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“Land Tenure Problems and the Rural Youth of Rwanda” The Case of the District of Kamonyi

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CHAPTER ONE

1. INTRODUCTION

1.1. Background Information on Rwanda

Rwanda is a country that emerged from genocide and the internal war of 1994 in which an estimated 800000 to 1 million people were killed. The country is located in the eastern part of Africa and its capital city is Kigali. Rwanda is one of the smallest African countries with an estimated area of 26338 square kilometres, 2.6 million hectares of land, of which approximately 52 per cent is arable. According to the findings of the General National Census (GNC, 2002), the Rwandan population is over 8 million and the average population density is 321 inhabitants per square kilometres, but in some parts of Rwanda such as in the province of Ruhengeri (in the northern Rwanda), the density is exceptionally high with 538 inhabitants per square kilometres.

The population increased because of the return of the former refugees who had fled the country in 1959 and 1973. According to the Ministry of Lands, Environment, Forests, Water and Mines, (MINITERE, 2004), the number of the population doubled during the last 25 years due to a very high natural growth rate of 3.2 per cent. The increase of the population has resulted in land scarcity and low agricultural productivity due to soil degradation. This is a big challenge for a country with 91% (MINECOFIN, 2002) of the population who live in rural areas, mainly earning livelihood from agriculture. The genocide increased the numbers of vulnerable citizens, destroyed considerable infrastructure resulting in substantial decapitalisation in the rural as well as urban areas (Wangwe, 2002).

In the post-genocide period, Rwanda faces development challenges of trying to promote economic growth and reduce poverty. According to the Ministry of Economy and Finance (MINECOFIN, 2002), people are generally poor with 60 per cent living below the poverty line, Rwanda's GDP per capita is $250 US/annum, HIV/AIDS rate is 11. 21 per cent and for people over 15 years, 7.1 per cent have secondary level of education, 0.4 per cent have some tertiary level of education.

Youth who are about 36 per cent of the total Rwandan population (GNC, 2002), constitute the category of vulnerable people who mostly suffer from the effects of the 1994 genocide. The findings of the survey conducted, in 2003, by the Ministry of Youth, Culture and Sports (MIJESPOC) in collaboration with GTZ, showed that many young people lost several years of their

education and professional careers due to life in the Diaspora; others lost their families and personal belongings in the genocide and the war. Most of them are generally poor and live in rural areas where they experience all the difficulties mentioned above especially landlessness and unemployment *(Ibid.)*.

The government of Rwanda embarked on a new path of development, within the process of economic recovery. Several official documents enshrining the principles of development were developed. The National Land Policy (NLP) adopted in 2004 is among other policies developed for eradicating poverty, social inequalities in terms of land ownership and establishing a land tenure system that guarantees tenure security for all Rwandans. The policy intends to put people in group settlement (Villagization) and promote land consolidation for efficient production (MINITERE, 2004).

1.2. Aims and Rationale

The aim of this study is to investigate land tenure issues confronting the youth in rural Rwanda, specifically in the district of Kamonyi. The study investigates the problems they face in terms of land access and ownership in the post-genocide Rwanda.

As a second objective, this research aims to analyze the National Land Policy (NLP) of 2004 by focusing on the extent to which youth concerns have been incorporated in it. The analysis looks at three aspects of this policy, namely, the land redistribution programme, the group settlement programme, and involvement of government departments, civil society and youth in particular in the policy process.

Land tenure refers to the terms and conditions on which land is held and used. Tenure is not a matter of men's relationships to land but a matter of relationships between individuals and groups of individuals in which rights and obligations with respect to control and use land are defined (Birdegard, 1993, in MINITERE, 2004; Hall, 2003).

A number of reasons have motivated this study. One of the key rationales of this study is based on the fact that land had been at the core of conflict in rural areas of Rwanda (Pottier, 1997 Kazoora, 2004). Prior to 1994, the problem of land was linked to genocide by scholars, such as (Pottier, 1997 cited in Musahara (2001); Prunier, 1996; Kazoora, 2004). According to Pottier (1997), in the building up to genocide, land scarcity and despair of landlessness, jobless youth were factors much larger than

ethnicity itself.

In Rwanda, the category of youth which is made up of all young men and women whose age falls between 15 and 35 years (MIJESPOC, 1999), constitutes 36 per cent of the total population of Rwanda (GNC, 2002) and the majority (70 per cent) of youth live in rural areas of Rwanda (MIJESPPOC, 2004), where there are problems of landlessness, low land productivity due to soil degradation and land conflicts.

In addition, the study conducted by MIJESPOC-GTZ (2003) reveals that many young men and women are not educated enough to be employed in the formal sector and in the craft industry. For this reason, they are mainly employed in agriculture, where they experience the above land related issues. The same study reveals that 61 per cent of the youth are single and live with their parents; only 21 per cent are regularly employed, while only 25 per cent who have not attended schools are educated in the Vocational Training Centres (VTC).

Unlike children and their elders, youth need land more for farming and housing, as they no longer depend on parents while they are not skilled enough to engage in non-agricultural activities. However, none of the previous studies has focused on the youth's land tenure problems. This study intends to investigate the magnitude of issues of landlessness, land scarcity and low productivity in Kamonyi and how they impact on the youth's lives.

In addition, land issues, including land scarcity, landlessness and low agricultural productivity due to soil degradation have dominated the debate on economic recovery, in the post-genocide Rwanda. In these debates, the question of access to land was the most worrying one. This is a common issue in the societies where the majority of the population are farmers with insufficient land. This shows why such research in the domain of land tenure is justified, as the economy of most of the population in the Rwandan society is based on agriculture.

During the post-genocide-period, land problems intensified and became more complicated owing to the return of former refugees who had fled the country in 1959 and 1973. On the one hand, former refugees found their lands occupied by other

people. On the other hand, new refugees of 1994 returned generally from Congo in 1997 and found their lands occupied by former refugees (Halord, 2003). In this respect, this study investigates land tenure problems experienced by youth from former refugees in the district of Kamonyi.

Rwanda is among the most densely populated countries of sub-Saharan Africa with over 8 million of population (GNC, 2002). The high population growth resulted in land scarcity and soil degradation because of imbalances existing between the population and natural resources. As such, this study also investigates the causal relationship between the family size and land scarcity and the impact on the youth's lives in the district of Kamonyi.

On the eve of 2004, the Rwandan land tenure system was made up of a coexistence of a written law that was introduced by colonizers and the customary law. The written law was applied to few individuals and mostly to churches, more often in urban areas (Nkurikiyimfura, 2004). The customary law was applied to 90 per cent of the country's arable land (MINITERE 2004: 22). According to the customary law, land is acquired through land occupation, inheritance, or transfer and by prescription. According to the written law, land is acquired through tenancy contracts of plots for building purposes (for 3 years), through long lease contracts of land for agriculture purposes (for 15 years), through free assignment contracts, through sale contracts and title deeds and by right of access: a mode which is common for public institutions *(ibid.)*.

The introduction of the written law allowed the churches and the elites to acquire vast amounts of land and as a result, there has been inequitable distribution of land resulting in landlessness (Nkurikiyimfura, 2004). Therefore, this study also intends to assess whether there is a problem of unequal distribution of land among dwellers of Kamonyi district, its nature and how this impacts on youth's lives. The customary law that has been dominant in many parts of Rwanda was unfavourable to women because it excluded them from inheritance of family land (RISD, 2001; Prunier, 1995, Guichoua, 1995; MIGEPROF, 2004). This land tenure system also favoured land fragmentation through the process of inheritance and failed to handle issues related to land scarcity in the post-genocide Rwanda. In addition, the customary law does not offer title-deeds documents.

This study intends to investigate whether the customary law is also dominant in the district of Kamonyi and how it impacts on the rural youth of Kamonyi district, especially on women, in terms of land access and ownership. Since 1999, the inheritance

law recognizing women's access to land has been promulgated. Musahara and Huggins (2004) observed that this could exacerbate the problem of landlessness as the number of parents' properties heirs increased. This study equally investigates land tenure issues faced by young women since they have been allowed to inherit their parents' and husbands' properties. The overall aim of the National Land Policy of 2004 is;

> *To establish a land tenure system that guarantees tenure security for all Rwandans and give guidance to the necessary land reforms with a view to good management and rational use of national land resources* (MINITERE, 2004: 18).

The policy itself is relevant and it is an important land mark in the history of Rwanda, but its success will be observed through the way it will deal with poverty among rural poor and solve problems of land conflicts in rural areas (Musahara and Huggins, 2004). However, there has not been an in-depth analysis of the Rwandan National Land Policy of 2004, specifically with the focus on the extent to which youth's concerns have been incorporated in the policy while they constitute a category that should be taken into account by any development policy. Apart from their high percentage, youth constitute the main category of active labour force having agriculture as their mainstay (MIJESPOC-GTZ, 2004).

Furthermore, future political leaders will be selected from among the youth who are now mostly illiterate (33, 2 per cent), poor (55 per cent below the poverty line of 1 U$/ day) and HIV/AIDS infected (11, 2 per cent) (MIJESPOC-GTZ, 2003). Based on the above figures, any developmental policy as far as land reform policy is concerned, should take into account the youth's concerns as noted by the recent Triennial Strategic Plan 2004-2006 outlined by the MIJESPOC (2004) that, the Rwandan youth play the core role in the development of Rwanda, henceforth any development policy should not ignore the interests of this category.

As the National Land Policy of 2004 intends to solve land tenure problems among all Rwandans, the specific land tenure problems facing youth must be identified and understood. This means their nature, causes and effects on the youth's lives have to be understood first. Moreover, as there is no available literature on youth's land tenure problems produced based on the empirical study, the current study aims to fill this gap and to contribute to the existing literature on land tenure problems in Rwanda with reference to the district of Kamonyi. This district is known to have land conflicts and many problems related to polygamy, unfertile lands and low agricultural productivity due to erosion and overexploitation and population pressure

(MINALOC, 2003).

1.3. Research questions

The cardinal questions to be answered through this research are the following:

What are land tenure problems facing the rural youth of Rwanda and how does the Rwandan land reform policy of 2004 deal with them?

To answer the cardinal questions, a series of secondary questions are dealt with:

1. What type of land access and ownership exists in the district of Kamonyi?
2. What are the problems related to land access and ownership experienced by the youth of the district of Kamonyi, their causes and effects on the youth' lives?
3. To what extent are the youth concerns included in the land policy of 2004?
4. To what extent did youth, other government departments and the non-governmental organizations participate in the land reform policy process?

1.4. Chapter Outline

Chapter one: This chapter gives a brief review of the background to Rwanda. It also discusses the aims and rationale of this study, the problem statement and presents the research questions.

Chapter two: This chapter presents the definition of the key concepts, which are youth and land reform, the literature review on the land tenure and the conceptual framework. The literature on the land tenure system in Rwanda, the problems of land experienced by the population of Rwanda before, during and after colonization are presented, and finally this chapter links the literature review to the youth of the rural areas of Rwanda. The theoretical considerations that frame this work are the concept of participation, the human needs, and the resource scarcity and conflict theories.

Chapter three: This chapter presents the research methodology used. This study used a qualitative research design, which provides a rich, contextual perspective on the issues that one may not get in a standardized questionnaire and usually involves the collection and analysis of in-depth information on a smaller group of respondents.

Chapter four: This chapter presents and discusses the data gathered from the field.

Chapter five: This chapter presents the conclusion, which is made of a summary of findings and provides recommendations related to the land tenure issues confronting youth of rural areas of Rwanda and the land reform policy process, to the policy makers and the youth.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Definition of Concepts Used

2.1.1. The Concept of "Youth"

As each country has its own definition of the youth, in 1999, the Rwandan Ministry of Youth, Culture and Sports defined youth

as all Rwandans who are between 15 and 35 years (MIJESPOC, 2004). In this work, young men and women interviewed were those persons falling between the ages of 15 and 35 years. According to the findings of the Rwandan General National Census (2002), youth are about 36 per cent of 8 million population of Rwanda. In the context of land acquisition in Rwanda, young men and women of that age are those who may inherit the land of their parents or may seek land for agricultural production and plots for housing (MIJESPOC, 2004: 28).

Therefore, for the purposes of this chapter, the Rwandan definition of youth will be used because in the context of land issues in Rwanda, young men and women of the above age are those who mostly experience land tenure issues as they are involved in agricultural production and need plots for housing *(ibid.)*. In addition, within the category of youth, it is also important to make a further distinction between teenagers and young adults, since the problems faced by these two groups are quite distinct. The choice of this group has been motivated by a number of other reasons. Apart from constituting 36 per cent of the population of Rwanda, youth are surrounded by various issues all over the world and particularly in Rwanda.

The United Nations Human Settlements Programme cited by Niall (1997), gives an overview of the risks that youth face today in the Developing World. These are migration from rural to urban areas combined with economic and social hardships, decreasing employment opportunities for youth, low levels of education and training, rising levels of delinquency, crime and growing slums that lack basic services. All these issues are leading to a breakdown in norms and values among young people. Jessor (1977) cited by Miguel and Dean, (2003) pointed out that there is a lack of youth socio-economic development programmes that focus on meeting their needs for safety, respect, identity, power, challenge and participation in decision-making. As such, when these needs are not met, youth do not develop individual characteristics that protect against involvement in health-risk behaviours such as alcohol, tobacco, and other drug abuse and violence.

This study intends to target the youth of Kamonyi district, because relying on the arguments of Miguel and Dean (2003), when young people are asked, they can easily identify the major barriers to their development and also devise and implement solutions for overcoming their hurdles. In Rwanda, the field work carried out by the Rwandan Youth Information Community Organization (rYICO, 2003) showed that local youth face a number of problems, including the lack of employable skills. This has come about for a number of reasons, such as the lack of investment in education by the post-independence governments

and the problem of discrimination experienced by Tutsi, both in Rwanda and as refugees in neighbouring countries. In addition, the genocide and the war left a large number of orphans. As a result, a number of youths leave school at an early stage in order to be responsible for younger family members.

For all the reasons mentioned above, there is a large number of poorly educated youth competing for jobs in a country with a high level of unemployment. As such, they are only involved in agricultural activities where they experience land related problems. The poor young women are mostly vulnerable because older men often approach young girls for an exchange of sex for money, food or school fees. This *sugar daddy* phenomenon is a key transporter of sexually transmitted diseases including HIV/AIDS, which puts young generations of females at risk. Furthermore, this group of youth has been chosen for its experience of gender-based inequalities (*ibid.*).

2.1.2. Land Reform

Land reform is defined as a process whereby a country changes the way in which land is held, usually moving from an inequitable land holding regime to a more equitable one. The purpose of land reform is to provide land to people who do not have land for residential, agricultural purposes and to make sure that the land distributed is used in a more productive manner (Roodt, 2001). In the case study of South Africa, Roodt argues that the objectives of land reform go beyond what is said above whereby it also aims to resolve and reverse the consequences of the land expropriation, deprivation, and forced removals which are the legacies of colonisation and apartheid. According to Russon, (2004), land reform must protect the rights of farm workers, not only on paper but also in practice, and must ensure that they reap the benefits of the reforms in terms of job security and better working, living conditions and better wages.

Land Tenure Reform is one of the legs or pillars of Land Reform Programme. Adams *et al.* cited by Hall (2003:3) define Land Tenure as "the terms and conditions on which land is held, used and transacted." In the post-apartheid South Africa, land tenure reform aims to address the inequalities between owners and occupiers by formalizing informal rights, upgrading weak rights and setting in place restrictions on the removal of rights to land as stated in the Department of Land Affairs' *White paper on South African Land Policy* (DLA, 1997:57). In Rwanda, the land tenure is considered by MINITERE, (2004: 18) as;

> *A set of modes or procedures of land acquisition and ownership, a combination of rules that define the*

modes of access, use and control of land and its renewable natural resources.

The land tenure is also understood as a relationship between men or social groups and land or its underlying resources. The aim of the land tenure in Rwanda is to guarantee tenure security to farmers as a means for them to access credit, through formal title. Moreover, land tenure has a multidisciplinary dimension that includes social, technical, economical, institutional, legal and political aspects. It therefore states that debates on land issues must deal with various aspects of the environment, including the vision of space and nature, forms of landownership, the role of the government, etc.*(ibid.)*. In this study, land tenure reform is viewed as a change of procedures of land acquisition and ownership in Rwanda with the aim of providing all Rwandans with tenure security just as it is stated in the current National Land Policy of 2004.

2.2. An Overview of the History of Land Tenure in Rwanda

Rwanda was inhabited firstly by "Batwa" Hunter-gatherers. This group lived in rainforests for thousands of years before the colonial period. The second Rwandan inhabitants were "Hutu" who settled the country by 1000 BC. The last were "Tutsi" of Nilotic origin who migrated into the Kivu rift valley around 500 BC (Kagame, 1952; Coupez, 1995).

2.2.1. Land Tenure System in the Pre-colonial Rwanda

During the pre-colonial period, land tenure system was governed by the customary law. This tenure system recognises land rights of the owner who acquired land through free land occupation, through inheritance, by sale and as a donation. In the pre-colonial period when Rwanda was not highly inhabited, people acquired land as the first occupiers after clearing new land to which no chief had laid claim. Under the customary law, the first occupiers had not only the ownership rights but also the rights to use, control and to bequeath (Kagame, 1952). Hence, under this tenure system, land rights were respected and passed on from generation to generation up to the eve of the current land law. . Under customary law, four systems regulated land access and land use. These systems were: "igikingi", "ubukonde", "inkungu" and "Gukeba".

1. **Igikingi**: This system was the most common land tenure system right up to the arrival of colonialists. It consisted of

rights to grazing land, granted by the "Mwami", head of the kingdom or his chiefs named "abatware b'umukenke" to pastoral families in exchange for some payment.

This system was especially used in the east, the centre and the south of the country, the area that submitted to the Tutsi domination (Coupez, 1995).

2. **Ubukonde**: This land tenure system was dominant in the northern-west and in the Hutu kingdoms of *Bukunz*i and *Busozo*. Under this land law, the land belonged to the clan but the control and access to that land was held by the chief of clan issued from the lineage-group which first cleared the forest. The head of the clan would grant land to several families named "abagererwa" who would settle on the area and be subjected to a land tax in kind *(ibid.)*.

3. **Gukeba**: In agricultural areas controlled by Tutsi, the "ubukonde" system was replaced by the "gukeba or kugaba" system. This refers to the process of settling families onto the plots of grazing land or fallow land called "isambu".

4. **Inkungu**: This was a disposal of abandoned or confiscated land by the local political authority. These lands were classed as reserved land, available for allocation by the authorities to those in need *(ibid.)*.

In order to ensure a better management of land and other resources, a triumvirate of social, political and administrative structures emerged: The "Umutware w'ubutaka" who was the chief in charge of land, the "umutware w'umukenke" who was the chief in charge of livestock and "umutware w'ingabo" who was the chief of the army (Prunier, 1995). However, the customary tenure system is not without negative impact on the youth, especially the current generation.

In fact, as the population of Rwanda increased, the land occupied by the ancestors became smaller due to fragmentation through the process of inheritance. In some families, when inherited land became too small, young men (heirs) were obliged to buy another plot from people who occupied large pieces of land in the past. A person could also receive land donated by a friend as a sign of friendship.

However, this land tenure system resulted in land scarcity which is why the current generations are constrained to inherit land. Moreover, the customary law does not give title-deeds as a proof of land ownership. This impedes the current generation from

developing the land, as they cannot access credit from the bank to buy artificial fertilizers and make the land more productive. This should be the reason why the rural areas experience problems of food shortages (see Baechler, 1999, in Musahara, 2001).

2.2.2. Land Legislation under the Colonial Period

Rwanda was first colonized by Germany from 1903 up to 1917. Germans did not destroy the kingdom administration on land; instead they recognized the King's authority over land. Belgians who were the second to colonize Rwanda introduced elements of political domination that brought deep changes in land management in Rwanda. In 1926, Belgians divided the whole country into chieftaincies and abolished the traditional system through which the Chief of Clan could own land in different areas (Prunier, 1995, Kagame, 1952).

In 1935, Belgians developed a land law known as *the 1935 decree on land use*. The Belgians introduced the land written laws basically for guaranteeing tenure security for settlers, especially foreigners wishing to invest in land in Rwanda. This decree recognized tenancy contracts of plots given for building purposes for a three year period in urban areas, a long lease contract of land given for agricultural purposes for a period of 15 years or more in rural areas and free assignment contract in both rural and urban areas to natural or legal persons for social activities with real impact on the welfare of the people (Pottier, 1997, MINITERE, 2004).

Only the colonial public officers could guarantee the right to use the land taken from indigenous and that other foreigners wishing to invest in land in Rwanda should apply for land to the colonial administration. The same decree stated that the natives should not be dispossessed of their land. This means that the colonial government recognised the then customary tenure system. The introduction of the written law therefore gave rise to a dual system of private property and communal ownership. Only settlers and foreigners were governed by the written law and they became the only title-deed holders while all the land occupied by natives was governed by the customary law (Nkurikiyimfura, 2004).

In this context, the formal private property system was applied mostly to land ownership in towns and the church land in the

rural areas. This allowed different private institutions like churches, specifically the Roman Catholic Church to acquire vast amounts of land, just around church buildings or its initiatives, such as schools and hospitals.

Likewise, it is in this period that the problem of inequitable distribution of land started following the implementation of the above legislation (*ibid.).* Young men and women are mostly disadvantaged by the colonization legacy of inequitable land distribution, as most of them belong to poor families which have very small and unproductive land.

