THE EVOLUTION OF RURAL LAND POLICY

IN POST-GENOCIDE RWANDA, 1995-2008:

ISSUES, EFFECTS, AND FUTURE DEVELOPMENTS

BY

IFEOMA CHINWEOKE MORAH

Under the supervision of Lisa Bornstein

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ABSTRACT

This research is concerned with the villagisation policy implemented in Rwanda following the civil war and genocide in the mid-1990s. Rwanda historically has exhibited one of the highest population densities in the world, a social issue that has contributed to decades of conflict and forced migration. Between 1959 and 1998, Rwanda experienced multiple waves of internal and external displacement, which affected up to 50% of the country's population. At the end of the civil war in 1994, the government established an official resettlement policy, the villagisation policy, to deal with the reintegration of returned refugees and the equitable redistribution of land to spur economic growth and lessen the potential of the outbreak of land-based conflict.

The purpose of this study is to investigate the implementation of the villagisation policy and evaluate its effectiveness as a short-term emergency resettlement policy and as a long-term land management system. This study finds that, in the short-term, villagisation failed in its mandate to resettle returned refugees and internally displaced persons, primarily as a result of bad planning and implementation. In the long term, villagisation has created a system where the maximization of the economic output of land supercedes the protection of rights of rural citizens, who are becoming increasingly marginalized in favor of large landholders. The study goes on to suggest that more recent policy initiatives taken by the government, particularly the Land Law, represent a more sustainable policy direction focused on equitable inheritance rights and the promotion of land registration, and pinpoints multiple areas for future improvement, including increased public input, and the integration of population control measures as a means of decreasing pressure on land.

INTRODUCTION: RESEARCH PROBLEM AND SCOPE OF ANALYSIS

The nation of Rwanda is bordered by the Democratic Republic of Congo to the west, Burundi to the south, Tanzania to the east, and Uganda to the north (see Figure 1). In 2007, the population was estimated at 9.74 million. By most standards of measure, Rwanda is among the poorest countries in the world. In 2000, the United Nations Development Fund's (UNDP) Human Development Index ranked Rwanda 164th of 174 countries, with an average life expectancy of less than 50 years; maternal death rat of 81 per 1000 women; infant mortality at 131 per 1000 children under five; and a literacy rate of 47%. The gross national income per capita in 2007 was USD$350, with 69% of Rwandans living on less than one US dollar a day (Government of Rwanda, 2001a, hereon GoR; World Bank, 2009).

Fig. 1. Rwanda: A Geographic Profile

Following the civil war and genocide experienced by Rwanda in the mid-1990s, international discourse has focused primarily on the inexplicable destruction wrought by the genocide and the need for reconciliation and reconstruction. But within Rwanda, the topic of reconciliation, which has embraced the newly introduced system of truth commissions and traditional courts, has become necessarily tied to land. Early in the resolution process it became apparent that land disputes were one of the most common issues brought to traditional courts for arbitration. Rwanda has a rapidly rising population, which has created one of the most densely populated countries in the world. In 2007, the national population was estimated at 9.74 million; more than eight times the population in 1957 (see Table 1). The dramatic increase in population corresponded with an equally intense rise in population density.

Table 1. Estimated population of the Republic of Rwanda, 1948-2007	
Year	Estimated Population (millions)
1948	1.89
1955	2.31
1960	2.75
1964	3.07
1978	4.82
1985	6.02
1990	7.03
1994	5.20
2001	8.60
2007	9.74

Source: World Bank 2009

Before the state's independence, the Belgian colonial authority identified high density as a potential social and economic issue. This was particularly true for agriculture, which has historically comprised the majority of Rwanda's economic output. By the 1950s density on

agricultural land was 121 persons per square kilometer. By the early 1970s, density had risen to 166 people per square kilometer; and by the early 21st century, density on agricultural land was between 300 to 350 people per square kilometer (GoR, 2001a; Rurangwa, 2002; World Bank, 2009).

Clay et al. (1995) summarize the effects of rapid population growth on the rural countryside:

> Farm holdings have become smaller due to constraints on land availability; holdings are more fragmented; cultivation has pushed into bottom lands and fragile margins on steep slopes previously held in pasture and wood lot; many households now rent land, particularly households owning little land or those with large families; fallow periods have become shorter and cultivation periods have grown longer (p. 33).

Land holdings have indeed become significantly smaller. In the 1950s, more than 50% of people worked on more than two hectares of land. Fifty years later, almost 60% of people worked on less than 0.5 hectares (see Table 2). According to the Food Aid Organization (FAO), the economically viable size of a plot of land for a family is approximately 0.9 hectares (Mosley, 2004).

Table 2. Farm holdings in 1984 and 2001

Classification	% of households (1984)	% of cultivated land (1984)	% of agricultural holdings (2001)
Less than 0.5 ha	26.4	6.9	58.6
0.5 – 1.0 ha	30.3	18.4	19.0
1.0 – 1.5 ha	15.6	15.7	10.6
1.5 – 2.0 ha	11.1	16.1	5.8
> 2.0 ha	16.4	42.9	6.0
Total	99.8	100.0	100.0

Source: Ansoms 2009

The country is faced with multiple major problems directly related to the problems of land scarcity and poverty, including:

- Customary tenure practices that favour the partitioning of land for inheritance purposes, diminishing the size of family plots over generations.
- Extreme ecological pressure on land, particularly as a result of soil erosion. The productivity of land has steadily decreased and perpetrated a continuing cycle of overexploitation of limited land without adequate restitution of nutrients.
- The lack of development of agricultural technologies has resulted in an agricultural industry that cannot compete on the international market (Rurangwa, 2002).

The precarious nature of land, Rwanda's most important natural and economic resource, suggests that it may have been a significant cause of conflict. I began to question how much of an influence the scarcity and necessity of land played in the lead-up to the civil war, and how the government was now choosing to handle land management, in light of the obvious potential for tension and conflict.

Preliminary research pointed to a definite tie between land and violent conflict, and the government's policy response to land management also supported this view. The government has identified land reform as a key element in post-war reconstruction, reconciliation, and conflict mitigation, and has worked to create a system of land management that better meets the social economic needs of the majority of the population. The new system hinges on the adopting of villagisation, a policy of resettling the rural population in compact villages both as a means of resettling returning refugees and ensuring that most of the population has access to scarce land. Rwanda has found itself in something of a dilemma - a post-conflict nation still dealing with both the after-effects of mass violence and the acute causes of said violence, and a government using policy to actively diffuse the situation. This dilemma is a necessary topic of study from the perspective of rural land use planning, and from that of conflict mitigation and resolution. The purpose of this study is therefore to investigate the implementation of the villagisation policy from its initial implementation in 1995 until the initial stages of the implementation of the most recent land management policy in 2008, and evaluate its effectiveness as a short-term emergency resettlement policy and as a long-term system of land management.

The research begins with a critical review of the centrality of land in Rwanda, the land management policies employed by previous governments, and how land came to influence the outbreak of genocide. The focus then turns to the post-war government's decision to implement a villagisation policy to handle land management, both in terms of the resettlement of returned refugees, and as a long-term policy for land management and economic growth. In examining the initial villagisation policy and subsequent policies heavily influenced by it, this study hopes to consider how rural Rwanda has been impacted by the government's new policy direction, socially, politically and economically.

The research relies mostly on a historical method of qualitative analysis. Information was sourced from official government documents, data and analysis conducted by non-government organizations such as the World Bank, and other organizations such as Human Rights Watch. Interviews of government officials and Rwandan citizens, as well as newswire reports also served as secondary sources of information. Data was also collected through a literature review of prominent studies conducted on major social, economic, and political issues tied to land in Rwanda, sourced from academic journals and university research institutes.

Factual information and interpretations were combined to develop an accurate summation of prominent trends, issues and discussions surrounding villagisation and the Rwandan government's land management practices. These were then used to steer deeper discussion and support the development of my own interpretations of Rwanda's villagisation policy, in order to answer the questions "where did Rwanda's current land management policy come from", "what does it constitute, at present", and "what can we speculate about it's future"?

