughout the country

Monitor and coordinate activities of Deputy Registrar

Be responsible for capacity building for organs responsible for land registration in the country

The DLB technically reports to the DLC

✘ District Land Bureaux

Maintain land related records and archives

Authorise and approve surveys and plans

Prepare and implement land use plans for Districts, municipalities and towns

Monitor use and management of land resources in the District and report on unutilised/unoccupied land

Manage private state owned land as provided by the land law

Train and provide support to sector land offices, cell-land committees and other stakeholders.

✘ Sector Land Offices

✘ Sector Land Committees

✘ Cell Land Committees

- They are responsible for land allocation at their respective administrative units and are also part of the land adjudication committee

The Registration Process and the Gender Implications

The actual process of securing land tenure in Rwanda is through land registration and titling, composed by the following steps:

1. Awareness raising of the importance of land tenure and requirements by the land law to have all land registered;
2. Collection of maps, spatial and attributed data on land for watershed;
3. Participatory identification and adjudication of statutory land;
4. Participatory demarcation and registration of land;
5. Compilation of land registers and preparation of leases/titles;
6. Issuance of documents.

The registration process gives women an opportunity to fix their own property rights and their property rights within the family as family land is registered in the names of both spouses. Specifically, gender aspects should be considered in all steps of the process, as indicated in the table below.

Box: Registration process

Awareness raising of the importance of land tenure and requirements by the land law to have all land registered:	This is a public awareness campaign for both local leaders and beneficiaries, to spell out the procedures for land registration and to identify the role of each actor in the process. In this activity, <i>imidugudu</i> ¹⁸ , cell and sector leaders are sensitized to take centre stage in encouraging a positive response among beneficiaries. At this stage the direct beneficiaries are informed of the benefits of registration and are encouraged to participate in the adjudication process.
Gender Consideration	Both men and women are included in the awareness campaign. Specific aspects related to women's land rights are spelled out.
Collection of maps, spatial and attribute data on land for watershed:	In preparation for field work, it is important to collect as much information as possible on the land and land records. These preparations will require identification of existing land records, maps, any existing surveys/cadastral control points and existing vector and raster spatial data, if any.
Gender Consideration	The information and data collected are disaggregated by sex.
Participatory Identification and adjudication of statutory land:	During this stage, beneficiaries together with local leaders participate in the process of identifying individual owners of parcels of land and the parcel limits. This process ensures a quick production of attribute data on land parcels that will later be recorded for certification. Public participation ensures authenticity of land data being recorded.
Gender Consideration	Both men and women are included in the identification of the parcels' limits.
Participatory demarcation and registration of land:	This process is where physical delimitations of plots of land are made from which unique co-ordinates are generated that describe the geographical location of the parcel ¹⁹ . This data is used in deed plan preparation. ²⁰ However, before proceeding to deed plan production, a temporary certificate of ownership is issued for the comfort of beneficiaries. It also serves to reward them for their participation with immediate 'ownership' returns.
Gender Consideration	The team in charge of the delimitation include both men and women. The names of all the components of the family – including those of women – are included in the registration.
Compilation of registers of land and preparation of leases/titles:	The information thus far collected can be used to register land for leasehold or freehold ownership. The cadastral information and ownership data can now be used to prepare deed plans that can be processed for leases or full titles. This process will by and large be the responsibility for the District Land Bureau (for leases), the National Land Centre (for title registration); basing on data generated by a private surveying team.
Gender Consideration	Any disputed land will have to first undergo scrutiny by the land commissions at relevant levels; in the event of an existing dispute, land cannot be registered. All the data related to all the components of the family are registered, including wives and daughters. Women are members of the land commissions at all levels.
Issuance of documents:	Issuance of legal documents will solely be handled by the National Land Centre and its decentralized offices. Issuance of these documents will require payment of a 'registration fee', prescribed by the Minister of Natural Resources upon consultations with the Minister of Finance and Economic Planning. ²¹
Gender Consideration	The Registry provides facts and figures of co-registering and of women-headed household titles.

Source: Adapted from IFAD, 2008(b).

Land registration started on a pilot scale in 2008 and was carried out in four Cells selected from different Districts identified from four regions of Rwanda: Musanze District in Northern Province, Karongi District in Western Province, Gasabo District in the City of Kigali and Kirehe District in Eastern Province. RISD's contribution in the pilot registration process was to build the capacity of local leaders in identifying, managing and resolving land related disputes that were envisaged to arise with the implementation of the land registration process. It also focussed on raising awareness about land rights provided for by law especially for women. This training project was done in two Cells of Nyamugali and Kabushinge in Musanze and Gasabo Districts respectively.

The nationwide registration programme was rolled out in 2009: the National Land Centre estimates that as of June 2010, 1 out of 8 million parcels in the country have been registered - even the ones of less than a hectare (IFAD, September 2010). It is currently indicated that a total of 10 million parcels will be registered by June 2012, and all certificates and title deeds issued by end of 2013.

¹⁸ *Imidugudu* are the smallest administrative units with an average of 100 households/house units

¹⁹ The demarcation process will not include beaconing; natural existing boundaries will be maintained or proposed where absent and the co-ordinates marking the parcel boundary will be recorded.

²⁰ A deed plan is a cadastral reference of a parcel showing location, ownership, co-ordinates and land use for the specified parcel. This is the document used to obtain titles. In the event of not issuing a title immediately, the deed plan can be a basis for a lease period.

²¹ This is provided for by the Ministerial order determining modalities of land registration; that has been cabinet approved though not yet published by the time this document was being prepared.

5. RISD Experiences in Women's Land Rights

The Rwanda Initiative for Sustainable Development (RISD) is a local non-governmental organization that was established in Rwanda in 1997, and officially registered in 2003²², whose work is based on policy research, networking and advocacy.