Comparatively in many other African countries, the question of land is commonly viewed through the lens of historic injustice of colonization. For example, in the Southern African region, especially in Zimbabwe, South Africa and Namibia whites took over the vast majority of land and other economic privileges in their hands to the detriment of black natives (see, International Crisis Group, 2004). As a result there has been inequitable distribution of land between black natives and white settlers. In South Africa, apartheid, since the passing of the 1913 Natives Land Act, dispossessed at least 7 million people, mainly black Africans and the land was allocated to whites, specifically white farmers. This means that some whites did not own land (Levin and Weiner, 1997).

In fact, land dispossession and forced removals resulted in the concentration of arable land ownership in the hands of an estimated 60000 white capitalists, while nearly 70 per cent of the rural population live in poverty. At the end of apartheid, 86 per cent of the land was owned by whites who constituted about 13 per cent of the population, whilst close to 85 per cent of blacks controlled a meagre 13 per cent of the land (Levin, 1994, cited by Kariuki, 2004).

In Zimbabwe, land dispossession was carried out between 1910 and 1965. In the post-independence period, white commercial (about 0.03 per cent of the population) controlled 31 per cent of the country's land or about 42 per cent of the agricultural land, while 1.2 million black families controlled only 4 per cent of the country's land (Moyo, 2000 cited by Kariuki, 2004). It has been asserted that despite post-independence and post-apartheid promises of equitable land redistribution through the land reform programmes, the vast majority of land remains in the hands of white commercial farmers in these southern African countries (International Crisis Group, 2004).

During the written land law implementation in Rwanda, some elements of the traditional land tenure system were abolished. These are the systems of *Gukeba* and *igikingi*. In 1940, Belgians imposed constrains on the *ubukonde* (but did not abolish it completely) and proposed the exclusive individual rights (Kagame, 1952; Prunier, 1995). In order to deal with the problem of increasing population density and to take over new areas, in 1940 colonial authorities introduced the grouped homestead system known as *Paysannats* which was a form of *villagisation* known as *imidugudu* in the local language.

The same system has been adopted by the present government of Rwanda and included in the Land Reform Policy of 2004 in order to promote land consolidation and to avoid fragmentation of plots. The system of *paysannat* was applied in regions, rich in grazing land and in other land reserves. Each household was given residential site accessible to road system backed by two hectares for agricultural purposes (Coupez, et Platteau, 1998).

However, despite having suffered from the disturbances of the colonial period, land management maintained aspects of traditional practices such as the methods of access and use of land *(ibid).* In any case, the written land law has not helped people in rural areas of Rwanda. Rather, it provided urban residents and private institutions with title-deeds, guaranteeing them tenure security and enabling them to access credit from banks, marginalising rural dwellers that were mostly in need of title-deed documents to access credit and overcome land conflicts related to boundaries. Young men and women from the rural families have inherited such lands which are non-registered and have no title-deeds as well as the poverty and conflicts related to the lack of the title-deeds.

2.2.3. Land Tenure in the Post-colonial Period

From 1962, the year of independence, up to the eve of 2004, the land access, ownership and control have been governed by a dual system of land tenure: the customary law and the written law. The customary law was dominant because 90 per cent of land was still managed under customary law and the statutory land tenure was only applicable to a few land owners, more particularly, those in urban areas, trading centres and religious communities (Halord, 2003).

Musahara and Huggins (2004) observed, that the problem of unequal land distribution continued even during the post-independence period in 1962, and in 1973 when the new state elite managed to accumulate large scale of land. Portions of

land were taken from the Tutsi and were allocated to the Hutu who remained in the country, especially those belonging to elite, after the Tutsi had fled the country in the *social revolution* of 1959.

In addition, the law known as the "Loi Communale of 23rd January 1963" assigned to the then commune (district at present) the responsibility for playing an important role in the administration of land registered under the customary law. The Decree No. 09/76 of 4th March 1976 which remains the land law currently in operation in Rwanda allowed people to sell and purchase the customary land. However, those who bought these lands tended to be the government, government officials, businessmen and industries, instead of full-time farmers (Prunier, 1995). This process of land accumulation by elite and the dispossession of the Tutsi added to the inequitable land distribution based on the legacies of colonization resulted in increasing land scarcity, landlessness and low agricultural productivity, specifically in rural areas of Rwanda. Likewise, the number of rural landless young people increased.

Young people, specifically from the former refugee families are currently landless and have no shelter, because when they returned home after the genocide and the war of 1994, they found their parents' lands occupied by others, mostly Hutu elite families since the 1959s while most of these young people lost several years of their education and professional career due to life in Diaspora. As the study conducted by MIJESPOC-GTZ (2003) shows, all these young people are generally poor and live in rural areas where they meet issues of landlessness, unemployment, inter and intra familiar conflicts, etc.

2.3. Challenges Facing the Post-independent Rwanda, in terms of Land Tenure

2.3.1. High Population Density and Land Scarcity

A corpus of research reports have shown that extremely high population growth in Rwanda has resulted in natural resources, specifically land scarcity (see, Clay *et al.,* 1998; Musahara, 2001; MINITERE, 2004, Homer-Dixon and Perceival, 1996; Ohlsson, 1999). In Rwanda, the findings of the National Census of 2002 showed that the population of Rwanda increased from 1, 5 million people in 1934 to over 8 million in 2002 and it is estimated to increase from 8 to 13 million people by 2020s.

The dramatic population growth has resulted in a change of population density. The population density on arable land has risen from 272 inhabitants per square kilometre in 1990 to 321 inhabitants per square kilometre in 2002 *(ibid.).* However, some districts have an exceptional high density, like Shyanda of Butare Province that has over 700 inhabitants per square kilometre, and Nyakinama and Ruhondo districts of Ruhengeri that have respectively 662 and 762 inhabitants per square kilometre. The increase in population density has had harmful effects on the natural resources including land *(ibid.).*

One of the effects is that farm holdings have become very small due to excessive land fragmentation.

Clay *et al (*1998) have observed that the effects of rapid population change were that farm holdings have become smaller due to constraints on land availability; there has been an increase in the number of households who rent land, particularly households owning little land or those with large families.

It has also been observed that the rapid increase in population density has resulted in an increase in pressure on marginal land and an increase in the uneven distribution of land. Several sources have indicated growing landlessness (Musahara, 2001; MINITERE, 2004, Homer, 1996; Ohlsson, 1999). The surface of arable land is estimated at 52 per cent of the total land mass of the country which means 1,385,000 million hectares. In addition to this land, there are 165,000 hectares of marshlands available for agriculture.

The findings of the research that was conducted by Haba and Bizimana (2005); Clay *et al.* (1998); Prunier, (1995) and Pottier (2002) shows that the problem of the reduction of cultivated land size has equally been restructured. For example, Haba and Bizimana (2005) found that 51 per cent of the family land holdings were estimated to be less than 0.5 hectares. This situation is found in some provinces namely Gitarama, Gisenyi, Cyangugu, Gikongoro and Butare. Young men and women of the current generations from the poor families of the rural areas come from families with small land holdings. This is likely to result in some young people (heirs), especially those who come from poor families with small land to inherit very small pieces of land, to lack of land for inheritance and to become landless. It has also been pointed out by Baechler (1999), in Musahara (2001) that these households were not satisfied with the production from their farms, in terms of food security. The same author observed that currently, despite the regional inequality in family land holdings, the overall estimation of available agricultural land per family is

ranged from 0.25 hectares to 2 hectares while according to FAO a farming unit should have at least 0.90 hectares to be economically viable.

Based on the family size's plot recommended by UNFAO, it is obvious that there is no viable land for any family in Rwanda and this should worsen in the future since there are no possibilities to find new land for more than 13 million people that Rwanda is expecting to have in 2020. It goes without saying that the problem of landlessness will worsen as long as the population living in rural areas continues to have agriculture as their mainstay.Poor agriclturai practices will also contribute to the problem. The rural young men and women of the current generations are likely to suffer from hunger resulting from food shortages as many of them live in poor families that have small holdings of land. In fact, 60 per cent of people live below the poverty line, Rwanda's GDP per capita is $250 US/annum, and the population density is 321 inhabitants per square kilometres (MINECOFIN, 2002).

2.3.2. Land Scarcity and Conflicts

De Lame (1996), in his study of the land question in Rwanda, observed that many cases of inter and intra familial disputes were centred on land. Before genocide Pottier (1997), cited in Musahara (2001), has observed that land problems were key factors of the genocide. Prior to 2004, about 80 per cent of intra and inter familiar disputes were reported in Rwandan districts (Kazoora in *New times*, February, 16-18, 2004). Most of the studies on the land question in Rwanda showed that one of the most important causes of land disputes in the post-genocide Rwanda was the mass return of refugees of 1959 and 1973 (Halord, 2003, Musahara and Huggins, 2004, Palmer, 2000).

These refugees named *old case* found their properties, including land, occupied by other people. The Arusha Peace Accord (1993) stated that in the interest of promoting social harmony and national reconciliation, refugees who fled the country over ten years before should not claim their property if it had been occupied by other individuals. However, some of old cases settled on land recently abandoned by *new case* refugees. Disputes around properties including land were reported in 1997 and the government embarked on the program of *massive group resettlement* in order to overcome these land issues linked to the refugee crisis (Halord, 2003). Some people refused to live in the group settlements but those who live there experienced many problems because the houses are built in poorly sited villages, with inadequate provision of the infrastructure, without facilities, services and economic opportunities.

Another cause of land scarcity is unequal distribution of land that has characterized Rwanda specifically beginning under the early post-independence governments. The gini-coefficient of land distribution has dramatically increased up to 0.594 (MINECOFIN, 2002). Similarly, Homer-Dixon and Perceival (1996) explored the link between environmental scarcity and conflicts in twelve case studies: Chiapas (Mexico), Pakistan, Gaza, Rwanda, Mauritania, India Senegal, Bangladesh, Honduras, Haiti, Peru, south Africa, the Philippines, and the West Bank. Their research findings showed that scarcity of renewable resource produces civil conflicts, instability, large and destabilizing population movements, aggravating racial, ethnic or religious tensions.

Movini (2000) cited in Homer-Dixon (1994), linked the resource scarcity to conflicts, in his study on Natural resources scarcity and conflict in the *Karamoja a*rea of the northern Uganda, a home to pastoralists called *Kalamojong*. This area was characterized by the reduction of groundwater resources on which the local population depends, due to the low rainfall, drought and other aspects of environmental degradation, the high rate of loss of livestock. In addition, 50 per cent of *Karamoja* was a protected biodiversity conservation area, where the government had prohibited any human activities. This situation led to internal armed conflicts and cattle raiding between the different tribes and also to external armed conflicts with people from neighbouring countries with the same resource scarcity problems (*ibid.*).

Young men and women often become vulnerable due to the consequences of wars and conflicts around land. Most of the youth are recruited by different armed groups and involve themselves in civil war, others experience hunger in refugee camps and suffer great hardship of exile. During the war and in the refugee camps, young women are raped, others are made pregnant unwillingly. There is possibility of being infected with HIV/AIDS in such living conditions. Michelle (2003) also argues that at the core of most intractable conflicts are deep rooted divisions affecting parties' fundamental interests, needs and values. These include irreconcilable moral values, matters of justice and human rights, unmet human needs and high-stakes distributional issues. Such conflicts have damaging effects on African countries where houses, schools and hospitals are destroyed, and where inhabitants especially youth and children are killed.

There is a need to study what are the socio-economic living conditions of young people and those of the members of these families who have no land ownership since they returned to Rwanda. This research will investigate the land tenure issues of

these young people and their socio-economic life conditions.

2.3.3. Gender Inequality in Land Access and Ownership

The current land tenure system which is a combination of the customary tenure and the written land laws considers land a prerogative of only men. The custom excluded women from the inheritance of the family property and fathers only bequeath male children. Only widows were entitled to the right of usufruct over family land and gave it the male children when they came of age (Guichaoua, 1995). At the death of the husband, the woman was obliged to return to her parents unless she had borne the late husband children. However, she would stay on her husband's land if she married one of her husband's brothers. But the land ownership rights belonged to the new husband not to the woman *(ibid.)*.

However, women also could own land but as a donation or a gift. In some regions of the country, fathers could offer plots of land as a gift that was named *urwibutso*. In the areas of the Province of Ruhengeri, a piece of land was offered to the bride as a marriage gift named *intekeshwa* to welcome her in the new family. In the same context, a woman could receive a plot of land called *inkuri* from her parents after bringing her newborn baby to them (MINITERE, 2004).Women who were repudiated by their husbands could be provided with plots of land named *ingaligali* from the chief of the clan.

According to the custom, the chief of clan had a land reserve known as *ingaligali* that he could allocate to his daughters repudiated by their husbands and these women known as *Indushyi* were allowed to claim this type of land *(ibid.)*. Actually, gender inequality can be considered among the legacies of the current dual system of land tenure. In any case, the exclusion of women from inheritance constrained them from attaining development. Land access and ownership would help young women to respond to their basic needs and eventually to develop because land is the main asset of rural Rwandans, including women.

The issue of gender inequality in matters of property ownership has been addressed by the new inheritance law published in the Official Gazette No.22 of 15th November 1999. Article 50 of the same legislation stipulates that male and female children are all equal and have equal rights to inherit their parents' properties, both prior to and after the death of their parents without any discrimination (MIGEPROF, 2004). This study will investigate whether young women are given land in terms of inheritance without any reluctance or opposition on behalf of the male children and their fathers.

2.4. Review of the National Land Policy of 2004

In June 2004, the government of Rwanda adopted a land reform policy with the purpose of solving the issues around land. The idea of developing a new land reform policy and a new land law was launched by the post-genocide government, in 1996, two years after its establishment.

The National Land Policy analysed by the current study was adopted by the government in 2004 and it is a product of many recommendations, including those made by an appropriate study on land reform, funded by the United Nations' Food and Agriculture Organization that was conducted in 1997. This study recommended that a land reform programme should be launched with the aim of making land more productive through mechanisms of better land use. The same study recommended that plots should be legally indivisible in order to safeguard plots-sizes and that people should be mobilized in group settlements *imidugudu* or villages (MINITERE, 2004).

Moreover, some other social and economic government policies were consulted and they framed the current land reform policy. For example, some key points of the Poverty Reduction Strategy Paper (PRSP) that was drafted in 2001 were integrated. These are the provision of a title-deed document for improving tenure security, land consolidation which consists of providing title-deeds to ceilings of 50 hectares and refusal to give the latter document to owners of plots of less than one hectare (MINECOFIN, 2002).

The Vision 2020 document enshrining Rwanda's vision for development up to 2020 has also been consulted, especially its points of achieving recapitalization and transformation of the rural agricultural landscape into a commercialized sector. One of the aims of the current study is to investigate the extent to which the youth of rural areas of Kamonyi, other government departments and the civil society have been involved in the current National Land Policy development.

This study will investigate whether rural youth are aware of the policy objectives as well as their role in land policy implementation.

In the context of tenure reform, the current land policy states that:

> *A new registration system will be set up as well as the modern cadastral system that will facilitate the*

process of land registration throughout Rwanda. All the land will be surveyed first, an inventory of all land owned according to the customary law and the communal and vacant land and State's private land will be done. A computerized national cadastre and land registration will be established and registration certificates of renewable long lease of up to 99 years will be given to land owners and will serve as title-deeds both in rural and urban areas (MINITERE, 2004: 25-26).

The overall objective of the National Land Policy (2004) is:

> *To establish a land tenure system that guarantees tenure security for all Rwandans and give guidance to the necessary land reforms with a view to good management and rational use of national land resources* (MINITERE, 2004:18).

In relation to youth issues of landlessness and poverty resulting from poor land productivity, this objective is relevant because for many years , youth who acquired land could not access credit, due to lack of proof of land tenure security. The National Land Policy of 2004 states that, "The minimum surface area of a homestead property should be fixed at 1 hectare for it to be economically profitable" (MINITERE, 2004: 37). This is not far from what was suggested by UNFAO in 1997 that a cultivation plot should be at least 0.90 hectare to be economically viable for a family.

However, this statement on the family plot size has been criticized by scholars like Lisa, (2001), and Musahara and Huggins, (2004). Criticizing the plot size of 0.75 hectare that was stated in the National Land Policy draft of 2001, the latter scholars have observed that a small parcel of less than 1 ha cannot be viewed by financial institutions as a viable form of collateral. However, the plot of one hectare is still small to be considered by the same financial institutions.

Another point that has been subjected to criticism is the issue of how heirs should share such a small parcel. Article 91 of the 1999 inheritance law, provides that a plot which does not exceed an area of 1 ha cannot be partitioned. The heirs have to agree on the modalities of its sale or exploitation and share the proceeds (Lisa, 2001).The family land size required by the current land policy for having a title-deed is likely to be a challenge to many young people, especially those who come from households with very small land of less than one hectare.

Kenny (2001) observed that if land reform is not implemented with care, laws on minimum plots size, plot consolidation and

professional farming could increase the number of landless poor and heighten social tension. In addition, the process of solving land tenure issues requires a long time, substantial levels of financial and human resources which Rwanda does not have (*ibid*.).

As for the modes of land access and ownership, the National Land Policy of 2004 states that land tenure will be governed by the written law but people who acquired land through inheritance will continue to enjoy their land rights;

> C*ustomary land rights and land use rights legally granted by the competent authority should give to the beneficiary full rights of ownership through a long lease which guarantees the security of land tenure security and raises the value which is essential to both the tenants and the state"* (MINTERE, 2004: 23).

In order to solve the problems of gender inequality in land access and ownership, the National Land Policy of 2004 states that;

> *All Rwandans, men and women, are equal and have equal rights in terms of land ownership and that for this reason they must be informed about the modes of land access, acquisition and ownership* (MINITERE, 2004: 24).

The above mentioned land policy objectives would advantage the youth who acquired land through inheritance, especially young women who have been excluded from land ownership through inheritance for many years. However, the policy seems to say that individual land ownership acquired through inheritance will be abolished; which would worsen the situation of women's land ownership rights;

> A *clause forbidding the parcelling of land by inheritance or transfer inter vivos will be reflected in the land law (…) the regulation of buying back land among inheritors will be established in order to render the consolidation of plots effective* (MINITERE, 2004: 25).

The National Land Policy of 2004 also states that there will be a land redistribution programme;

> Land *of the public reserves will be distributed to the landless peasants (old case) and to those applicants who show definite interest in land development" (*MINITERE, 2004: 25).

Young women and men who come from "old case" families and those with skills to apply for land ownership, showing interest in land development are likely to be more advantaged by this objective. The condition of application letter with a consistent plan

for land development aims;

> *To establish mechanisms which facilitate giving land its productive value in order to promote the country's socio-economic development* (MINITERE, 2004: 18).

Several scholars, such as Lisa, 2001; Musahara and Huggins, 2004, in their criticism of the policy draft of 2001, have criticised the aim of providing land to only *old case*. They argued that in this situation, the policy can generate other conflicts, as the category of *old case* is not the only one confronted by landlessness in Rwanda. In fact, there are many other reasons that make people landless, such as, distress sales of land, sheer land scarcity within a family, resulting in children being unable to inherit land. The current study intends to investigate other categories of landless youths in Kamonyi and examine other alternatives elaborated by the Ministry of Youth and the Ministry of Lands to deal with the issue of landless youth. The National Land Policy of 2004 states that group settlement named *"imidugudu"* in the local language is the only method allowing for utilization and proper management of land, considering the scarcity of land (MINITERE, 2004).

However, different scholars and senior agricultural specialists at the National University of Rwanda have asserted that this programme is very expensive and that productivity in group settlement is less than in non-villagized areas (Musahara and Huggins, 2004).

The group settlement programme itself is relevant because it can help solve the problem of housing resulting from landlessness among the rural youth. Landless young men and women would acquire plots for housing in the group settlements and remain with the problem of survival because the policy does not say any thing about the living conditions of people who will be settled in villages. However, the policy does not state whether rural young people were consulted before the policy adoption while they constitute a big number of those who must be settled. For this reason, this study intends to investigate whether the rural youth of Kamonyi district were consulted and to what extent youth's concerns have been incorporated in the policy. This research also investigates whether rural youth will accept to live in group settlement and whether they share the same view with decision makers, on the role played by group settlements in improving agricultural productivity.All of the previous studies that analyzed the land issues among the people of Rwanda did not investigate the land tenure issues faced by the youth in the rural areas of Rwanda. In addition, none of the above studies focused on the analysis of the Rwandan land reform policy adopted in 2004 in terms of examining to what extent it deals with land tenure issues faced by the rural youth. It is for these reasons that the

study aims to investigate land tenure issues facing the Rwandan rural youth and the extent to which the land policy of 2004 intends to handle them.

2.5. Theoretical Framework

Concepts and theories used to frame this work are: the concept of participation, the human needs theory and the resource scarcity and conflict theory.

2. 5.1. Participation

The concept of "Participation" means involvement of beneficiaries in public decision-making, implementation and control process of the project (Muratha, 2004). This concept has been also used in the theory of Community development whereby it means that all members of a community participate in decision-making that affect their lives, not merely in consultation or contribution. It is far more than the contribution of labour or supplies (Marsden, 1991). When developmental projects are developed without regard to beneficiaries' wishes, priorities and concerns, they always experience difficulties and often fail (Marsden , 1991; Chambers, 19991). On the other hand, findings of evaluative studies have shown that when projects take into account beneficiaries' needs, the results are always effective (Chambers, 1991; Rasheed, 1996). Levin and Weiner (1997) argue that participation cannot be generated from above, but is produced from below. However, the same authors assert that, although participation operates at the level of the local community, there is no assumption of homogeneity: class, gender, and generational social differentiation are recognized. Administrative structures and procedures associated with centralized planning and decision-making, together with legal provisions that require literacy and government approval, opposition by elites, have been identified as factors inhibiting effective participation (Marsden, 1991).