The organization of this study is structured as follows. Chapter One reviews land management policies employed by previous Rwandan governments, and examines how the scarcity of land has historically contributed to social, political, and economic tensions. Chapter Two introduces the concept of villagisation, through the examination of three cases of implementation across Africa. Chapter Three focuses on the implementation of villagisation in Rwanda, it's relation to previous land management practices, and the immediate outcomes of the policy. Chapter four examines more recent land management policies that have been influenced by villagisation,

and critiques their content in light of the needs of the rural population and the perceived failings of villagisation. Chapter Five is a conclusive discussion of villagisation's impact on rural Rwanda, and Chapter Six suggest possible future policy directions that may be considered in order to create a more equitable land management

CHAPTER 1: THE POLITICAL ECONOMY OF LAND IN PRE-GENOCIDE RWANDA

1.1 Introduction

This chapter explores the methods used by successive Rwandan political authorities to manage the land, within the context of the greater social, economic, and political importance of land throughout the country's history. It also investigates this history through a number of theoretical lenses. Each era's predominant rural policies are explored and the reasoning and necessity behind each government's policy direction is considered in terms of key political and economic events. There is a clearly linear nature to the development of land management systems in Rwanda, with each successive government choosing to adapt the policies it inherited. Even at times when the need for a radical change to the increasingly centralized land management system was apparent and acknowledged, there were never moves to change the prevailing trend towards granting the government and a small elite greater power over the transfer and use of land.

1.2 Pre-Colonial Rwanda

Before the development of a strong centralized state in the 17th century, much of the territory of what is now Rwanda was under the control of the Tutsi Kingdom. Two systems governed land use and access within the kingdom and its periphery: the *isambu-igikingi* co-operative system, a more centralized political land system, and the *ubukonde* system, a more informal, lineage-based system (André, 1995, 2003; André & Platteau, 1996; Pottier, 2006).

The *isambu-igikingi* system governed land controlled by the Central Kingdom in the Centre, East and South of the country. Under this system the *mwami*, the supreme political authority, was the ultimate holder of land rights, and his representatives at the local level controlled authority over land. The *mwami* granted the usufruct of lands in return for obligations, typically in the form of fees, payments, and duties. He also held the right to take away land, priority access to

land, the right to confiscate land and expel clients, and the right to appropriate abandoned land (André, 1995, 2003; Musahara & Huggins, 2005; Pottier, 2006).

Isambu proffered individual agricultural tenure, access and occupation in exchange for fees and duties made to the political authority. *Igikingi* dealt with domain over grazing territories, used communally or exclusively reserved for a political authority.

The second system, *ubukonde*, governed the peripheral forest zones in the North and Northwest that were outside of the *mwami*'s control. In this system, the right to access land was granted to the original clearer of the land, the *abakonde*. Members of the *abakonde*'s kin group acknowledged his control of the land by providing him with some of the first fruits of each harvest. The *abakonde* could also grant the use of land to others from outside his kin group, clients known as *abagererwa*, in exchange for rights and obligations, such as fees and duties. The terms of 'lease' differed by locality – in areas where men were few and were needed to strengthen the lineage, terms were more lenient, whereas in areas where land was scarce and workers abundant, terms were much more demanding. In most cases, the *abakonde* reserved the right to evict clients or withdraw the use of land at his discretion. Control of the land was passed on from father to son, as well as the *abakonde* or *abagererwa* status. An *abagererwa*'s best hope for land security was to marry into the lineage group that provided him with land in order to ensure that he or his children would be integrated into the kin group and be guaranteed future access to kinship lands (André, 1995, 2003; André et al., 1996).

In effect, while the *isambu-igikingi* system was inherently political in nature and framework, the *ubukonde* system was primarily a familial land use system (André, 1995).

By the 17th century the *mwami* began to resort to the use of force, persuasion, and an apparent control over spiritual power to establish his right to rule over increasingly large areas. Reminiscent of European feudal land systems, the *mwami*'s subjects acknowledged his suzerainty by delivering the harvest tribute and serving in his armies, guarding his cattle, providing various services at his court or, particularly in the late 19th and early 20th centuries, cultivating his crops for several days of the week without recompense (André, 1995, 2003; Musahara et al., 2005).

By the 19th century the *mwami* claimed to assure the physical and spiritual wellbeing of all 'Rwandans' living within his territory, and in return sought acceptance of his right to control all property, including all land they occupied and all cattle they herded. The *mwami*'s claim to full ownership of all land was heavily contested by those living within the boundaries of present-day Rwanda, both Hutu and Tutsi, but their obedience was forced through military imposition in which the *mwami* typically received assistance and backing from the ascendant German colonial administration (André, 1995, 2003; André & Platteau, 1996; Pottier 2006).

The pre-colonial era exhibited what would become a recurring trend towards the centralization of political power and, with it, the tightening of control over land in a feudal system. In this era we see the more decentralized *ubukonde* system overcome by the feudal *isambu-igikingi* system, and the popularization of the conceit that all land is under the control of a single political entity, in this case the *mwami*, who may distribute and withhold land at his discretion. The relationship between the highest authority and the general population begins to break down, with more of the *mwami*'s constituency resisting his sovereignty, with the *mwami* responding with an increased reliance on military force. The introduction of colonial rule would allow the *mwami* to further strengthen his ability to control the population.

1.3 Colonial Rwanda

Rwanda became a part of German East Africa after the Congress of Berlin in 1876. The German authority opted to maintain the Tutsi Kingdom's power structure and facilitate the extension of a centralized 'native' state control, but with strict controls placed on the actual power of the *mwami*. Tutsi chiefs were used as intermediaries in Germany's consolidation of control in the country, superficially chosen for this role because they were seen as having more "European features" and therefore being "racially superior" to Hutus. This distinction between Hutu and Tutsi and its heavy ties to political, social and economic access is considered an early flashpoint in ethnic tensions between the two groups (Kelly & Fitzduff, 2002; Napier, 2007; Reyntjens, 1985).

In preserving the already existent political system, German colonizers also allowed the continuation of both systems of land access. However, policies that strengthened the centralization of power were heavily favored, and the *ubukonde* system was gradually 'influenced' by the *isambu-igikingi* framework until it was virtually phased out by the 1930s. The Germans introduced a third land governance system specifically dealing with land managed by German citizens and lands ceded to churches and missions. The system recognized private access and occupation obtained from the *mwami* by way of a gift or purchase, and was governed by the written law of private property under the Napoleonic Code (André, 1995; Kelly et al., 2002).

During World War I, in 1916, Belgian troops in the Congo invaded Germany's East African colonies. After the war, the League of Nations Mandate of 1923 awarded Belgium control of Rwanda and neighbouring Burundi. Upon assuming control, the Belgian administration chose to continue the practice of sustaining a Tutsi ruling class and affording its members privileges that were denied to the Hutu. In 1926 the use of identification cards was introduced to formalize the distinction between Hutu and Tutsi, based primarily on the German authority's "official" classification of physical features. Under Belgian rule, Tutsi were the sole recipients of secular and missionary education, while Hutu were consigned to working in the mines and other industries (Reader, 1999). Growing resentment towards the Tutsi ruling elite was highlighted in the 1959 "Hutu Manifesto", which criticized the economic and administrative policies of the state. The "Hutu Manifesto" spearheaded an anti-colonial movement, which not only advocated the cessation of Belgian rule, but also sought to abolish the Tutsi Kingdom and the preferential treatment of Tutsis in the socio-political sphere (Napier, 2007; Reader, 1999; Reyntjens, 1985).

It was during the Belgian administration that the state ownership of all land was first conceptualized, though it had previously been accepted on a lower level by the overriding authority of the *mwami* over designated areas of land (André, 1995; Kelly et al., 2002). New policies were introduced to strengthen the centralization of power and enhance the position of land owning elites associated with the state. Agents of the central authority increasingly took

over the historical role of lineage heads in the distribution of unused land, and the practice of introducing new members into the lineage in exchange for gifts or obligations, particularly mandatory labor, also became more common practice. The previous system, where belonging to a lineage provided members with access to land, was supplanted by a hierarchical patron-client relationship closely tied to the power of the central authority. Those with ties to the government or *mwami* had more ready access to resources (André ,2003; Musahara et al., 2005).