RISD's interest in land issues stems from a survey on Land Use and Villagisation process that the organization carried out in four Provinces (then Prefectures) in 1999; and this survey was itself the result of a community priority needs assessment which was undertaken earlier in 1998. It was at this time that RISD realized that land issues were not only central to the livelihoods of the great majority of the Rwandan women who depend on land – and thus a major factor in poverty reduction – but also a potential source of conflict among the people, which makes it a governance and human rights issue. Since then, land has remained an important component of RISD's development programs, both at the national and the local levels and an advocacy channel for women's rights.

RISD has been involved in the land reform process since 1999, working closely with the Ministry in charge of land, during the formulation of both the Land Policy and the Organic Land Law. During this time RISD's intervention was to solicit the views of the grassroots especially women to be included in both the pieces of legislations: this promoted an inclusive process and ensured that the views of the majority of the poor – especially women – were considerably included in the two documents.

In the national land tenure regularization process, RISD's contribution has been in the area of land dispute management. In 2008 the organisation was responsible for the pilot implementation of the Land Dispute Management Project (LDMP), as the local NGO that would carry forward the process, beyond the pilot phase. The pilot phase of the project was funded by USAID in partnership with Dutch Non-Governmental Organisation (ICCO) and the German Development Cooperation (GIZ, then DED). The subsequent years 2009 and 2010 were funded by ICCO and DED. The specific focus of the project is to build the capacity of local leaders responsible for handling land related disputes, by equipping them with skills and knowledge to resolve land disputes promptly and fairly. The choice to upscale LDMP came as a result of the impacts made by the pilot project where a lessons learned assessment indicated a reduction in land disputes going to court because the local leaders were able to resolve over 90 percent of the land disputes, most of which were affecting women and occurring mainly at the local level. It was against this background that the District and local authorities requested RISD to extend LDMP to entire pilot sectors with new requests from other Districts for the same project. It has therefore been noted that, if the local leaders have the knowledge, skills and capacity, they are a better placed to resolve the disputes and address issues of women's land rights.

Networking and Advocacy

RISD has partnership with diversified partners, including public institutions, embassies, NGOs and farmers associations. RISD is also a member of different national, regional and international networks, including LandNet, which is an Africa-wide network that brings together policy makers, academicians and civil society working on land related issues including land dispute management and mitigation. It is a member of Pan-Africa Program on Land and Resource Rights (PAPLRR) which is also an Africa wide network that brings together researchers and academicians interested in land related issues. RISD is a member of International Land Coalition (ILC) which is a coalition of civil society mainly focussing on the promotion of the pro-poor land policies world-wide.

For the period 2009 - 2010, RISD rolled out LDMP at the national level covering four Districts from different regions. These include Musanze in the Northern province, Gasabo In the City of Kigali, Kayonza in the Eastern province and Kamonyi in the Southern province. These projects were implemented in partnership with District authorities, the National Land Commission and the National Land Centre with financial support from DED, ICCO and RISD. However with the change of focus by the external partners in 2011, RISD still has the challenge of finding development partners to fund the pending requests at hand as its own resources are now exhausted, yet there are many requests for the project from different Districts.

In all programmes and activities RISD engenders the women rights component, although there are specific women oriented projects that the Organisation implemented. One such projects was that of "Women's Land Rights in Rwanda" done in 1999. The project's specific objectives were to establish the main forces influencing women's access to and control over land, to understand how ordinary citizens as well as decision-makers – such as government authorities – at the local and national level conceive women's land

²² Official Gazette No.090/11 of 28/08/2003.

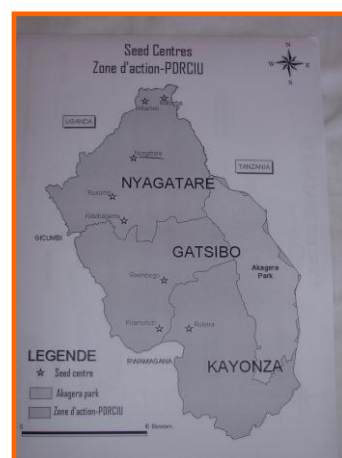
rights and to delineate the vectors that protect or guarantee women's use and control over land. Of particular interest were the influences of cultural values, customary norms and laws, religious institutions and norms, statutory law and national policies in relation to the actual reality on the ground. Particular attention was paid to cultural ideas regarding women and their capacity to control land and the national policies impacting on land tenure, the mechanisms by which disputes over land are resolved and the impact of women's associations and cooperatives on women's access to land.

Recently RISD conducted a research project to assess the impact of land reform on women, specifically looking at the link between land reform and poverty reduction for women. Although it is still too early to establish concrete socio-economic impacts attributable to the land reform process there are some identifiable positive indications. Over 60 percent of the women in the study indicated awareness of their land rights and inheritance rights provided for by the 2005 Organic Land Law (OLL) and the family law of 1999 respectively. This is further evidenced by the increasing number of complaints being raised by women demanding their inheritance rights. The OLL provides for equal rights on land between wife and husband. Women's awareness of this provision has encouraged them to put more efforts in their work on land with the confidence that they will share in the benefits of the harvest even if they become divorced from their husbands. It is interesting to learn that 70 percent of the women interviewed are aware that a man cannot sell land without their consent. This is a transaction that was traditionally based on the men with women only informed after. There is great optimism that with diverse information dissemination mechanisms women's socio-economic position will be enhanced.

