



*A vision for the future*

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Rural Development (ICARRD)**

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**A Case Study  
On the Implications of the Ongoing Land Reform on  
Sustainable Rural Development and Poverty Reduction in  
Rwanda**

**AND**

**THE OUTCOME REPORT OF THE THEMATIC DIALOGUE  
HELD ON 20TH JANUARY 2006**

**KIGALI, RWANDA**

**A PROCESS AND A CONTRIBUTION IN PREPARATION FOR ICARRD  
"NEW CHALLENGES AND OPTIONS FOR REVITALIZING RURAL COMMUNITIES"**

**JANUARY, 2006**

## **EXECUTIVE SUMMARY**

The paper is a product of a short term consultancy work offered by FAO for the Ministry of Lands, Environment Forestry, Water and Mines of Rwanda. After the draft was produced, a workshop to incorporate views of stakeholders on land reform in Rwanda was convened in Kigali on 20<sup>th</sup> January 2006. The draft including stakeholders views completes a country paper for the International Conference on Agrarian Reform and Rural Development to be held in Brazil from 7<sup>th</sup> through 10<sup>th</sup> March 2006.

The paper focuses on the relationship between land reform, poverty reduction and sustainable development. It is grounded in the current process of implementing a land law and policy in Rwanda. The thrust of the discussion is pillared on a number of interrelated arguments.

Firstly, the current land reform in Rwanda is shaped by the economic and political context of the country, especially the structural evolution of land use, demographic change, environment, agriculture, livelihoods and governance in the post colonial decades.

Rwanda is a landlocked country in Central Africa. It has a population 8.2 million and land surface area of 26,388 square kilometers. With a population density of over 340 per square kilometer, it is one of the most densely populated in Africa. About 92 per cent of its inhabitants live in the rural areas and 90 per cent of them depend on agriculture. The per capita income is estimated to be US\$ 250 and the incidence of poverty below a national poverty is slightly above 60 per cent. Being the 159<sup>th</sup> out of 177 countries on the Human Development Index, it is one of the poorest countries of the world. More than 70 per cent of the poor are in the rural areas depending on agriculture for a livelihood.

Rwanda has a hilly topography. More than 50 per cent of farm holds experience severe forms of soil and fluvial erosion. Because of land scarcity there is over cultivation of agricultural fields and almost all marginal lands are being utilized. Due to demographic pressure man based environmental degradation and lack of application of modern methods of agriculture productivity per area of all major crops has been declining since 1990s.

Moreover land has been closely related to politics and conflict for four decades after her independence. Conflicts in 1959, 1963,1973,1980,1990 and the genocide of 1994 were all politically motivated by politicians. However evidence has shown that in all these land was a factor behind social tensions before every major open conflict. Even today more than 80 per cent of all disputes in Rwanda are related to land. In all cases conflicts arising from land relations were fuelled by the land scarcity, growing unequal distribution of land holdings, insecure land tenure and a growing population of landless people.

Secondly, poverty in Rwanda has been associated with a troubled past. A legacy of conflict and a recent experience of genocide cannot be solely attributed to land problems. Nonetheless land and environmental scarcity coupled with severe demographic pressure are associated with conflict and poverty in Rwanda. A viable land reform has to factor in conflict mitigation now and in future.

Thirdly, in view of the fact that poverty in Rwanda is more rampant in rural populations that depend on land, it is logical that land reform is a necessary instrument in reducing poverty and ensuring better livelihoods for the majority of Rwandans. But while it is a necessary process in the search for sustainable development we argue that it is not sufficient. There is no sustainable development strategy in Rwanda that would not consider land as an important input. It would however be wrong to consider land as the sole factor in ensuring long-term sustainable development.

Fourthly, and not in contradiction with the previous argument we point out the special role that land reform could play in Rwanda. From experience in implementing the first Poverty Reduction Strategy Paper and the growth paths defined in Vision 2020 land reform is an important mediating process in the search for growth with redistribution. In other words land reform presents an opportunity for promoting long-term pro-poor growth. It should at the same time create an enabling environment for investment which can stimulate growth as a prerequisite to poverty reduction.

Finally, as was hinted above, land is closely related to conflict. There is growing evidence that link the two. While land scarcity and insecurity of tenure are in themselves indirect causes of conflict, there is evidence to show that land was closely related to power and politics in the pre-genocide regime. It graced elite competition in the use and control of natural resources. We shall demonstrate that one of the post conflict results was the exposition of the land as a problem that could not be addressed without a reform.

These arguments show that land reform in Rwanda, is not like the one that took place in Kenya, Taiwan, China or Latin America. We note also that the objective conditions of the need for land reform in Rwanda are politically different from those obtaining in Zimbabwe, Mozambique or South Africa. The conceptual basis for land reform are considered in Section 2.

But with regard to poverty reduction, growth and sustainable development it is important to show how the land policy and law constitute a land reform. Section 3 is on the rationale of land reform in Rwanda.

Section 4 focuses on the relationship between land reform, poverty reduction and sustainable development. There is adequate empirical evidence to show that land reform that ensures security of property stimulates investment, growth and reduced poverty. Vision 2020 is a Rwandan expression of extricating herself from the list of poor countries. The bottom line is halving the rate of poverty by year 2020. One precondition of these goals and aspirations is rapid economic growth. In the short and medium term the source of the rapid growth has to come from agriculture. The challenge that emerges is ensuring that the sources and paths of the growth involve the poor and is redistributive. Land reform cannot provide all answers to issues of development and equity, but it is the centre of the debate for pro-poor growth in dominantly agrarian societies.

At policy level, defining approaches and implementation paths requires making choices and elaborating strategies. Land reform is not an 'on-off' event. It is a process that has long-term implications, which affect different stakeholders differently. Land reform in Rwanda has to take

care of trade offs between competing demands and interpretations and strive for a win – win situation now and in future. Section 4.2 addresses these challenges, as they are manifest in Rwanda especially in the post genocide period.

Section 4.3 discusses a few issues that are related to the implementation process. Section 5 summarises inputs of different stakeholders resulting from a one day workshop in preparation for the ICARRD that was convened to discuss the draft report and allow interaction between the government, civil society, private sector, NGOs and donor agencies on land reform. Section 5 provides a detailed report of the workshop is attached.

Section 6 outlines lessons learned from the workshop, and challenges identified. Section 7 discusses the implications of land reform to poverty reduction and sustainable development in Rwanda, particularly identifying elements that need priority action.

Section 8 draws out some conclusions. A necessary caveat is that land reform is a ‘forest’ of ideas and practices, and its analyses enable us to see some of the ‘trees’ constituting it. The issues raised in this paper are by no means exhaustive. However we believe they are capable of sustaining the land reform debate in Rwanda and beyond especially its interface with poverty reduction and long term development.

## TABLE OF CONTENTS

|   |           |
|---|-----------|
| <b>EXECUTIVE SUMMARY</b>  | 2         |
| <b>TABLE OF CONTENTS</b>  | 5         |
| <b>ACRONYMS</b>   | 6         |
| <b>PART I. CASE STUDY</b>   | 7         |
| <b>1.0 Introduction</b>   | 7         |
| <b>2.0 Conceptual Framework</b>   | 9         |
| <b>3.0 Initial Diagnostic of The Problem; Rationale For Land Reform In Rwanda</b>   | 11        |
| <b>4.0 Concrete Modality of the Intervention Carried Out</b>  | 14        |
| 4.1 Land Reform, Socio-Economic Welfare and Rural Poverty Reduction   | 14        |
| 4.2 An Assessment of Choices  | 18        |
| 4.3 Implementation of the Land Reform Process   | 20        |
| <b>PART TWO: HIGHLIGHTS FROM THE THEMATIC DIALOGUE</b>  | 23        |
| <b>5.0 Views from Diverse Stakeholders: Proceeds of the National Stakeholders Workshop, 20<sup>th</sup> January 2006, Kigali Rwanda</b> | 23        |
| 5.1 Introduction  | 23        |
| 5.2 Welcome Note  | 23        |
| 5.3 The State Minister's Speech   | 24        |
| 5.4 The Consultant's Presentation   | 25        |
| 5.5 Stakeholders' Views   | 26        |
| 5.6 Group Discussions   | 27        |
| 5.61 Theme 1 (Group 1): Implementation, Participation and Related Institutional Frame   | 27        |
| 5.62 Theme 2 (Group 2): Decision Making for Optimal Land Use  | 28        |
| 5.63 Theme 3 (Group 3): Land and the Rural/Urban Interface and Livelihoods?   | 29        |
| 5.64 Discussion of Group Results  | 30        |
| 5.7 Closing   | <b>30</b> |
| <b>6.0 Lessons Learned and Challenges</b>   | <b>31</b> |
| <b>PART THREE: POSSIBILITIES FOR FUTURE COOPERATION</b>   | 32        |
| <b>7.0 Implications of Land Reform to Poverty Reduction and Sustainable Development in Rwanda</b>                                       | 32        |
| 7.1 Elements that Need Priority Action  | 32        |
| 7.11 Enhancing More Participatory Approaches to Land Reform Implementation in Rwanda  | 32        |
| 7.12 Cost and Benefit Analysis of Optimal Land Use Options in Rwanda  | 32        |
| 7.13 Analysis of the Rural-Urban Interface in Rwanda  | 33        |
| 7.2 Methods   | 33        |
| <b>8.0 Conclusion</b>   | 33        |
| <b>ANNEXES</b>  | 34        |
| Annex 1 Participants To The Stakeholders Workshop, Kigali 20 January 2006   | 34        |
| <b>REFERENCES</b>   | 35        |