Just as in the pre-colonial era, many Rwandans found ways to assume relative autonomy of control over the lands the cultivated. Some entered into the still extensive forests and cleared new land, or crossed into Burundi to escape state jurisdiction. Others played on the fractured administrative system, using rivalries between multiple political authorities to find one who would provide the least demanding relationship. The colonial administration reacted by extending their administrative powers into the forest regions, which were not included under the power of Rwanda's Central Kingdom. They began to vigorously enforce restrictions on deforestation and border crossings (André, 1995; André et al., 1996; Musahara, 2006).

The Belgian administration was the first to actively tackle the need for agricultural intensification. It introduced the *paysannat* system, which distributed two hectares of land to families for housing and agricultural use. The primary purpose of the system was to establish large rural settlements in fairly close proximity to main roads, in order to intensify agricultural production by leaving the best land available for farming; ensure a more even and equitable distribution of land; and increase access to services such as school and government administration facilities. The customary land inheritance system was preserved, but land could now only be inherited as a whole and not divided and shared, and families were barred from (legally) selling their land (André 1995, 2006; Musahara et al., 2005; Kelly et al., 2002).

The administration sought to accentuate the already existing hierarchical political system by making it more responsive to its directives, and to eliminate competing political authorities by placing Rwandans increasingly under the sole control of officials imposed by the *mwami* with colonial approval. Enforcement powers over new regulations was given to local officials and a

system of 'native' courts, which reinforced claims to the control of land previously claimed by the *mwami* and enforced by his army. In this way the government began supplanting the official role of the *mwami* while adopting a variety of 'customary', although highly marginalizing and contested, system of land governance.

Chiefs and sub-chiefs who represented the government at the local level found it easier to exercise the right to distribute vacant land that was either previously uninhabited or left vacant because of death or the departure of the original holders. At this time their authority also began to extend to forcibly dispossessing landholders who did not comply with their directives. At the same time the rapidly growing Catholic and Anglican missions, who were governed under a separate, more liberal land ownership system, were able to accumulate large amounts of lucrative land. These abuses of power, along with the growing use of forced labour as a form of payment and failed attempts to reorganize the rights of citizens, eventually led to demonstrations and demands for more secure land rights in order to protect and guarantee the right to access land and occupy conceded land (Reader, 1999; Pottier, 2005; Reyntjens, 1985).

With the publication of the "Hutu Manifesto" in 1959, and widespread political unease among the Hutu majority and, more precisely, among the Hutu elite, the discontentment deepened. In an effort to maintain power and undercut what they considered an increasingly radical Tutsi ruling class, the Belgian authority threw its weight behind the disgruntled majority and, among other measures, promised to resolve problems of land insecurity. They pushed the authorities to take steps to restrain and limit the rights and prerogatives of landlords by promoting rights that were more individual and exclusive, through the institution of individual rather than collective property (André, 1995; Pottier, 2005).

In the 1950s and 1960s, new legal measures were introduced to create a more traditionally Western style of individual land tenure, and to abolish both the *isambu-igikingi* and *ubukonde* land systems. The decree of May 2, 1960 undercut the *igikingi* system by suspending access to and occupation of pastures controlled by the political authorities of the kingdom, and suspending access to fallow lands of agricultural holdings. In 1961 the *ubukonde* system was undercut by the abolition of political land clientship. In its stead, political elites were

'encouraged' to share the land with their former clients through a new system of restitution, division, rental, or repurchase of the access and occupation of lineage land by the clearers. Other measures were enforced to restrain some of the landowner's rights vis-à-vis their client (Musahara et al., 2005; Reader, 1999; André, 1995).

At independence Rwanda was governed by parallel land systems, one in which Rwandan landholders did not own or have tenure over the land they cultivated and could be arbitrarily evicted, and another where non-Rwandan landholders participated in a selective land market administered by the government. Almost all decrees aimed at abolishing customary land systems failed at the implementation phase, either as a result of authorities failing to implement them or as a result of policy decisions never making their way to codified law. By the time of independence, the Rwandan land system had not seen actual major policy changes and remained overwhelmingly tied to the customary systems of land administration.

Both the German and Belgian colonial authorities seemed comfortable working with the land system as they discovered it. Particularly under Belgian rule, the centralized nature of the land management system was strengthened through the use of military coercion and the legitimization of the government's jurisdiction of all land. The *ubukonde* system, which was more of a familial land system and less influenced by top-down rule, was actively delegitimized by the government in order to ensure control over the use and distribution of land. As the reality of land scarcity and dwindling productivity became evident, the Belgian authority attempted to create a new system of land management, the *paysannat* system, which was not widely implemented but first introduced the concept of creating organized, medium density villages in order to maximize the use of agricultural land.

As in the previous era, the increased centralization of power over the use and distribution of land resulted in subversive action by residents, who continued to be at odds with the government's moves to solidify its authority. Moving to less regulated areas continued to be common, but during the colonial era dissatisfaction with the land management system began to actively spill over into the social and political spheres. The "Hutu Manifesto" was in part a rejection of the Tutsi control of land, as land was tightly bound to economic and political

success. In choosing to support the Hutu elite, the Belgians focused their rhetoric on developing new land management systems, highlighting the primacy of land issues in the political upheaval of the time.

After independence, access to land would continue to play a major part in the political arena, and its influence would grow as the economy began to destabilize.

1.4 The First Civil War and Independence

The first civil war in 1959, also referred to as the Social Revolution, resulted in the official shifting of Belgian support from the Tutsi minority to the Hutu majority, and led to the overthrow of the *mwami* and the end of Tutsi dynastic rule in Rwanda. The new republican government claimed to have dismantled the Tutsi feudal structures and presented itself as being in support of equitable land ownership and distribution systems. In reality it assumed the *mwami*'s role and right to the control of land use, and also continued to maintain the distinction between lands held under 'customary' law and that held under 'written' law. In effect the old system was replaced by a nearly identical feudal structure, albeit one where the Hutu perpetrated the cycle of inequitable access to land and social inequality (André, 1995; Musahara, 2006).

In 1960 a special Provisional Council suspended private rights to pasture land, and a Commission of Enquiry issued decrees related to cultivated land in the north and west. These decrees evolved into a land issue act that generally upheld customary law but redistributed land in northern and western regions to patrons and clients of the government (Musahara, 2006).

At this time the country began to feel the effects of rapid post-WWII population growth, which led to significant changes in the distribution of people and settlements. Farmers were then obliged to significantly increase their agricultural output, which was achieved first through the introduction of new crops such as white potatoes and maize, and through improvements in

yield and the acceleration of the process of 'agricultural intensification' (Ford, 1993; Napier, 2007).

Rather than open conflict with the Belgian administration, Rwanda gained independence in 1962 as a result of the political demands of the Hutu. In effect the former administration installed an indigenous hegemony that remained supported and influenced by the Belgian government (Reader, 1999). Throughout the 1960s, tensions between Hutu and Tutsi escalated, culminating in a series of pogroms against Tutsi, encouraged by Hutu leaders, which resulted in mass displacement into the Congo, Burundi, Tanzania, and Uganda. The refugees of these pogroms of 1959, 1963, and 1973 are now referred to as Old Case refugees. Throughout the 1970s and 1980s, these refugees were denied the right to return, with the government citing a growing scarcity of land that made it socially and economically impossible for the country to allow them to return (Jones, 2000; van Hoyweghen, 1999). Many of the anti-Tutsi sentiments and pogroms between 1959 and 1961 "took the form of land invasions" (Jefremovas 2002: 72). After each pogrom, "Tutsi houses were [burned] and replaced by banana plants" (Chretien, 2003, p. 333).

Land governance systems did not change drastically after independence. Article 108 of the 1962 Constitution recognized the Belgian land tenure regulations as binding, stating that land occupied by the original inhabitants was to remain in their possession, while all unoccupied lands belonged to the state. All sales or gifts of land had to be approved by the Minister of Agriculture, and lands belonging to persons that were not the original inhabitants, such as missions and churches, had to be registered with the state.