6. IFAD Experiences: PDRCIU and KWAMP projects

PDRCIU: The Land Tenure Situation in the Project Area and the Project's Implementation

The land tenure situation in the PDRCIU Area differs significantly from that found in many other areas of Rwanda. Average holdings are larger and less fragmented than elsewhere in the country and land disputes are relatively rare. These differences are due to the recent history of settlement in the area. The Project Area is part of the former Umutara Province which was established in 1994 and amalgamated with the former Kibungo Province in 2005 to form the Eastern Province²³. Six of the original eight Districts covered by the Project Area were created from previously uninhabited areas that had been part of either the Akagera National Park or the surrounding buffer zone/hunting area. A large part of the province's population is made up of households who returned to Rwanda from Tanzania and Uganda after the 1994. (UNOPS/IFAD Technical Report, December 2006)



The land allocated²⁴ to the returning families was drawn from either the subdivision of existing holdings in the "old" Districts or from the allocation of previously unoccupied land in the "new" Districts. The proportion of land already under settlement and the vacant land from the Akagera National Park and hunting zone differed between the three Districts: It is estimated that in Nyagatare 80 percent of the land comes from the park/hunting zone, in Gatsibo this accounts for about 50 per cent and in Kayonza about 30 percent (UNOPS/IFAD Technical Report, December 2006).

²³ In 2005 the eight Districts were combined into three Districts.

²⁴ In the new Districts land allocation was initially done differently according to two broad zones: smaller plots were allocated in town municipal areas and in a 5 kilometre strip from main access roads. Larger plots were allocated in less accessible areas more than 5 km from main access roads, mainly for farmers with large numbers of livestock. However plot sizes also differed according land potential and use. Many returning families had cattle. They were allocated land for both housing and for agricultural and livestock purposes. In Districts suited primarily to livestock-raising on account of poor soil quality, newly arrived households were typically allocated up to 10ha within the 5 kilometre strip. In areas around towns and Districts more suited to cultivation, returning households were typically allocated plots of 2 to 3 ha. In less accessible areas larger livestock owners were allocated larger land holdings, of between 25 to 50 ha. With the subsequent arrival of further settlers and with the improvement of secondary access roads (mainly with the support of the PDRCIU/UCRIDP), larger land holdings have been sub-divided and allocated to new comers. (UNOPS/IFAD Technical Report, December 2006)

During the initial settlement land was allocated either by District, Sector or Cell levels. In certain cases in the old Districts, the current holders at the time had been willing to return a portion of the original holder's land. Similarly, there were other cases in which families had been able to stake a claim to a portion of land in the old Districts that had been held by family members killed in the genocide and subsequently occupied by others. It would appear that there has been a general acceptance of the process of land allocation by both returnees and the original settlers. (UNOPS/IFAD Technical Report, December 2006)

Land disputes were relatively limited but increasing. Disputes were more prevalent in the old Districts and mainly over inheritance or ownership. Disputes in the new Districts related more to boundaries and sometimes disputes occurred between different land users (livestock and crop farmers) over conflicting uses (UNOPS/IFAD Technical Report, December 2006). The specific history of settlement in the area has focused attention on rational land use planning, especially within local government.

PDRCIU aimed to promote an equitable process of economic, human and institutional development consistent with sustainable mobilization and efficient use of human, natural and financial resources in the Districts of Kayonza, Gatsibo and Nyagatare. Its Land Sector Strategy aimed at strengthening the capacity of Districts to manage land and other natural resources in an effective and sustainable manner. It has been providing support to land policy implementation through strengthened land-use planning capacities at the District and provincial levels; land tenure security for poor rural households in support of implementation of National Land Policy and National Land Act; land tenure safeguards in the project; and, developed and strengthened local land dispute resolution through support to the National Commission for Unity and Reconciliation. The project saw 3 phases and most of its activities came to an end in December 2010 (See Annex 3).

PDRCIU	
<p style="text-align: center;">Basic Data:</p> <ul style="list-style-type: none"> ▪ 10 years: January 2001 – December 2010 ▪ □Nyagatare, Gatsibo and Kayonza Districts, Eastern Province. <p style="text-align: center;">Land tenure security activities:</p> <ul style="list-style-type: none"> ▪ Provide land officers to support Districts, one per District; ▪ Community sensitisation on land laws; ▪ Land demarcation trials in cells for regularization: 15 cells in 2009 and 15 cells in 2010 using demarcation of land boundaries. 	<p style="text-align: center;">Outcomes;</p> <ul style="list-style-type: none"> ▪ The project supported the land redistribution of land occupied by returnees from Uganda and Tanzania. ▪ The beneficiaries of the redistribution: <ul style="list-style-type: none"> 10 000 Nyagatare; 1 000 Gatsibo; 3 000 Kayonza. ▪ About 29 percent of these beneficiaries are women. Among the 71 percent there is co-titling.

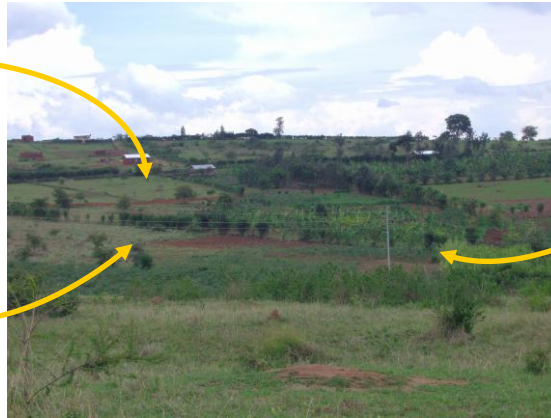
In 2008, it was decided that activities including land use planning, land tenure security, land regularization/titling, surveying and land re-allocation exercises were going to be implemented by the Government of Rwanda (GoR) with funding from the central government and other partners. The GoR was implementing the land tenure activities with limited project support. The expected outputs of the third phase were to provide land officers to support Districts, one per District (for both 2009 and 2010); community sensitisation on land laws; and land demarcation trials in cells for regularization – 15 cells in 2009 and 15 cells in 2010 using demarcation of land boundaries (IFAD, 2008(a)). Implementation constraints were faced, such as that the direction of land not well structured in Districts with insufficient staff in terms of quality and quantity (PDRCIU PCU, 2010).