## ACRONYMS

|          |  |
|----------|--|
| DRC      | Democratic Republic of Congo                     |
| ENBC     | Enquete Nationale des Budgets et<br>Consommation |
| FAO      | Food and Agricultural Organisation               |
| GoR      | Government of Rwanda                             |
| HDR      | Human Development Report                         |
| HIV/AIDS | Acquired Immune Deficiency Syndrome              |
| MINITERE | Ministry of Lands, Environment, Water and Mines  |
| MT       | Metric Tonne                                     |
| NUR      | National University of Rwanda                    |
| PPG      | Pro-Poor Growth                                  |
| RDI      | Rwanda Development Indicators                    |
| SSA      | Sub Saharan Africa                               |
| UNDP     | United Nations Development Programme             |

## **PART ONE: CASE STUDY**

### **1.0 Introduction**

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## **2.0 Conceptual Framework**

Land reform is generally taken to mean the redistribution of property or rights in land for the benefit of the landless, tenants and farm labourers (Adams 1995). Adams however quickly acknowledges that this is a narrow definition and makes a distinction between land reform and agrarian reform.

Agrarian reform includes both land tenure and agricultural organisation. In terms of policy, governments should not end at redistribution only, but should also support other rural development measures, such as the improvement of farm credit, cooperatives for farm-input supply and marketing, and extension services to facilitate the productive use of the land reallocated.

While land reform, in the context of this paper, does not need to be overstretched to agrarian or agricultural reform the remark is important in two ways. Firstly land reform in Rwanda, as stated in the introduction is grounded in the land policy and law reform process. However like in the broader definition both the policy and law have ramifications to agriculture, rural areas, poverty reduction and sustainable development. The government of Rwanda has been clear on the overall goal of the reform; ‘to encourage greater ‘professionalism’ in the agricultural sector, a move towards commercialisation, and other changes, which will result in the ‘recapitalisation’ and ‘transformation’ of the rural economy’ (GoR 2002b).

Poverty is also a concept that can have different meanings to different people. Poverty is used in economics to mean low income or consumption that is below a given threshold (called a poverty line) such as a dollar a day (Ravallion 1998, Laderchi et al 2003). It has also meant lack of access to basic needs like education, health and sanitation (Townsend 1996). Today a wider concept that encompasses all meaning is that of human poverty (UNDP 1990). The definition of poverty is centred on human beings. Its breadth ranges from low income or consumption, lack of basic needs, deprivation, exclusion and powerlessness to lack of freedom. This generic approach to the concept of poverty is consistent with the official definition of poverty in Rwanda (GoR 2002 b).

At an individual level a man or woman is considered poor if they: are confronted by a complex of inter-linked problems and cannot resolve them, do not have enough land, income or other resources to satisfy their basic needs and as a result live in precarious conditions; basic needs include food, clothing, medical costs, children's schooling etc. and are unable to look after themselves

Their household has a total level of expenditure of less than 64,000 Rwf per equivalent adult in 2000 prices, or if their food expenditures fall below 45,000 Rwf per equivalent adult per annum. At the household level, households headed by widows, children, the elderly and the handicapped are deemed likely to be poor. At the community level, the shortage of economic and social infrastructure and of natural resources are important criteria for poverty p13

However the paper takes even a broader perspective of poverty reduction. Reducing poverty is not a static exercise involving targeting passive beneficiaries of policy interventions. The poor have capabilities which they can use to act and react to policies as consumers, employees or entrepreneurs (World Bank 2005, Sen 1989).

Consistent with the objective of reducing human poverty and the comprehensive meaning attached to it by the definition of poverty is the ultimate goal of attaining sustainable human development. It is also broader than attaining high levels of incomes and consumption or raising the per capita income of a country.

Sustainable development is firstly about human development. Human development has been defined as a process of enlarging the choices of all people in society. UNDP(1990) citing Mahbubul Haq defined human development in the following words;

The basic purpose of development is to enlarge people's choices. In principle these choices can be infinite and can change over time. People often value achievements that do not show up at all or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives.

Sustainable human development places people at the centre of development process. In practical terms it is pro-poor, pro jobs, pro nature and gives highest priority to poverty reduction, production of employment opportunities, social integration and environmental regeneration. Sustainable human development means policy capable of meeting needs of the present generations without compromising the needs of future generations (UNDP 1990). It is within this basic framework that we are reviewing land reform in Rwanda.

### **3.0 Initial Diagnostic of the Problem; Rationale For Land Reform In Rwanda**

The rationale for land reform in Rwanda can be put into three categories. Firstly it is to put in place a legal and regulatory framework that can ensure land tenure is more secure. Secondly, it is a response to problems of land scarcity coupled with demographic pressure, over cultivation, soil erosion and environmental degradation. Thirdly, land reform is justified by a need to mitigate conflict that can be seen to have been associated with land in the past and present.

Since independence of Rwanda in 1962 there has been no credible land law and policy that could formalize and legally secure land by offering titles. Belgian land tenure regulations were recognised as binding after independence by the Rwandan Constitution of 1962 (Article 108). They are summarised as follows: lands occupied by the original inhabitants were to remain in their possession. Secondly all unoccupied lands including all marshlands belonged to the state. Thirdly all sales or gifts of land were to be approved by the Minister of Agriculture and finally lands belonging to persons who were not original inhabitants had to be registered. It is important to point out here that, while land registration and land sales were to be regulated as early as 1960s, this was never operationalised.

The overall situation was not changed by a 1976 law, which provided for a number of things. Firstly, all lands not appropriated according to written law belonged to the state. Secondly, lands subject to customary law, or rights of occupation granted legally, could not be sold without prior permission from the Minister responsible for lands and after the communal council had expressed an opinion on the transaction. Thirdly, the Minister could only grant such authorization when (a) the seller had at least 2 ha remaining (b) the buyer did not possess more than 2 ha and finally contravention of the above provisions were punishable by a fine of 500-2000 francs and the loss of customary rights or rights occupation of the land (Reintsima 1983).

However throughout the 1980s and 1990s land transactions continued in many parts of Rwanda, apparently without the authorization from the government as had been provided for in the past legislation. Except for land plots in urban areas and mission stations of churches till July 2005, land acquisition and use was largely governed by custom. Rights were for use not for ownership –usufruct. This means that previous land acquisition, transactions and the post genocide land use arrangements were not protected by law. Since 1995 after the genocide, outflows and inflows and the subsequent land problems that arose made a land reform urgent (Gasasira 1995, Von Huyweghen 1998, NURC 2001, Bledsoe 2004, Liversage 2003, Musahara and Huggins 2004).

The second problem of land scarcity has been well documented by the Land Policy (GoR 2004:3-17). Over the last four decades land has become scarce due to demographic pressure. With a land area of 26,388 density of the population was about 121 per square kilometre 40

years ago, it is estimated to be more than 340 today (Waller 1996). Through inheritance, land fragmentation has been so pervasive that it is often referred to as 'miniaturisation' (Brallel 2001). Prunier (1995) cites sources referring to Rwanda as a 'giant garden'. In the 1950s about 50 per cent of Rwandans worked on more than 2 ha. Today about 75 per cent have less than 1 ha and 60 per cent work on less than 0.5 ha (Waller 1996, GoR 2002). A statistic commonly cited indicates that a farm which is less than 0.75 ha cannot provide adequate nutritional needs of a family. Another statistic is that an economically viable plot of land would need to be at least 0.9 ha (GoR 2004).