The empowerment of individuals or groups within a community concerns, by its nature, political action (Taylor and Mackenzie cited by Levin and Weiner, 1997). Popular participation is thus a process of organization and struggle involving the conscientization of all people involved, and can contest directly the power relations through which people in localities live their day to day lives *(*Levin and Weiner, 1997). It has been asserted that in post independent African countries, government marginalized the poor, excluded them socially, economically and politically. In the absence of such empowerment, it is impossible to expect improvement of conditions for the poor. Economic empowerment of the poor requires a commitment by

the state to democratic agenda of development that supports the poor (Rasheed, 1996). Lack of empowerment has been observed in Rwanda for many years by different scholars. Palmer Robin, criticizing the way the Rwandan Land Policy Draft (2001) was developed, argued;

> *Talking of empowerment or participation or of trusting the capabilities of the people even of all local officials is not possible in Rwanda because this country is especially burdened by centuries-old highly top-down tradition of governance regardless of who is in power. In addition most planners in the Ministry of Lands who developed the Land Reform Policy are Kigali-based "outsiders" who do not know Rwandan rural realities well. This can prompt them to develop a policy which does not reflect people's views* (Palmer, 2003: 6).

Young people are the central category to focus on in any development projects. Youth development theorists, such as Benjamin Kirshner *et al*. (1999) in Muratha (2004:6), insist on the youth participation in the development projects that affect their lives.

They argue that;

> *Youth participation is a key piece of positive development. In using the term participation we refer to a constellation of activities that empower adolescents to participate in decision making that affect their lives and to take action on issues they care about.*

Muratha Kinutha, in the Pre-symposium on Youth Democracy and Governance that took place in Addis-Ababa in 2004 argued that youth contribution to developmental projects is very important for reaching successful outcomes and added that in societies that are in transition to democracy young men have to be involved in decision making, in order to experience social justice as full citizens. African governments and their development partners, including the United Nations system, have increasingly acknowledged the importance of the role of popular participation in Africa's economic recovery and development over time, notwithstanding its limitations. The use of the concept of participation and youth development theory, in this research is motivated by the fact that they highlight that problems of poverty among people, specifically young people, are solved when they involve in planning and implementation of projects that affect their lives. Some of the youth are supposed to be future leaders and responsible for development projects implementation, hence, it would be easy for them to implement the projects that they have planned. In addition, as agriculture is the most important activity for rural youth, these young men and women must be involved in this activity by accessing to land and being trained for better use.

This concept is used to investigate whether rural people; specifically young people have been involved in planning and implementation of any project affecting their lives, specifically the land reform policy of 2004 and to show that they must be involved in finding solutions to the land issues they face. This study assesses the way the inherent limitations of the concept of participation do apply to the experience of land related problems in rural areas of Rwanda, and the way The National Land Policy of 2004 deals with them.

2.5.2. Human Needs, and Resource Scarcity and Conflict Theories

Human needs theorists (Simon et *al.*, 2000: 8) assume that "deep-rooted conflicts is caused by unmet or frustrated basic human needs-physical, psychological and social, security, identity, recognition of participation and autonomy". The same theorists emphasized that lack of provision of fundamental human needs, like food, water and shelter, cause many intractable conflicts. These are conflicts surrounding who gets what and how much they get, the items to be distributed being tangible resources such as money, land, better jobs as well as intangible resources such as social status. If there are plenty of resources available, then every one takes what he needs and no conflict develops. However, when there is not enough of given resource to satisfy every one's needs, and no more can be found or created, the conflict becomes a "win-lose" situation. The more one party gets, the less the other party gets. When the item in question is very important or valuable, these conflicts tend to become very intractable. The same theorists also argue that participation of the population in decision-making on programmes that concern their interests, is among their needs *(Ibid.)*.

Hence, lack of popular participation in any development project is among causes of rooted conflicts. In this context, this theory comes to complete the concept of participation mentioned previously. According to Homer-Dixon (1994), resources can be roughly divided into two groups: non-renewable, like oil and iron ore, and renewable, like fresh water, forests, fertile soils, and the earth's ozone layer. The latter category includes renewable "goods" such as fisheries and timber, and renewable "services" such as regional hydrological cycles and a benign climate. The concept of conflict has been defined by Simon *et al*. (2000: 4) as "a relationship between two or more parties (individuals or groups) who have or think they have incompatible goals". Conflicts arise from imbalances in their relations. We can cite unequal social status, unequal wealth and access to resources and unequal power, leading to problem such as discrimination, unemployment, poverty, oppression and crime (*Ibid.*).

Homer-Dixon (1994) in the resource scarcity and conflict theory asserts that environmental scarcity causes conflicts. The concept "environmental scarcity" encompasses all the resources and analysts often usefully characterize environmental problems as resource scarcities. According to this theory renewable resource scarcity produce civil conflicts, instability, large and destabilizing population movements, aggravating racial, ethnic or religious tensions. The human needs and the resource scarcity and conflict theories are used here because they have a link to the literature review. Further, they inform the research questions of the current study that a number of cases of conflicts are often related to the lack of provision of basic needs, such as land, food, shelter, money jobs, etc.

CHAPTER THREE: METHODOLOGY

3.1. Research design

This study used a qualitative research strategy. The choice of this strategy was motivated by various facts. First of all, qualitative research provides a rich, contextual perspective on the issues that one may not get in a standardized questionnaire and usually involves the collection and analysis on in-depth information on a smaller group of respondents. Moreover, as the researcher is involved specifically in data collection he understands the worldview of those he is studying (see, Punch: 57, Greenstein R. 2003:4). Finally, as it is asserted by Neuman (1997), the qualitative research allows the researcher to observe values. In this study, few individuals were used and studied.

3.2. Sampling

This study used the *purposive sampling* which is used when the researcher wants to target particular individuals and categories of individuals for investigation (Greenstein 2003). Those categories of individuals were selected regarding their capacity to possess relevant information for the study. The purpose of this research was not to generalize but to get an in-depth understanding of empirical reality. Some young people, in the district of Kamonyi, who have experienced land tenure problems resulting in land disputes, were subjected to in-depth interviews. The population of this study was made of 20 young people, including seven young men and seven young women who experienced land tenure problems and most of them were from Buguri Sector of the district of Kamonyi of the Province of Gitarama, and two young women and four young men who were met in the streets of the centres of Kamonyi and Gacurabgenge and Kigali.

These individuals had fled their families due to problems of land scarcity and landlessness, lack of inheritance, food security problems, among others. The district of Kamonyi lies in the northern-east of the province of Gitarama which is located in the central part of Rwanda. The international road Kigali-Gitarama-Butare Akanyaru-Burundi passes through the district of Kamonyi. It is surrounded by the district of Kayumbu in the west, the district of Ruyumba in the south, and the Nyabarongo River in the east and the north. Kamonyi is a part of the former area of Rukoma composed of the former communes of Runda, Taba and Musambira and Kayenzi. The population of Kamonyi district is about 111, 318 people, 45.5 per cent of the total population are youth. Kamonyi is high up between 1500 and 2000 meters of altitude. The climate is temperate.

The land is generally damp but infertile especially in the former commune of Taba. Agricultural productivity is generally low and the situation is increasingly becoming worse resulting from erosion and overexploitation due to high demographic pressure. The marshland of Bishenyi, Rwabashyashya, Gikoro and Kibuza are clayish. Although there is a problem of land scarcity, inhabitants continue to have agricultural as their mainstay. In the post-genocide period, the district is no longer wooded due to the problem of deforestation. People cut off trees to build houses and get firewood. However, the Ministry of Agriculture and Livestock and the Ministry of Local governance have set up strategies to stop deforestation. *The snowball sampling* was used to identify those young people, by asking the local authorities who had received the cases related to land (Greenstein, 2003: 36).

These authorities also helped to summon interviewees to the district office for our meetings and interviews. To localize young men and women met in the streets, the researcher was informed by their families and the local authorities. The population of this study included also 10 key informants. These were:

- Three parents,
- One local administrative authority (Mayor),
- The president of the youth committee at the district level
- The permanent secretary of the National Youth Council (NYC),
- The Director of Land Management Administration (DLMA) in the Ministry of Lands, Environment, Forests, Water and Mines (MINITERE),
- The Chief of youth in the Ministry for Youth, Culture and Sport,

? Two people representing two local Non-governmental organizations of Civil Society, intervening in the land question. One respondent was representing the "*Conseil de Cooncertation des Organizations, Associations et des Initiatives de Base"* (CCOAIB), another respondent was representing HAGURUKA, an organization that intervenes in solving women's and children's problems in Rwanda.

These key informants were chosen based on their experiences on the land related problems such as land conflicts, agricultural development, etc. For example as Haguruka is a local non-governmental organization that pleads for women and children rights, including land access and ownership rights, the key informant from this organization provided the researcher with rich information about the problems facing young men and women in terms of land acquisition.

As for the representative of CCOAIB interviewed, she was much informed about land tenure problems because her organization is involved in rural development programmes including the agricultural programme where they witness problems of land scarcity, infertility and food shortages. Information that was provided by the individuals mentioned above is relevant and valuable, as these were the best informants, the right persons to have experienced or witnessed land related issues, in Rwanda.

3.3. Data collection: Research Techniques

A number of techniques were used to generate the required data:

3.3.1. Documentary Analysis

This type of research was employed to supplement qualitative methods. This technique gathers records of society, community or organization (Punch, 2000; Neuman, 1997). The documentary analysis helped generate theoretical material drawn from published and unpublished documents on land issues, conflicts, land reform in Rwanda and elsewhere.

The main focus was made on documents containing information about Rwanda because the land question has a historical nature as it evolved over the past decades. Relevant books, land related research reports, journal articles, internet and magazines and newspapers have been sources of data. The analysis of the land reform policy of 2004 required official documents and a number of other related government publications, which provided the value of policy analysis to this work.

Other relevant documents, such as works done by researchers on the farming issues of the rural areas, geographic and

demographic and development information on the rural areas, were consulted during the period of empirical research in Rwanda. These works were found in the Kigali Independent University (ULK), the National University of Rwanda (UNR), in the Ministry of Agriculture and Livestock, in the Ministry of Lands, Environment, Forests, water and Mines and in the office of the Mayor of Kamonyi district. Documents on land reform experience in the Southern African countries and elsewhere were found in the Cullen and Main shelves libraries at the University of the Witwatersrand, Johannesburg.

3.3.2. Observation

This technique is helpful, because it helps understand the subject of study as the researcher is present in the area of study. Greenstein (2003) remarks that the researcher is the primary instrument for both qualitative and quantitative researches. In the same context, Nueman (1997) suggests that a researcher is an instrument that absorbs all the sources of information, as he/she pays attention, watches and listens, uses all senses noticing what he/she has seen, heard, smelled, touched or tasted. The researcher observed the area, how inhabitants are scattered on the hillsides, the sizes of the households' plots, activities of respondents and could directly experience their problems such as those of landlessness, land scarcity, land conflicts, joblessness, the phenomenon of street children, food shortages in the markets, and many others. This enabled the researcher to confirm issues raised during interviews and focus group discussion.

3.3.3. Unstructured or in-depth Interviews

This type of interview was used during the empirical research. Unstructured interview usually involves a clear list of issues to be addressed and questions to be answered and the interviewer allows the respondents to speak more broadly about the topic being discussed. According to Greenstein (2003:56);

> *The role of the researcher is to be as unobtrusive as possible, by introducing a theme or a topic and then letting the respondent develop his own ideas.*

The first trip to Kamonyi district targeted to explain the objectives of the study to local authorities and to rural areas of Buguri, Gacurabgenge, Kamonyi and Kigali where respondents were located. In-depth interviews were conducted in 21 days (three weeks). During these days, ten youth respondents and 10 key informants were interviewed. The duration of in-depth interviews was between 40 minutes and one hour for respondents while for key informants in-depth interviews lasted from one hour to an

hour and a half. The duration of in-depth interviews was fixed with reference to some social scientists such as Anderson and Arsenault (1998), Colin (2002), Field and Morse (1994) cited by de Vos et al. (2002) and Greenstein (2003). According to Anderson and Arsenault (1998:193);

> *[…] most of interviews should not exceed 40 minutes. Elite interviews, however, can last hours and may even be phased over several sessions.*

Colin (2002: 273) suggests that concerning interview duration, any time under a half an hour is unlikely to be valuable, and that any thing going over an hour may be making unreasonable demands on busy interviewees and could have the effect of reducing the number of persons willing to participate.

Field and Morse (1994), cited by de Vos *et al.* (2002:301), advise not to continue interviews for more than one hour. They argue that short interviews are more effective than the long ones. Greenstein (2003:58) argues that interviews may last between 20 minutes and one hour and a half. During the sojourn in the field of research in Kamonyi, a number of young people and parents met were interviewed and provided the researcher with additional information. In the city of Kigali, different people, acquainted with land questions, were interviewed. These were:

- Government officials from the Ministry of Local Administration,
- Government officials from the Ministry of Lands, Environment, Forests, Water and Mines (MINITERE)
- Academics from the Kigali Independent University (ULK)
- Academics from the National University of Rwanda (UNR).

Their views and ideas lighted up the researcher's understanding of the roots of the land question in Rwanda, and the relevancy of the land reform policy of 2004. No difficulty of language was met because the researcher speaks the same language as the respondents.

3.3.4. Focus Group Discussion

The last day of interviews was dedicated to the focus group discussion, in which five young men and five young women participated. These ten research subjects were part and parcel of the final sample size (20 young people). These young people had also experienced land related problems such as land conflicts; others came from families that experienced problems of land

scarcity and landlessness.

According to Greenstein (2003: 57), the focus group discussion generally involves between eight and twelve participants from similar backgrounds or experiences, to discuss a specific topic of interest. Participants are guided by a moderator who introduces topics for discussion, using a pre-prepared question guide. This technique was used because of its advantage of producing a large amount of information in a short time, at less cost than individual interviews *(ibid.)*. In this discussion, a number of land tenure issues were raised and recorded on tape.

3.3.5. Ethical Considerations

Ethics defines what is legitimate and what is not. Ethical issues are so important that they must be taken into account by every researcher. According to Neuman (1997:443), the researcher has a moral and professional obligation to be ethical, even when subjects are not aware of ethics. Ethics indicates moral procedures that may lead the researcher while conducting the research. In accordance with ethical provisions, before carrying out the research, the purpose of the research was explained and interviews were conducted following interviewees' consent. Information was tape-recorded or noted in a notebook depending on the Interviewees 'choice. Interviewees' names will not be published and information given will be used only for the purpose of this research. No respondents' names will appear in the final Research Report. Interviews were given following respectively the appointment received, and so there has been no deception.

3.3.6. Limitations and Scope of the Study

The main limitation encountered during the time spent on the field was that respondents looked bothered because most of them have experienced land related problems

for a long time without solution. For some, interviews were boring as they learnt that the aim of the research was not to provide solutions or alternatives to their issues. Some of them told the researcher that they were tired of endless interviews by different researchers.

During the fieldwork, the researcher met gate-keeping incidents. According to Greenstein (2003: 64);

> *Gatekeepers are people who have control over who is allowed in and who is not. These are usually parties who vested interests either in the issues at stake or in the wellbeing of the potential respondents such as superintendent in a hospital principals or senior teachers in schools.*

In the same context, White (1964) argues that the gate-keeping incident occurs in interpersonal and intrapersonal communication whereby some people may keep some information to themselves and refuse to reveal them to those they are talking to. Thus, some young people and parents interviewed could not tell the approximated quantity of their harvest and the amount they earn from agriculture products, due to many reasons. Some of youth respondents and parent informants did not want to reveal their incomes because in Rwanda, people have the culture of not revealing their economic situation to others. None wants his neighbour or any body else to know how well or bad they live and what they have.

Even when there is a problem of hunger, some people especially from rural areas do not talk about it until teachers in the primary schools observe that children no longer come to school, nurses report the serious problem of malnutrition, or a private radio or a newspaper report the problem of hunger in the area. Another limitation was that respondents were not sure that the researcher was not a policeman, a soldier or a politician dressed up as a student. Although, the researcher was introduced by local authorities and has showed them his student card, most respondents did not believe him, they challenged him.

The researcher assured respondents that no name would be asked and no information would be published on the radio or in the newspapers but some respondents did not want to be tape recorded, notwithstanding. This is related to the fact that most rural dwellers are traumatized due to the consequences of genocide, ethnic division's background and the war of 1994; henceforth they do not trust anybody. Likewise, some respondents were reluctant to answer some questions especially those related to the

National Land Policy of 2004 due to the lack of information on the same policy or to the refusal of commenting on such a government project. For example, a young woman interviewed on the question relating to beneficiaries of the land redistribution programme, said: *"I have nothing to say about that question"* (Respondent 6, in Kamonyi, July 2005). Another respondent said;

> *I can't say any thing on that programme, the government can do every thing it wants, I will not oppose to its programme"* (Respondent 4, July 2005).

During the focus group discussion and in some interviews, most of respondents were turning into other topics of discussion in order to know who the researcher was, his political linking, his background, etc. One limitation met by the researcher was that most of respondents were not educated adequately so as to understand the objective of the research, different terms used in the policy process and some new structures of administration in Rwanda, since the first democratic election of 2003. The long distance between the field of research and the main road and the lack of taxis or transport was a challenge to the researcher. The district of Kamonyi is located in the rural area, far from the main road (Kigali-Gitarama-Butare- Akanyaru-Burundi), the mini-buses are very few in the rural roads of Kamonyi, so the researcher often had walked before he finds a taxi.

The district of Kamonyi was chosen due to its specific characteristics in terms of land related issues and after consultations with the Director of the Department of Land Administration Management in Rwanda, the Director of the Department in Charge of Population Problems in the Ministry of Local Government and Social Welfare. In effect, these consultations revealed that the district of Kamonyi had many problems of land conflicts resulting from polygamy. This was also confirmed by the annual report of MINALOC (2003). In addition, the choice of this district was based on some scientific criteria including population density, surface area, and environmental degradation, existence of the problem of landlessness and other vulnerable youth, and existence of other land related problems such as conflicts.

It would have been desirable to conduct the research in the whole country with a larger sample, but this would have needed more resources and much time. The sample size drawn for this study (20 youth respondents and 10 key informants) was based on the time and resources available. In addition, the aim of this study was not to generalise but to gain in-depth understanding of

the land tenure problems facing the rural youth, their effects on youths' lives and the way the National Land Policy of 2004 deals with them.

CHAPTER FOUR: FINDINGS AND ANALYSIS

Introduction

This chapter presents the results obtained from data analysis. As explained previously, the aim of this study is to investigate land tenure issues confronting the rural youth of Rwanda, specifically in the district of Kamonyi and the way the National Land Policy of 2004 deals with them. The analysis focuses on the problems the rural youth experience themselves in terms of land access and ownership and to what extent their concerns have been incorporated in the policy. In order to achieve this aim, an empirical research was conducted in the district of Kamonyi, from 21st June to 15th July 2005. All the respondents and key informants

were familiar with land tenure issues. Some have experienced them; others are involved in finding solutions to land related issues facing the people of Rwanda. Each respondent was asked to narrate his/her experience and the data was analyzed by taking into account the research topic and by examining their relationship with the aim of the study.

This chapter discusses the results found from the field and all the findings are presented according to the themes and all the themes are divided into three sections. Each section presents the research results and the analysis.

The first section presents and discusses the demographic profile of respondents. The latter respondents are young men and women experiencing land tenure problems in the district of Kamonyi.
The discussions turn around the characteristics such as, gender, age and marital status, sector of origin, the family size, the family land size, education level, occupation, main assets and yearly income.

The second section presents the research results on land tenure problems confronting the rural youth of the district Kamonyi, and how they affect the youth's lives.

The third section presents the research findings on the National Land Policy of 2004, specifically on the participation of the rural youth in the policy process, the role played by the government and the civil society in the policy process, and the way the National Land Policy of 2004 intends to deal with youth's land tenure problems, and the programme of group settlement aiming to consolidate land and increase productivity.

4.1. **Demographic Features of Respondents**

4.1.1. **Gender**

Most young people who participated in the focus group discussion and those who were interviewed were young men as illustrated in the table below.

Table 1-Gender distribution

Gender	Frequency	Percentage

Masculine	11	55
Feminine	9	45
Total	20	100

Fieldwork data July 2006

During the time of selecting interviewees, most young people pointed to by the local authorities and rural people tended to be young men. However, the number of young women experiencing land tenure problems was also close to that one of young men. According to the Mayor of the district of Kamonyi;

> *More young men experience land tenure problems because they have been the only heirs of the parents' land for a long time. However, the number of young women with land tenure problems has begun to increase since the coming of the 1999 inheritance law recognizing the women's land rights.*

Haba and Bizimana (2005) found similar data in their study conducted in other parts of the countries. The same researchers found that though women have begun to claim their inheritance rights, they experience many land conflicts. This shows that the 1999 inheritance law allowing women's access to land or gender equality promotion has resulted in increasing land problems such as those of land access and ownership in rural areas of Kamonyi. Measures of dealing with this issue may be taken early by the government as the number of women claiming for land rights will likely increase according to the Mayor of Kamonyi district.

4.1.2. **Age**

All the respondents were classified in the category of "youth", which is made of young men and women of the age between 15 and 35 years old, in accordance to the definition of youth by the Ministry of Youth, Culture and Sport (MIJESPOC, 2002). Below is the table of age distribution.

Table 2- Age distribution

Age-group	**Frequency**	**Percentage**
15-19	3	15

20-24	2	10
25-29	10	50
30-34	4	20
35-39	1	0.5
Totals	20	100

Fieldwork data July 2006

The table above shows that the majority of youth respondents tend to be between 25 and 29 years of age. About 50 per cent of youth respondents were less than 29 years of age, which shows that young people of the above category experience more land tenure problems than their elders and young brothers and sisters. The findings of this study like the findings of MIJESPOC-GTZ (2003) showed that the increasing land problems among youths of the latter age are related to the fact that at that age many youths do not depend on their parents. As most of them get married at the same age while they have no other source of income, they need land to build their own houses and to make their own business.