As of November 2010, sensitisation of communities was carried out in all the three Districts, with leaders sensitised on land laws. It was also reported that demarcation trials were conducted in cells in Kayonza and Nyagatare Districts.

Talking to people about their land rights in Nyagatara Sector

Wife and husband cultivating their land. She said: "If my husband wants to chase me away, he cannot do it as the land belongs to both of us".

A young man, agro-pastoralist: "My mother, who lives in Kigali, has the land: the title is in her name. I work the land and I take care of the cattle. However, is my mum who decides if/how the land is going to be sold".



A young man with land: "Women's rights are protected: now men's rights should be protected!"

Land committees have been nominated and trained and have been sensitising communities on land law; villages were mapped and this has facilitated the national goal on grouped habitat to have equal access to public infrastructure. Land distribution in the three Districts was a success as a number of the landless acquired farms and those who already had land were mobilised for better use. The beneficiaries of the redistribution were 10 000 in Nyagatara; 1 000 in Gatsibo; and, 3 000 in Kayanza. About 29 percent of these beneficiaries are women. Among 71 per cent there is co-titling (personal communication by the Project Coordinator). The policy limiting landholding to 25 ha was implemented in partnership with the Defence Force and plots of about 1-10 ha were given to landless families.

In addition to the sensitization activities, the project provided training for women in order for them to become economically active such as training on livestock, access to credit, cooperative management. As mentioned in various interviews, these courses, in addition to the sensitization on land rights, empowered women who now feel more confident in starting economic activities. In some cases, the women interviewed underlined how their husband were supportive of their activities, to the point that they were doing advocacy to other men so that new women could be involved in these activities.

KWAMP: The Land Tenure Situation in the Project Area and the Project's Implementation

As in the PDRCIU Area, the land tenure situation in the KWAMP Area differs from that found in other areas of Rwanda: The average holdings are again larger and less fragmented and land disputes are relatively rare. After 1994, Kirehe District experienced large numbers of returning families, especially from Tanzania and Uganda as new settlers. Subsequently, the land that the returning families were allocated was drawn from either the subdivision of existing holdings or from the allocation of previously unoccupied land. From 2008, five sectors in Kirehe District saw compulsory land re-distribution for owners with more than 25 hectares of land to increase the number of people owning land. (IFAD, 2008(b))

The land tenure types existing in Kirehe District are customary, statutory or informal tenure. The statutory tenure has land that was allocated by government which did not have a standard size: Parcel sizes were allocated according to cattle size as most of the returning families that were being resettled after 1994 were livestock keepers. Other statutory tenure holders generally have land for agricultural use. A distinct group in the informal tenure included two categories: People using privately-owned land without permission and people using state-owned land without permission (IFAD, 2008(b)).

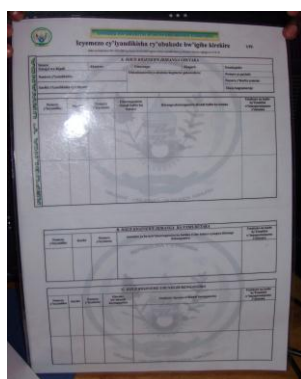
KWAMP	
<p style="text-align: center;">Basic Data:</p> <ul style="list-style-type: none"> ▪ 7 years: April 2009 – June 2016 ▪ Kirehe District, Eastern Province <p style="text-align: center;">Land tenure security activities:</p> <ul style="list-style-type: none"> ▪ Strengthening tenure security of family owned/occupied land, mainly on the hill sides. ▪ Strengthen security of tenure of individuals and groups that access state-owned land in cultivated wetlands. 	<p style="text-align: center;">Outcomes:</p> <ul style="list-style-type: none"> ▪ Proposal for land registration of 150 000 parcels; → effectively demarcated: 250 000 ▪ People received provisional titles. ▪ Land regularization has reduced the number of land disputes referred to its office. ▪ Women are involved at all level in the institutions. ▪ Women's land rights are being co-registered.

The project area is targeting 15 watersheds of approximately 2000 hectares each (see Annex 3 for the project's phases). In the KWAMP area, out of the 48 000 households expected to benefit from the registration process, 17 percent are landless and 83 percent have less than one hectare of land. The land in the identified watersheds was not registered to meet statutory requirements. Therefore, the envisaged intervention of the project regards the strengthening of land tenure security through the facilitation of statutory land **registration** for project beneficiaries with the hope that this approach of providing statutory land rights to beneficiaries will encourage more productivity and individual investment in activities on the land. The acquisition of land documents can also be used as collateral in the process of acquiring loans or credits from financial institutions (IFAD, 2008(b)).

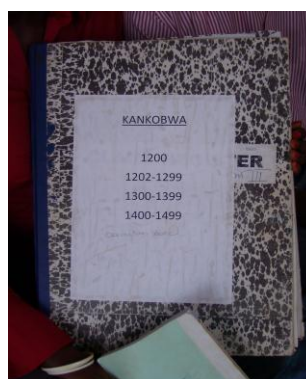
For land tenure, in its field activities, the project would also aim at including the issues of land **consolidation**, which is the domain of MINAGRI, and **redistribution** of improved land to the landless, which falls under the jurisdiction of the Districts and MINIRENA. The NLC is a crucial implementer of land tenure related issues in KWAMP and it is at the centre of activities. The implementation of land registration is conducted by Kirehe DLB while the registration of titles will be issued by the Land Registrar in charge of the Eastern Province.



Provisional Title



Final Title – fax simile



Land Registry



Land Registry

As of October 2010 in Kirehe District, 250 000 plots have been demarcated, instead of the 150 000 originally planned. Only a very small percentage (around 0.2 percent) has disputes regarding ownership. KWAMP has made a significant contribution to the NLTRP and Kirehe is now considered an example for the rest of the country, with useful lessons on District capacity requirements for scaling up land regularization.