In the 1980s population growth rate was in excess of 3 per cent and fertility rate was averaging 8.3 the highest in the world (World Bank 2003). A hilly relief has made most Rwandan farm holds prone to soil erosion. Erosion is experienced in about 50 per cent of all households (Clay 1996). But soil erosion is not natural only. More than 80 per cent of the natural forest cover has been destroyed by man (Baechler 1999, GoR 2003). This has led to further erosion of soil. Rwanda is losing up to 12,251 tones of soil every year (GoR 2003). Loss of humus may be on average 10.1 tones per hectare (Baechler 1999).

However erosion of the soil is not the fundamental problem as such. Although soil erosion is cause of fall in agricultural productivity, the primary cause is over cultivation of the farms, fall in fertility due to short or lack of fallowing and little or no application of fertilizers and other inputs (Kelly and Murekezi 2000, Waller 1996). Rwanda's land problem demonstrates the failure of the Boserup hypothesis which has posited that farmers adapt to changing population and scarcity of resources (Clay 1996). The negative aspect of the problem of scarcity and land use is fall in levels of livelihoods and persistent food insecurity (UNDP 1994, Von Huyweghen 1998, Bigagaza et al 2003). The problem of land scarcity is closely linked to poverty (Musahara 2003). Land reform therefore in addressing this problem, is addressing land scarcity, land use and poverty reduction.

A third problem addressed by land reform is that of conflict. Land access problem, distribution and insecurity are closely linked to conflict (Daudelin 2003). In the period before the genocide the frequency of land disputes especially land scarce areas to the north of Rwanda were increasing (Andre and Platteau 1995). Land monopoly and control of natural resource exploitation sustained the Second Republic (Gorus 2000). Land was a central issue in negotiations that led to the Arusha Accord (Prunier 1995, Longman 1998, Pottier 2002, Musahara and Huggins 2005).

In Rwanda land and especially environment has been associated with conflict and to some extent genocide. Dixon-Homer and Valerie (1995) demonstrated how environmental scarcity, and in this case dominated by land, causes conflict. They represent the Toronto School. Another group based in Switzerland pioneered by Gunther Baechler (1999) also used Rwanda as a case to show how environmental discrimination causes conflict. Ohlsson (1999) uses Rwanda to show that the Malthusian logic cannot be totally ignored in explaining genocide in Rwanda. Gertzel (2000) gives an account of how conflict in the Great Lakes is closely related to crisis of resource entitlements. Andre and Platteau (1995) assembled evidence from a location in North Western Rwanda that show a close relation between land and genocide. Conflict is most common in countries that have insecure property rights (World Bank 2005). In a recent study in Kibungo 10 per cent of respondents indicated that they know of genocide cases they can relate to land

(Gasarasi and Musahara 2004). It has been common in Rwanda that displacement or deaths resulted in a little of more land (Semujanga 2003).

Although genocide in Rwanda cannot be accounted for solely by land alone, the latter has a strong explanatory factor, whose dimension may have to be determined. Prunier (1995: 4) summarises the linkage as follows;

The decision to kill was of course made by politicians, for political reasons. But at least part of the reason why it was carried out so thoroughly by the ordinary rank-and-file peasants was [a]... feeling that there were too many people on too little land, and that a reduction in their numbers there would be more for survivors"

The same view is shared almost similarly by Pottier (1997:1);

In the build-up to genocide, land scarcity and despair of landless, jobless youth were factors much larger than ethnicity itself.

It is noteworthy that land disputes have been on the high side in the period after genocide (Gasarasi and Musahara 2004). About 80 per cent of all disputes in Rwanda are based on land (NURC 2001). The majority of cases presented to the Office of the Ombudsman and in public hearing by the President have been related to land. Land reform should be used to mitigate conflict. Since conflict is closely associated with poverty in Rwanda (Musahara 2005) land reform can be used as a long term strategy of mitigating conflict while at the same time preventing poverty.

Consequently, a land policy passed in June 2004 and a land law enacted in July 2005 consist of a package of changes that have to address the issues addressed above. Firstly, all Rwandans will enjoy the same rights of access to land. Secondly, all land should be registered for security. The title will be tradable, but not in a way that fragments plots below 1 hectare. Thirdly, land use should be optimal. Fourthly, households will be encouraged to consolidate plots to ensure that each holding is not less than 1 hectare. Fifthly, land administration will be based on a reformed cadastral (registered title deeds) system. Sixthly, the system of land administration will be developed. Finally, marshlands are in the state's private domain, and will be allocated to individuals on a concession by the MINITERE on condition of good management.

Some highlights of Land Law relevant to our analysis are the following; all land has to be registered, land consolidation is encouraged and will be approved by a Minister responsible of agriculture in conjunction with local authorities. Land has to be protected and conserved. Monitoring of land use is assigned to land commissions whereas registration is assigned to land officer. Failure to use properly, protect and conserve land can result in requisition or confiscation. Land ownership is however in terms of long term leases of up to 99 years. Marshlands remain state property. Transfer of title deeds requires prior consent of all family members. There will be a land tax. Undeveloped land reverts to the state's private domain after three years. In a country with the type of problems discussed above, effective implementation of these is certainly a reform.

## 4.0 Concrete Modality of the Intervention Carried Out

### 4.1 Land Reform, Socio-Economic Welfare and Rural Poverty Reduction

The argument in the last section rightly indicates that land reform in Rwanda is expected to address the land problems identified. With the land law and policy in place it is sensible to argue that a more secure ownership of land will stimulate agricultural production which is important for poverty reduction. Toulmin and Quan (2000) have indicated that land from can facilitate targeting the poor. Bralet (2001) has shown how security of tenure can stimulate access to credit, growth and poverty reduction. There is evidence to confirm a relationship between land reform and growth and poverty reduction (Deininger 2003). There is ample evidence to show that secure land tenure provides an enabling climate for investment, which is important for growth and poverty reduction. Secure property rights have been noted to raise levels of investment among poor households in China, India and Ghana (World Bank 2005).

All these remarks are of paramount importance in appreciating the rationale for land reform in Rwanda. But it is important to address three interrelated questions. Is land reform in Rwanda as interpreted from the land law and policy able to stimulate rapid economic growth? If it does, is that growth necessarily pro-poor because it is based on land and agriculture? How redistributive is the land reform in Rwanda? Let us address these briefly as a basis of underpinning the links between land reform, poverty reduction and sustainable development.

The need to stimulate economic growth as a prerequisite to poverty reduction is articulated in major policy statements (GoR 2002b). The specific policy instruments that spell out the need, are Poverty Reduction Strategy and Vision 2020. PRSP (GoR 2002b: 3) is unequivocal on the argument.

If we are to achieve rapid poverty reduction, we need high positive per capita growth. A real per capita growth of 4-5% per year implies 7-8% real growth per year.

Vision 2020 is an ambitious goal of halving the rate of incidence of poverty in Rwanda by year 2020. It is premised on high rates of economic growth sourced from the principal sectors of the economy including agriculture. We need to assess how land reform can contribute to the dual aim of stimulating growth and reducing poverty.

**Table 1. Sectoral Growth Timeline 2000-2020**

| Sector      | 2001-05 | 2006-10 | 2011-2015 | 2015-20 |
|-------------|---------|---------|-----------|---------|
| Agriculture | 5.0     | 6.0     | 6.5       | 6.5     |
| Industry    | 7.0     | 10.0    | 11.0      | 12.0    |
| Services    | 7.0     | 10.0    | 10.0      | 11.0    |
| GDP         | 6.2     | 8.2     | 9.1       | 10.1    |

Source: Rwanda Development Indicators 2001

More than 90 per cent of Rwandans live in rural areas depending on agriculture. The agricultural sector contributes up to 43.5 per cent of GDP. A reform that will improve land use and security and ameliorate the stress on the economy arising from land scarcity, degradation and

mismanagement will certainly augment the contribution of the agricultural sector to economic growth. Article 19 of the land law provides for the drawing out of charts for efficient utilisation of land. Article 20 spells out the need to augment levels of productivity in agriculture through introduction of land consolidation. Article 62 binds owners to use land in a productive way, safeguarding fertility and protecting it from soil erosion. Articles 64 and 65 define land which is conserved and protected and land which is not used productively. For instance in Article 64 one form of land which is conserved and protected is that which has forests in a manner that does not degrade the land. In Article 65 land, which is not protected, from soil erosion is regarded as land that is neither conserved nor protected. Moreover Article 73 gives powers to land commissions to monitor and sanction land in relation to productive use and conservation. Article 74 gives power to the Minister in charge of land to requisition land that is not used in a productive way or that which is being degraded (GoR 2005).