Upwards of 90% of the country's arable land continued to be governed by customary law, while a small minority, primarily urban areas and religious communities, were governed by written law. The government's primary concerns were the rehabilitation of lands abandoned by the Old Case refugees of 1959, as well as the 'communalization' of rural land. For the first time the government recognized the important role of communes in the administration of land. The 'communal law' of 23/01/1963 gave communes administrative authority and responsibility over lands registered under communal law (Musahara, 2006).

In order to spur economic growth in the 1970s and 1980s, and expand their regional and international markets, Kabiyanda's regime aggressively opened up new land dedicated to the cultivation of export crops such as coffee and tea. The direct result of these policies was deforestation and the further degradation of land, as well as mass migrations of landless citizens from areas with little cultivatable land to, primarily from the south of the country, to regions with lower rates of density. To handle the massive movement of settlers, the government reintroduced the Belgian *paysannat* settlement system as a means of rationalizing the existing systems of land use and land occupation (Jefremovas, 2002; van Hoyweghen, 1999; Musahara, 2006).

A 1976 decree recognized the state's power over land in its first article and stipulated that all land not appropriated according to written law belonged to the state, whether occupied or not and whether encumbered by customary law or not. Any sale or transfer of land had to be approved and registered by the Minister in charge of lands, and any transferred land could not be smaller than 2 hectares. The purpose of the decree-law was to control the sales of land that was becoming increasingly prevalent amongst Rwandans (Musahara 2006; Reader 1999; Jefremovas 2002). By the beginning of the 1980s very little 'new' land existed and the yield of existing land was rapidly decreasing. Increasingly cash-poor Rwandan farmers took to selling land, leading to the increased fragmentation of land holdings. In large part the law remained unenforced, leaving in limbo any land that had previously been held under customary rules and later sold in unregistered sales. The fragmentation of land remained a serious issue – in 1960 the average surface area of a family plot was 2.0, but had decreased to an average of 1.2 hectares by 1984 (Musahara et al., 2005).

A 1979 law on expropriation continued the distinction between land held under written law and that held under customary rules. It stated that compensation had to be paid when land held under written law was expropriated and that another plot of approximately the same value was to be provided for any expropriated land held under customary law (Jefremovas, 2002; Musahara et al., 2005).

Summarily, the mechanisms used to govern land did not change drastically after independence from Belgium. From the 1970s onward, the economic importance of land became the government's focus, and they became primarily concerned with opening up new land and redistributing land abandoned by Old Case refugees. From the time of Rwanda's independence until the second civil war, land in the country remained primarily defined by shortages. Lack of land led to an increase in illegal transactions, prompted by farmers needing to cope with the increasing costs of living. This resulted in the increased fragmentation of land, leaving farmers with plots so small that they were forced either to rent additional land, or travel further afield to open up new land. New policy and legal initiatives by the government were therefore focused on controlling the sale and transfer of land in order to ensure that plots remained large enough for farmers to produce economically acceptable amounts of cash crops. In doing so, the government further strengthened their control over the uses and transfer of land.

Land scarcity also prompted migrations of farmers looking for new land, either of their own volition or at the behest of the government, who needed farmers to occupy the lands deserted by Old Case refugees. To this end, the government also reintroduced the Belgian *paysannat* system, marking the first time that they actively attempted to control where and how rural farmers settled. All of this was part of a larger effort to ensure that as much land as possible was being turned over to the production of export crops, which constituted the basis of the Rwandan economy.

After independence, the government had the opportunity to undertake serious interventions in the land system to roll back previous mistakes that had contributed to the issues of deterioration and regional scarcity that were already evident. Instead, they persisted with the implementation of multiple systems, thus preserving the cycle of scarcity, land deterioration, and land-based conflict and resentment. The overwhelming focus on economic output would lead Rwanda into an even more precarious position, and eventually to a second civil war.

1.5 The Second Civil War

1.5.1 Growing Political Unrest

The 1960s saw the beginnings of armed insurgency and violent unrest. Tutsi in exile began to organize politically and militarily in their host countries, preparing to forcibly return to their home country (Munyarugerero, 2003). The first incursion came in 1963, instigated by groups based in Burundi and Uganda. The Kayibanda government accused Rwanda-based Tutsi of conspiracy, and declared that all Tutsi refugees were *inyangarwanda* – enemies of Rwanda – who did not deserve to return to the country. The government began a campaign to eliminate all Tutsi. They began by wiping out the Tutsi political structure, executing members of prominent Tutsi political parties, and completely excluding Tutsis from participation in public life. Thousands of Tutsis were killed by Hutu militants in operations overseen by government officials and ministers, in response to what was termed an 'uncontrollable mass reaction to Tutsi provocation', resulting in a new exodus of up to 300,000 Tutsi (Willame, 1995; Strauss, 2006; Munyarugerero, 2003; Lugon, 1997). Further armed incursions by Tutsi refugees led to equally violent responses by the government, until 1967 when exiles became convinced that attacks on the state were too detrimental to those Tutsi still in Rwanda (Semujanga, 2003).

However, this did not stop attacks on Tutsi in the country. At the time, the government was dealing with increasing unpopularity and a restive military dominated by Northern Hutu who felt marginalized. The government seized upon the public anxiety caused by the 1972 civil war in neighboring Burundi, where the Tutsi-dominated military had killed thousands of the Hutu elite. They instigated a purge in 1973 under the pretense of 'ethnic rebalancing', in the hopes that it would both take the spotlight off the government and catalyze a closing of ranks among Hutu (Strauss, 2006; Munyarugerero, 2003; Semunjanga, 2003; Vidal, 1991). The purge led to the final outmigration of Old Case refugees, but the government's gamble failed and they were overthrown by the 2nd Republic under Major General Habyarimana, also a Hutu. Meanwhile, Tutsi in exile began to organize and recruit on a large scale, forming what would later become the Rwandan Patriotic Front (RPF) (Strauss, 2006; Munyarugerero, 2003).

Meanwhile, hostility among the exiled population continued to grow. Some were quick to adjust to life in exile and became socially integrated into their new communities, but most were unable to do so, either deliberately or through marginalization or persecution (Gachuruzi, 2000; Otonnu, 2000; Semujanga, 2003). Like the previous regime, Habyarimana's government was not open to the idea of allowing Tutsi refugees to return. Environmental factors were again used as a means to deny them return – population density, poor soil productivity, poverty, land scarcity and environmental degradation were all cited as reasons why the government could not allow the return of hundreds of thousands of Tutsi in exile. Refugees were left in limbo, and decided again that their only hope of returning was through the use of force.

Table 3. Rwandese Refugees in the Great Lakes Region (1950-1975)

Country	Official figure	Adjusted figure
Burundi	200,000	200,000
Tanzania	36,000	54,000
Uganda	78,000	156,000
Zaire	22,000	88,000
Total	336,000	498,000

Source : Golooba-Matebi, 2008

As Kayibanda had reacted to the civil war in Burundi, Habyarimana felt compelled to react to a regional situation that could affect his government's relationship with exiled Tutsi. In this case, the political situation gave Habyarimana a glimpse of Rwanda's potential future. In 1979, Idi Amin was deposed in Uganda by former political refugees, who organized and launched their insurgency from neighboring Tanzania. Rwanda became increasingly nervous about the number of potential insurgents in Uganda (Otonnu, 2000; Munyarugerero, 2003). The Rwandan government was not willing to allow refugees to return, but it wanted to diffuse a potentially serious situation. The government declared that individual refugees who had not borne arms against the government or participated in subversive activities, and who had no independent means of subsistence would be allowed to return (Reyntjens, 2004). These conditions allowed the government to create the impression that it was moving towards a more conciliatory

relationship with exiles, but in actuality the guidelines effectively guaranteed that no refugees would be allowed to return to Rwanda (Munyarugerero, 2003).