4.1.3. **Marital status**

Table 3- Marital status

Marital status	**Frequency**	**Percentage**
Married	12	40
Single	18	60
Totals	30	100

Fieldwork data July 2003

From the table above, majority of respondents were single (60 per cent), only two respondents (a young man and a young woman) were married but their age was always falling between 15 and 35 years old. Whether having parents or not majority of the above single youths have to cater for themselves. Those who have got jobs in informal sector, also cater for their families, including their parents and siblings. In the Rwandan culture children care for their parents when these are no longer able to work and maintain their households. In addition, the Rwandan civil law obliges children to care for their parents when they are mature. Two respondents who were married have got children that they have to cater for.

4.1.4. **Administrative Sector of Origin**

Table 4- Administrative sector of origin

Administrative sector of origin	**Frequency**	**Percentage**
Gatizo	14	70
Kamonyi	2	10
Gisitwe	1	0.5
Kinyambi	1	0.5
Buguri	2	10
Totals	20	100

Fieldwork data July 2006

The table above shows that most of our respondents were from the administrative sector of Buguri, one of 19 administrative sectors of the district of Kamonyi because this sector is known to have many land related problems such as dividing family land,

and landlessness.

Many young women and men in this sector are landless, including women who have been denied land inheritance from their parents. In this sector, there is a problem of many polygamous households. This will be discussed at large in the second section of this chapter.

4.1.5. **The Household Size**

Table 5- Household size distribution

Number of children in the respondents' households	**Respondents**	**Percentage**
1	0	0
2	2	10
3	0	0
4	2	10
5	3	15
6	4	20
More than 6	9	45
Totals	20	100

Fieldwork data July 2006

Most respondents were from households with six children or more. Most large families tended to be those of polygamous households. The size of the household included the number of children (brothers and sisters), in addition to the respondent and his/her spouse for the one who was married. Children from such large families are likely to experience more land-related

problems in case they are not highly educated so as to be involved in other productive sectors.

4.1.6. **The Family Land Size**

Table 6: Family land size distribution

The family land size	**Respondents**	**Percentage**
Less than 0.5 hectare	11	55
Between 0.5 and 1 hectare	7	35
More than 1 hectare	2	10
Totals	20	100

Fieldwork data July 2006

Majority of youth respondents was from households with less than 0.5 hectares of land. The findings are not far from what has been found by a study conducted by Prunier (1995) and Haba and Bizimana (2005) in other parts of the country. For example Haba and Bizimana (2005) found that 51.0 per cent of households have farms of less than 0.5 hectares. Compared to the number of children per household as indicated in the previous table, these findings show that there are serious problems of land scarcity in the rural area of Kamonyi and the number of landless youth would increase in the future, because majority of households have family lands of less than 0.5 hectares.

4.1.7. **Education Levels**

Respondents were classified into different categories of educational level. Categories included those with a high school education, a vocational training, a primary education, and illiterate (those who did not go to school, do not know to read and to write).

Table 7: Education level of respondents

Level of education	Frequency	Percentage
Illiterate	4	20
Vocational training	2	10
Part Primary school	8	40
Primary school	4	20
High school level	2	10
University level	0	0
Totals	20	100

Fieldwork data July 2006

From the findings above, though most youth respondents went to school, the majority of them were not highly educated: None of them has done a tertiary/university education 20 per cent were illiterate. Even 40 per cent of respondents who have been at the primary school, they did not complete the primary education level while only 10 per cent have done high school education. This means that there is still a problem of human resource development in Rwanda, specifically in rural areas, because education is very important for a country to develop. MINECOFIN, (2002) remarks that education is one of factors of development for any country. In the same line, Mudavadi (2002:70) in Muiruri (2003) argues that, in any country, education determines the manpower and influences the standard of life attained, the level of awareness of the options in one's environment and the levels of technology employed in economic productivity.

Comparing the argument of Mudavadi to the figures above one can argue that rural youth may experience the problem of joblessness as they are not highly educated to be employed in the formal sector or to undertake any development project. A country with no sufficient agricultural, yields such as Rwanda should embark on a massive free education for all in order to empower the youth by providing them with scientific skills that can enable them to create jobs.

4.1.8. **Main Family Assets**

Table 8: Respondents' family assets

Assets	Frequency	Percentage
Land	20	100
Livestock	5	25
Small trade	7	35
Craft industry	8	40

Fieldwork data July 2006

The most important family asset was land as declared by all the respondents (100 per cent). Other means of livelihood enumerated by respondents were livestock (25 per cent of respondents), small trade (35 per cent of respondents), and craft industry (40 per cent of respondents).

4.1.9. **Main Respondents' Assets**

Table 9: Respondents' Assets

Assets	Frequency	Percentage
Land	3	15
Livestock	8	40
Small trade	4	20
Craft industry	2	10
No asset	3	15
Total	20	100

Fieldwork data July 2006

As for respondents (Interviewees and focus group discussion), only 3/20 (15 per cent) have got their own land through inheritance. Others (17/20 or 85 per cent) have not acquired land. When the researcher asked why they have not yet acquired their own land, the reasons tended to be either the family experienced land scarcity, or landlessness.

4.1.10. **Occupation**

Table 10: Occupation of respondents

Occupation	**Frequency**	**Percentage**
Farmers	2	10
Craftsmen	2	10
House workers and other wage employments	6	30
Jobless	10	50
Totals	20	100

Fieldwork data July 2006

50 per cent of respondents (interviews and focus group discussion) were jobless, others were hired in wage employment (6/20 or 30 per cent), as house workers (cleaners and baby sitters and waiters), and others were self-employed as craftsmen (2/20 or 10 per cent) and farmers (2/ 20 or 10 per cent).

4.1.11. **Yearly Income of Respondents' Families**

Table 11: Yearly income of respondents' families

Yearly income	**Frequency**	**Percentage**
Between 500 and 900 kgs of beans	2	10
Between 700 and 1500 kgs of sweet potatoes	2	10
Between 300 and 1500 kgs of sorghum	2	10
Between 300 and 1000 kgs of bananas	2	10
Less than 500 kgs of beans	18	90

Less than 700 kgs of sweet potatoes	18	90
Less than 300 kgs of sorghum	18	90
Less than 300 kgs of bananas	18	90

Fieldwork data July 2006

Respondents who have wage employment refused to tell their monthly salary. Those who have land and those who come from families that have land could tell the approximate monthly income as the table above shows. However, the annual income for most respondents' families tended to turn around 500 kgs of beans, 700 kgs of sweet potatoes, 300 kgs of sorghum and 300 kgs of bananas.

These youths were from families with small land of less than one hectare. For those who have more than one hectare, the income is higher. The approximate harvest is about 900 kgs of beans, 1500 kgs of sweet potatoes, 1500 kgs of sorghum and 1000 kgs of bananas.

From these figures, one sees that there is evidence that there is a causal relationship between the household's land size and the harvest whereby a household with sufficient land is likely to have enough agriculture production and save enough food while a household with insufficient land does not save enough food due to low agricultural harvest.

4. 2. Land Tenure Problems Experienced by the Youth of the District of Kamonyi

The objective of this study was to investigate the land tenure problems facing the rural youth of Rwanda, specifically in the district of Kamonyi. The focus was on the assessment of issues experienced in terms of land access and ownership. Land has been the main asset for the people of Rwanda, especially those who live in rural areas. As it has been shown in the previous sections, all the respondents came from households that have land as their main asset. Most of youth are not educated enough to be involved in the formal sector, so, they remain dependent on land and the latter becomes their main stay. When they have no land for farming they are exposed to many problems. This section presents the main problems the rural youths experience in terms of land acquisition, ownership, control and use, and their causes and effects on youths' lives.

4. 2. 1. Land Access and Ownership

One of the research questions for this study was to investigate the procedures of land access and ownership in the rural areas of Kamonyi and its associated problems. This section presents the findings. Four procedures of land acquisition and ownership by parents were indicated by 10 youth interviewed, as showed in the table below.

Table 12- Procedures of land acquisition

Modes of land acquisition	**Frequency**	**Percentage**
Through inheritance	7	70
Through land purchase	2	20
Through land allocation by the government	1	10
Through donation	1	10
Totals	10	100

Fieldwork data July 2006

In addition, only 70 per cent of the parents of the youth respondents have acquired land through inheritance. Young men and women who participated in the focus group discussion also reported all the above procedures of land acquisition and ownership. In addition, 29 percent of respondents whose fathers acquired land through inheritance said that besides inherited land, their fathers bought other plots of land. In any case, in Kamonyi, there is predominance of land acquisition through inheritance whereby a child inherits land from his/ her father.

The same persistence of land acquisition and ownership through inheritance has been found by studies conducted by scholars such as Prunier, (1997); Pottier, (1997); Nkurikiyimfura (2004); Clay *et al.* (1998); Halord, (2003); Musahara and Huggins (2004); Haba & Bizimana (2005) and Guichoua (1995) in other parts of the country. For example Haba and Bizimana (2005) found that the customary law governs most of the land tenure rights in rural areas of Rwanda with regard to the inheritance

patterns. One can argue that the customary law is likely to be dominant in the rural areas of Rwanda. According to the Mayor of the district of Kamonyi, legislation in Rwanda states that only young men and women who are allowed to get married are those who are 21 years or older. However, based on the information given by the youth respondents (8 in 10) interviewed, children can inherit their parents' property at the lower age as stated by one lady interviewee;

> *When parents die before distributing their property to all the children though they are still young, children inherit the family land regardless of their age. In families where children become orphans at the lower age, they are firstly tutored by their uncles and aunts who use and control land on the behalf of orphans until they grow up. In other families, either the first born child or the brighter becomes responsible for her/his brothers and sisters. Children work in the family land together until they grow up and start the dividing-up of the land* (Respondent 3, July 2005).

During fieldwork, 70 per cent of youth respondents said that where the dividing-up of the parents' property took place, it was overseen by the local authorities in the past, but nowadays it is overseen by the ombudsman servants at the local level.

It has been found that, due to many responsibilities at the lower age and poverty, children who head households often abandon school. As the Youth representative at the district level said;

> *Some young men and women who headed households at childhood are victims of poverty, as they can't appropriately farm the family land. The problem becomes more intense for some girls who, due to poverty and many responsibilities, accept sex for money, food and education fees, in order to survive with older men who promise to help them overcome some economic problems* (Informant 1, July 2005).

During the fieldwork, one of respondents revealed that in the past, some people acquired land as donation from a friend as a sign of friendship and cooperation. However, many participants in the focus group discussion and interviews showed that donation of land does no longer exist;

> *The process of land acquisition through donation does no longer exist in this area because many families have no sufficient land to donate to friends. This was done in the past when much land was still available* (Respondent 4, July 2006).

Regarding the process of land allocation by the local government, it was mostly done after genocide in the district of Kamonyi. Halord (2003), and Haba and Bizimana (2005) observed the same way of land acquisition and ownership in other parts of the

country. However, unlike the current study, these researchers discovered another way of acquiring land, which is *land fragmentation*, a procedure that was used by the government to solve the problem of landlessness among the former refugees. According to Halord (2003), the land sharing-up used to be between former refugees and landowners in the provinces of Kibungo, Umutara, Kigali-Ngali and Cyangugu from 1997 to 2000. The sharing-up programme aimed to solve the problems of landlessness among former refugees and the above provinces have been designated to host that programme (see, MINITERE, 2004). The sharing-up procedure was not found in the district of Kamonyi because the province of Gitarama in which the district of Kamonyi is located was not designated among provinces shaping the sample in which land fragmentation should be achieved.

4.2.2. Gender Issues in Land Access

Reluctance of Male Children to Recognize Women's inheritance Rights

One of the problems studied was the gender issue in terms of land access. The current study showed that before the promulgation of the 1999 inheritance law, male children were the only heirs of the family land; female children were excluded from inheritance of the family property, including land. Only widows should stay in the land left by their deceased husbands, and use it on condition that they later give it to the male children whom they got with the deceased husband, who were the only owners. Another category of women who could own land is women who were repudiated by their husbands and those who were made pregnant in extra marital conditions. These women were given plots for housing and for subsistence purposes. During interviews, 70 per cent of youth respondents said that unlike in the past, today, all female children and male children have the same and equal rights to inherit property and in some families, female children can inherit their parents' property including land.

As put by a young woman interviewed;

> *In the past, no woman could inherit land from parents in this district, but now women are allowed to inherit land by the Rwandan laws and many women have begun to inherit land in this district. We have been pleased by this legislation because in my view it was a form of injustice committed towards women* (Respondent 7, July 2005).

This shows that the post-genocide government has corrected injustice of the customary law towards women. The recognition

of women's access to land may help poor young women in rural areas who have been victims of genocide and the war of 1994 in Rwanda. In effect, the study found that after genocide, many women have been widowed by genocide and others whose husbands are in prison have been made heads of households. Besides, there are other women separated from their husbands due to exile or divorce. A similar finding was described by RISD (2001), which argued that all these women constitute the category of vulnerable individuals in Rwanda, and suggested that the land reform programme may solve their problems. In the district of Kamonyi, since the inauguration of the inheritance law of 1999 recognizing women's land rights, a number of women have acquired land and other parents' property through inheritance. It was also found that in the district of Kamonyi, many people are aware of the inheritance law of 1999 or the women's rights to access and ownership of land and majority of youth respondents (focus group discussion and interviews) said that women's access to land was relevant.

Interviews with the Mayor of the district and the Director of the Department of Law in HAGURUKA revealed that since the inheritance law was published in the Official Gazette in November 1999, a number of campaigns have been organized by central and local government officials especially of the Ministry of Gender and Feminine Promotion (MIGEPROF) and different local and international non-governmental organization intervening in feminine promotion to inform people about the new inheritance law. Regarding the awareness and appreciation of the 1999 inheritance law by many rural dwellers of Kamonyi, one can argue that the campaigns organized by different public and private institutions advocating for women's rights in rural areas of Rwanda have been successful. However, as indicated by 8 in 10 respondents interviewed and by the focus group discussion, in some families, women in rural areas of Kamonyi are still treated unfairly by their brothers who become reluctant to recognize their sister's rights or refuse completely to share equally with them the family land;

> *My brothers refuse to share the family land with me saying that I have the plot of my husband and that I should enjoy that one only, it is enough for me. When I threaten to call local authorities they tell me that they accept to share with me when I do not call authorities they refuse again. They also say that they will give me unfertile plot* (Respondent 7, July 2005).

In some families, male children become reluctant to share with their married sisters the parents' land under the pretext that their husband's land is enough and that women should not have land in two families. For some young men, the married women should leave the parents' lands to male children because those lands are not even sufficient.

Some young men do not understand the reason why women can farm their husband's land and come back to farm their parents

' land too. In the words of one respondent;

> *In my view, the husband's land is enough for a woman; there is no need to have land in two different families* (Respondent 2, July 2005).

The findings of the study showed also that some male parents argue that male children are justified in acquiring the bigger part of the plots than their sisters. Interviews conducted with parents showed that some male parents still cling to the custom's legacy of sexual discrimination. One in 3 parents interviewed said;

> *Male children are worth of acquiring the bigger part of the plots than their sisters because it is enough that women enjoy lands of their husbands* (Informant 3, July 2005).

It has also been found that some old male parents distribute land to their male children first and female children after. Likewise, some young women remain passive under such harmful attitudes, they choose to remain silent and never present their grievances to the local government officials. The study also found that most women are not in a hurry to claim their property in terms of inheritance. As the Mayor of the district of Kamonyi said;

> *Most women do not quickly come to tell us their grievances when their brothers or their parents disadvantage them while this often happens according to the reports we receive from coordinators of administrative sectors. The married women also do not claim their land rights, they only come back to claim land in cases of divorce or separation or in the cases related to the genocide of 1994, especially when they have no other means to survive* (Informant 10, July 2005).

According to the Mayor of the district of Kamonyi, the local government could have dealt with all the above cases but some women often do not say out their problems on time, others remain silent and never present their grievances to the local government officials. One can suggest that further mobilization and sensitization campaigns are needed to inform young women that they have rights to land ownership before and after their marriage.

The data above shows that the premises of gender inequality still exists among some rural dwellers of Kamonyi, because the custom's legacy of sexual discrimination remains among some old male parents and some male children who do not want to integrate the principles of gender equity enshrined by the inheritance law of 1999 while some young women are not yet emancipated so as to stand up for their rights. Regarding the old man's views, women who have old male parents may be

victims of sexual discrimination and unequal distribution in size of parents' land.

However, with regard to what has been said by youth respondents, it is obviously not fine that rural dwellers are not aware of the inheritance law, but they do not want to adapt or they resist the change. In any case, this is no wonder because the same opposition by men to women's rights used to be so in the past when the government embarked on women education. As men have eventually become conscious of the importance of women's rights, there is evidence that rural male people who usually resist the change brought by the 1999 inheritance law will commit to the women's rights recognition.

Moreover, attitudes of reluctance to recognize women rights in terms of land access show that the concepts of gender equity and gender equality that have been the buzzwords of the post-genocide period specifically on the eve of the 1999 inheritance law and after its adoption are not yet integrated by all the rural youth of Kamonyi because women do not benefit from its opportunities. This argument is supported by those of Chalmers, (1996), and Hall (1998). For example, Chalmers (1996:3) argues that;

> *Gender equity refers to the process of being fair to women and men as well as the standardization of opportunities and resulting benefits between males and females. However, this does not mean that the difference between men and women are not taken into account*,

In the same line, Hall, (1998:4) adds that;

> *In a society where gender equity programme is successfully implemented, equity leads to equality, whereby men and women enjoy the same status, have equal conditions for realizing their full human rights and potential to contribute to national, political, economic, social and cultural development and to benefit from the results.*

With regard to the above finding, it is henceforth necessary to explain the concept of gender equity and mobilize the rural youth to its integration, for, in a society in transition to gender equity and social equal rights, as far as Rwanda is concerned, equity would help prevent the continuation of inequitable redistribution of families' property and national assets. This would also address the confusion brought to the above concepts by some men who assume that women can not be equal to men because of their biological make up.

In addition, one can argue that, on one side, in the rural areas of Kamonyi, there is the clash between feminine promotions

through women's rights that is developing and on the other hand, the tradition of men's superiority that refuses to die. This is supported by the observation made by Mamdani (1999) that in rural Africa, the democratic principles of social rights that were brought in the post-colonial period were not interiorized by the rural dwellers; rather they used to be enjoyed by urban dwellers. The same scholar further argues that the customary power that governs the rural areas of Africa centres on enforcing tradition, instead of focusing on protecting human rights. The findings of the current study show that where women accessed land without any complications, parents and family members tended to be educated. This shows that education plays an important role in the process of women's land rights recognition. The government should achieve the process of promoting gender equality and women's land rights in parallel with the policies that put emphasis on education especially by guaranteeing a free education for all. The Mayor of the district of Kamonyi also added that the integration of the inheritance law would be achieved progressively. According to the Youth Committee Representative in the district of Kamonyi interviewed;

> *It has become a habit that some rural men especially uneducated ones refuse to adapt and resist the change. For example, men especially male parents used to oppose women's education programme when the government has embarked on women education in the past, but little by little, they changed their views as educated female children employed in the formal sector began building houses for their parents, paying school-fees for their brothers and sisters, and other services to their families* (Informant 1, July 2005).

The findings of the current study show that some landless youths are unmarried women. Similarly, the findings of the studies conducted by rYICO, (2003), Halord (2003) and Uwibambe (2004) showed that the rural areas of Rwanda have many unmarried young mothers. With regard to this, one can argue that the local government should make sure that the young women access land like their brothers, in order to help them survive. The unmarried young mothers who mostly are involuntarily made pregnant by young men and elder-rich become poor because of the lack of plots of land while they mostly have agriculture as their mainstay. Further, the current study found that the poverty of unmarried mothers affects psychologically and economically their children, who often become poor due to the parents' inability to pay their education fees, complete diet, information, afford the markets, etc.

In this context, the findings of the study conducted by Uwibambe (2004) revealed that unmarried young mothers and their children are often stigmatized by their neighbours because their fathers are not known. With regard to the latter argument, one

can argue that the government should educate the society not to abuse the latter unmarried young women and their children. The study found that the rural areas of Kamonyi also have many young women widowed by genocide and HIV/AIDS, freely or voluntarily divorced women and young women whose husbands are in prison. The opposition to women's access to land disadvantages such women and undermines their development. The government should make sure that the latter women especially the divorced ones are also given land, because the current study found that their situation worsens when they go back to their parents' homes due to the lack of plots for farming.

As for the effects on the young women's lives, the key informant from HAGURUKA said that the opposition to young women' s access to land undermines the development of feminine gender and specifically disadvantages young unmarried and divorced women. As for the young divorced women, the informant from HAGURUKA said that they deepen in poverty when they go back to their parents' houses due to the lack of plots for farming and the situation worsens when divorced young mothers are followed by their children to their parents' houses. According to the key informant from CCOAIB, poverty of young unmarried mothers psychologically and economically affects their children, who often become poor due to the parents' inability to access education, complete diet, and information, afford the markets, etc. The study showed that the reluctance of male children to recognize women's access to land results in conflicts in certain families where brothers challenge their sisters and charge them of being selfish in claiming for a share of the smaller family land with their brothers whilst enjoying their husbands' land at the same time.

In order to solve the problems of gender inequality in land access and ownership, the National Land Policy of 2004 states that all Rwandans, men and women, are equal and have equal rights in terms of land ownership and that for this reason they must be informed about the modes of land access, acquisition and ownership (MINITERE, 2004: 24). In accordance with the inheritance law adopted in 1999, the National Land Policy of 2004 states that both men and women will have equal rights to access and own land through inheritance of their parents both prior and after the death of their parents (MINITERE, 2004).