Land policy is even more elaborate on the need of the reform to promote economic growth. In its introduction it is stated that it will be based on the goals of Vision 2020 (GoR 2004:2). Chapter 2 is reserved for analysis of land issues. Reversing the effects of population pressure and land scarcity, excessive parcelling of land and land degradation should be able to boost the contribution of land to economic growth. The land policy states its objectives that could challenge the problems in Chapter 4. Section 5.1.3 states that by formalising land tenure the economy of Rwanda will be boosted. The rest of Chapter 5 addresses the methods of improving land management through its administration, registration and regulating transactions. Section 5.6 is exclusively on use and management of rural land particularly land uphill, marshlands and protected areas. Land policy and now having been fortified by a land law would in principle lead to more efficient allocation of an important factor of economic growth in Rwanda. What cannot be guaranteed, for several reasons, is whether in reality the economic growth may be forthcoming if the reform is effectively implemented.

Firstly, organisationally, land reform implied by the policy and organic law may most likely improve efficient and secure use and tenure of land. However the powers to improve agricultural production do not necessarily lie with the implementers of the land reform. For instance land consolidation is an important item in both the land policy and land law. However Article 20 gives powers to the Minister responsible for Agriculture (in conjunction with local authorities) to approve consolidation as an approach of augmenting agricultural production. But as it is today, the Minister need not be the same one in charge of Lands and their policy orientations need not be similar. Likewise Land commissions and land officers are charged by Article 22 and 31 respectively to oversee land consolidation and registration matters. Yet these important tasks in efficient use of land are not directly related to agriculture. Agricultural extension, use of fertilisers and availability of credit, which are important to intensified agricultural practices cannot be ensured by the land reform. In brief, factors and institutions that can make land reform contribute to agricultural contribution to economic growth are exogenous and outside the sphere of implementation of land reform. Intergovernmental and local coordination of sectors is not clear in the law and policy.

Secondly, even if land reform improves land management and use, the contribution of agriculture to economic growth is not guaranteed automatically. The performance of Rwandan agriculture is still dependent on the vagaries of weather. Rain fed agriculture, with little

application of technology, inputs and irrigation is still fragile and unstable. Agriculture contributes up to 80 per cent of export earnings. However earnings from coffee and tea, the principal exports, depend on stability of the international markets in terms of prices and competitiveness. But above all increase in agriculture depends on how responsive are small peasants who are the principal producers of the export crops. Land reform in Rwandan context is not as explicitly linked to improvement in agricultural production and growth as we had assumed earlier. Indeed land policy and land law provide a narrow definition of agrarian change that Rwanda needs. The links between land policy and law on one hand and agricultural policy and transformation on the other are not yet clearly defined. But assuming as we did that land reform will lead to efficient allocation of land as the most abundant resource in Rwanda and that agriculture contributes substantially to economic growth, we still have to answer the second question. Will that growth be pro-poor?

Pro-poor growth (PPG) means growth is based on the sector where a majority of the poor reside uses their skills and factors of production and produces goods that a majority of the poor need (Ravallion 1997, Pasha 2002). This is the definition by which land reform is apparently pro-poor. About 91 per cent of Rwandans live in rural areas and more than 90 per cent depend on agriculture. Rwanda is, at policy level advocating pro-poor growth. PRSP (GoR 2002b) states this in its introduction.

Poverty can also be reduced rapidly within a growing economy by ensuring that the incomes of the poor grow faster than those of other groups. In Rwanda, this can best be achieved by investing in rural and specifically in agricultural growth, and by ensuring that the most disadvantaged groups are able to participate

It is important however to see if in content, the economy of Rwanda and policy orientation is on a pro-poor growth path. Firstly from Table 1, it is clear that major sources of growth will be industry and services. But from our definition, a growth is pro-poor if it involves the sector where a majority of the poor live. The agriculture sector, which is projected to have the lowest contribution in relative terms, is as said earlier the mainstay of the poor. More than 70 per cent of the poor live in rural areas (GoR 2002b).

Secondly, notwithstanding the observation above, further elaboration of the growth in agriculture indicates that it can be ensured by commercialization and intensification (GoR 2004, GoR 2004b). Commercialization of agriculture can be accelerated in a small range of crops particularly coffee, tea, flowers and fruit. However, this is possible in cases of large-scale production such as in tea estates. While there have been clear improvements in coffee production recently, it is a business of about 400,000 farmers only. Commercialization in agriculture will use the skills and benefit a limited number of the people living in rural areas.

For intensification in agricultural production to be a reliable source of growth, application of chemical fertilizers has been identified as an important key to expected transformation of the sector. Fertilizer application to the most responsive crops particularly coffee and potatoes can ensure up to 60 per cent of the growth expected in agriculture. The rest can be extracted from use of marshlands and extension of cropland (Mellor 2003). In this regard then, the sources of growth in agriculture will expectedly involve a small number of farmers who cultivate the few highly



responsive crops (Musahara 2005). It will greatly depend on the availability and use of chemical fertilizer, which are notably a major problem in Rwanda (Waller 1996, Clay and Murekezi 2000, GoR 2003). In sum land reform can augment pro-poor growth in principle, if growth will be sourced from land. However by depending largely on agriculture, a growth path does not become pro-poor, if it will not involve a majority of the poor farmers.

The previous argument leads us to the last question on how redistributive the land reform will be. The first answer is provided by previous observations. It will be redistributive if the efficient management and use of land is linked to involving a larger group of rural producers in contributing to economic growth. Secondly, it is noteworthy that a growth that reduces inequality is essentially pro-poor (Dollar and Kray 2000). However land reform can be instrumental in this regard, if it reverses trends of growing inequality in land distribution and if it stimulates the type of growth(pro-poor) that reduces the negatively skewed income distribution trends that have been rising within the last two decades( ENBC 1985, Maryse, Herdt and Ndayambaje 1993, Uvin 1998, HDR 2000, GoR 2002, Ansoms and Marysse 2003, GoR 2004). The gini coefficient that was 0.29 in 1985 is reported to be 0.45 today (GoR 2002b). Land reform will therefore be instrumental in reducing income and consumption inequality, by pro-poor growth already mentioned but also reducing inequality in land distribution and access.

Besides the diminishing sizes of plots for cultivation and grazing, land distribution has become more and more skewed over the years (Bigagaza et al 2003). We noted that by mid 1980s it has been observed that Rwandan households with less than a hectare were 56.7 per cent (Baechler, 1999). By 2000 households having landholdings of less than 1 hectare were estimated to be 77.6 per cent (GoR 2002). Large swathes of land were in the hands of a minority urban elite. In 1984 it is estimated that 50% of agriculturally productive land was on 182,000 farms out of 1,112,000 (Baechler 1999). Differentiation in sizes of land holdings is also appreciated by the government (GoR 2004). A maximum size of holding a person could own was a prominent clause in the first drafts of the law. It has however disappeared in the final version of the organic law.

Finally and related to the discussion on pro-poor growth is the question of social welfare and sustainable development. Firstly pro-poor growth will enhance social well being if it raises the levels of human development. Current data show that levels of human development have been growing but are still low and below 0.5 by international comparisons. Current estimates indicate that the level of human development using the HDI is 0.450 and Rwanda is 159<sup>th</sup> in 177 countries of the world (UNDP 2005). Development stimulated by an aggressive land reform can lead to sustainable development if it promotes human development. It can do that if it promotes pro-poor growth and deliberately targets poor households.

The analysis in this section should not however paint a totally grim picture of possible impact land reform can have on poverty and sustainable development. It has been asserted that by merely securing rights to property even small farmers are stimulated to invest. Indeed some land renting for the landless increases because the owners do not fear possible difficulties of getting their plots back when there is no legal proof of ownership (World Bank 2005). An issue reviewed below is how soon can land be registered in Rwanda.