1.5.2 The Second Civil War

In 1990 the RPF began launching cross-border invasions aimed at overthrowing the Habyarimana regime, in the hopes of establishing democratic governance in Rwanda. After a series of successful attacks in 1994, Habyarimana's government was faced with considerable international pressure to secure a ceasefire, and between September 1992 and January 1993 the government negotiated an agreement with the RPF in Arusha, Tanzania. The resulting document became known as the Arusha Accords and called for the formation of a broad based transitional government, which would include members of Habyarimana's party and the RPF, and laid out provisions for the return of at least some of the Old Case refugees. Although both parties agreed to and signed the Accords, Hutu extremists within Rwanda denounced the agreement and, in particular, the power sharing government as a Tutsi ploy to regain political control and revert to a pre-independence system of governance which would systematically disenfranchise the Hutu majority (Reader, 1999).

On April 6, 1994 President Habyarimana was killed en route to Rwanda after a mortar attack on his plane. This event was seized upon by the *Interahamwe,* a civilian militia affiliated with Habyarimana's political party, the *Mouvement Revolutionnaire National pour le Developpement et la Democratie* (MRND(D)), as a catalyst to spur anti-Tutsi sentiment and undermine the Accords, which directly resulted in the outbreak of the genocide. Anti-government and anti-Tutsi propaganda was broadcast across the country that denounced the Accords, declaring that they were meant to weaken the power of the Hutu and reinstate the old Tutsi hegemony (Reader, 1999; Kelly et al., 2002). The *Interahamwe* also actively encouraged violence against both Tutsi and politically moderate Hutu, which lead to a death toll of both 800,000 and 1 million in the space of 100 days.

Evidence suggests that the *Interahamwe* regularly and deliberately utilized the stress on land and played upon the centrality of land in the lives of the majority of the population, as a way to propel them into violent action. After President Habyarimana's concessions to power sharing at Arusha, the *Interahamwe* insisted the Tutsi would use power sharing as a springboard to re-establish the rule of the *mwami* and intended to reclaim lands abandoned by Tutsi during the pogroms of the 1950s-1970s that had been redistributed to landless Hutu. In some areas false maps were distributed which deliberately misidentified large Hutu landowners as Tutsi, and showed Hutu-owned lands that would be seized by the Tutsi after the agreement came into effect and the RPF gained a modicum of political control.

The *Interahamwe* also regularly portrayed Hutu as the "people of the land," firstly in the sense that their livelihoods were tied directly to agricultural activity (whereas Tutsi were identified historically as cattle herders), but also in that they were considered the original settlers of the land, whose status and property had been systematically usurped by the Tutsi ruling class. The insinuation that land could be accumulated by the 'elimination' of the current inhabitants fed directly into the depressed economic situation of the time. Land vacated by dead or fleeing Rwandans were redistributed to those who stayed behind, further solidifying the perception of murder as a legitimate avenue towards securing the most important economic resource in the country.

Popular discourse typically overlooks the role land played in the precipitation of the civil war and genocide. The deterioration of the Rwandan economy, based primarily on the decreased yield of the land, and the decreased profit made from the average yield. The suffering economy destabilized the government and created an avenue for the RPF to launch successful attacks. More importantly, the long-term importance of land in Rwandan society was exhibited by the *Interahamwe*'s deliberate use of land as a means of agitating the public and harnessing their anxiety over losing actual or potential land into violent action. The successive land systems, which had decreased the average holdings of most farmers, and the harsh economic times which had prompted many to unwillingly give up their land, had created a situation where land was at least considered by far the most important commodity an individual could own. Many

were willing to kill for the possibility of gaining additional land, or kill to ensure their land was not taken away. The war was fought, in part, for the right to own and use land free of the potential for forcible removal and appropriation from elite groups, typically considered along ethnic terms.

1.6 The End of the Civil War

1.6.1 Refugee Return

The defeat of the Rwandan government by the RPF in 1994 instigated an exodus of 2 million Rwandans, mostly Hutu who were either engaged in or innocent of the genocide but feared retaliation from approaching RPF forces, into Tanzania and Zaire. These became known as the New Case refugees. At the same time, the push by the RPF into Rwandan territory was accompanied by a wave of Old Case refugees returning to the country. With the establishment of an RPF led government, between 600,000 and 800,000 Rwandans who had been living in exile, including the descendants of many who fled as early as the late 1950s, began returning to Rwanda from Uganda, Burundi, and Zaire. These Old Case refugees were primarily Tutsi and brought with them large herds of cattle that had been their main source of livelihood. A few of the returnees were able to return to properties they held before leaving the country, but the majority resorted to occupying properties vacated by those who had recently fled the RPF or who had been killed in the genocide. Because of this, and because the number of returning Old Case refugees was significantly smaller than the recently vacated New Case refugees, housing was initially not a serious issue (Ansoms, 2007).

Table 4 Number of returnees and internally displaced persons in Rwanda after civil war

	1994	**1995**	**1996**	**1997**	**1998**	**1999**
Population (millions)	5.22	5.7	6.17	7.67	7.88	8.1
Old Case returnees	900,000	146,476	28,646	19,615	7,723	890
New Case returnees	200,000	79,302	1,271,936	199,183	3,167	19,337
Internally Displaced Persons	1,000,000	n.d.	n.d.	n.d.	720,000	40,000

Source: Ansoms, 2007

However, in the next two years following the end of the war New Case refugees began to voluntary and involuntarily return to Rwanda. In 1996 more than 720,000 refugees returned from Zaire alone, while approximately half a million were repatriated from Tanzania at the end of that year. This influx created a severe problem of shelter, with refugees returning to find that their property had been occupied or destroyed. In 1997 estimates of the number of families in immediate need of housing ranged from 250,000 to 300,000. The shortage would be exacerbated in 1998, when cross-border attacks launched by Hutu extremists in the Democratic Republic of Congo destroyed property and internally displaced an additional 720,000 Rwandans (Nezehose, 1990; Reyntjens, 2004; Reader, 1999).

Initially, the government expressed little concern for the shelter issue, and of the problems that could ensue if New Case refugees chose to repossess their property. Government officials claimed that repatriates returning from exile would be able to move into the homes of those who were killed in the genocide. Government officials believed that between abandoned property and unused swampland, there would be more than enough vacant land to accommodate all refugees. But by the time New Case refugees began returning from Zaire and

Tanzania, it was obvious that there would not be enough land to accommodate everyone (Nezehose, 1990).

To solve the twin issues of homelessness and returnee reintegration, the government developed a settlement plan known as *imidugudu* or the Villagisation Policy. The policy involved the creation of designated villages, which were first presented as emergency methods of organizing and providing citizens with essential services, protection, and relief, but soon became the template for the government's overarching rural land development plan.

1.6.2 War, Genocide, and Land Politics

The war and genocide that killed more than one million Rwandans and displaced more than three million between 1991 and 1994 are usually depicted as the culmination of decades of ethnic tension and hatred. This simplified view, while providing a passable explanation for the outbreak of conflict, has been vigorously disputed by historians, sociologists, and political scientists, who argue that in reality the conflict was a result of systematized inequality, poverty, and institutionalized discrimination which created a fractured society highly susceptible to violent breakdown. The issue of land - the overall scarcity, the decreased yield, and the accumulation of prime land by wealthy elites - played a major part in the long-term societal breakdown that contributed to the outbreak of war and genocide (Diamond, 2005; André et al., 1996).

Generally speaking, Rwanda scholars hold to one of three theories about the relationship between land, more specifically ecological resource scarcity, and social conflict. The first, the 'hard' Malthusian theory, states that social conflict and violence are the unavoidable results of overpopulation and ecological resource scarcity. In cases of severe population and land imbalances, countries run the risk of exceeding their carrying capacity, and in order for nature to re-establish equilibrium the only possible outcome is famine and/or conflict (Diamond, 2005).

Proponents of the theory consider Rwanda to be a perfect example. According to this theory, the genocide was an unavoidable outcome of overpopulation and mounting environmental limitations. The conflict was a result of 'demographic entrapment', and the refugees created can be considered 'environmental refugees' (Ford, 2008; André et al., 1996; Uvin, 1998).