However, the policy bans the dividing-up of family land smaller than 1 hectare. This provision bears a contradiction. It is likely to restrict the newly acquired right of access to land for women, and as Musahara and Huggins (2004:3), argued;

> *With the extra pressure on the land represented by the entry of women as legitimate inheritors of the family land, the ban of subdivision of plots smaller than 2 hectares will be difficult to enforce.*

With regard to the statement of the current land policy, young women will never have individual land ownership through inheritance as many of them come from families with less than one hectare. The government should see how such women can survive and participate in social and economic activities to overcome problems of poverty. This would also reduce prostitution observed in commercial centres of Kamonyi among vulnerable women, as they would have land as a source of income. In effect, government officials and different interveners in women's rights must monitor the process of the policy implementation. If the policy and the inheritance law are implemented accordingly, women and men will have equal rights to land in consolidated land if they meet the set conditions. This can solve the problem of young women who abandon themselves to prostitution in order to find money and it would also reduce the magnitude of HIV/AIDS prevalence in rural areas. The application of the land policy of 2004 and the inheritance law of 1999 would solve the problem of landless children whose fathers are unknown because they would have rights to inherit their mothers' properties. A number of campaigns aiming at teaching the youth about the latter legislation have to be multiplied and conducted throughout Rwanda, specifically in rural areas.

4.2.3. **Problems of Land Ownership**

Lack of Title-deed Documents

One of the problems identified during this investigation was that rural youth of Kamonyi district experience land ownership problems particularly possessing title-deed documents. This section presents the problems and their effects on youths' lives.

During the investigation, 80 per cent of the young men and women that were interviewed reported that their parents had no title-deed documents as proof of land ownership. On the other hand, 30 per cent of the respondents who had land ownership through inheritance did not possess a title-deed document. Moreover, 60 per cent of the respondents and 2 in 3 of the parents interviewed said that they do not know what was meant by a land title-deed document. One of the respondents was quoted as saying;

> *Most people in this area do not have those documents you are talking about; we do not even know what they are (Respondent 4, July 2006).*

Likewise the majority of participants in the focus group discussion came from families with no title-deed documents. Moreover,

the majority of participants in the focus group discussion as well as the Mayor of the district of Kamonyi revealed that many rural dwellers did not have title-deed documents as proofs of their family land ownership. The study showed that the lack of a local land registration system that provides people with title-deed documents has resulted in the lack of family land registration. Likewise the lack of title-deed documents is related to the fact that many rural dwellers have got land through inheritance, which is governed by the customary law that does not offer title deeds;

> *I do not see why that document is needed; I have inherited my land from my parents who have got it from my forefathers. I have not stolen it, why should I have that document you are talking about?* (Informant 3, July 2006).

However, though all the parents interviewed had no title-deed documents, they had no fear of losing their land because they believe that the fact that they inherited it from their parents, who had inherited it from their forefathers, was the proof of security. About 70 per cent of parent respondents, except the government, nobody else could rob them of their land. Very few young people (30 per cent) were worried because they had information from neighbours that the government would rob their parents of their land. Maybe, they learnt this information from the National Land Policy of 2004 (MINITERE, 2004: 37) whereby it states that those with small land of less than 1 hectare and those who will not be able to make their land more productive will be expropriated.

Those who acquired land through purchase said that they had no fear of losing it because they had documents of proof of purchase. According to the Mayor of the district of Kamonyi;

> *Only some institutions like churches and NGOs and other private institutions have got title-deeds for their plots, others have no title deed-documents but the new Land Policy intends to correct this default* (informant 10, July 2005).

According to key informants from HAGURUKA and CCOAIB, lack of land title-deed has led to land conflicts and social tensions around land boundaries and poor development of land. For example as it was put by the key informant from CCOAIB;

> *Many farmers have experienced insecurity resulting from land disputes involving members of the same families*

or with neighbouring households or agents of the state. Some people attempt to rob land from their neighbours and due to the lack of known boundaries and the proof of the right size of one's land, households get involved in never-ending conflicts (Informant 9, July 2005).

However, as the same key informant reported, where people held title-deeds for their properties or proof of purchase, the case was quickly solved because there were tangible proofs. The key informant from HAGURUKA was quoted as follows;

The land conflicts such as those opposing some people or the government with churches and other private institutions governed by the written law and people who have acquired land through land purchase are quickly solved because they have proofs of ownership (Informant 7, July 2005).

This explains how important the title-deed document is. It is used as a proof of land ownership. Moreover, the title-deed is a very important document because it offers land tenure security to land owners. The findings of the current study show that land conflicts are solved by local authorities. As it has been mentioned in the previous section, some local authorities are corrupt and as a result, they are partially biased while solving conflicts around land. This situation is likely to benefit the rich and victimize the poor as the one who gives money wins the trial and gets land. The poor may therefore lose land even if they are the rightful owners.

The problem of corruption among judges in local tribunals has also been pointed out by 8 in10 youth respondents (or 80 per cent) and by participants in the group discussion. The Mayor of the District of Kamonyi said that when one of the two parties in conflict is not satisfied, he (she) can take the matter to the court or the tribunal of the district. But, many poor rural youths have no sufficient knowledge of their rights so as to lodge their complaints in the courts and tribunals and do not know how to defend themselves.

The rural poor may be in danger because local leaders are the main authorities known by rural dwellers as they live closely with them. Such a situation can push people to lose confidence in the local government and look for NGOs that can assist them while they have problems. This is not different from what is happening in some of the parties in conflicts, including those around land, specifically women and children prefer to take their complaints to HAGURUKA, a local association that advocates for women and children's social rights that assists them by providing competent lawyers who pursue their cases freely in courts.

In the same line, the government has set up another instance; *the services of ombudsman* both at the central and at the local level with the attributions of solving problems of people that have not been solved by the local authorities. The study found that this instance was very helpful in solving the problems occurring at times of land sharing up among children heirs. Concerning the lack of impartiality on behalf of some local authorities who are corrupt, one can argue that there is a need for strong and impartial bureaucrats who do not get influenced by anybody, whatever he gives them.

This was also highlighted by Weber (1991) who noted that an efficient bureaucracy is made of people who are autonomous, depersonalized, impartial and rules-driven, they are not influenced by anybody, and they independently achieve their goals without fear or favour.

In terms of land conflicts resolution, most of the youth respondents suggested that *"Gacaca courts""* should be restored because they are the best courts to solve the land conflicts. This should be endorsed because even in the past "*Gacaca"* used to solve land conflicts. As it has been argued by Twahirwa (1996) cited by Nkundiye (1999:6) while comparing "Gacaca" to the modern courts, the criteria of "Gacaca" for selecting judges exclude people from other areas, partial and corrupted persons.

Another point that pushes the suggestion for "Gacaca courts" is that these courts had noble goals in the past. Actually, the natural goal of "Gacaca" was not only to punish the offender, but also it was accountable to reconcile parties in conflict in order to consolidate social cohesion and its sustainability. This argument concurs with that of Balinda (1999) that traditional courts should be preferable to the modern ones which have not on their agenda to ensure reconciliation of parties in conflict. Instead, history has shown that they generate poke and increase conflicts.

Further, as it has been claimed by the DLAD in the Ministry of Lands;

> *Due to lack of title-deeds, some people have been robbed of their land by the local authorities under the pretext that all the land belongs to the government* (Informant 8, July 2005*).*

This also shows that previous local authorities and the lack of appropriate land administration management services played a core role in aggravating the problem of landlessness. There is need for title-deed documents because, apart from being a proof of property ownership including land, the title-deed is a very important document because it offers land tenure security to land

owners. Moreover, the land owner can present it to the bank as a form of mortgage and benefit from credit. This concurs with what has been pointed out by Musahara and Huggins (2004: 3);

> *In line with many institutions-particularly the World Bank, for example-MINITERE originally perceived 'land tenure security' as means for farmers to access to credit, through formal title.*

This means that for many years, many rural dwellers could not acquire credit from the banks as they had nothing to present as collateral. This also explains why the rural area of Kamonyi is demonetarised. The study revealed that some of the procedures of land acquisition discussed above are among the causes of different land problems including landlessness in the district of Kamonyi as discussed in the following section.

4.2.4. The problem of Landlessness

Interviews with the Director of Land Administration Development (DLAD) in the Rwandan Ministry of Lands, Environment and Natural Resources revealed that the problem of landlessness is striking throughout Rwanda, due to the imbalances between the number of farmers and the available agricultural land;

> *The problem of landlessness is found all over the world because not all people can have land for farming; hence not everybody can be a farmer. In particular, the problem of landlessness is striking throughout Rwanda because most people are farmers (90%) while the available agricultural land is very small* (DLAD in Rwanda, informant 8, July 2005).

In Kamonyi district, most youths (interviews and focus group discussion) experience a serious problem of landlessness due to the lack or insufficient land to inherit. As indicated earlier, the majority of young people respondents (53 per cent) come from families with less than 0.5 hectares, 41 percent of youth respondents (interviews and focus group discussion) were from families with land ranging between 0.5 and 1 hectare, and 6 percent were from households with farm ranging between 1 hectare and 2 hectares. As for parent informants interviewed, 2 in 3 have got family land of less than one hectare while only one parent had more than one hectare of land. All the parents interviewed revealed that the family land they inherited from their fathers has

become scarce over time.

The problem of landlessness is mainly rooted in **the four procedures of land acquisition and ownership** discussed in the previous sections. The first cause of landlessness is the process of inheritance whereby the father bequeaths his children with his land and the children do the same for their offspring. According to the Director of Land Administration Development (DLAD) in Rwanda, 90 per cent of land of rural areas is governed by the customary law, which means that much land is fragmented while giving every child his inheritance. This is likely to result in family land scarcity and landlessness among youth heirs because many houses in Kamonyi have got many children who must inherit land.

As indicated by young people interviewed (8 in 10), the land scarcity resulting from the imbalances between the family size and the family land size is a cause of landlessness among the rural youth of Kamonyi. The same data have been noted from the focus group discussion with 10 young people participants where participants claimed that there has been increasing numbers of large family members in both poor and rich people over time, while the family land size remained the same. According to one key informant;

> *The reason why the land increasingly becomes scarce is that many people in this area have many children while the land does not increase. The big problem resides among children from poor families who become landless because their families have very small plots of land, but also children from the rich may have the same problem because in this area, many rich people have got children even with other than their legal wives* (Youth committee member in Kamonyi, Informant 1, July 2005).

Most youths interviewed and those who participated in focus group discussion were disappointed by the fact that parents in Kamonyi bear many children, and consequently, the children later experience problems of lack of inheritance and poverty;

> *In our family we are 8 children (5 boys and 3 girls) and our family land size is less than 1 hectare. I observed that my parents can not find a plot of land for each and every child. In addition, no one of us has continued to the secondary school due to lack of school fees and none has got a formal job. We have problems of hunger and poverty and endless diseases. I am disappointed by the fact that my parents have got many children in fact*

because, if we were born two or three, we should be living a better life and every child should own a plot of land for housing and farming and for other business (Respondent 5, June 2005).

This is likely to show that as many young people of Kamonyi are aware of the negative effects of having many children, the new generation will not have many children. During the fieldwork, one parent interviewed said that he was confused as he could not know how to distribute his land to his eight children because it was so small that it could not fit with the number of her children. The study also showed that some poor families prefer not to distribute land to children because it is impossible to find a piece of plot for everyone;

The major problem I have is that the land left by my deceased husband is insufficient for farming and grazing as well as to bequeath while I have no money to buy another plot of land. I prefer not to distribute it to them because if I do it will not fit with them all, unless I give them plots only for housing or I give some to the expense of others (Informant 2, July 2005).

The findings above confirm what was found by Clay *et al*. (1998); Musahara, (2001); Homer-Dixon and Perceival, (1996) and Ohlsson, (1999); Haba and Bizimana (2005) in other parts of the country. For example, Ohlsson (1999) has found that farm holdings have become increasingly smaller due to the population pressure in Rwanda. The current study went beyond that and found that many youths in Kamonyi are landless and do not expect to access land because the available agricultural land is very small.

With regard to these findings there is evidence that the problem of landlessness will increase in the future, given that the population of Rwanda is estimated to increase from 8 million to 13 million people by 2020, according to the findings of the General National Census (2002). In order to reduce the high population growth especially among the poor, measures for family planning are needed. Young people as victims of landlessness should be assisted in terms of education, health care and job creation as the study showed that their families are unable to assist them in the above domains. The current study found that the lack of inheritance results in intra and inter-familial conflicts.

Moreover, the study findings also showed that when both parents suddenly die before distributing their properties to children, these children experience serious conflicts and disputes while sharing-up the family land. This happens especially when the land

is small or has some infertile parts. In rural areas of Kamonyi, there are many youths who became orphans due to genocide and the war of 1994. In some households, the eldest or the brightest child becomes responsible and takes care of his/her brothers and sisters and leads the distribution without local government or neighbours' knowledge.

In this situation, conflicts often occur when children do not consent to the distribution pattern. For example disputes occur when male children want to take plots of bigger size than their sisters' or when female children are given plots of infertile land. Likewise, De Lame (1996) has found that in many families, land conflicts pose children against themselves or children against their parents due to the lack of inheritance. The same author has highlighted that apart from intra and inter-familial conflicts, other social tensions over land opposed government authorities and people who came from other provinces in search of land in other areas of rural Rwanda and these disputes had been frequent before genocide.

In the same line, Kazoora (2004) noted that it has been reported in some rural areas of Rwanda by different government officials at the district level after genocide that conflicts between families around land persist and undermine the process of unity and reconciliation in post-genocide Rwanda. The study found that many youth respondents were from families with small land which is no longer productive due to land overexploitation and fragmentation. For 3 in 10 youths interviewed who have already got land through inheritance their land was very small and unproductive. As one young man said;

I have inherited a small plot of land from my parents, but it is no longer productive (Respondent 2, July 2005).

Those who have land grow different types of crops such as cassavas, maize, beans, bananas, sweet potatoes and mix seeds of different types at the same time. They also raise small domestic animals like chickens, sheep, goats and pigs.

They mentioned, however, that each and every year they experience problems of food shortages and that they produce for consumption not for commercialization as the harvest is too low to feed a family and be traded. As a result, they experience issues of hunger and of lack of money resulting from food shortages. Similar situation has been found in the provinces of Gisenyi, Cyangugu, Gikongoro and Butare where most households were not satisfied by the production from their farms, in terms of food security by the study conducted by Baechler (1999) in Musahara (2001). The same researcher observed that food shortages resulting from low agriculture production continued to be reported in rural areas of Rwanda during the last few decades. The current study went beyond in the case of Kamonyi and added that most land conflicts are mainly based on the hunger that strike some households due to lack of food resulting from land scarcity and food shortages. These conflicts put

parents against children especially parents who have too many children while they have no sufficient land. The current study went further and discovered that in Kamonyi, some households lack seeds to sow as everything is consumed, and they sell a piece of land to get money to buy seeds. This is likely to show that if nothing is done to make agricultural land more productive, hunger resulting from food shortages, will strike many parts of Rwanda in the future. The study also showed that many youths do not go to school due to the lack of school fees.

Though the recognition of women's access to parents' property including land by the 1999 inheritance law is a positive reform, it has however been revealed by youth respondents to result in increasing number of family land heirs and to worsen the problem of landlessness.

The study showed that even in some families, which have acquired large acreage of land in the past, providing young women with land resulted in land scarcity. It was therefore argued by some respondents and informants that were both male and female children have received land in terms of inheritance, in many cases they were given very small plots often of less than 0.5 hectares, and sometimes there was no land to share up;

> *Before the war and genocide, I was doing business so that I could easily gain money. So, besides the plot of land inherited from my father, I have purchased a plot of two hectares. All the land I had got, I distributed it to my 12 children, both male and female. Nevertheless, even though I gave every one his/her plot, I am sure that it will not help anyone at all because the plot given to every one was very small* (Informant 3, July 2005).

However, no one can argue that the women's access to land is the only cause of land scarcity and the increasing landlessness because the problem of land scarcity was striking in different areas of Rwanda even before the legal recognition of women's access to land by the 1999 inheritance law. As Homer-Dixon and Perceival (1996) argued, the resource scarcity result from many causes such as the population growth, accumulation of large scale of land by elites and the fact that Rwanda itself is a tiny country. Based on this argument, one can argue that problems of land scarcity and landlessness should have increased even without the introduction of the 1999 inheritance law.

This study shows that the **political reasons** that pushed the Tutsi **to exile** in 1959 and in 1973 have resulted in increasing landlessness. In effect, among landless youth of Kamonyi district, there are youth from *old case* families.

Even though they are not many in this district, they have the same problem of landlessness. According to the informant from CCOAIB, the Tutsi who fled the country following the 1959 *social revolution* led by the Hutu, have got many children in exile and came back with them. Many Tutsi found their land occupied by others, mainly the Hutu of the elite class and were not allowed by the law to get back their former properties including land. Interviews with 2 young people from *old case* families in 10 respondents pointed out that many young men and women from the *old case* families found themselves landless, unable to purchase land due to poverty as they had left their properties in exile. In addition, many of them had lost their belongings, which could support them, either in exile or during struggle. Others have not been able to study due to the worse life conditions of exile, such as being denied some rights for the sheer fact of being foreigners;

> *My country of exile was Burundi. Most of us who were born in exile we lived in poverty related to the lack of sources of income, we were given food by UNHCR because our parents could not find it on their own. Now, since we have arrived in Rwanda, problems increased and our life conditions became worse because our parents' properties including land were occupied by others and the government refused us to claim those properties under the pretext that this could cause more conflict and insecurity. My parents were given a house in a group settlement of 'Ruyenzi' but they were not given land for farming and grazing.*
>
> *I, my younger sisters and brothers do not have land for both farming and housing. Our future is uncertain* (Respondent 9, July 2005).

The study conducted by Haba and Bizimana (2005) in other parts of Rwanda has also found the problem of landlessness mostly among the youth from *old case* families, in the province of Kibungo (in the eastern Rwanda) where most *old case* families have been settled and provided with land through land sharing-up. The same authors found that children at the time of sharing-up have now grown up and they experience issues of landlessness because the land received by parents was very small. Even though there are few *old case* refugees in Kamonyi, those who are there should be given land because they only have houses while they have no skills to involve in non-agricultural activities.

In order to reduce landlessness among former refugees, the government provided them with land in groups in *imidugudu or* "group settlements" through land allocation programme mentioned in the previous section. According to the DLAD interviewed;

The programme of land allocation was achieved by the post-genocide government in order to deal with the crisis of the massive return of the former refugees of 1959 named "old case" and to provide with shelter some survivors of genocide whose houses were destroyed during the genocide of 1994. The former refugees were in need of land as on their return, they found their properties including land occupied by others (Informant 8, July 2005)**.**

The former refugees were freely given houses that were built in villages and the survivors of genocide mainly made of widows and orphans whose houses were destroyed and burnt by *"interahamwe"* Hutu militias during genocide.

This programme was carried out by the then Rwandan Ministry of Social Rehabilitation in partnership with the United Nations High Commission for Refugees (UNHCR), the United Nations' Development Programme (UNDP) and the World Food Programme (WFP). In the district of Kamonyi, the large "*imidugudu*" were built in Gacurabgenge, Rugobagoba, Kamonyi, Nkoto, Kinyambi, Ruyenzi and Gihara and Buguri.

The study found, however, that even though the **villagization** programme reduced social tensions resulting from the issue of lack of shelter, it did not solve all the problems because most former refugees still have no land for grazing and farming. Moreover, they have nothing else to bequeath their children except these houses. In addition, the creation of group settlements has resulted in land scarcity because the available land in the public reserves was used for villages. According to the Mayor of the district of Kamonyi, there have been higher social tensions and conflicts around land in the post-genocide Rwanda compared to the pre-genocide period due to the return of *"old case"* refugees. This is parallel to the observation made by Halord, (2003) that in the post-genocide period, the more striking conflicts were raised as a result of tensions between *"old case"* and "*new case"* families. In effect, when the refugee camps in Congo were forcibly broken up by Kabila's army, "*new case"* refugees came back home and found their properties, including land occupied by "old case" refugees. These findings are similar to what scholars like Kariuki (2004); Chabal and Dalloz (1999) pointed out in reference to other countries of Africa. For example Kariuki (2004: 15) argues that, in colonial South Africa, Zimbabwe and Kenya, land was at the centre of conflicts between white settlers and black natives.

Similarly, according to Chabal and Dalloz (1999), in the post-colonial period, conflicts around land, and borders, have caused wars in many African countries like Somalia, Ethiopia and Eritrea, Chad and Libya. The same scholars add that these types of

conflicts have been among factors inhibiting the formation, consolidation and development of states in Africa. Generally speaking, conflicts around resources including land are likely to occur in countries that have no sufficient resources whereby different groups struggle to own and control those resources. This argument resonates with the "resources scarcity and conflict theory" which suggests that environmental scarcity that encompasses all resources causes conflicts. This theory argues that renewable resource scarcity produces civil conflicts, instability, large and destabilizing population movements, aggravating racial, ethnic or religious tensions (Homer-Dixon, 1994).

Further, interviews and focus group discussions revealed that the **phenomenon of "children with unknown fathers"** causes increasing landlessness among youth. In the district of Kamonyi, there are many young men and women whose parents are unmarried, widows and prostitutes. Some girls go to Kigali or to other urban areas, and come back with children with unknown fathers. All those children have not got land through inheritance and they do not expect to have land because they have no recognized fathers who can give them plots of land or other properties. In the case where the father is known, the son goes to him and requests an inheritance. In some cases, the man cannot recognize the child and in other cases, he can be constrained to recognize the child not because he is not the real father, but either because his legal children refuse to share inheritance with an illegal child or because he has no sufficient land.