However, as noted earlier, land reform narrowly defined as policy and law will still depend on the implementation of other policies particularly agricultural policy, environmental conservation, economic policy and poverty reduction strategy. The latter policies being implemented by other institutions which may have different orientation land reform will need strong government coordination and harmonisation. But the latter statement involves another set of challenges partly reviewed in the next section. Land reform needs a strong government commitment and coordination, but its implementation is premised on positive responses from other stakeholders notably the farmers themselves, private investors and the civil society.

## 4.2 An Assessment of Choices

Land reform in Rwanda and elsewhere is a complex issue. It has a battery of problems and alternatives that involve views and needs of different stakeholders. The land reform under such circumstances has to involve choice between competing and even conflicting alternatives. In this section we identify a few that may need more discussions within the land reform debate.

The first choice is between land titles and **formalized markets** on one hand and **customary systems** on the other. It was noted that land titles make land holdings more secure. This can stimulate investment even among the poor. However it is worth noting that the issue of security in Rwanda is historically more against disputes than ownership. If more than 70 per cent own less than 1 hectare, it needs to be established whether having titles will give as much value to land as anticipated. There is some evidence of societies where formalised land markets have not resulted in the expected levels of poverty reduction (Ogendo 1998). A related issue is how fast individual land plots can be registered and the cost of doing that. For some years before every plot is formally surveyed and registered the customary system will most likely continue to operate. In this regard a hybrid system involving elements of both may have to be tolerated or a less costly scheme of formalising ownership be devised (World Bank 2005). According to the law there is perhaps no choice at all basing on the statement that all land holdings will have to be registered. Although land markets were operating fairly well under the customary system, they were de jure illegal. However besides the debate, it should be noted that villagisation (imidugudu) is expressed as the most suitable form of settlement for efficient land management. In this regard all the debates about formalisation of customary land holdings and marketisation of land will be revisited.

The tension between those who would regard land markets as 'good' and customary system 'bad' is also imminent in discourses on land **fragmentation** and land **consolidation**. The new Rwandan reform would seem to regard land consolidation as the logical way out of the problems discussed in section 3. It is noteworthy however that land fragmentation in Rwanda has been a coping strategy of using different plots for different crops in different seasons. Bralel (2001) has indicated that gains from consolidating land may not be as high as expected. Tendency towards mono cropping is not necessarily the most optimal choice under conditions of land scarcity and agricultural risks such as bad weather and diseases. Another thread of contention is on how the consolidation of land in Rwanda will be operationalised (Bledsoe 2001 and Liversage 2003). There is still need of elaborating how the ordinary peasants will participate in the process as opposed to direct state intervention. It is most likely that some people will not retain land

(Liversage 2003) and if they do whether it would be the same land. There is a lack of detail on who will do what and how the process will be put in motion.

The point in the previous paragraph is similar to the choice between more bureaucratic and **top down** implementation and **bottom up** or participatory approaches. Strong state intervention and the need for technical activities prior to fully reforming the process makes the Rwanda reform look top down. However given the incorporation of the decentralization process in the reform there is a deliberate process to take most of the reform activities especially land registration to the bottom. The problem then becomes to what extent decentralized bodies can afford the intricate process. Participatory processes become meaningful when there is enough capacity in the communities and decentralized bodies. A related issue will be who will be in the land commissions and what roles they will assume along side land officers. It could be either a reproduction of existing bureaucracy or incorporation of grass root communities. Their roles will have importance on land use decisions. These issues have to be defined clearly since the issues of land use and agricultural transformation involve many more experts and stakeholders than land commissioners alone.

This distinction raises issues of **public awareness** of the land policy and law. The evolution of the policy and law was preceded by an elaborate consultation process with stakeholders country wide. In view of the cost and timing the numbers of people and meetings may have not been as large as would have been expected. However, taking into consideration the length of the process (8 years) and openness to debate with stakeholders, particularly LandNet (a network of NGOs advocating for land rights), it is no doubt the government had the will to be transparent even on such sensitive issue as land. However a handful of knowledgeable NGOs are not representative of the entire Rwandan public. There is no doubt that the principal stakeholders-peasants- are not aware of the land policy and land law. Besides the existence of LandNet, the level of advocacy for land is still weak in Rwanda (Musahara and Huggins 2004).

Another set of choices that are explicitly clear in the land policy and law are those between of promoting **commercialised** and **professionalized** agriculture as opposed to promoting individual **small holder farming**. In view of a dominantly traditional agriculture, commercialisation is a sensible policy that under the current policy of agricultural transformation can stimulate rapid economic growth. Under conditions of sizes of landholdings, consolidation and villagisation are also sensible policies that can enable the operationalisation of the new approach. However there are challenges that have to be addressed that have already been mentioned. Central to the debate is how both consolidation and villagisation will be introduced countrywide on a voluntary basis without creating any tensions.

Commercialisation in Rwanda has been marred by lack of effective policies of improving access to inputs, fertilisers and credit (Van Braun et al 1991). Secondly the way consolidation will be implemented and its costs and benefits have to be defined. Thirdly, villagisation as an approach of optimising land use and permitting commercialisation has not been fully elaborated. In the meantime sporadic success stories in improving the marketing and returns to a few commercial crops(e.g. coffee washing stations) need to be analysed in relation to their sustainability and replication countrywide(Rama 2005). As noted earlier this will need close coordination between the implementers of land reform, government departments in charge of agriculture, export

promotion and cooperatives. These are cautions that are important in relation to the high probability of marginalising some members of the Rwandan society. Commercialisation that makes use of marshlands may threaten the ecosystem services that provide the livelihoods to clay workers and brick makers as well as small farmers who use them for dry season food supply. The win –win situation assumed at the beginning will be compromised if in the absence of a coherent non-farm employment policy there is a growing number of landless(Musahara and Huggins 2005).

One strategy would be designing ways of improving the participation of peasants themselves as a way of triggering the right responses to these new and ambitious policies. A known problem among Rwandan is their lack of response to commercialisation and preferring food self sufficiency instead (Waller 1996, Pottier 1998).

It is possible to conclude that space for choice has become narrow since the land policy was approved and land law enacted. However we noted earlier that land reform in Rwanda like anywhere else should not be regarded as an event rather as a process. The way it will be implemented, the sequencing of activities, the setting up and putting in place institutions will shape its impact on Rwandans especially the poor. In this regard there an urgent need of elaborating by laws and procedures in a manner that will target the poor and promote economic growth.

#### **4.3 Implementation of the Land Reform Process**

Implementation is a last phase in a planning cycle. In this regard the first indication of the phase has been the passing of the policy and enacting the law. The land policy was adopted the government in February 2004. The land law has already been released in the government gazette as law number of 08/2005 of 14<sup>th</sup> July 2005. The issue is what next?

There are three issues that are related to the question. Firstly is whether there is any coherent timetable or sequencing of activities explicit in the policy and law. Secondly, is the issue of the envisaged institutions and how they will operate. Finally is how specific concerns that are intimately related to poverty reduction and sustainable development will be uploaded in the implementation process.

There is an adequate documentation on what ought to be done in implementing the reform (Rurangwa 2005,DifD 2003). Across all these documents there is consensus that the implementation is not an event but a process. This raises the issue of whether the government has conceded to piloting the land policy in some parts of Rwanda. This question however takes a new perspective compared to the debates that were taking place before the adoption of the policy and law. The earlier version of piloting was suggesting that some elements of the policy and law that would seem to be unworkable would not appear in the final version (LandNet 2004).

Now that the law is out the piloting can only be relevant in the long run when the laws could be amended. But in view of the fact that the land reform cannot take place over night some sort of prioritisation and sequencing could take place. It is not also clear whether all donors who have

decided the process are agreed on how the different parts they are supporting can be coordinated or sequenced.

The issue above is closely related to that of cost of implementation mentioned under land registration above. If more of customary tenure was allowed may be the less costly would be the reform. Putting the reform into action will involve a census of all land holdings. Registration will not be free. Surveying is usually a costly exercise. Putting the related institutions (Land Information Centre) in place requires financial and human resources. This has implied that the reform gets substantial external support. But it also suggests that some time will be required to stagger in all the steps required to have a full fledged reform. The financial commitment of the government on implementing land reform may have to be spelt out clearly.