The second theory, the 'soft' Malthusian theory, agrees that severe scarcity of ecological resources can be a source of social tensions, but unlike 'hard' Malthusian theorists, supporters of this theory believe that this scarcity and the ensuing tensions may, but will not necessarily, result in open conflict (André et al., 1996; Diamond, 2005). In cases where conflict is experienced, they can be more specifically attributed to other variables that have compounded on the initial scarcity to create an untenable situation. Societies with longstanding traditions of social cooperation, innovation, legitimacy and accountability of the state, and networks of economic exchange are more likely to handle scarcity without conflict than socially unequal or politically unstable societies (Ford, 1998). Supporters of 'soft' Malthusian theory argue that in most cases and in the case of Rwanda particularly,

> Environmental scarcity produces four principal social effects: decreased agricultural potential, regional economic decline, population displacement, and the disruption of legitimized and authoritative institutions and social relations. These social effects, either singly or in combination, can produce and exacerbate conflict between groups. Most such conflict is subnational, diffuse, and persistent. For conflict to break out, the societal balance of power must provide the opportunity for grievances to be expressed as challenges to authority. When grievances are articulated by groups organized around clear social cleavages, such as ethnicity or religion, the probability of civil violence is higher. Under situations of environmental scarcity, where group affiliation aids survival, intergroup competition on the basis of relative gains is likely to increase. As different ethnic and cultural groups are propelled together under circumstances of deprivation and stress, we should expect inter-group hostilities, in which a group would emphasize its own identity while denigrating, discriminating against, and attacking outsiders (Percival & Homer-Dixon, 1995, p. 5).

Based on this perspective, Ford (1998) argues that while it is tempting to view the Rwandan genocide as a prime example of the 'hard' Malthusian theory, the reality is that the situation was much more complex and informed by multiple historical political and social factors. Past ethnic and political rivalries were aggravated by colonial and post-colonial experiences; the

Cold War's effect on African governance created an atmosphere that allowed Kabiyanda and Habyarimana to refuse economic and political change; droughts and famines in the 1980s and the decrease in global coffee prices caused economic conflict; and Habyarimana's unwillingness to compromise and deal with the problem of invading RPF rebels all contributed to the outbreak of civil war and the genocide.

The final theory sees no relation whatsoever between social conflicts such as genocide and ecological resource scarcity. This 'anti-Malthusian' theory believes that an abundant population should result not in increased stressors but rather in an increase in innovation, economic activity, knowledge, and organization, all of which stimulates growth and progress rather than conflict (André et al., 1996; Diamond, 2005). Other supporters of this theory argue that resource scarcity is a product of human agency rather than an unchangeable situation. For example, had Rwanda enjoyed the wealth of a European nation of similar size, and if progressive farming technologies had been employed, the limited land available would have been able to produce enough food for the entire population or, failing this, the land would have produced enough exportable material to allow the country to buy the food it required. That this was not the case in Rwanda is due to social, political, and economic processes which over a long period of time had eroded Rwanda's self sufficiency, stagnated its technological advancement, and stymied its economic growth (Diamond, 2005).

In the context of Rwanda's past and future history, debating which theory best encapsulates the causes and potential consequences of the genocide is not as important as considering which theory best informed the Rwanda government's post-conflict reconstruction philosophy. The hard Malthusian theory places heavy emphasis on mechanical causes, focusing on the role of the lack of technological advances in Rwandan agriculture and the inability of the state to control land degradation. The soft Malthusian theory focuses on the effects of land scarcity collaborated with other political and economic factors to precipitate severe conflict, while the anti-Malthusian theory argues that land issues were not mitigating factors in the outbreak of conflict.

When considering the case of Rwanda, the soft Malthusian theory best exemplifies the situation that had been created through decades of successively destructive land policies. Land was not the *single* cause of the genocide, but it provided the basis for an impetus towards a seemingly unreasonable wave of violence. These conditions are perfectly illustrated in André and Platteau's authoritative 1993 study of land conditions preceding the genocide in Kanama, a northwestern province. André catalogued the ownership and distribution of land in the province before the genocide, and returned in the aftermath to discover the fates of the participants of the study.

Kanama is significant because despite a population that overwhelmingly identified as Hutu, more than 5% of the population was slaughtered in the genocide, supporting the hypothesis that ethnic hatred was not the singular driving force behind the genocide. According to André's survey, there was only a single Tutsi victim in Kanama, and the study separates the remaining genocide victims into four groups:

- Hutu who were large landholders. This group consisted primarily of older men, theoretically in prime position to be victims of father/son inheritance disputes, and young men with large non-farm incomes, which they used to buy up land;

- Perceived 'troublemakers' who had been involved in land disputes in the past;

- Impoverished young men who were driven to join militias out of desperation;

- And poor families with little or no farmland or off-farm income who either died of starvation or did not have the money to bribe their way out of danger.

All four groups of victims were either targeted in the genocide as a result of their ownership of land, or were trapped by their poverty, brought about by their lack of land and the failing economy, which severely limited options for off-farm income generation.

According to Percival & Homer-Dixon (1995), as quoted above, environmental degradation in Rwanda led to decreased agricultural potential, economic decline, population displacement,

and the disruption of authoritative institutions and social relations. All four of these causes are tightly interrelated.

After independence, Rwanda's rapidly increasing population was not mirrored by a steady growth and diversification of the economy, resulting in a growing population dependent primarily on land-based revenue streams. By the mid-1980s, problems with density and land scarcity had grown to influence and complement a greater economic crisis. The crisis began in the agricultural sector before extending to the financial, and finally leading to a series of political crises that were further compounded by a rise in political discontent, the civil war instigated by the RPF in 1990, and international pressure for democratization.

Agriculture formed the base of the Rwandan economy and in the 1980s began to drop significantly both in terms of export crops and subsistence food production (Clay et al., 1995). This was due to a number of factors. Firstly, the price of the country's two main exports, coffee and tea, both dropped significantly in the mid-1980s, along with the price and demand of raw minerals such as bauxite. Secondly, the average yield of a plot of land had been steadily decreasing due to the deteriorating quality of overused land. By the 1990s, soil quality was so bad that according to some observers, "farmers [could] wake up in the morning to find that their entire field has been washed away overnight, or that their neighbour's field and rocks have now been washed down to cover their own field" (as quoted in Diamond, 2005, p.329).

The effect on the economy was significant at the national level. The government was forced to increase international borrowing to support its expenditures, particularly in light of the costs of the civil war, which caused foreign debt to increase from 16% of GDP in 1980 to 32% in 1990 (World Bank, 2009). It also plunged a greater proportion of the population into poverty, but because the economy had barely diversified beyond the agricultural sector, land became an even more important resource. By the 1990s, however, land was becoming concentrated in the hands of a select minority.

In the 1970s and 1980s, the government and Rwandan citizens aggressively opened new land, but by the end of the 1980s there was little new land available. Those in need resorted to selling their land to large landholders in order to meet immediate financial needs. André and

Platteau's study of Kanama showed that in 1988, 35% of small landholders sold their land without buying new land, and in 1993 this statistic rose to 49% of small landholders. Already small farms were becoming progressively smaller, while a relatively small group of large landholders were amassing the bulk of available land (André et al., 1996).

At this rate, disparity between those with land and those without grew at a rapid pace while simultaneously, the bulk of off-farm income was being earned by those who already had significant farmland. Thus they were able to use their off-farm income to accumulate *more* land, while those with little land continued to resort to technically illegal land sales to make an income.

A secondary effect of the scarcity of land was caused by the customary inheritance practices that, despite new policy initiatives, successive governments had failed to eliminate. Family plots were separated equally between sons, leaving them with smaller and small plots of land over generations. Coupled with the decreased yield from over-farmed soil, many farmers and their families could not subsist on their land and could not participate in the larger economy (Musahara et al., 2005). The overall scarcity of land also meant sons were waiting longer for their inheritances, forcing them to put off marriage and independence in order to live at home for much longer than anticipated. This created highly tense situations, with conflicts between fathers and sons becoming more commonplace. André and Platteau (1996) reported that, in Kanama, the majority of households reported that 48% of the 226 serious household conflicts reported to the authorities for outside resolution involved land.