At this time, there is no other alternative but to find a plot to buy for such a child except when the mother has her own resources like business to buy a plot of land for her son. Most such young men and women go to town to look for other means of survival, as they found themselves landless and jobless;

> *I came to Kigali because there was no reason to live with my mother as she could not find me a plot to farm. I have neither a diploma nor a certificate in order to get a good job. I have a mother, but I do not know who my father is. I asked my mother who my father is and she told me that he died. Our neighbours used to call me 'ikinyendaro' or "the guy with unknown father". I grew up in my mother's family, but when I became mature, my uncles and my cousins hated me, battered me and sacked me because they did not want me to inherit their land* (Respondent 10, July 2005).

During the fieldwork, it was observed that in the post genocide-period, the number of children with unknown fathers increased in the district of Kamonyi due to the increasing number of young *vulnerable* women, such as women widowed by the war and

genocide and those whose husbands are in prison and unmarried women as well. A number of these women were made pregnant by wealthier men who gave them money to have sex with them and have got children. During the fieldwork, it was observed that many such children were psychologically stressed because of the way they were treated in the society. This could b inferred in the names given to them by some individuals who call them *ibinyendaro* (children with unknown father), or *abana barezwe nabagore* (children brought-up by women), etc.

The study found that most children with unknown fathers do not have access to education, thus ending up in the streets of the commercial centres of Kamonyi and in the streets of Kigali where they become beggars, and others are employed in households as baby-sitters, house keepers and herders of domestic animals. Many participants in the study claimed that many vulnerable young women accept to have risky or unsafe sex in exchange for money, when there is a man who promises to give them money, pay for the education of children, offer employment and food, clothing and provide other needs.

The study also observed another cause of landlessness which is related to the fact that large pieces of land are owned by **religious institutions especially the Catholic Church.** This argument is supported by the observations made by Clay *et al.* (1998) and Nkurikiyimfura (2004). For example Nkurikiyimfura (2004) argued that during the colonial period, the legislation introduced by the colonial authorities allowed churches to acquire large pieces of land in urban and rural areas. This shows that the first church leaders seemed to have been favoured by the past government in terms of land acquisition. The government should repossess land from these institutions since some of the lands are not productive while surrounding dwellers die of hunger due to landlessness. Moreover, this research also shows that the problem of family landlessness stems from **inequality in land ownership** resulting from **the sale of the family land** by some parents. Interviews with 7 in 10 respondents (70 per cent) and discussions in the focus group revealed that some parents sell pieces of their land, given that this is the only means they have to handle some financial problems such as paying school fees for children, medication, food, and health care services.

Some families of *new case* refugees have sold their land in order to find money to buy housing materials and build new houses or rehabilitate the former, given that on their return from DRC, they found their houses destroyed by the war and rain. Most poor people are landless; others are left with plots of very small size due to land sale. However, those who buy land are the persons who have means of gaining money; the poor do not purchase land;

Not every body can purchase land. Only the rich can afford the prices of land in this area because it is very

expensive for us who are unemployed. In this area, the only people who buy land are teachers, nurses, church leaders, and business men. Poor people like me who have no land, no money and no job, can not buy land. On the contrary, even the small land we have, as we are constrained to overcome some problems of life, we sell it to the rich. Most of our land has been bought by the rich people (Respondent 3, June 2005).

The study revealed that poor people's land is often bought by local government officials, servants, the rich and elite groups from urban areas. This situation is similar to the argument made by MINITERE (2004) that in Rwanda; a significant share of land is in the hands of rich and elite groups. As a result, youths from poor families mostly experience problems of hunger, while those from rich families do not experience such problems. This also results in the persistent unequal redistribution of land or social inequalities between the rich and the poor in the rural areas of Kamonyi. The current study shows that illegal land sale results in conflicts. Normally, according to the Mayor of Kamonyi district, the decision to sell family land is taken by the whole family in consent with the local government.

First of all, the husband and the wife together decide on the land sale, and eventually they inform the local authorities. However, conflicts occur when one parent, usually the husband, decides to sell the family land without consulting the wife or government officials. The focus group discussion revealed that in households headed by women, the decision to sell family property, including land, is jointly taken by women and their children with the approval of local government. These conflicts are also related to the lack of inheritance in households where parents sold land while they had many children aware that their land was very small.

During the fieldwork, it was found that a number of poor men have been persuaded by the elites to sell them their land in exchange for little money, and this used to happen without the knowledge of the wife or children. Subsequently, when children or the wife are aware that the piece of the family land was sold, they can lodge a complaint to the local authorities. In this situation, the buyer eventually risks losing the money and the land. The study found that, in the district of Kamonyi, a number of people used to lose land sold from one parent, specifically the husband, without the approval of other family members and that of the local authorities. Many cases of land conflicts were reported by participants in the focus group discussion. One can argue that consequently, if the process of land acquisition through inheritance continues to be dominant, it would benefit children from rich and elite families as their parents have land to bequeath while children from the poor remain landless, generation after

generation. The findings of the current study show that large-scale land is in the hands of elite capitalists of Kigali. This is because in the urban areas where they live, plots are expensive.

Therefore, they go to purchase land in peripheral areas and in rural areas such as in Kamonyi where plots are cheaper. Based on this data, one can argue that the economic power of urban areas is likely to increase while the one of rural areas goes weakening, as, too much land is in hands of elite capitalists from urban areas. In addition, possessing land gives the economic power to some dwellers of Kigali city and increases poverty among rural dwellers of Kamonyi, as they lose their main source of wealth which is land.

The data above shows that Kigali may continue to grow and to dominate rural areas and eventually to extend to the rural areas in the future. As a consequence, land may become more expensive in rural areas and the problem of landlessness may increase, as the poor youths would remain unable to afford land. This argument concurs with the arguments made by Kariuki (2004) who linked land to power, in his comparative study of the Kenya's, South Africa's and Zimbabwe's land reform programmes. Kariuki argues that land is a metaphor of power for societies in political transitions. For example, in South Africa and Zimbabwe, white minority settlers dominated black majority in all domains because they were holding almost the whole national arable land *(ibid.)*. In addition, the rural areas of Kamonyi tend to depend on urban areas especially the city of Kigali which has all the power, including social and political giants because most competent or highly skilled lawyers, talented people, businessmen, technicians reside in Kigali. Moreover, rural people who need specialist physicians, doctors, attorneys-at-law, as well as those who want to purchase articles of quality find them in Kigali where good hospitals, markets, shops, public and private companies and services of high quality, are found.

This argument is supported by Todaro (1994) in Tlaleng (2001) who notes that increasing poverty is induced and reinforced by dependency. Similarly, the Marxist theory of dependency views underdevelopment of third world countries as a direct result of the First World War domination and the impoverishment of the third world as a result of capitalist system that followed the First World War *(ibid.)*. Linking the above Marxist theory and the above observation made by Todaro to the case of rural and urban relationship in Rwanda, one can argue that impoverishment of rural areas would partly be induced and strikingly reinforced by dependency of rural areas on urban areas in the future.

It has also been found by the current study that in the past, political leaders such as former burgomasters and councillors, used their **political power** to accumulate large tracts of land in the public reserves. Further, the study has shown that **poor land administration** services have resulted in increasing landlessness among rural dwellers.

According to the Director of Land Administration Development (DLAD) in Rwanda, the local administration played a role in the family land shrinkage, through land confiscation and expropriation, under the pretext that "all the land belongs to the government" as it was stated in the 1976 land law. Likewise, many instances of abuses happened under the pretext that nobody was allowed to sell his land without the authorization of the government.

Another cause of landlessness among the rural youth of Kamonyi district as pointed out by participants in the study is **polygamy.** According to the key informant from HAGURUKA, generally young people whose parents are monogamous have no problems of access to land rights; at least they experience problems of family land scarcity. Only children who do not share the same mother become landless because their father has many children while he has no sufficient land to bequeath to them all. The study found that there are many polygamous men in Kamonyi and that young men and women from such families experience problems of landlessness as their fathers have got many children without sufficient land to raise children and to bequeath to them all. The problems become more serious when the father dies before distributing land to all his children;

> *My father has married three wives and my mother is the second. All my father's children including me are 13. His land is so little that we can not all have plots. Children of the first wife say that they are the only legal children and that we should not claim anything* (Respondent 1, July 2005).

In the same context, the study conducted by HAGURUKA (2004:6) in different areas of the country found that although polygamy has been abolished by legislation in Rwanda, this practice remained strongly practiced in rural areas of Rwanda. This shows that rural dwellers have not yet fully appreciated the consequences of producing many children without sufficient means to bring them up.

During the fieldwork, it was observed that problems of landlessness in polygamous families result in social tensions and conflicts among children and between children and their parents and among wives of polygamous men;

> *My father has married three wives and my mother is the first. As my mother is legally married, we have rights to inherit our father's land. The children of other wives do not have inheritance rights; so their mothers*

hate us and we [children] do not like each other while we are brothers and sisters (Respondent 2, July 2005).

In order to reduce landlessness among polygamous families, polygamy should be discouraged and measures for family planning have to be implemented. The government should encourage people not to marry more than one wife because as it has been observed in Kamonyi, children whose parents are legally married do not experience the same problems as their brethren from other wives. As they are recognized by the law as legal heirs, they are considered first in the family land redistribution. The government should also stress the policies of family planning and emphasis on the education of youth about family planning for development in order to prevent the similar problems in the future. According to the Permanent Secretary of the National Youth Council (NYC), the shrinkage of family land results in lack of money among rural youths because in the past, youths could gain money through the practice of *Kwiharika* but, gradually, the family land became so scarce that it was entirely exploited by parents; hence there was no longer land available for young children.

The lack of inheritance affects youth's lives, as suggested during interviews and the focus group discussion, of many young men and women leave rural areas for urban ones in search of jobs because they do not have any land they can live on. The respondents maintained that many young people migrate mainly to Kigali city, Gitarama town, as well as to some commercial centres such as Kamonyi, Gacurabgenge, Rugobagoba, Gihara, Ruyenzi and Rukoma and Nkoto as they lost hope of expecting to acquire land from their parents;

> *I came to the commercial centre to look for a job because I had no land to farm and I do not expect to own land because my parent's land is not sufficient for all the children, besides I have no money to buy one* (Respondent 8, June 2005).

According to the Youth committee representative in the district of Kamonyi, it happens that widows and free women meet the young men in the above commercial centres where they share alcoholic drinks such as beer or banana wine. Some of the above women invite the young men to their households where they share food and drinks and eventually lure them into sexual immorality;

> *The habit of tempting landless young men off the street by loose women is among the ways that increase HIV/AIDS and STIs transmission in rural areas because some of those loose women have been widowed by*

AIDS and the young men go to them unknowingly (Informant 1, July 2005).

Those who live in Kigali, due to the lack of education, training and skills are mostly employed in manual work such as day/night guards; others are house and office cleaners, while others do hard physical works in construction and in transport.

When they have got money they come back to rural areas to purchase plots, build houses, get married and support their parents and their brethren as well. A number of other landless youths are hired by some well-off families of public, servants and businessmen where they get jobs as house cleaners, shepherds, water fetchers, baby-grooms and do such other manual tasks. Such jobs pay them very little money of less than FRW2500 [US$ 5] per month while they use that money to survive and to help their parents. The study notes that there are no private institutions or individuals creating jobs in the district of Kamonyi and that a few small banks like the Popular Bank "Runda-Taba", and the cooperatives like COOPEC-Inkingi (Kamonyi and Gashyushya) only serve government servants and church leaders and businessmen; the poor do not benefit from their services.

The interest rates on loans are very high for the poor. For example, the interest rates are 13 per cent for agro-pastoral business, 12 per cent for construction, 16 per cent for commerce or business and 14 per cent for others (School fees, advance on salary, etc.) As a result many young people have no money to survive. As it was noted by 6 in 10 (60 per cent) respondents, because of the lack of money, landless youth do not feel safe as they are constrained in accessing basic needs including food, clothes, health care services, and education;

> *Actually, I do not feel like I am a man. Can you imagine that I can spend three months without having RWF 500 [US$ 1]! Even now, I have no money in my pocket; I can not move to other areas because I can not pay transport, I can not buy clothes from the market or food from the restaurant; briefly I am worthless* (Respondent 4, July 2005).

The focus group discussion and interviews with 8 in 10 (80 per cent) respondents showed that due to lack of money, many young people cannot buy plots or build houses on their own in case they have got plots due to high prices of housing material (sheet iron, cement), which are only purchased in Kigali city, while the transport is also costly;

> *Another problem is that even where land is available it is so expensive that only those who have a significant income can afford it* (Respondent 8, June 2005).

The Youth Committee Representative in Kamonyi also claimed;

It is threatening to hear that in this area of Kamonyi a sheer plot that can only fit with a small house of 10/8 meters, costs RWF300.000 [US$500]. This is so expensive that even some government officials such as teachers can not easily afford it (Informant 1, July 2005).

The study revealed that in the past, while parents were in possession of sufficient land, they used to support their children both male and female by providing basic necessities including building houses for their male children and basic household equipment for female children when they got married. However, nowadays, many young men and women are no longer supported by anybody because parents have neither sufficient land nor other income generating activities. The study indicates that due to the problem of landlessness many young men and women become *confirmed bachelors* or *confirmed spinsters*. Women are mostly victims of this phenomenon because a woman who is over 30 years old loses hope of getting legally married, while young men have no problem because at any age they can find a fiancée and get married. The youth revealed that most young men marry young women of less than 25 years.

Due to the phenomenon of "confirmed bachelors" or "confirmed spinsters", some of the spinsters feel free to have a child named *Ikinyendaro* with any man they want in order to avoid getting older without a child. Likewise, some landless young men constrained to maintain households make children with independent women, widows and girls who need children too. Others get children with women who need men through the practice of *Kwinjira*. The study revealed that most young men and women look for children by all means to avoid dying without leaving offspring because this is abominable according to their customs.

In Rwanda, a man who dies without leaving a descendant is buried with a piece of charcoal, the practice named *guhambanwa ikara*. Another effect of landlessness is the increasing diseases and mortality in the rural area of Kamonyi. According to the Youth Committee Representative in Kamonyi, people from poor landless families mostly die of curable diseases such as malaria, diarrhoea, flu and many skin diseases due to improper diet and to the lack of money to pay for health care services and anti-germ soap. For some diseases that are treated by specialists, rural dwellers are obliged to go to find them in Kigali where they are mostly based. Given that many youths have no money for treatment and transport, they die at home. The same informants said that most young people die of work over load, inadequate rest and ill-advised self medication, drug abuse and sheer ignorance.

As, many young people are jobless for almost all the time, when they find opportunity to work, they embark on it even when

they are not suited or able to do it. Some youth who get work such as building houses, road maintenance, without physical ability become weak, feeble and eventually become victims of several diseases because all these types of jobs require good diet. Most participants in the group discussion indicated that a number of rural landless in Kamonyi die at home or in hands of traditional healers because they are less expensive.

During interviews, 6 in 10 respondents said that government departments in charge of youth, NGOs and the National Youth Council do not help youth fight poverty by mobilising them into cooperatives and associations where they can undertake income generating activities to earn money. According to the Youth Committee Representative in Kamonyi, empowered cooperatives and associations are necessary and can be helpful because members can acquire vocational skills as well as helping each other to build houses. The few existing associations of youths have been very weak due to lack of youth participation, commitment and financial support. Some NGOs working in the district do not emphasize supporting the youth. The NGOs working in this district are, ASSOFERWA that deals with and assists orphans and widows, and INGABO that intervenes in agriculture domain. The Director of Youth Department in the Ministry for Youth, Sport and Culture when interviewed said that the government has set up Vocational Training Centres (VTC) to train youths who have not qualified for secondary school in order to help them start craft industries.

However, during the fieldwork, it was observed that though there are a number of Youth Vocational Training Centres in Kamonyi and in neighbouring districts, many young people do not attend them. In any case, lack of land and joblessness are likely to disempower rural youth as in such a situation they feel unsafe because they can not access basic needs. This argument is in agreement with that of Levin (1997) that possessing land gives safety, freedom and power to landowners as they have economic power enabling them to afford the market and obtain food and anything else that can be exchanged for money.

4.3. **The National Land Policy of 2004**

One of the aims of the current study was to analyse the National Land Policy of 2004, in order to see the extent to which youth' s concerns on landlessness have been acknowledged by the National Land Policy of 2004. The analysis was based on the views of the youth collected in the empirical research in the district of Kamonyi. The investigations targeted whether rural youth were aware of the National Land Policy of 2004, and whether they were consulted by the government before its adoption. The

role of other government department and the civil society in the policy process was also investigated. Inquiries also focused on the views of youths in terms of land consolidation and expropriation, beneficiaries of land redistribution and the programme of group settlement. Youths were finally asked whether they would participate in the policy implementation. All the respondents and informants gave their views on the policy that are presented in this section. This section presents the findings and the policy analysis, including its advantages and its limitations.

4.3.1. Participatory Aspects of the National Land Policy of 2004

Government officials, specifically the Director of Land Administration Development in the Ministry of Lands and the Mayor of the district of Kamonyi said that the policy development process was participative. Government officials from different government departments of all the ministries, the youth leaders at the national level, the local and civil society participated in consultative meetings that were held at the national level to discuss the project of the new land reform programme. At the provincial level, government officials at the province and the district levels were consulted. Some youth's representatives at the district and provincial levels were met in the solidarity camps organized by the Ministry for youth and were consulted. This was confirmed by the members of civil society interviewed who argued that they had been involved in the policy development and their views were taken into account. The Ministry of Lands that developed the final policy document used the recommendations from the above consultations as a basis.

However, interviews with some youths and parents in the district of Kamonyi and with some youths living in the city of Kigali showed that the majority of the poor in rural areas were not aware of the new land policy content, specifically its objectives because they had not been consulted. The consultative meetings started at the central level with the cabinet, when it came to local level it stopped at the provincial level. Mayors and other administrative officials at the districts level were invited to meet the staff of the Ministry of Lands at the province offices.

Some of local officials in the districts, including the coordinators of sectors and cells and their collaborators had neither been informed nor consulted while they are pillars of policy implementation as they live in proximity with people. During the interviews, 60 per cent of respondents said that they had not heard about the National Land Policy of 2004 and that nobody either from the government or the civil society had told them about the policy.

The 40 per cent of respondents who had heard about the policy, they learnt about it from the radio and from the youth solidarity camps organized by the Ministry for Youth, Sports and Culture, from the local authorities, friends and neighbours. Most of the participants in the focus group discussion were not aware of the National Land Policy of 2004. Neither local authorities nor NGOs or the youth representatives who participated in the consultative meetings did collect opinions of the rural youth on the land policy and they did not inform them on coming back.

Generally speaking, the findings of the study on the participation of rural people in the policy formulation process revealed that the consultation meetings before the land policy development did not focus on the category of the rural youth. Consequently, the majority of rural youth respondents were not aware of the new land policy content, specifically its objectives because they had not been consulted on its formulation. Few young people who had heard about the policy, did not have sufficient information concerning the updated land policy and their knowledge was very little, ambiguous and limited.

This is due to the fact that the participation itself was limited because the findings of the study showed that only government officials and members of civil society had been involved in the land policy development and only their views were taken into account. In effect, even youth representatives who were consulted in the national consultative meetings or in the youth solidarity camps, they had not collected ideas from those they represented so as to present all the rural youth's ideas on the land policy project. In addition, on their return home they did not report to all the rural youth what they had learnt from the solidarity camps or the consultative meeting.

Consultations with the Mayor revealed that the local authorities of administrative sectors and cells were informed but they might have not understood everything. This means that they did not know enough about the policy in order to be able to inform their constituents. Interviews with youth and their parents revealed that they were not acquainted with the land reform policy of 2004. Only, a small number of youths and parents respondents who had got some education said that they had heard from the radio and from the newspapers that there was a new land law in Rwanda but they did not know much about it.

Furthermore, even the local leaders at the district level who participated in the provincial consultative meetings had neither

consulted people specifically the youth nor informed them on their return. However, although they should have informed people, this would not have been participatory but informative. This would always be a top-down process of policy development as it has been.

However, according to Lisa (2004: 5);

> *At the beginning, the government of Rwanda was committed to the consultation with the wider population and was ready to modify the policy if necessary, based on their views.*

In any case, the above findings of the current study show that this type of consultation was not carried out; rather, there is evidence that the policy development process has been in the hands of the elite groups and that the views of the rural people especially the youth were not listened to. This is probably the reason why most rural dwellers, especially youths from poor families of rural areas are not well informed about the National Land Policy of 2004 while they are mostly landless and should be more concerned. Even though some youth representatives participated in consultative meetings, there is still a lack of real youth participation.

According to Marsden, (1991), the concept of "Participation" that is usually used in the theory of community development means that all members of a community participate in decision-making that affect their lives, not merely consultation or contribution. In particular, the government should have thought about consulting youths because they are the central category to focus on in any development projects that affect their lives. In addition, they constitute the future generation that would mainly participate in development of Rwanda if they were consulted. Further, some of the youths are supposed to be future leaders and responsible for development projects implementation. Hence, it would be easy for them to implement the projects that they have planned.

This argument is supported by the *youth development theory* such as elaborated by Kirshner *et al*. (1999) cited in Muratha (2004: 4) which they remark;

> *Youth participation is a key piece of positive development. In using the term participation we refer to a constellation of activities that empower adolescents to participate in decision making that affect their lives and to take action on issues they care about*.