A second issue that has often characterised debates is that of institutions and structures that will assist in the implement process. The composition of Land Commissions will be determined and Land Officers will most likely be appointed by the government. There is however no blue print yet on how these will work in relation to fostering participation of grass root populations. This point also applies to how far women will be part of the land implementation process.

A third issue to be taken care of during implementation is how specific issues that interface with poverty in Rwanda will be tackled. The first one is the problem of landlessness. The land policy acknowledges landlessness. The poverty profile for Rwanda estimates that the rate of landlessness in Rwanda is 11%(GoR 2002c). This was confirmed by the recent population census. Recent surveys associate landlessness with poverty (GoR 2002a). Since 1990s it has been associated with growing demographic pressure on land (Waller 1996). One important concern is how landlessness can be contained as a way of minimising possibilities of poverty.

One is increasing land access. It was noted that land distribution has become more skewed over the years. The land reserve was greatly reduced by the need to settle Rwandans who were in Diaspora for many years and who had therefore no right to claim land they used to hold. The land policy and law have spelt out that land will be made available to these from land reserves- escheated land, protected areas and through sharing. Given the conditions of land scarcity it would be important to realistically assess how the problem could be addressed in a more sustainable manner. Land reform will need to have a policy interface with the development of non-farming activities in the country. Public Works that are being promoted are safety nets that are not intended for long term employment of the poor.

Another issue that was mentioned briefly above is that of gender. Gender issues are quite prominent in land issues. They should be important because women also account for the largest number of the poor, and yet seem to be doing most of the agricultural work. It is reasonable to think that a policy will not be pro-poor and equitable if it does not address the issue of gender.

Women constitute 54% of the population and more than 30% of all households are headed by women (GoR 2002d, GoR 2002c). In Rwanda it has been sons and not daughters who customarily inherit land. Some traditional ways of giving land to women as gifts (such as

urwibutso<sup>1</sup>, inkuri<sup>2</sup>, intekeshwa<sup>3</sup> and ingaligali<sup>4</sup>) are no longer practised because of land scarcity (Pottier 2002).

In order to address gender inequities in access to land, legislation was passed in 1999. It states that male and female children have equal rights to inherit their parent's property, both prior to, and after, the death of a parent. However, the links between the inheritance law and law will have to be defined with regard to married women, widows and unmarried women who stay with their parents.

Another issue that may have to be spelt out in by laws and procedures is that of HIV/AIDS. The pandemic is a major concern in Rwanda and needs to be factored in agricultural, land and other pro-poor policies evolving. It is one of the major health and development problems that is likely to affect the agricultural sector with regard to supply of labour and productivity. Orphans and widows of AIDS have been known to get involved in land disputes more frequently. There is need to assess the impact of AIDS on land access and agricultural productivity and determine how interventions can be beefed up to mitigate it or minimise its effect.

Finally, as suggested by the analysis of problems in section 3, land is closely related to conflict. An important aspect of land reform implementation is the work of land arbitrators or abunzi. While this will be an important institution, the best cure for conflict will remain substantive poverty reduction and reduction of inequalities. It will also be important in the process of implementing the reform to factor in conflict mitigation as a deliberate policy approach.

A concluding remark of this section is that Government of Rwanda has taken initiatives to define the implementation process of the Land Reform. A two year project by DIFD is designing a 'road map' for the implementation process. However as would be expected more will depend on the stakeholders after the consultancy is completed.

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<sup>1</sup> Under this tradition, a father would give land as a gift to his daughter.

<sup>2</sup> Under this tradition, found in Ruhengeri, a father would give a daughter land as a gift when she gave birth.

<sup>3</sup> Under this tradition, a father could give a daughter land as a farewell gift on getting married.

<sup>4</sup> Under this tradition, the chief in charge of land would give land to women who were abandoned by their husbands.

## **PART TWO: HIGHLIGHTS OF THE THEMATIC DIALOGUE**

### **5.0 Views from Diverse Stakeholders: Proceeds of the National Stakeholders Workshop, 20<sup>th</sup> January 2006, Kigali Rwanda**

#### **5.1 Introduction**

The views of stakeholders were collected from a workshop held in Kigali on 20<sup>th</sup> January 2006. The workshop was organized by FAO in collaboration with Ministry of Land, Environment, Forestry, Water and Mines. It came following the 128<sup>th</sup> FAO conference organized in June 2005 which proposed the need for an International Conference on Agricultural Reform and Rural Development (ICARRD) which will take place in Brazil from 7<sup>th</sup> to 10<sup>th</sup> March 2006. Thus, the workshop was organized in order to prepare a paper that would be presented by Rwanda during the Brazil conference.

Major stakeholders represented by the participants were government and civil society –notably – LANDNET a network of NGOs dealing with land issues. There was a representative of the Private Sector Federation, Donor communities, parliament, academia and representatives of grass root organisations from various provinces of Rwanda (see Annex 1).

The participants to the workshop included: The Minister of State for of Land and Environment, Secretary General and Director of Land from the same ministry, the FAO- Regional Office for Africa Land Tenure Officer, , representatives from World Bank, FAO, USAID, Ministry of Foreign Affairs, Ministry of Finance, Export Promotion Authority, Civil Society, notably members of the Land Net Rwanda, Ministry of Gender and Family, Ministry of Sports and Culture, Local NGOs, International NGOs, a representative of the Private Sector Federation member of Parliament, land experts and officials from DfID, several representatives of Rwandan cooperatives ,a representative of the Centre for Conflict Management of the National University of Rwanda, a representative of the National Unity and Reconciliation and the media. In all 42 people representatives of various sectors of the Rwandan society turned up. The discussions were facilitated by a report presented by a National Consultant on the theme above.

#### **5.2 Welcome Note**

In his speech to welcome guests, the Acting FAO-Rwanda Representative, outlined the objectives of the Brazil conference as:

- To promote the understanding, apprenticeship and dialogue on matters of agricultural reform, sustainable rural development and rural poverty reduction in general.
- To share experiences through the support of the international community, governments, organizations of producers and civil society which will focus on international cooperation and the promotion of equality, transparency on land and natural resources.

Themes that will be discussed during the Brazil conference as disclosed are:

- The policy and strategies to guarantee and ameliorate land access to poor and promote agriculture reform in order to reduce poverty and hunger.

- Capacity building in order to improve access on land, water, agriculture inputs and other agriculture services.
- New opportunities to revitalize rural communities.
- Agriculture reform, social Justice and sustainable development.

He further pointed out that in order to stimulate debates during the Brazil conference, some technical issues would be illustrated following national inventories and workshop organized and case studies adopted. Thus, the organized workshop was geared to assemble stakeholders' inputs for a country paper for the Brazil conference.

He finally welcomed the State Minister to officially open the Workshop.

### **5.3 The State Minister's Speech**

The Minister of State started by giving out the necessity of a land reform in Rwanda as follows;

- Land is the most valuable asset for rural dwellers, accounting for 90% of the national population. Thus, they will reap from the reform, as more income will be generated.
- Land the basis for economic growth of the national economy. The growth is prerequisite to poverty reduction and equitable sustainable development

The Minister highlighted the reasons for land reform as follows:

- It will enhance a healthy land management and tenure system, including through an effective land registration system.
- It will formalize the land tenure system
- Land reform will stimulate economic growth
- It will help in using resources more optimally
- Land reform will reduce land disputes

The Minister urged the participants to focus their deliberations on the following issues:

- Capacity building at central and household levels
- To protect rights of vulnerable and poor groups
- The legal system required during and after the process
- Establishment of land commissions
- Looking at new land use systems to be established
- The necessary institutions required to manage the process
- The importance of public awareness of the new laws and the policy

In her closing remarks, the Minister was optimistic that land reform would address issues such as conflict and poverty. She then declared the workshop open.



## **5.4 The Consultant's Presentation**

The paper presented consisted of six parts summarized below.

### Introduction

- The structural evolution of land use, demographic change, environment, agriculture, livelihoods and governance in postcolonial decades.
- A legacy of conflict and a recent experience of genocide cannot be solely attributed to land problems. That is a viable land reform has to factor in conflict mitigation now and in future.
- Land reform is a necessary instrument in reducing poverty and ensuring better livelihoods for the majority of Rwandans. Since more than 90% of population live in rural areas and depend on agriculture.
- Land reform presents an opportunity for promoting long-term pro-poor growth.
- Land is highly related to conflict in Rwanda.