The 'rent-seeking' motive has been identified as a primary element in the outbreak of the Rwandan genocide. According to Jones (2005), in pre-war economies, poor management of resources is typical and "if there has been a history of polarization of resources amongst different ethnic groups and tensions are exacerbated by history (colonialism), geography (high population to land ratios), ethnic tensions (ethnic domination), and an induced grievance from a previous war which has polarized society still further, conflict has a fertile base" (p. 103). By the 1990s, Rwanda had experienced decades of ethnic tensions created by the colonial government's deliberate favoritism of Tutsi over Hutu, which in turn allowed Tutsis access to

resources denied to Hutu and advanced the view of Tutsi being at the center of valuable resource accumulation. Efforts by previous Hutu governments to shift political blame for internal issues by victimizing Tutsis, and using land scarcity as a reason to deny Tutsis the right to return, also helped create a long-term narrative of ethnic polarization. But, overall, it was the desperate situation faced by the majority of the country's population that provided the government with the means to, in their view, harness the will of the people to win the second civil war.

When the second civil war broke out in 1990, the Rwandan government recognized an opportunity to harness the desperation and frustration of the general population to suit their purposes. The issue of ethnic identity and differentiation was grafted onto the worsening economic situation and the growing fixation on the necessity of owning land for prosperity and, more importantly, overall survival. Hutus were depicted as the 'rightful owners' of the land, under threat by the RPF, a Tutsi army that intended to re-implement a system that gave Tutsi power over the use and distribution of land.

The Rwandan government focused on the necessity for group solidarity, in this case among ethnic lines, as the only means of long-term survival. As Gerard Prunier concludes,

> 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 in their *ingo* [family compound] was feeling there were too many people on too little land, and that with a reduction in their numbers, there would be more for the survivors (as quoted in Diamond, 2005, p. 335).

Equally as worrying is André and Platteau's observation that, even after the genocide, the same underlying attitude which helped facilitate the genocide still remains: "It is not rare, even today, to hear Rwandans argue that a war is necessary to wipe out an excess of population and to bring the numbers into line with the available land resources" (as quoted in Diamond, 2005, p. 334-335).

What the new government had to contend with, ultimately, was a systematic belief that land was still an important enough resource to necessitate the use of force to secure. Therefore the

development of any post-war land policy had to involve not simply the resettlement of returned refugees, but the creation of a system that ensured that as many people who wanted or needed land would be able to access it. Allowing the country to fall into another cycle of landlessness would return them to the beginning of the same cycle that culminated in the genocide.

CHAPTER TWO: THE EXPERIENCE OF VILLAGISATION IN SOUTHERN AND EASTERN AFRICA

2.1 Introduction

Villagisation is defined as the grouping of a population into centralized, planned settlements. Unlike other resettlement schemes, villagisation does not typically involve the long-distance relocation of large groups of people, and is usually implemented in areas of high political or social conflict (Hilhorst & van Leeuwen, 2000; Palmer, 2004).

In the case of Rwanda, villagisation was used in part as a means of conflict resolution. Ensuring that every returned refugee had a plot of land would theoretically reduce the potential for short-term conflict significantly. Villagisation was also to become the basis of a long-term plan for rural reorganization and economic revitalization, with planned villages being used to rationalize land use and maximize access to scarce fertile land.

Rwanda was not the first African state to employ villagisation for these purposes. In Tanzania, Ethiopia, and Mozambique, resettlement and villagisation were employed as elements of larger programs to facilitate radical reform of the agricultural production process in order to increase agricultural output, facilitate national resource independence, and improve living conditions in the rural countryside. In all three cases policies were heavily motivated by leftist ideologies and appeared in concert with other like-minded programs, such as collective farming. All three policies exhibit striking similarities, both in the stated and unstated purposes behind the policies, and in the failures exhibited during and after their implementation.

These three cases will be examined in depth to consider what differences and similarities can be found in their policy objectives, implementation, and outcomes, in order to further contextualize the Rwandan government's choice to employ villagisation in their own case.

2.2 *Ujamaa* in Tanzania

2.2.1 Policy Objectives

In Tanzania, villagisation was first introduced in 1967 in the Arusha Declaration as part of a greater initiative to prioritize rural development and reduce dependence on foreign resources. The new villagisation policy was encapsulated in the concept of *ujamaa*, roughly meaning 'familyhood', which implied the creation of communal village production units as a form of 'African socialism' based on three assumptions: respect for the community; the belief in community property; and an obligation to work.

According to the country's president Julius Nyerere, integration into the global capitalist economy through colonialism had resulted in social stratification and a rejection of village life in favor of urban living. But because Tanzania's population was still predominantly rural, he believed these negative effects brought about by colonialism could be reversed. Once free of negative influences, the peasants would "surge forward" to produce more and transform the relations of production. The government also believed that citizens would take the initiative to establish and govern *ujamaa* villages, and eventually develop networks of villages engaged in collective farming (Yachan, 1997; Ergas, 1980). The collective farms would constitute the basis of rural economic and technical development. The government's role would be to make available agricultural experts to train farmers in modern agricultural practices, and generally helping villagers "make a success of their work and their decisions" (Scott, 1998, p. 242).

Described by Samuel Mushi (1971) as 'modernization by traditionalisation', Nyerere viewed villagisation not simply as a means of rural reorganization to spur economic independence, but as a means of restructuring the guiding principles of rural life in Tanzania. *Ujamaa* was derived from the traditional concept of *ujima*, which encompassed a set of communal responsibilities and an obligation towards cooperation between villagers during peak seasons and in cases of emergency (Mushi, 1971). Nyerere wanted to apply the unwritten rules of living in a rural household to the larger socioeconomic forms of organization in order to meet local objectives.

2.2.2 Implementation & Outcomes

In attempting to develop legal and policy frameworks, the government encountered the first of many contradictions in the nature of the policy. On the one hand, laws and regulations are necessary to make government involvement possible. But at the same time, the policy was publicized as a grassroots effort to reorganize rural life, with the peasantry taking the lead in applying their own values to the organization of their community. By the imposition of regulations by the government, all power is taken out of the hands of the people, rendering the entire policy philosophy redundant. In practice, the implementation of *ujamaa* proved much more difficult than anticipated. The policies were so complex and theoretical that attempting to put Nyerere's ideas into practice uncovered numerous conflicts between different policy goals that could not be reconciled (Hayden, 1980).

Although people responded favourably to the new policies, the first two years after the Arusha Declaration saw very limited development of villages. Most villages built at the time were initiated by the government, through their youth leagues and the recruitment of jobless citizens to build and live in new villages, while some already existing villages engaged in '*ujamaa* through sign-painting', declaring themselves *ujamaa* without engaging in any actual transformation (Hayden, 1980; Mushi, 1971). By 1969 only 400 villages had been created (Hayden, 1980).

At this point citizen interest in the policy began to wane and the government feared losing its credibility. Between 1970 and 1971, President Nyerere began to take a more aggressive role in the creation of villages, going so far as to move into a new 'model village' to encourage locals to follow his example. From there, it became common for high ranking government officials to take a more active role in interacting with the public in order to convince them to move into villages.

From 1970 to 1972, the number of villages grew from 1,956 to 4,434, and in 1972 the number increased to more than 5,500. By 1973 more than two million Tanzanians were living in villages. However it is important to note that while many villages were registered as *ujamaa*, many did not implement or achieve the goals of communal production. The majority of residents in

ujamaa villages were those who already lived in villages that had been converted to, or declared as, *ujamaa* villages (Hayden, 1980; Mushi, 1971).

The villagisation scheme was abandoned in 1977, at which point the government claimed that the entire 13 million rural population had been successfully moved into villages.

2.3 Villagisation in Pre-war Mozambique

2.3.1 Policy Objectives

Villagisation was introduced by the government of Mozambique in 1977 as part of a larger promotion of Soviet socialism. The ruling party, the Liberation Front of Mozambique (FRELIMO), believed that regrouping the peasantry from their traditional dispersed family units into communal villages would be an efficient way to manage the redistribution of resources and services (Palmer, 2004). FRELIMO had made agricultural development a central policy issue, and villagisation was seen as the best possible way to create a modern collective farming system, urbanize and modernize the countryside, and respond to internal insecurity caused by the ongoing conflict between FRELIMO and the anti-communist political party, the Mozambican National Resistance (RENAMO) (Cannon-Lorgen, 1999).