In the District, all the parcels have been demarcated and provisional land titles will be issued. As of November 2010 the phase of correction of data in the land registries was taking place. The number of titles in the name of women is still not known. However, in those titled to men, the name of the spouse is co-registered, as provided by the law. Once all the final titles are issued and the data digitalised by the National Land Centre in Kigali, it will be possible to know the data disaggregated by sex.

Implementation, information dissemination, sensitisation and awareness raising activities

Before and during the project, implementation, information dissemination, sensitisation and awareness raising activities have been carried out: There has been a number of sensitisation activities regarding the land law from the government at all levels. It has informed and sensitised people on the land law and on women's land rights through meetings at village level and incentives to involve women in local decision-making institutions; there have also been meetings on the demarcation/registration activities from the NLC. There were not many problems related to land demarcation and registration because there has of these activities carried out by the NLC with the local community before the registration process.

Land regularization is already providing immediate benefits: The District Administration reports that land regularization has reduced the number of land disputes referred to its office; women's land rights are being co-registered; it seems there is a widespread interest amongst farmers in using titles to access credit; land regularization provides a good foundation for private investments in the land, including implementing the reforestation and carbon credit initiative; the ortho-photos produced are a useful resource for watershed management planning (field mission outcomes; KWAMP PCU, 2010).

About 1000 ha of marshland and 1000 ha of hillside land in the project area are to be irrigated. These lands will be redistributed to landless households, with a minimum of 30 percent being headed by women. For such redistribution, the Project Coordination Unit (PCU) facilitated the preparation of guidelines for land allocations in irrigated areas, especially to poor and vulnerable people. The guidelines include eligibility criteria, taking into consideration the following:

- (i) The size of the farm should be 25 are (where applicable/ possible);
- (ii) District Land Bureau, Local government and local group/association in collaboration with PCU have to establish a list of beneficiaries based on:
 - a. The number of plots available;
 - b. The status of beneficiary either a member of existing cooperative/association or target group member of the Projects;
- (iii) The accommodation of the landless in the related productive land (PASTA-KWAMP, 2010).

7. Findings of the Research

The PDRCIU and KWAMP projects, as well as the RISD's experience, show the effectiveness of the **sensitization, awareness raising and information dissemination activities** carried out by various actors at project and government level on women's land rights, land laws, registration process and on the advantages that these could bring to women as well as men in their daily lives. Both men and women have been informed over their rights and what the registration process could bring in terms of security of rights and potential benefits on their livelihood, e.g. facilitating their access to credit.

These information activities have led to a **deep knowledge by women as well as men of women's rights in general, and specifically about land**. Women and men are now fully aware of possibilities women have and what they are entitled to. Customary norms seem to have very little influence over women's lives: Being aware of their rights, women know what they can claim when they suffer discriminations. Interviewees highlighted how the new legislation supported women and allowed them to change their situation. It has been emphasised how men are conscious of women's rights and "*when they do not respect women's rights, it is not because they don't know them, but because they don't care.*" (Interview with Mr. Twamugabo and Mr. Nsoro, Nyamirama Sector, Kayonza District).

Therefore, there is still **some cultural resistance**: In some cases women do not have control over what they produce and, although they till the land, it is their husbands who decide how to use the production and control the earning. In some other instances, women who do not have access to credit – as they lack assets as a guarantee – have to ask husbands to guarantee for them; however, they are not always keen to do so.

The **full awareness and deep knowledge of the rights and legislations is also shared by the officers** at District, Sector and Cell levels, who are conscious of the situation of women at village level and the potentialities that can be still explored. Officers have a different perspective of the seriousness of the difficult situations women still face: Some officers refer to these situations as minimal, while others still see a long

way to go. However, in 'quantifying'²⁵ the phenomenon, both the optimists and the pessimists give a similar magnitude to the situation, i.e. 20 to 30 percent of women are still facing difficulties in having their rights respected, including those related to land.

Another positive effect of the sensitization activities is shown by the fact that **women are involved in all the different phases of the registration process**: They participated in the meeting organized by the authorities to inform the population about the legislation and the registration; they were part of the Cell Land Committees, the Village Executive Committee and the team of para-surveyors. However, it was often mentioned that such participation was limited due to the **low level of literacy** of women. For example, although the law prescribes that the Cell Land Committees should be formed by three men and two women, in several cases there was only one woman in such organs due, precisely, to the difficulty of finding a literate woman.

The registration process and the issuance of land titles have **reduced to a greater extent the number of conflicts over land**. Effective mechanisms have been put in place so that 90 percent of the disputes have been solved. For instance, the Cell and Village Land Committees have been successful in sorting out the problems as they have a good knowledge of the territory and of its inhabitants.

Although the law provisions protect women's rights, they cover only monogamous married couples and their legitimate children: People living in **polygamous** unions and **cohabiting couples** are thus not protected by the law. This was confirmed by the interviews held in the four Districts, where the issue of 'illegal' wives and illegitimate children with unrecognised rights was always pointed out as one of the main problems faced by women. Examples are the disputes between 'illegal' and legal wives, between legitimate and illegitimate children, children not recognised by fathers and women not entitled of land. As for unregistered marriage, cases were pointed out where being the marriage not registered, at the death of the husband, the 'unregistered' wife did not have rights over land.

Some other **problems impeded the finalization of the registration process**, such as:

- The lack of ID – e.g. a person or one of the couple does not have ID and therefore the registration cannot not be finalised;
- Unclear legal status of women – many husbands disappeared during the conflict and wives do not know if they died or fled. The legal status of women as widow or divorced is therefore not officially recognised. This does not allow women to finalise their land registration.
- The registration fee, i.e. the payment of RWF 1000 to obtain the provisory title. This has been a problem for the poorest, e.g. women and children. In this case the payment was postponed. Some people who have different plots, had to pay RWF 1000 for each plot. Also in this case, the payment was postponed.