### Conceptual Framework

- Land reform, is not confined to land redistribution only, it embodies also agrarian reform. That is government should support other rural measures such as the improvement of farm credit, cooperatives for farm-input supply and marketing, and extension of services to facilitate the productive use of the land re-allocated.
- Land reform in Rwanda is grounded in the philosophy of meeting the needs of present generations without compromising the needs of future generations.

### Rationale of Land Reform in Rwanda

Three interrelated issues that land reform will address are: 1) land insecurity, 2) land scarcity and 3) land conflict.

### Land Reform, Social Welfare and Rural Poverty Reduction

- Evidence shows that secure land tenure provides an enabling climate for investment, which is important for growth and poverty reduction.
- Three inter-related questions in relation to land reform should be addressed. These are:
  - Is it able to stimulate rapid economic growth?
  - Is it pro-poor?
  - How redistributive is the land reform in Rwanda?

### An Assessment of Choices

- Land titles and formalized markets versus customary rights
- Top down (state directed) vs. bottom up or participatory approaches
- Raising public awareness over land policy and law

- Consolidation and villagisation vs. land fragmentation

He noted that choices were required for striking the right balance between a number of issues, notably: pro-poor and economic investment-driven growth; the right mix between fostering “prescriptive versus more voluntary enabling environments”; institutional arrangements and the extent of decentralization (including conflict mediation); rural-urban nexus; and innovations options for protecting/supporting the poor

#### Implementation of the Land Reform Process

- Piloting the area
- Sequencing of activities
- Costs of land reform
- Considering gender issues
- Land arbitrators (Abunzi in vernacular)
- HIV/AIDS
- Coordination with other sectors of the economy particularly agriculture

#### **5.5 Stakeholders’ Views**

After the consultant has presented the paper, participants got chance to ask questions and give comments to enrich the paper. Below are issues raised and comments provided in the plenary session.

#### Questions

- What is the correlation between land reform and poverty reduction?
- What would be the role of civil society in the reform process?
- How can it be determined and who determines that land is being well used?
- How the information regarding land reform and law is inseminated?
- How will all stakeholders participate in the process, especially in helping small landholders?
- Who should incur costs during the reform process?

In answering the above questions, interventions from different categories of participants were given priority. The Director of Land was often asked to clarify the position of government on the following matters

- With land law, owner has it as an asset which can be presented to financial institutions as collateral and acquire loan.
- It stimulates investment
- Changes on poverty can be observed over time
- Land is well used when is protected against soil erosion, better agriculture practices
- All stakeholders involved in the process should provide information required by all land users.

- During the process, costs involved are incurred by all stakeholders including Ministry of Agriculture, NGOs, and civil society.

Suggestions:

- Statistical measures should be applied to forecast the impact of reform in the near future.
- Vulnerable groups such as women and HIV/AIDS victims should be supported in implementing the land reform.
- Public interests in the reform should be defined clearly.
- Local mediators (Abunzi) should be involved in order to reduce disputes.
- There should be a package of incentives in order to facilitate the process
- Implementation process should be put in place immediately
- The participation of the poor should be broadened

## 5.6 Group Discussions

After the session of questions, answers and suggestions, participants proposed three major themes, which led to formation of three discussion groups. Themes and recommendations from groups formed are shown below:

### 5.61 Theme 1 (Group 1):\_Implementation, Participation and Related Institutional Frame

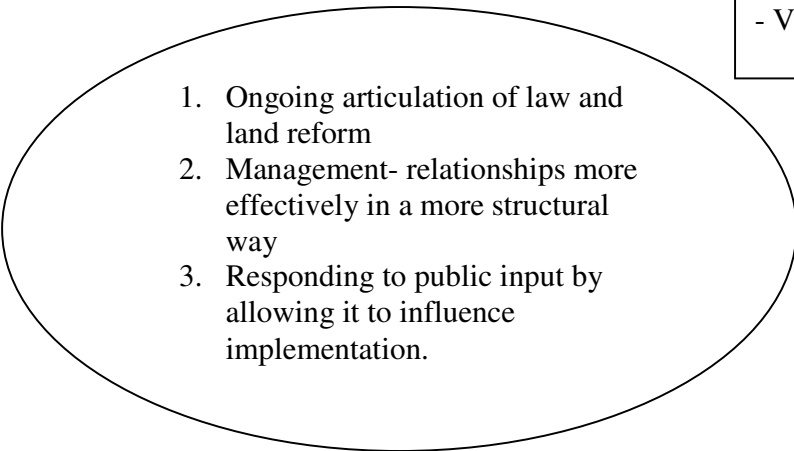
**a) Implementation**

- What do people do on land- informal
- What administrative systems- institutions to be delivered
- Design systems to deliver through decentralization:

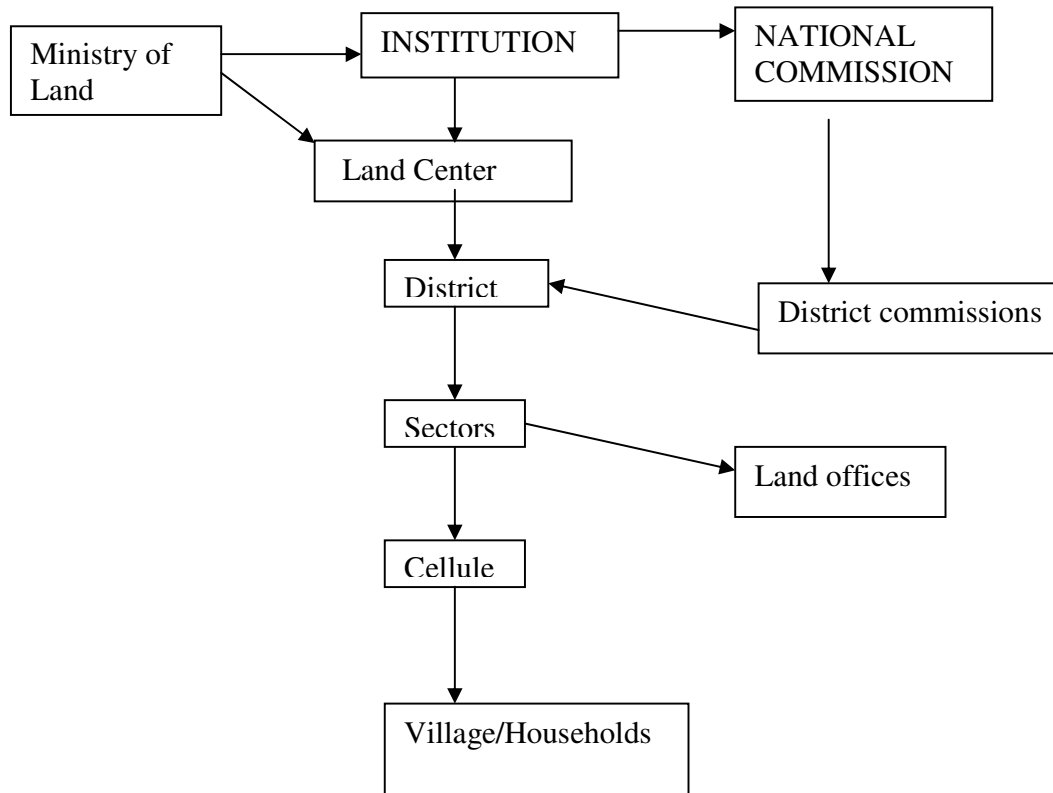
**b) Participation**

Donors, government, NGOs

- |   |
|---|
| <ul style="list-style-type: none"> <li>- Center</li> <li>- District</li> <li>- Sectors</li> <li>- Cellule</li> <li>- Village</li> </ul> |
|---|

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1. Ongoing articulation of law and land reform
  2. Management- relationships more effectively in a more structural way
  3. Responding to public input by allowing it to influence implementation.

Furthermore the group urged people involved in the implementation to go to public with law and avail information through education and other guidelines related to land policy. They suggested the following administrative structure.



In the entire hierarchy, different stakeholders have to participate: 1) civil society, 2) donors and 3) citizens

### 5.62 Theme 2 (Group 2): Decision Making for Optimal Land Use

Specific issues discussed in this group were:

- 1) Consolidation
- 2) Villagisation

The group undertook deliberations for sustaining the goal of optimizing the use of land in Rwanda.