In a similar vein, Muratha (2004), in the Pre-symposium on Youth Democracy and Governance that took place in

Addis-Ababa in 2004 argued that in societies in transition to democracy young men have to be involved in decision making, in order to experience social justice as full citizens. Normally, the civil society is responsible for identifying problems facing rural people and organizing lobbying and pleading sessions to the government and international community. However, no NGOs collected rural youth's opinions on the land reform programme. They have only been in rural areas of Kamonyi to explain the 1999 inheritance law.

Basically, to have youth participate in the policy process is a way of educating them on the culture of participation, and that, subsequently, this would lead these youths (future leaders, decision makers), to be involved actively in decision-making. The lack of youth's participation in the current land reform policy process is problematic because these are the people who experience land related problems such as landlessness, conflicts, etc. In addition, problems of poverty among young people are solved when they are involved in planning and implementation of projects that affect their lives.

With regard to the lack of the consultation of the rural youths, one can argue that the policy objectives would likely neither reflect the needs of all the rural youths nor meet their real needs. This argument is in agreement with that of Palmer (2003: 6) who remarks;

> *Most planners in the Ministry of Lands who developed the Land Reform Policy are Kigali-based "outsiders" who do not know Rwandan rural realities well. This can prompt them to develop a policy which does not reflect people's views.*

Provisionally, there should not be expectation of good results from the land policy implementation. This argument is also in agreement with the observation made by scholars like Marsden (1991) and Chambers, (1991) who argued that when developmental projects are initiated without considering the beneficiaries' needs, priorities and concerns; they always experience difficulties and often fail. Similarly, Chambers (1991) argued that findings of evaluative studies have shown that when projects take into account beneficiaries' needs, the results are always effective.

With regard to the above results, one can suggest that people need to participate in any project that affects their living conditions. Otherwise, the participation of the elites only in the land policy development shows that the current land policy reflects the views of elite groups. Considering that from the beginning, people did not have much information about the

legislation encompassing their land rights, there is no evidence that the rural population, specifically the youth will adequately participate in the policy implementation while they have to be involved in all steps of the policy process.

This argument is not dissimilar to the one of Muratha (2004) which suggests that complete participation means involvement of beneficiaries not only in public decision-making but also in implementation and control process of the project. On the contrary, conflicts may arise during the policy implementation, in case youths would not profit from the policy. This argument concurs with the theory of human needs which suggests that;

> *Participation of the population in decision-making on programmes that concern their interests is among their needs. Hence the lack of popular participation in any development project enters among causes of rooted conflicts* (Simone *et al.*, 2000: 7).

In addition, the fact that the government intends to distribute land to agricultural and pastoral professionals who are capable of making land more productive reflects evidence that the government wishes to achieve development from above. However, the approach of embedding with elite capitalists would not achieve good results. Scholars such as Heller (1999) and Evans (1995) argue that when the government embeds with elite capitalists, the government is eventually captured by elites who influence the decisions and policies made by the government so as to meet their interests which do not favour the poor.

Some other scholars say that development from above should bring development and benefit the poor through trickle-down, but, experience shows that the poor do not profit, instead, inequalities between the rich and the poor increase (Mkandawire, 2001). Popular participation in development is a key instrument for success.

The experience of Kelala and Brazil, Japan and Taiwan (Evans, 1995; Heller; 1999) show that popular participation was a key instrument of the success in land reform. People in these countries were given land, it was explained to them that it was their right and they were informed about the advantages of the land and they were involved in agricultural production activities. At the end, as the poor were involved in land reform, this programme played a core role in the development of the above countries. In the same vein, Levin & Weiner (1997) have argued that participation cannot be generated from above, but is produced from below.

One of the specific objectives of the National Land Policy is "To establish mechanisms which facilitate giving land its productive

value in order to promote the country's socio-economic development" (MINITERE, 2004: 18). In this context, with regard to experiences of the countries mentioned above and by endorsing Levin and Weiner (1997), one can suggest that in Rwanda, it would be better to adopt development from below by empowering economically rural dwellers in general and youths in particular through land allocation and training for better use, because when rural young people are empowered, they participate in development and profit from the developmental programme. In this context, the government should help them group themselves into associations of farmers or pastoralists provide them with training, help them access loans from the banks, assist them in production and find them markets for their agro-pastoral products. African governments and their development partners, including the United Nations, have increasingly acknowledged the importance of the role of youth participation in Africa's economic recovery and development over time (Muratha, 2004). In any case, the empowerment of individuals or groups within a community concerns, by its nature, political action (Taylor and Mackenzie cited by Levin and Weiner, 1997). Along similar lines, Rasheed, (1996) argues that, achieving economic empowerment of the poor requires a commitment by the state to democratic agenda of development that supports the poor. However, in the context of Rwanda; it is not easy to achieve this task because a lack of empowerment has been observed in Rwanda for many years by different scholars. For example, (Palmer, 2003: 6), criticizing the way the Rwandan Land Policy Draft of 2001 was developed, argued;

> *Talking of empowerment or participation or of trusting the capabilities of the people even of all local officials is not possible in Rwanda because this country is especially burdened by centuries-old highly top-down tradition of governance regardless of who is in power.*

As indicated above, local and central government officials, radio Rwanda and NGOs have been key actors in spreading successfully the content of the 1999 inheritance law to rural and urban dwellers. This also shows that the same key actors, working in partnership with other media can successfully mobilize people to participate in policy implementation.

4.3.2. How the National Land Policy of 2004 Deals with Youth's Land Tenure Issues

The overall objective of the current National Land Policy is "to establish a land tenure system that guarantees tenure security for all Rwandans" (MINITERE, 2004: 18, a.). In the context of tenure reform a new registration system will be set up as well as the modern cadastral system that will facilitate the process of land registration throughout Rwanda (MINITERE, 2004: 25). The policy states that all the land will be surveyed first, an inventory of all land owned according to the customary law and the communal and vacant land and state's private land will be done. A computerized national cadastre and land registration will be established and registration certificates of renewable long lease of up to 99 years will be given to land owners and will serve as title-deeds both in rural and urban areas (MINITERE, 2004:26).

At the local level, services of land registration will be established in all districts with the attributions of registering all the lands and giving the registration certificate or title-deeds to tenants who will show a proven interest in rational use of the land *(ibid.)*. This obligation of fulfilling the condition of presenting proof of interest in working the land rationally intends to make sure that land owners will promote a culture of professional agriculture. With the provision of title-deeds, rural dwellers who will acquire land, specifically the youth who are poor due to lack of money are likely to access loans from the banks. This will help them to undertake projects in agriculture or other sectors. In addition, the formal title-deed is compulsory because verbal agreements do not offer further guarantee of security in the contemporary society where banks only work on the basis of official written documents.

Hence, informal agreements can not help to develop agriculture while agricultural development is among the goals of the land reform programme in Rwanda. However, the main problem resides in the statement that;

> *The cadastral and title-deed registration fees will be met by the tenants and the rates will be established by a decree of the Minister of Lands* (MINITERE, 2004:25).

This can be a challenge for the poor rural people including young people of Kamonyi who have no money and therefore will not be able to pay the title-deed registration fees. During interviews, one respondent said;

> *If they will charge us the money, most young people in this district will not be able to pay because we are poor (*Respondent 5, July 2005).

In effect, one can argue that land tenure security should not be accompanied with a fee charged to seekers because land

acquisition is a social right that should freely be granted. This was also highlighted by Polanyi (2001) who suggested that land, water, health care services, and education are basic needs that ought not to be commodified. The same author added that when these basic needs are put on the market and exchanged for money, they become fictitious commodities or not real commodities.

Actually, lack of money should not be a reason to lose land tenure security. If land will be commodified, rural dwellers will experience hardship as medication and education are currently expensive. In this context, one can suggest that a financial assistance for title-deed access should be set up, if not, the fees should be made affordable to the poorest of the poor.

Otherwise, rural people disadvantaged by the land reform programme in Rwanda should be opposed to its implementation. In other words, conflicts would rise between the poor who cannot afford the prices of title-deeds and government officials in charge of land administration. This argument is supported by the one made by Polanyi, (2001) that a double movement is unavoidable when basic needs are commodified and when the poor are not provided with grants for assistance as means of protection against harm by the market.

The National Land Policy of 2004 has brought a number of changes in matter of land acquisition and ownership. As indicated earlier, for many years land access, ownership and control have been governed by a dual system of land tenure: the customary law and the written law (MINITERE, 2004: 21) and the procedures of land acquisition, access and ownership under the latter land tenure system resulted in increasing landlessness among the rural youth of Kamonyi district. This time, as stated in the new National Land Policy of 2004, land tenure will be guided by the provisions of the written law because the customary law has become obsolete and unable to offer any economic advantage to the tenants or the state (MINITERE, 2004: 23).

In order to reduce the gravity of landlessness, the National Land Policy of 2004 states that there will be a **land redistribution programme** through which landless people will be given land in the public reserves. The state's land comprises the states' public lands and the state's private land.

The natural reserves and national parks, land with public buildings, national roads and the feeder roads, lakes and waterways and marshlands classified as natural reserves have been classified as public states' lands while economically viable marshlands,

communal land, vacant land (abandoned land, land recovered from religious institutions and from large-scale traditional landowners) and land used by state institutions (schools, hospitals, research institutions, military entities) have been classified as the state's private land. In addition the state particularly is the only mineral rights owner. This means that individuals and associations with legal personality may not own mineral rights (MINITERE, 2004: 24). Other people who will be given land are "Those applicants, who show definite interest in land development" (MINITERE, 25). The process of sharing-up family land by children will be forbidden and the regulation of buying back land among inheritors will be established so as to render the consolidation of plots effective *(ibid.)*.

However the objectives of the current National Land Policy bear contradictions in terms of the ways it intends to solve the problem of land tenure security and landlessness. The first contradiction resides where the overall objective of the policy is "to establish a land tenure system that guarantees tenure security for all Rwandans" (MINITERE, 2004: 18, a.) while at the same time it states that "it will not be possible for every Rwandan to possess a plot of land of his own" (MINITERE, 2004: 25). In chapter five which presents the sequences of established procedures, there are some clauses that stress this contradiction. The first clause is where the policy states that the state's private and the communal and vacant land that will be inventoried "will be distributed to the landless peasants (old case) and to those applicants who show definite interest in land development" (MINITERE, 2004: 25).

The second clause is where the policy states that "agro-pastoral land will only be allocated to those who are professional farmers or pastoralists" *(ibid.)*. This means that land tenure problems of landlessness will not be solved for all. Another contradiction appears when the National Land Policy of 2004 states that land tenure will be guided by the provisions of the written law because the customary law has become obsolete and unable to offer any economic advantage to the tenants or the state (MINITERE, 2004: 23) and at the same time stresses that this does not remove the full rights of ownership of the land owners who acquired land through the customary law. In effect, this would advantage rural dwellers who have acquired land through inheritance if what is in this clause would be maintained and applied to the letter. However, in the following sections, the policy states that;

> A *clause forbidding the parcelling of land by inheritance or transfer inter vivos will be reflected in the land law (…) the regulation of buying back land among inheritors will be established in order to render the consolidation of plots effective* (MINITERE, 2004: 25).

The above clauses bear a sort of contradiction whereby the policy states that those who acquired land through inheritance will continue to own their full land rights while at the same time it intends to set up regulation that dispossess some of inheritors of their land because the policy also states that those with small pieces of land will be expropriated and that the registration certificates will be offered to tenants with a proven intention to develop and make rational use of the land (MINITERE, 2004: 26). The policy should have stated clearly that those with small land will be excluded from land rights ownership, regardless of the way they acquired their land.

In effect, on the one hand, the logic behind establishing a land tenure system that guarantees tenure security for all Rwandans and not to remove the full rights of ownership of the land owners who acquired land through the customary law is that the government wants to focus on promoting equity and social equality through land access and ownership for all. On the other hand, the logic behind allocating land tenure security to those who will show interest in land development and to agro-pastoral farmers and pastoralists to avoid land parcelling and to expropriate small land holders is that it aims to achieve productivity by avoiding wastage by under-utilization (MINITERE, 2004: 25).

However, these objectives may not be pragmatic if the policy supports individual land ownership. The facts are that most rural dwellers especially women are too poor and illiterate to make a consistent application letter and a plan that shows that they have capacity for land development, others are neither professional farmers and pastorals nor *old case* refugees. In addition not every one among the rural poor especially the youth can bargain and lobby for land in such conditions. This argument is supported by Hall (1998: 454) who when linking policy with objectives in South Africa's land reform, argues that;

> *Equity and productivity become conflicting objectives in the absence of any rationale for how equity might lead to productivity.*

The same author adds that;

> *The dualism between equity and productivity becomes problematic in a demand-led policy, where the onus rests on potential beneficiaries to articulate and lobby for claims (Hall, 1998: 453).*

However, there is a possibility of achieving productivity with equity and equality simultaneously. In a tiny country such as Rwanda, productivity within equity and equality should be achieved through collective ownership. People from the same family or from the same area should gather their lands and farm them as a community, a cooperative or association of farmers and

achieve productivity. This should be an alternative to alleviate the contradictions mentioned above. With regard to the objectives of the current land policy, one can borrow the concepts of *welfarism* and *productionism* from Hall (1998: 454) and argue that the main actors who participated in the formulation of the National Land Policy of 2004 were divided in two parts: *the welfairists* and *the productionists*.

In addition, the above clauses show that the current land reform is likely to privilege some over others, respectively the rich over the poor because the rich who acquired large pieces of land in the past will not be expropriated. Youth from rich families are likely to continue to own much land through inheritance because the policy recognises that;

> C*ustomary land rights and land use rights legally granted by the competent authority should give to the beneficiary full rights of ownership through a long lease which guarantees the security of land tenure security and raises the value which is essential to both the tenants and the state* (MINTERE, 2004: 23).

In addition, the policy states that people who will present a consistent application letter for land with proof of interest in land development will be given land in the reserves and professional farmers and pastoralists will be given land expropriated from small land holders.

However, many rural youth did not appreciate this statement;

> *I do not know to write; I have studied two years of primary school and have forgotten to write though I can hardly read. Who will write an application letter for me?* (Respondent 5, July 2005)

This shows that many poor youth from rural areas identified by the current study will be excluded from land acquisition because they are not adequately educated to make such applications while the rich and elite groups will have opportunity to acquire more land in the reserves as most of them are skilled enough to make a good application letter for land with better proofs of interest in land development. If no other measures of empowering the poor are set up, one can argue that this land reform programme will give opportunities to the rich to be richer by acquiring more land while the poor will be landless and deepen in poverty. In addition young women who are not able to apply with a consistent plan for rational land use will never enjoy their land ownership rights in their life as they have been excluded from individual land ownership by customary law even in the past. According to those who commented on the above question, if the former refugees were given land alone, conflicts would arise

because they are not the only landless people. They suggested that all landless people should equally benefit from the land redistribution programme. The above clauses show that the policy recognises the *old case* families as the only landless group which means that only the youth from *old case* families will benefit from land redistribution while this study indicates that there are many other rural landless youth who became landless due to land scarcity, polygamous households, gender inequality, other inequalities in land ownership and the lack of a known father who are not recognised by the policy as landless.

The policy states that professional farmers and pastoralists from *old case* families will be given land and those who do not depend on land will be given plots for housing in group settlements and in urban areas (MINITERE, 2004: 23). However, there is no evidence that they will all benefit as the National Land Policy does neither show the size of the available land to be redistributed nor the exact number of *old case* refugees. During the field research, most of the youth interviewed (9 in 10) maintained that former refugees are really in need of land and that they should be supported by the government, while 1 respondent had no opinion on this issue. Nevertheless, one can argue that the government should explain to rural people the reason why *old case* families would be the only beneficiaries of the land redistribution programme without any other condition; otherwise, as the study has revealed, few respondents who accepted to comment on this clause consider this as a sort of social injustice. In effect, for the question about whether distributing land from the reserves to the *old case* families only is fair, only 2 in 10 respondents said that it would not be better to classify former refugees as the only beneficiaries of the redistribution programme of the land which is in the reserves, while 8 in 10 said that they had no comment on this question. The current findings show that few respondents gave their views on the assumption made by the government that the former refugees should be the only beneficiaries of the redistribution programme of the land in the reserves. The majority of youth respondents said that they could not argue with the assumption above;

> *I have nothing to say about that question. Ask some one else. If the government wants to help former refugees, what can I change on that* (Respondent 6, July 2005)?

Another respondent said;

> *I cannot say anything on that programme, the government can do every thing it wants, I will not oppose its programme. Wherever they will take me I will go there, I have to obey to my authorities* (Respondent 4, July 2005).

This shows that rural dwellers fear to comment on sensitive or political issues like this.

Most rural dwellers are traumatized due to the consequences of genocide, ethnic division's background and the war of 1994; henceforth they do not trust people enough to reveal their views. As indicated earlier, some respondents were reluctant to answer some questions like this. Truly, the reason of losing land is different for both categories of landless youths because *old case* families lost their lands through political reasons and were dispossessed of their land by the pre-genocide regimes. Moreover, they had been barred by the Arusha Peace Accords from claiming their properties, but if this was not emphasized, other landless youths would think that the government intended to favour one ethnic group like the pre-genocide governments did. In any case, providing one group of people with land and abandoning another may be followed by a new form of conflict which would be purely ethnic based on land and this can happen because Rwanda is still in a convalescing state after the 1994 genocide the ideology of which has not been completely uprooted. This argument is supported by those of scholars such as Pottier (1997) and Prunier (1995) who have always linked the problem of landlessness resulting from land scarcity among the rural youth to genocide. For example, Pottier (1997), cited in Musahara (2001: 12) has asserted that;

> *In the building up to genocide, land scarcity and despair landless, jobless youth were factors much larger than ethnicity itself.*

As for the condition of applying for land, which excludes many among landless youth identified by the current study as most of them have deserted schools due to the reasons of being orphans and poor, one can suggest that a commission in charge of assisting rural people to make consistent applications for land should be set up at the district level. In addition, as there is no evidence that rural people would use land according to the requirements of the land policy, a commission of agricultural specialists should be set up to train and assist them to make better land use plans and achieve agricultural development.

Moreover, as the issue of making available land more productive so as to participate in development is multisectoral, land reform needs other parallel programmes. The parallel programmes may help in developing small businesses of agricultural products and agricultural industries and such other and involve those landless youths. Further, for the reason of participatory development, solving the problem of tenure security and landlessness for all, and the fight against joblessness, one can argue that the government of Rwanda should see how rural people can continue to own land because as indicated earlier, 83 per cent of the Rwandan population (GNC, 2002) lives in rural areas and has agriculture as mainstay and has no other natural resources to compensate the gap in land acquisition. The collective land ownership suggested above should be a good example. Hence, as

agriculture is the most important activity for the rural youth, this category of rural dwellers must be involved in this activity by accessing land and being trained to use it better. Otherwise, the development of Rwanda will be difficult to achieve since some people would have land and others would not have any.

In other words, excluding a group of people from land access does not guarantee the participation of all towards the development for all. Furthermore, providing a group of people with land at the expense of others undermines not only participatory development but also social cohesion and does not offer the state opportunities to embed with the population. Or, providing land to all people including poor rural dwellers is a means of embedding with them and straightening social cohesion.

This argument fits in with that of Heller (1996) when he remarked that when a group of people feels disadvantaged by some of the government policies, the state does not entirely embed with all social groups in the society so as to gain the popular participation in economic development. For example, as the same author adds, in order to involve people of the subordinate class and the middle class in development, the state of Kerala (in India) provided subordinate classes with land and this was achieved through a land reform programme.

In addition, in case some people are not provided with land, intractable conflicts are unavoidable. This argument concurs with the theory of human needs which notes that;

> *Deep rooted conflicts are caused by unmet or frustrated basic human needs-physical, psychological and social, security, identity, recognition, participation and autonomy (…) The lack of provision of fundamental human needs, like food, water and shelter, cause many intractable conflicts* (Simon *et al.*, 2000:8).

The National Land Policy also intends to set up **a group settlement programme or "imidugudu"** to consolidate land and increase agricultural productivity. One of the aims of this research was to analyse the group settlement programme, with the focus on its advantage and its limitations. The National Land Policy of 2004 puts emphasis on group settlements *imidugudu* and urbanization as the only method and means of addressing land fragmentation, land scarcity and improving agricultural productivity (MINITERE, 2004: 36). Under this programme people will be encouraged to live in villages in rural areas, but not all people will have access to agricultural land, they will only access to residential land.

During the fieldwork, inquiries focused on the views of youth on the programme of group settlement and its programme of land expropriation. The study findings showed that young people's knowledge of the group settlement programme was very little, ambiguous and limited;

> *What I know about imidugudu is that all the population of Rwanda will be settled in the imidugudu, the poor will be deplaced of their land and that land will be given to the rich* (Respondent 7, July 2005).

One of the parents interviewed said;

> *I heard that we will be disposed of our land because we are not able to buy fertilizers and make it productive"* (Informant 3, July 2005).

They were worried about how the poor would survive in group settlement without land.

However, although their knowledge was limited, the majority of the youth (8 in 10) interviewed and the participants in the focus group discussion supported the group settlement programme but with some suggestions;

> *The group settlement itself is good because it puts people together and every one can find a house. The government would tell us if in those imidugudu we will have every thing we were finding in our habitual homes. We were living near the fields; we could easily fetch water, and protect our properties. How will our life be if we live far from our fields* (Respondent 2, July 2005)?

For the latter interviewees, settling people in villages should be an alternative to solve the problem of shelter and to provide more land for production. However, most of interviewees (80 per cent) expressed their worries about their lives in the group settlements in case there would be no basic infrastructure, such as water, schools, electricity, hospitals and churches. They suggested that the government should create basic infrastructure before embarking on the group settlement programme.

In addition, all the respondents were not aware of the procedure for acquiring houses in group settlement. All the youth respondents did not know whether they would build houses on their own or whether the government or donors would provide houses for free as it used to be after the genocide.