When not finalised, the registration remains pending, i.e. the process waits for the competent authorities to provide ID to people, or to legalise the status of women, or to resolve the conflicts related to the recognition of illegitimate children. The solution of these issues is responsibility of the Rwandan institutions. Once the problems have been solved, then people can update their data in the land registry and the registration can be finalised.

Finally, during the demarcation and registration process **other problems** were highlighted by the interviewers as frequent:

- Land grabbing by relatives from orphans of the genocide.
- Land sold by one person of the family without the other members being aware of it.
- Conflict between neighbours on the boundaries
- Women with no means to go to courts if their husbands do not respect their rights

8. Some Recommendations and Possible Indicators

The experiences of PDRCIU and KWAMP have been successful in terms of protecting, fostering and guaranteeing women's land rights. They have showed how awareness raising and sensitization activities on land law legislation and women's land rights are effective and even more so if they involve men. Such sensitization and awareness is fully reflected in the fact that women and men are highly aware of the rights entitled to women. Although still persisting, those customary norms which are biased against women are losing their importance and relevance over women's lives. At the same time, government officers at all level

²⁵ This quantification is not based on statistics and data: the interviewees have been simply asked to quantify the phenomenon following their understanding and knowledge of the situation in the villages where they worked.

are themselves aware of the situation that women face at local level and are fully supportive in improving their social and economic status. The positive dynamics are translated (i) into a full and effective participation of women in the registration process, both as beneficiaries as well as leading actors in the various decision making organs involved in the process, and, (ii) in the reduction of the number of conflicts over land. However, some problems still persist, especially linked to polygamy and illiteracy.

The following recommendations are based on the lessons learned from the projects and RISD's experience:

- Awareness raising and training should be carried out at District, sector, cell and village level on women's land rights, specifically, but not exclusively to land officers, community development officers, land officers and legal officers. Focus should be on local leaders who deal with land related issues on a day-to-day basis; women's groups; youth and community in general, learning from RISD Public and Information Awareness (PIA) Programs that are conducted through media messages and community theatres, which has proved to be effective tools.
- Intensifying programmes geared towards raising the community awareness of their land rights will help protect women's position in the community as regards land issues. Such awareness will help break discriminatory cultural traditions against women such as "women have no right to inherit land and can neither make decisions regarding family land".
- Training of local institutions has a positive multiplier effect for the community and for women in particular. Since the local leaders are in the position to handle over 80 percent of the land related disputes if they have the right skills and knowledge they are also in position to passively or actively train their community members on different issues regarding their land rights most of which are infringed against women.
- Awareness raising and sensitisation activities on women's land rights and the land legislation should be always carried out before starting the registration process.
- Both men and women should take part in the sensitization and awareness raising activities. Men should be involved in the identification of the problems that the family face and on possible solutions, linking these solutions with active involvement of women.
- It would also be effective to have male champions who advocate for women's land rights. Males must be involved (and not simply spoken to) because, "more than anything else, men and boys will listen to other men and boys, far more than they will listen to the anger or pleas of women or to a disembodied media voice"²⁶.
- Verify that the representation of women in the bodies at District and village level is effective. There may be cases where the women are limited in number due to the literacy issue. In such respect, there should be activities linked to literacy courses.
- Once in some contexts the customary norms are still strong, it may be considered to hold the various village meetings separately for men and women, to give the latter the opportunity to discuss their views more freely before putting them forward in more formal meetings.
- During the process of land registration, special attention should be paid to unregistered marriages, 'illegal' wives and illegitimate children. The village bodies should verify the various situations on an ad hoc basis to avoid the exclusions of women, boys and girls from the registration.
- All the data (and not only the ones related to social aspects and services) collected in the various steps of the registration process should be disaggregated by sex.
- Land related activities should be integrated and supported by training linked to IGA such as livestock, access to credit, cooperative management, so that women could become economically active.

²⁶ Kaufmann, 2001.

Possible Indicators:

- Number of sensitisation and awareness raising meetings at District, sector, cell and village level and number of participants – both government officers as well as potential beneficiaries – disaggregated by sex.
- Number and type of conflicts related to land involving women at village level – indicating who is involved, e.g. 'illegal' wives, illegitimate children, etc.
- Number and type of conflicts involving women reported at sector and cell level.
- Number of certificates – out of the total number – entitled to women.
- Number of the co-titling land titles.
- Effective composition of village and District organs by sex.
- Number of literacy courses, with participants disaggregated by sex and age.
- Number of training to government officers at sector, cell and village level and number of participants disaggregated by sex and by position.
- Number of meetings held at village and sub-village level and composition by sex of participants.

Possible collaboration between IFAD and RISD:

RISD considers further collaboration with IFAD in several areas since the focus on women's land rights and access to and use of land remains a challenge in Rwanda, due to the patriarchal setting that has oppressed women and suppressed their land rights since time immemorial. One of these areas is training: As mentioned earlier, evidence from the field indicates that training plays a big role in building the capacity of local leaders to resolve land disputes affecting women. In the LDMP pilot areas it was revealed that over 90 percent of the land disputes at the local level – 70 percent of which have affected women – can be effectively handled by local leaders and institutions. There are statutory local leaders at the local level who are instrumental in handling land issues such as land committees at the Cell level and mediators at Cell and Sector levels. Specifically the mediators are by law competent of handling land disputes of a value not exceeding 3,000,000 RWF (three million Rwanda francs). However, through mediation, a process that has demonstrated positive results in promoting unity and reconciliation, there are several local institution leaders who are capable of handling land disputes if given knowledge and skills. These include religious groups, family heads, and opinion leaders among others.