- Full participation of population in decision making
- Encouraging people by providing necessary incentives

- Public purpose expropriation should be specific and clearly delineated and payments for expropriation should be just and delivered on time to the concerned person
- Local people participation during the elaboration of decrees and other decisions related to the application of law is necessary.
- Rendering assistance to the community (especially to the vulnerable groups such as widows, child headed household s), in the optimal land use.

### **5.63 Theme 3 (Group 3): Land and the Rural/Urban Interface and Livelihoods?**

#### **1) Implications to Urban Land:**

##### Advantages

- Improved land administration process
- Provision of security of tenure to the land owners
- Increasing the value of land
- Providing owners with a means for collateral security to acquire loans from banks
- Increasing government revenue from land taxes
- Increases investor's confidence in the country

##### Challenges

- Lack of necessary implementation capacity such as land surveyors
- Irrational distribution of land in urban areas
- Lack of necessary knowledge of land law
- Construction of houses in reserved or preserved areas
- Lack of management framework governing peri-urban areas

#### **2) Implication to rural lands**

##### Advantages

- Provides security of tenure
- Reduces land conflict/disputes
- Formalization of land ownership
- Favors the rural economy in production diversification

##### Challenges

- Dispersed settlement patterns

After viewing all the above-mentioned challenges, the group made the following recommendations:

- To launch awareness campaign about the land policy and land law
- Speeding up the implementation strategies of the land law
- Capacity building on the land reform process

- Financial resources should be availed and made available to all users.

#### **5.64 Discussion of Group Results**

After the results from each group had been presented, another discussion took place to evaluate the results and also clarifications on the recommendations from all groups. Therefore the participants in closing the workshop proposed the following final remarks:

- Government should take a major role in the land marketing to avoid over-exploitation of small farmers
- Small farmers should be sensitized to form cooperatives and associations in order to safeguard their interests and small resources that they own.
- Strong measures should be taken to avoid problems the may arise due to over growing urban populations which occupy rural parts and force people to diversify their way of living haphazardly
- Civil society organizations should be encouraged to participate in the process.
- Different meetings and seminars to grass root levels should be organized..

Thereafter the consultant was requested to draw out conclusions and point out priority areas:

- There is lack of knowledge of the land reform process among all stake holders; communication, awareness and broad participation is recommended through “managed engagement”
- Institutions to be set are not yet elaborated in terms of composition and participation of different groups; appropriate institutions for effective land administration will also require building staff capacity
- Land reform should be re-interpreted in terms of changes in administrative regions of Rwanda
- There is need to have coherent strategy on optimal land use and consolidation and villagisation, and this should be driven foremost by incentives and innovative options for livelihood diversification
- Land law and land policy has implications to rural and urban areas, including impact on urban-rural land management and security
- The land law and policy require further dissemination
- It is important to accelerate the roadmap and implementation process to limit speculation and support smallholders

Priority areas were identified as

- Participation
- Optimal Land use
- Rural urban interface

#### **5.7 Closing**

The workshop was officially closed by the Director of Land from the Ministry of Land and Environment, who thanked the participants and admitted to consider all recommendations made in order to arrive at sustainability.

## **6.0 Lessons Learned and Challenges**

The consultations resulted in identifying the following most burning issues:

1. There was a lack of awareness of the land reform in Rwanda. Lack of information and dissemination mechanisms were identified
2. A need for a deeper and broader participation of the civil society and grass root organisation was noted by all participants.
3. In order for the public to “buy in” to the reform, a package of incentives have to be designed accordingly
4. Donors, government and civil society needed a coherent mechanism of articulating the reform.
5. Given new administrative units in Rwanda the land law and policy need to be re-interpreted and adjusted for coherence, especially concerning how new proposed land institutions would be affected
6. It was agreed that optimal land use was important in land scarce Rwanda. However suggested solutions of consolidating land and villagisation needed to be well elaborated, sequenced and participative, including the important clear articulation of “public purpose” expropriation for national “optimal land use”
7. Vulnerable communities have to assisted in effective participation in land reform, perhaps by innovative community support processes, to enable their retaining land holdings with optimal use best practices
8. Land reform should address a problem of the rural-urban interface and the resulting problems of livelihoods affected as a result of conflicting regulations
9. Land reform should assist urban areas to address the problem of slums and the informal economy and in rural areas stimulate exit from agriculture
10. Costing of the land reform is important and since in Rwanda the reform is expected to be expensive, donors should be encouraged to commit themselves to further support Rwanda in this endeavour.

Following the consensus three priority areas were identified:

1. Participation of all stakeholders especially the rural poor should be given priority
2. Optimal land use of Rwanda is consistent with the nature of problems that land reform has to face. It has to be further elaborated however to ensure equity, pro-poor growth and opportunities, and innovative options to encourage rural development
3. The urban and rural interface is emerging as a problem that needs immediate attention

These priorities are further elaborated as a project outline in the following section.





## **PART THREE: POSSIBILITIES FOR FUTURE COOPERATION**

### **7.0 Implications of Land Reform to Poverty Reduction and Sustainable Development in Rwanda**

In Rwanda, debates over the need for a land reform started immediately after the genocide in 1995. The government picked up the dialogue in 1999. The result has been an approval of a land policy by mid 2004 and enacting of a land law in July 2005. The aim of the envisaged reform is to address the enduring land problems and ensure the reform stimulated growth, reduces poverty and mitigates future conflict.

In a National Stakeholders workshop on Land Reform in Rwanda in early 2006, several gaps were identified. It was also noted that for effective land reform in Rwanda some of the issues needed urgent consideration. This project concept elaborates on three areas that were regarded by consensus, as of elements that needed priority action as the land reform is being implemented. The areas are stated as objectives are outlined below.

#### **7.1 Elements that Need Priority Action**

##### **7.11 Enhancing More Participatory Approaches to Land Reform Implementation in Rwanda**

Task 1. Identify the principal stakeholders to land reform in Rwanda and estimate their needs and expectations

Task 2. Carry out a public awareness assessment and design a strategy to disseminate information on land reform

Task 3. Assess the relevance of proposed land reform institutions and structures to participation of rural poor groups

Task 4. Design and implementation plan for diverse stakeholder engagement in the land reform implementation program

Task 5. Design a platform and instruments for advocacy, dialogue and networking for land reform in Rwanda

##### **7.12 Cost and Benefit Analysis of Optimal Land Use Options in Rwanda**

Task 1. Undertake a socio-economic and comparative analysis of the potential for land consolidation and villagisation in Rwanda

Task 2. Assess the possible impact of the proposed land use patterns on poor and vulnerable groups, employing a livelihoods analytical approach

Task 3. Propose a strategy for achieving objectives and vision of the optimal land use

policy that provides equitable processes and opportunities for poor and vulnerable households, including a possible “package of incentives” that can enable poor households with small plots of land participate effectively in the reform

### **7.13 Analysis of the Rural-Urban Interface in Rwanda**

Task 1. Carry out an inventory of households and types of problems of livelihoods facing households caught up in the rural-urban enclave – notably likely victims of “public purpose” expropriations

Task 2. Identify entry points for livelihoods support opportunities within the rural-urban dynamic

Task 3. Elaborate a legal, regulatory, administrative and program framework for ameliorating the situation and enhancing livelihoods and sustainable development

### **7.2 Methods**

- Documentation analysis and case study analyses from the rest of the developing World, including study tours
- National inventory of key issues through action-research, focus group discussions among stakeholders and other participatory research methods
- Workshops and networking.

### **8.0 Conclusion**

Land reform in Rwanda is timely and important. However, from the few issues raised, it is apparent that land reform is pitted against many problems and choices. Some of these challenges will need taking decisions that may affect the lives of the majority of the people. These include for instance optimal land use, land consolidation, villagisation and land registration, land commissions and legal “literacy.” For sustainable development it is important that the widest representation of the national population participate in the decision-making and implementation processes as appropriate of the land reform process. In addition, a strong linkage exists between land reform, agriculture, environment, and local government. Effective coordination among government ministries and departments will be necessary.

Under conditions of land scarcity, non-farm activities will provide exit strategies from agriculture, which does not fall within the realm of land reform as such, but is integrally related. While land reform is necessary, it cannot be sufficient alone in reducing poverty and ensuring long term growth and human development to Rwandans.

## ANNEX

### Annex 1 Participants To The Stakeholders Workshop, Kigali 20 January 2006

| No | NOM ET PRENOM            | INSTITUTION               | ADRESSE  |
|----|--------------------------|---------------------------|--|
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