They suggested that houses should be built by the government because they have no means to build houses on their own;

> *The life in group settlement will not be good for me. Where shall I graze my cows and goats? First of all who will build the house, Am I the one who will build my house or the government will build a house for me. Okay may be the government will build it. Otherwise, I shall not leave this house because I am not able to build a house of my own because I have no money* (Informant 4, July 2005).

Truly, the policy is not clear on whether houses in group settlements will be built by the government or by inhabitants. In any case, regarding the cost of this programme and the time it would take, and human resources needed, one should be doubtful and worried about such a huge programme. This argument is not different from the one by Kenny (2001) that the process of solving land tenure issues in Rwanda requires a long time, substantial levels of financial and human resources which, Rwanda does not have.

Moreover, the worries of 6 in 10 respondents focused on the long distances that would be between the sites of villages and the fields where farmers would go to farm. All the youth and parents interviewed, were worried about the issue of joblessness that should be aggravated by life style in group settlements. They suggested that the government should help young people living in group settlements find jobs by initiating projects that would create jobs and by helping create associations and cooperatives.

Nevertheless, even though the policy itself is silent on the occupation of settlers in villages, interviews with the DLAD in Rwanda showed that those who would be left without land, would be taught not to depend on land and would be trained for craft industries;

> *We have thought about those youths who have no high level of education. They will be enabled to involve in craft industry. Some will be trained for carpentry, masonry, mechanic, etc.* (Informant 8, July 2005).

Furthermore, the majority of participants in the focus group discussion and 7 in 10 of interviewees suggested that land should be collective property rather than individual.

The land would be owned by a group of individuals from the same family or from neighbouring families who would put together

their lands respectively and work on it in a community or cooperative of farmers. The same respondents said that hatred related to conflict on land ownership should reduce and people should love one another as the source of conflict is the desire of individual ownership of land. Participants in the focus group discussion suggested that farmers belonging to the same cooperative should equally share the harvest and this should help handle the problem of hunger in some families. Majority of parents (2 in 3) interviewed suggested that the programme of group settlement should start by settling youths and the former refugees because they constitute the category of people who are mostly in need of lands and houses. This was also suggested by participants in the focus group discussion. Respondents were also asked their views on the programme of expropriating land owners who are not able to make their land more productive.

Majority of respondents (70 per cent) said that there would be no problem if people were expropriated but they suggested that the money in exchange for their land would be sufficient to help land owners undertake other projects generating revenues.

> *If they will expropriate us, I have no hope that the money they will give us will be sufficient. There are many people that I know who have been expropriated but the money they were given was too little to help them survive* (Respondent 4, July 2005).

They also suggested that the payment should be on time. In order to solve the problem of low productivity, the National Land Policy of 2004 intends to stress land consolidation under "plots grouping" and "monocropping" programmes as well as the above mentioned "group settlement" programme. In the context of "plots grouping", "the minimum surface area of a homestead property should be fixed at 1 hectare for it to be economically profitable" (MINITERE, 2004: 37).

The policy, further, states that only plots of 1 hectare and more will be registered and those who have land of less than 1 hectare will be expropriated, and the system of compensation will be applied *(ibid.)*. This meets the recommendations made by UNFAO that a family agricultural plot should be at least 0, 9 of a hectare to be economically viable and that a minimum of 1 hectare would be desirable. However, as the current study found out, 53 per cent of respondents come from households with land holdings of less than 0, 5 hectares.

Halord (2003) has observed that 77 per cent of land holdings in Rwanda are less than one hectare, which explains the unproductivity of land and that many rural dwellers have very small land. This means that surely land consolidation will result in

widespread loss of access to land amongst small land holders and this is likely to increase the problem of landlessness. In addition, many landless peasants may experience difficult livelihoods as the policy remains silent on what those settlers in group settlements will do in group settlements or how they will survive. This argument converges with that of Musahara and Huggins (2004), while commenting on the policy draft of 2001, which maintains that many peasants made landless by land consolidation would find a move towards non-farm livelihoods challenging, and markets for non-agricultural goods services become quickly saturated. The problem in this context revolves around land expropriation. In effect, although the policy states that there will be compensation for people who will lose land, problems of poverty should be more serious in case this compensation delays. In addition, there is no evidence that this compensation will be calculated appropriately. What happens if compensation is not calculated appropriately or if it is not paid on time with the experience of the inertia of bureaucracy characterizing the post-colonial African countries (Mamdani, 1999)? This requires the commitment of bureaucrats at the central and local level who are involved in land reform services. I argue that there is a need for a bureaucracy of weberian type (Weber, 1991) in order to make the programme succeed. This argument is similar to that of Borraz (2003) which asserts that where land reform was successfully achieved, the bureaucracy used to be strong.

Another important point of concern is related to the use of money got from land expropriation as means of compensation. This money will neither help the land losers who are mainly parents nor rural landless youth. Interviews with young people and parents, who experience land sale in their households, showed that the money received from selling a plot of land is often quickly consumed. Apart from being used to provide for household's basic needs such as food, medicines, and school fees for children, in most households, men squandered the money in cabarets.

A similar observation on the negative impact of exchanging land with money has been made by scholars like Roodt (2001), in the case of land restitution in the post-apartheid South Africa where people were given money in terms of restitution, beneficiaries tended to deepen in poverty due to the misuse of the money. Basically, it should be noted that most of the poor rural dwellers are not necessarily familial with the principles of management and banking. The little money they have is quickly consumed and nothing is saved. A solution to this problem is for the state to avoid giving individuals cash money but deposit it in the banks for them, train them on the way banks work, and the principles of management and provide them with services of

assistance as well. This would reduce gaps in the management of money.

Another problem can be found in the monocropping programme because it does not offer evidence of increasing productivity. This was also highlighted by scholars such as Blarel *et al.* (1992); CII (2002). For example CII (2002) in Musahara and Huggins (2004) argued that monocropping on consolidated fields often causes erosion.

In any case, if agricultural professionals grow monocropping of cash drops instead of more draught-resistant crops, land consolidation would be harmful rather than effective as it would increase food shortages. In this situation, land consolidation would also bear risks of conflict between people living in forced group settlements, deprived of land and the government that dispossessed them of land through expropriation. In addition, the fact of allocating land to professional farmers and pastoralists causes confusion and can generate conflicts if precaution is not taken.

On the one hand, the policy is not clear on who is a professional farmer or pastoralist and it does not indicate how many cows should a professional pastoralist have? On the other hand, if there is a certain number of cows required to be classified among professional pastoralist, people can use the money got from expropriation to buy those cows and eventually claim for land! Can the state refuse them the land if they satisfy required conditions? This shows that the policy has to be clear on who is called a professional farmer and pastoralist and clarify the criteria.

Otherwise, when asked what they would do in case they were told that their land would be expropriated and, the majority (7/10) of youth interviewed said that they would accept to move if they were shown where to go, some of them said that they can only give their land if they are given another in exchange while few of them said that they can not give any body the land inherited from their parents.

Although, most of the rural youth and parents interviewed indicated that they would oppose the loss of land ownership, the policy states that the government has the right to enforce land consolidation, which means that rural dwellers would be forcibly expropriated and placed in group settlements. Therefore one can argue that conflicts may arise between small land owners and government officials. In order to avoid opposition from small land holders and the poor or landless people, various alternatives

can be proposed. Based on suggestions of respondents in Kamonyi that the greed of individuals for land is the source of interfamilial and intra familial conflicts, it can be argued that in this sense, small farmers with small plots of land can combine their plots 'till they reach the surface acknowledged by the land policy and manage it as a community.

After having acquired registration certificate and the title-deed, they can look for an agricultural specialist who can assist them to improve productivity of the land. They can easily acquire credit from the banks and share the risks and the benefits as well. This can limit the emergence of elite class of landowners and the class of poor landless living in group settlements and the fragmentation of land as well. This alternative is more helpful as it engages direct beneficiaries of the land and it can return to the initial situation if land consolidation does not offer guarantee to make land more productive. This argument seems to be supported by that of Halord (2003) which claims that land consolidation does not necessarily mean consolidation by individual land owners, that it can also mean consolidation by groups of small farmers, forming associations and rationalizing their land use.

Apart from the credit from banks, one can argue that the rural poor who would collect their small lands and work on them as communities be granted loans by the government, so that they buy fertilizers and achieve agricultural development. Another alternative is not far from the previous one. Rural dwellers owning small land can combine their land and rent it to business farmers who have means to make it more productive after acquiring the title deed as guarantee of tenure security. The government should intervene to demand that the businessmen hire the landowners to work on these fields. Landowners in rural areas should benefit from the land consolidation programme through job benefits and through rent amount shares.

The agricultural pastoral products can be sold to associations or cooperatives of landless people to transform them and the latter landless should survive on the benefits of land consolidation. This alternative is more interesting because our interviews with the staff of CCOAIB show a close experience of a businessman who used to rent land from a group of rural dwellers in the province of Umutara, in the northern Rwanda, and in turn to work on the same land;

> *There is business man in Umutara province that used to rent people's land to make it more productive. The land was made productive as the businessman had means to buy artificial fertilizers and people enjoyed*

double payment from their own lands even though they had no title deed documents for their land as a guarantee of tenure security (Informant 9, July 2005).

Ensuring better land use and consolidating it as well are crucial for development and no individual could oppose it.

But the consequences of the latter programmes must be foreseen and be avoided. If people are forcibly expropriated because they can not make land productive this should be considered as a pretext for eviction or dispossession. In view, it would be better to advance the reason of high demographic density resulting in land scarcity than advancing poor land utilisation as a reason for land reforms. Rural dwellers can understand the first assumption but would oppose the second and charge the state for having failed to help them by subsidising agro-pastoral activities for better land use.

CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS

5.1. Conclusion

The aim of this study was to investigate land tenure problems of landlessness, lack of title-deeds, and gender inequality inland ownership experienced by the youth of the rural areas of Rwanda and the way the National Land Policy of 2004 deals with them. The case study was the district of Kamonyi. The study was conducted among young men and women who have experienced several land problems mainly in terms of land access and ownership.

During the fieldwork, a number of young people of Kamonyi district narrated the nature of their land problems as well as their causes and their effects on their lives. The study also analysed the National Land Policy of 2004 document by looking at three programmes namely the land redistribution, group settlement, and the participation of government departments, civil society and youth in particular in order to see how it deals with issues of land access and ownership facing youth.

In order to collect and analyse data, this study used a qualitative method. The use of this method was motivated by its quality of providing data on the issues that one may not get from a questionnaire. Moreover, the qualitative method enables the researcher to collect and analyse in-depth information on a smaller group of respondents, to observe and understand values as he/she participates himself/herself in data collection. Documentary analysis, observation, in-depth interviews and the focus group discussion were techniques used to gather data.

The study population was made of 20 young people who have experienced land related problems and 10 key informants. In order to identify them, the study used a purposive sampling. Interviews were conducted with 10 young people and 10 informants while 10 young people participated in the focus group discussion.

The district of Kamonyi was chosen due to its specific characteristics in terms of land related problems identified by some scientific research and after consultations with the Director of the Department of Land Administration Management in Rwanda, the Director of the Department in Charge of Population Problems in the Ministry of Local Government and Social Welfare, and after reading a number of documents.

The choice of the category of youth was motivated by the fact that regarding their number and their socio-economic living conditions, any developmental policy as far as land reform policy is concerned, should take into account their concerns. Youth

who are young men and women whose age falls between 15 and 35 (MIJESPOC, 2004) constitute 36 per cent of the total population of Rwanda (GNC, 2002). They experience problems of illiteracy, poverty, joblessness and they mostly live in rural areas where they experience issues of landlessness resulting from land scarcity while they depend on agriculture. The lack of land tenure security has been observed as the cause of poverty among rural farmers.

It has been observed that there was no literature on the rural youth's land tenure problems available in Rwanda that is produced based on empirical study of young people experiencing land tenure problems. The current study intended to generate such a literature and add it to the literature on land tenure in Rwanda.

The concepts and theories that framed this work are the concept of participation, the human needs theory and the resource scarcity and conflict theory. Participation means that all the beneficiaries of a project must be involved in the decision-making, implementation and control process of the programme. Participation should be achieved from below whereby all members of the community participate in the decision-making on the projects that affect their lives. In other words, developmental projects must take into account the needs and views of beneficiaries and the latter must be empowered in order to achieve effective results.

However, in order to overcome challenges of lack of homogeneity, the local government must multiply training sessions in order to strengthen social cohesion and collaboration among beneficiaries. Youth participation should be taken into account for positive development and when youth are involved in decision-making, they experience social justice as full citizens. African countries and Rwanda in particular must abandon the top-down tradition of governance, and adopt policies that empower the poor and the youth of rural areas, instead of marginalizing them.

In other words, policy-makers must seek the views of the youth and the poor first, and meet their needs. The natural resources must be equally shared by all the citizens without any ethnic or sexual discrimination. Where resources are not sufficient, the property ownership should be collective rather than individual. This should solve the problems of conflicts among rural dwellers.

In some aspects of the land related issues, the findings of this study have similarities with those of the previous researchers such as Pottier (2002); Prunier (1995); Musahara and Huggins (2004); Haba and Bizimana (2005); Nkurikiyimfura (2004); Coupez (1995); Clay et al. (1998), Pottier (1997); Prunier, (1995) and Hommer-Dixon (1994). The similarities are especially on the causal relationship between land scarcity and conflict. However, the current study differs from the previous by its findings on the nature of land tenure problems experienced by the youth specifically of Kamonyi, where the previous research mentioned above did not focus, and their effects on youth's lives which were not examined by the above studies.

The findings from the analysis of the National Land Policy of 2004 are different from those of the previous studies. The previous studies analysed only the policy draft of 2001 with the focus on its relevancy, its opportunities, and its feasibility. The current study analyses the final National Land Policy document of 2004 and puts the focus on the way it has incorporated youth concerns.

The following are the findings of the current study: The majority of youth experiencing land tenures problems were men. This is because men have been the only heirs of parents' land for many years ago. The number of young women was close to the one of men because women have experienced land tenure problems since after they were allowed to inherit land in 1999. Respondents were between 15 and 35 years of age but the majority were between 25 and 30 years of age. The majority of youth were single mainly from the administrative sector of Buguri.

Most of the respondents came from families with many children (more than 6) and with land of less than one hectare. Most youth respondents were jobless due to lack of education and landlessness. Very few were employed in the informal sector as house cleaners, baby grooms, waiters, taxi escort, etc. Only two of 20 respondents had acquired land which was of the small size. Most of the youth had land as their main asset. Youth respondents said that normally in Kamonyi, land is acquired from parents through the process of inheritance, through purchase, through donation by a friend and through land allocation by the local government but most of the land is acquired through inheritance which indicates the predominance of the customary law.

The findings of the current study show that the youth of Kamonyi experience many land tenure problems including, landlessness, lack of title-deeds for their parents' land and for those who have acquired land, conflicts around land ownership, gender inequality in land access and ownership, and the lack of information about the current land reform process.

Many youth became landless because of the family land scarcity due to the imbalances between the family size and the family land size, inequality in land ownership resulting from accumulation of the large scale of land by the elites and the churches through land purchase and land allocation by the state or the colonial authority, the lack of a known father, polygamy, the phenomenon of exile, and the increasing number of heirs since the recognition of female children among parents' land heirs. The problem of landlessness affects youth's lives because they become jobless due to lack of land to farm while most of them rely on agriculture as their mainstay. Landless youth also experience hunger and malnutrition resulting from low agricultural productivity, lack of money due to lack of food to sell in the markets and joblessness. Further, conflicts arise between them and their parents when they lack inheritance, especially in polygamous families and where children have unknown fathers.

Youth respondents reported that they experienced conflicts resulting from illegal land sale, unequal land sharing-up after the death of parents, polygamy and the lack of inheritance, and gender inequality in land ownership. These conflicts are solved whether by local authorities or by services of ombudsman and by the courts and tribunals. Youth respondents recommended that land ownership be collective instead of individual as conflicts stem from desiring increased individual land ownership. Respondents recommended that "Gacaca courts" of the traditional jurisdictions be restored to solve land conflicts.

The current National Land Policy intends to solve the problems of landlessness, the lack of tenure security, and low agricultural productivity. However, the current study revealed some gaps borne by the current land policy. Although the policy indicates that land tenure will be guided by the provisions of the written law because the customary law has become obsolete and unable to offer any economic advantage to the tenants, it bears contradictions in some of its objectives. For example, while the National Land Policy of 2004 intends to solve the problem of landlessness under the programme of redistribution of land in the public and private reserves, it gives no easier opportunities to all the landless youth of Kamonyi.

The only beneficiaries of the redistribution programme will be the *old case* youth and those who will apply for land with a consistent plan to make the land more productive while there are other landless youth who lost land due to land scarcity, polygamous households, gender inequality, other inequalities in land ownership and the lack of a known father. In addition, the policy is likely not to benefit the poor rural youth because of its conditions in matters of land acquisition.

In addition, in order to increase productivity, the policy intends to embark on programmes of group settlement and land consolidation. However, the study found that this will result in increasing numbers of landless young people because many youths especially the poor with small lands will lose their land. In addition, the policy does not show any indication of a better life in group settlements because there would be more joblessness.

The National Land Policy intends to set up a land registration system in every district that will offer title-deeds. This will solve conflicts around boundaries and will enable land owners to gain credit from the bank and to achieve agricultural development. However, the policy intends to charge some money to the land-title-deed seekers. This would not profit the poor who would not be able to pay for title-deeds in case the amount is high.

The majority of young men are aware of women's right to land but most of them became reluctant to share the family land with their sisters. In some families, they are supported by their fathers. Young men challenge their sisters and accuse them of being selfish for claiming a share of the smaller family land with their brothers and whilst enjoying their husbands' land at the same time. The National Land Policy of 2004 states that women and men will have equal rights, in terms of land access and ownership. However, women would have to face the challenge of the condition to apply for land with proof of interest in land development. Another challenge for women resides in the statement that there will be no land sharing-up in terms of inheritance which results in lack of individual land among women.

The process of National Land Policy development has not been largely participative; rather it was limited because the poor people mostly the landless who dwell in rural areas were not consulted. It was not solely in the hands of government officials and NGOs. As a result, many young people of the rural areas were not aware of the current land policy.

5.2. Recommendations

This section presents recommendations to different interveners in the land reform programme in Rwanda, those who are in charge of youth and the youth of the rural areas of Kamonyi. These recommendations are based on the youth's wishes and suggestions in Kamonyi district. First and foremost, as the land redistribution programme will benefit mostly the category of youth from *old case* families, while there are many other landless youths in rural areas, especially women who recently became heirs, the government should take serious measures to deal with these problems.

These would include explaining the reasons pushing the government to consider *old case* refugees as the only category of landless. In addition, the government should recognise that there are other youth who became landless due to other reasons such as polygamy, inequality in land ownership due to land acquisition by the former government officials, the rich and the churches under the pre-genocide regimes and the colonial authorities, gender inequality and the lack of a known father. The government should therefore include the latter landless youth among beneficiaries of land redistribution programme.

In addition, as, a condition for applying for land ownership and presenting a consistent plan showing that the land seeker has interest in land development is fair, all the beneficiaries must fulfil this condition and be assisted in writing an application letter and in making such a plan. The committee evaluating all the files should have rural youth representatives and adequately educated and skilled.

Members of this committee should be elected by the local population following the criteria of integrity, honesty, modesty, and impartiality. It has been observed that this policy bears some objectives that are likely to result in privileging the rich over the poor in practice. Likewise, some of the objectives of the current National Land Policy bear contradictions whereby some objectives seek to achieve equity and equality in land ownership while others seek to achieve productivity.

In any case there is possibility of achieving equity or equality and productivity through a collective land ownership whereby individuals would be grouped in associations of farmers and pastoralists and farm their land in collective. The government could help them find loans from the banks and provide them with agronomists who would train them to develop regional crops. The

government could assist them to find inter-regional and international markets for their pastoral and agricultural products. The government should organize learning visits to developed countries and help develop agro-industry. This would empower people living in group settlements.

In order to reduce the high population growth especially among the future parents who are youth of today, measures for family planning are needed and polygamy should be discouraged. Young people as victims of landlessness should be assisted in terms of education, health care and job creation as the study showed that their families are unable to assist them in the above domains.

As the policy intends to promote the country's socio-economic development (MINITERE, 2004: 18), in Rwanda, it would be better to achieve this development programme from below by involving and empowering economically the rural youth through land allocation and training for better use. This requires abandoning the top-down tradition of governance that characterised the former regimes and reinforce the democratic regime. In terms of land conflicts resolution, most of youth respondents suggested that *Gacaca courts* of traditional jurisdictions should be restored because they are the best courts to solve the land conflicts.

This should be a good alternative as even in the past *Gacaca courts* used to solve land conflicts and had a noble goal of punishing but also of reconciling parties in conflict. However, the "Gacaca courts" herein proposed should not be completely like those which have been created under the governance of the organic law n0 40/200 of January, 26-2001 to accelerate the trials of genocide and promote reconciliation among Rwandans.

Some additional criteria like honesty and righteousness appropriate to the former "Judges -Inyangamugayo", should be combined with a certain level of education, in selecting judges who sit on the committee to solve land conflicts. Honesty and righteousness should help to avoid corruption and other acts of immorality while an education level should help in interpretive land laws. For this reason, only a minimum secondary or a high school certificate can help achieve this objective.

As indicated above, local and central government officials, radio Rwanda and NGOs have been key actors in spreading

successfully the content of the inheritance law to rural and urban dwellers. This also shows that the same key implementers, working in partnership with NGOs can successfully mobilize people to participate in achievement of principles of gender equity and gender equality enshrined by the inheritance law.

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