Further collaboration is seen in the area of public information awareness: Various proper channels, accessible to the grassroots population are a viable way of disseminating information on women's land rights to the community. Last but not least, RISD would like to further cooperation with IFAD in the area of policy research as this a key component of RISD's activities.

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Annex 1 – TORs

Strengthening Women's Access to Land Thematic Study

Terms of Reference

SUBJECT: Documenting and Sharing Lessons Learned on Strengthening Women's Access to Land – the Rwanda experience of the IFAD Umutara Community Resource and Infrastructure Development Project²⁷ (PDRCIU) and the Kirehe Community-based Watershed Management Project²⁸ (KWAMP)

Background:

Land is one of the most fundamental resources to women's living conditions, economic empowerment and, to some extent, their struggle for equity and equality. However, due to economic, legal, social and cultural factors their rights to access, control and transfer land are weaker compared to those of men.

IFAD wishes to pay greater attention and to better mainstream the strengthening of women's land rights into its operations. The Fund has developed a Concept Note, which describes a 2 to 4 year project *For Raising Awareness of and Mainstreaming the Strengthening of Women's Land Rights in IFAD's Operations* that implies: (i) raise awareness and capacity building/training for IFAD headquarters and field staff; (ii) mainstreaming the strengthening of women's land rights through policy dialogue at country level; participatory research and analysis at country/project level; piloting and documenting of appropriate methodologies which strengthen women's land rights; (iii) sharing of lessons learned at country, regional and international levels.

This proposal fits within the second activity of the *Women's Land Rights Project*, focusing specifically on the documentation and sharing of lessons from the Rwanda experience of the IFAD Umutara Community Resource and Infrastructure Development Project (PDRCIU) and the Kirehe Community-based Watershed Management Project (KWAMP), which have experienced successful and innovative activities which have supported women's access to land.

The development goal of PDRCIU is to promote an equitable process of economic, human and institutional development consistent with sustainable mobilization and efficient use of human, natural and financial resources in Umutara Province²⁹.

The Project's aim for its *Land Sector Strategy* is to strengthen the capacity of Districts to manage land and other natural resources effectively and sustainably. It has been providing support to land policy implementation through: (i) strengthened land-use planning capacities at the District and provincial levels; (ii) land tenure security for poor rural households in support of implementation of National Land Policy and National Land Act; (iii) land tenure safeguards in the project; and (iv) developed and strengthened local land dispute resolution through support to the National Commission for Unity and Reconciliation.

The KWAMP promotes the shift from subsistence to intensified market-based agriculture in Kirehe District. In terms of land tenure, it is upgrading the land registration process in collaboration with the National Land Centre.

The research will be done in collaboration with the Rwanda Institute of Sustainable Development (RISD).

²⁷ This project is implementing the land registration. It is not collaborating with the National Land Centre. PDRCIU contributed to the funding of Land commission whose task was redistribution of land mainly in the project area-and this was before the National land Centre responsible for Land management was formed. And we financed land registration trails

²⁸ This project is upscaling the land registration, in collaboration with the National Land Centre.

²⁹ Now the operational area is the current Districts of Kayonza, Gatsibo and Nyagatare (formally making the then Umutara Province)

Purpose and Description of the Assignment:

To investigate (1) how women's land rights have been promoted, supported and implemented into the land tenure activities of PDRCIU and KWAMP; (2) provide inputs on possible affirmative actions to mainstream women's land rights into the ongoing and forthcoming IFAD interventions in the country.

Specifically the research team will:

- i. Analyse how women's land rights have been introduced, promoted, supported and implemented into the land tenure activities of PDRCIU and KWAMP, what obstacles have been faced and if/how they have been overcome.
- ii. Provide inputs on possible affirmative actions to mainstream gender equality and women empowerment for the ongoing and forthcoming IFAD interventions in the country
- iii. Analyse legal framework documentation regarding land access to women, and give a brief situation in the projects area

Activities:

Research preparation: revision of relevant documentation at country and project level and preparation of the field research methodology.

Field research: the research team will investigate and identify points (i) to (ii) of the paragraph above.

It will involve and interact with key local authorities (the line ministry and its decentralised structures), project staff and selected beneficiaries, through:

- Initial briefing of key government staff and projects staff on the research purpose, the expected outcomes and methodology of implementation;
- Consultation/interviews with key informants, stakeholders and beneficiaries

Production of report and a fact sheet with analysis, findings, lessons learned and suggestions as outcomes of the field research.

Outputs:

1. A comprehensive report (with Annexes): this report should highlight the main findings regarding Women's Access to Land and success stories and Innovation in terms of Women's Access to Land.
2. A fact sheet (2-4 pages) with a summary of key information contained in the report.

Management and Supervision:

Progress will be monitored on an ongoing basis Mr. Harold Liversage, ESA Regional Land Advisor.

The draft of the document will be reviewed by two peer reviewers, a Country Portfolio Manager - and one consultant of Rural Institutions.

Annex 2 – List of people met

Name	Organization	District
Annie KAIRABA	RISD Director	Kigali
Herbert NDAHIRO	Internship RISD	Kigali
James DAALE	RISD Programme officer	Kigali
Fideli MUTONI	RISD LandNet programme officer	Kigali
Gatanguliya DEICOLE	RISD Communication officer	Kigali
Joyce MUGANGA	RISD Legal Trainer/public awareness	Kigali
Christian SCHULZE	RISD Technical assistant	Kigali
Justin Ndori	RISD Legal Trainer/public awareness	Kigali
Everest R. KALIMBA	RISD Program Coordinator	Kigali
Andrè NDAGJIMANA	KWAMP field coordinator	Kigali
Aimable NTUKANYAGUE	Country programme coordinator	Kigali
Judith VATABAMIA	PDRCIU/H/M&E	Kigali
Stephen BASHAIJA	PDRCIU project director	Nyagatare District
Jasinta BENINGOMA	beneficiary of the land redistribution process	Nyagatare District
Asaph KWIKINIZA	M/E Coordinator, PDRCIU	Gatsibo District
Rurangwa MAJOORO	Gatsibo District Mayor	Gatsibo District
Daniel RWEMA	Gatsibo District Land Officer	Gatsibo District
Fred MURARAKAZOORA	Executive Secretary of Rwumbogo Sector	Gatsibo District
Members of Women's Centre	Women's Centre, Nyagatare Sector	Nyagatare District
Members of Cooperative	Bahujemurimo Cooperative, Rwimbogo Sector	Gatsibo District
Members of Cooperative	Tuzahurane Cooperative, Rugarama Sector	Gatsibo District
Esau TUSIIME	PDRCIU Procurement Officer	Nyagatare District
Andrè TWAMUGABO	Executive Secretary of the Nyamirama Sector	Kayonza District
Alex Bright NSORO	Civil Status and Notary Officer, Nyamirama Sector	Kayonza District
Beatrice MBUCABARAMBA	Member of the women's council, Nyamirama Sector	Kayonza District
Felicien NGENDAHIMANA	District Land Officer	Kirehe District
Ernestine MUKANEZA	Field District Manager, National Land Centre	Kirehe District
Arponian MURAGIJIMANA	Kankobwa Cell Executive Secretary	Kirehe District
Perpetue NYIRANSABIMANA	Executive Secretary of Bwiyorore Cell	Kirehe District
Illuminate MUILABATABAZI	Member of the Bwiyorore Cell Land Committee	Kirehe District
Emmanuel NCONCORI	Member of the Bwiyorore Cell Land Committee	Kirehe District
Apollinare NSENGIYNTIVA	Sector Executive Secretary, Kirehe sector	Kirehe District
Antoine KARASIRA	Sector Executive Secretary, Gatore Sector	Kirehe District
Adelte HAKIZAMUNGU	Executive Secretary Nasho Sector	Kirehe District
Leonard BIHOYIKI	Executive Secretary of Mpanga Sector	Kirehe District
Members of the Committee	Cell Land Committee of Mpanga Cell	Kirehe District
Members of the Committee	Cell Land Committee of Rubouya Cell	Kirehe District
Members of the Committee	Cell Land Committee of Nasho Cell	Kirehe District
Members of the Committee	Sector Land Committee of Mwanga sector	Kirehe District
Members of the Committee	Cell Land Committee of Nyabikokora Cell	Kirehe District
Members of the Committee	Cell Land Committee of Kirehe Cell	Kirehe District
Members of the Committee	Cell Land Committee of Rwesero Cell	Kirehe District
Mèrediane TWIZERIMANA	Natural Resource Officer, KWAMP	Kirehe District
Bernadette KAMUNGU	Deputy Mayor in charge of Social Affaires and Gender	Kirehe District
Benson MUHIKIRA	Deputy Mayor in charge of Finance and Economic Development	Kirehe District
Members of the Cooperative	COPRIKI	Kirehe/Ngowa District

Annex 3 – The PDRCIU and KWAMP phases

PDRCIU – Phases and Components		
1 st phase – January 2001 – November 2003	2 nd phase – August 2004 – December 2008	3 rd phase – 1 February 2009 – 31 December 2010
<p>Components:</p> <ol style="list-style-type: none"> 1. capacity building <ol style="list-style-type: none"> a. community development b. women in development 2. infrastructure development <ol style="list-style-type: none"> a. domestic water supply b. cattle water c. rural roads 3. on-farm productive investments 4. financial services <ol style="list-style-type: none"> a. technology advisory services b. agricultural production c. animal health services d. environment and forestry 5. institutional support 	<p>Components:</p> <ol style="list-style-type: none"> 1. support for decentralisation and infrastructure development <ol style="list-style-type: none"> a. infrastructure development b. equal and sustainable access to development benefits c. local institutional building and community empowerment 2. rural economic transformation <ol style="list-style-type: none"> a. support to agriculture, livestock and forestry <ol style="list-style-type: none"> i. agricultural market-oriented technical support services ii. agricultural support for group enterprises and market iii. livestock development iv. forestry management b. rural enterprises and rural financial development <ol style="list-style-type: none"> i. rural enterprise development ii. rural financial development 3. project management <p>Additional sectors were added in this phase, in addition to the administrative reform.</p>	<p>Consolidating projects investments and establishing sustainable management arrangements in the 3 Districts.</p> <p>Components:</p> <ol style="list-style-type: none"> 1. infrastructure <ol style="list-style-type: none"> a. domestic and livestock water supplies b. feeder roads c. community infrastructure d. environment sanitation and hygiene e. environment impact and mitigation 2. community development and decentralization capacity building <ol style="list-style-type: none"> a. women's empowerment, gender mainstreaming and poverty b. local government service delivery c. District capacity building in planning d. provincial government support e. unity and reconciliation f. land tenure and security 3. agriculture and livestock development 4. rural enterprise development 5. project management

KWAMP

<p>COMPONENTS:</p> <ol style="list-style-type: none"> 1. local institutional development <ol style="list-style-type: none"> a. support to agricultural transformation b. water and land use management <p>Effective water/land use planning adopted to enable agricultural intensification:</p> <ul style="list-style-type: none"> - regularization of land tenure (15 coherent watershed management plans developed and implemented; land tenure secure on 21.000 ha for legal and planning purposes) → facilitate statutory land registration for project beneficiaries (150 000 parcels to be registered) 2. agricultural intensification <ol style="list-style-type: none"> a. value chain development b. crop and livestock intensification c. irrigation development d. soil and water conservation 3. feeder roads 4. project coordination
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