Unlike Tanzania, the Mozambican government did not attempt to popularize the villages as being built on traditional ideals. Instead, villagisation was promoted as a radical but necessary break from a traditional preference for scattered settlements and the supremacy of traditional authority. However, villagisation proved highly unattractive to the general population at first, because of its striking similarity to the tactics used by the Portuguese colonial government to isolate the rural population from the then revolutionary FRELIMO (Cannon-Lorgen, 1999; Palmer, 2004).

2.3.2 Implementation & Outcomes

Participation in villagisation was initially optional, except for areas where the government was particularly unpopular or felt otherwise insecure. Benefits were promised to attract residents; new villages were promoted as the best means of obtaining education, health services, and larger markets for service providers and traders. In the early 1980s, when the threat of RENAMO became more acute, villagisation became mandatory and the use of force became more common in some areas. Coercion typically took the form of officials burning the property of those who refused to move, or denying food aid to dissenters and critics (Hilhorst et al., 2000; Cannon-Lorgen, 1999).

By 1990, 1,350 communal villages had been created, housing more than 1.8 million citizens, or 14% of the total population. Resident's opinions of the villages varied considerably. Some, particularly the younger population, were attracted by the educational opportunities, clinics, and the ability to congregate and share information easily. Service providers and traders were also positive about the villages, as it allowed them to widen their customer base and decreased the time spent traveling between settlements (Hilhorst et al., 2000; Cannon-Lorgen, 1999; Palmer, 2004).

Villages were very unpopular with those who worked on farms, as they were typically moved to settlements far from their land. Many farmers were obliged to spend hours in transit to and from their fields, and the threat of theft and crop damage was significantly increased when farmers were not in very close proximity to their land (Cannon-Lorgen, 1999; Palmer, 2004).

In the majority of cases, the planning of villages was poor. Planners were not familiar with the conditions in areas they were reorganizing, and therefore many villages were planned out of proximity to water supplies, building materials, and firewood. This lack of services provoked widespread discontent and resistance within the population. The use of force in the implementation process in certain areas also led to suspicions that villages were being used as a means to monitor the population and maintain state control. This belief grew to the point that many new villages became centers of government resistance, and RENAMO used the ensuing social stratification to build support in the countryside (Palmer, 2004; Hilhorst et al., 2000).

The Mozambican government acknowledged the failure of its rural development policies in 1983-4, and the villagisation program was completely abandoned. At that time, more than 4 million people had moved into 2,500 villages (Cannon-Lorgen, 1999; Palmer, 2004).

2.4 Villagisation and Counter-insurgency in Ethiopia

2.4.1 Policy Objectives

In Ethiopia, the idea of and policy framework for villagisation was introduced in 1975, but the policy was not put into action until 1985. In Ethiopia's case, villagisation was a response to actual problems on the ground. With drought crippling the overpopulated northern regions, the government opted for a policy of long distance resettlement to evenly distribute the population between the north and the south. The policy also intended to regroup scattered homesteads and villages into a new grid-plan of villages to allow for an ambitious socialist agrarian reform program aimed at promoting 'rational land use', resource conservation, co-operativisation and service provision in order to promote social production and modernize rural society (Wolde-Georgis, 1997; Scott, 1998; Cannon-Lorgen, 1999; President Haile Mariam, 1986).

Although not an official policy objective, villagisation was also meant to play a role in counter-insurgency. The first site chosen for implementation, in October 1984, was Hararghe, a province in the east of the country that was a highly strategic location in the fight against the Oromo Liberation Front (OLF). Ethiopia's villagisation policy was also heavily influenced by similar programs implemented in Eritrea in 1966, which were heavily militaristic in nature and treated social transformation as a strictly secondary goal. The Tanzanian example was also studied, but the government deemed it a failure due to the government's lack of resolve and unwillingness to use force (Cannon-Lorgen, 1999; Wolde-Georgis, 1997).

2.4.2 Implementation & Outcomes

Implementation of the policy in its first stage involved a heavy use of force from the beginning. In Harerghe, villagisation was initiated after a heavy military offense against the OLF that displaced upwards of 80,000 people (Clay, 1988). Afterwards, village leaders were detained and army units 'instructed' villagers to relocate to the chosen site. Punishment for objectors was harsh – villages were burned, crops destroyed, and cattle stolen. In extreme cases, dissenters were executed *en masse*, buried alive, raped, or mutilated (Cannon-Lorgen, 1999).

One observer who visited a number of new villages in 1986 highlighted the militaristic nature of Ethiopia's program, and the government's focus on resource extraction and counter-insurgency:

> Locals cannot eat what they want, and have reportedly been told not to give their children milk: cows are state property. Officials announced that the government would distribute 500 grams of rations daily to everybody. [L]ocal people feared that the army and urbanites would cream off the highest quality food, leaving the villagers with a meager diet of sub-standard grains.

> People are forbidden to travel through the countryside. They could be shot if they do. The new villages are connected to each other and to cities by a network of usually new roads, built with forced labor. Troops can thus be deployed rapidly. The absence of social ties between the new militia and the locals probably accounts for what some refugees have described as the systematic rape of women (Africa Confidential, 1986, p. 7).

It is made clear that the villages have not been created for the benefit of the people, but rather as a means for the government to increase cash crop production and disseminate troops into problem areas.

Villagisation was declared a national program in July 1985. A distinction was made between villagisation in war areas, where counter-insurgency strategies were in place, and non-war areas, where villagisation would be used mainly as a tool for social transformation. Implementation plans for each province were constructed locally, which solved the problems raised by top-down planning but also created a culture of competition, with each province competing to implement their policy quicker and with more participants than others, as the

most successful officials gained promotions, prizes and recognition (Cannon-Lorgen, 1999; Palmer, 2004).

The implementation process continued to be inefficient and severely detrimental to the local population. In many regions, locations were determined by their strategic advantage rather than proximity to necessary resources, and many farmers were obliged to walk greater distances to their fields. As in Mozambique, crops were left untended for most of the day, leaving them open to theft or other damage (Cannon-Lorgen, 1999). In other cases, villages were constructed in the middle of cropland, wasting the same resources the villages were in part constructed to preserve. Labor was diverted from household and agricultural work to build homes, and farmers were subjected to levies in order to pay for the building supplies. The combination of destroyed agricultural land, which also forced some farmers to sell their livestock, and diverted labor lead to food shortages in many regions, as had occurred in Harerghe. Because of competition between officials, in some areas people were moved into villages before essential ancillary services such as latrines, kitchens, and stables had been produced (Palmer, 2004; Wolde-Georgis, 1997). Epidemics broke out, and the lack of services exacerbated the situation.

The program was intensely unpopular with the national population, which viewed it simply as a tool of the government to exert control and extract resources (Palmer, 2004). Residents actively resisted the program through unobtrusive sabotage – for example, doing the minimum possible amount of mandatory labor, and planting saplings upside down. Violent protest occurred in some areas; some reports exist of villagers killing militiamen sent to enforce villagisation. In the east, many villagers fled across the border to Somalia (Cannon-Lorgen, 1999).

By August 1988 the government reported that half of the rural population, approximately 12 million people, had been villagised. The goal of collectivization of agriculture was far from achieved, with less than 4% of farmers being members of producer's cooperatives in 1990, when the government abruptly cancelled the program and announced a new economic policy direction and a move towards decentralization. The announcement of the end of the

programme prompted mass movements of villagers from designated sites back to their original homesteads (Palmer, 2004; Cannon-Lorgen, 1999).

2.5 Outcomes of Villagisation in South and East Africa

2.5.1 Failures

All three programs were considered failures, albeit with elements of success, which had lasting negative repercussions for those who were subject to their policies. Palmer's definitive analysis of all three villagisation scheme argues conclusively that the programs shared three general shortcomings. First was the unwillingness of the population to give up their land and livelihoods, which invariably resulted in the coercive, and sometimes violent, enforcement of policy initiatives (Palmer, 2004).

In Tanzania, where the voluntary and organic nature of village formation was especially stressed, the first few years of the program resulted in the creation of only a few villages and the relocation of half a million people. When the program began, incentives in the form of financial or technical assistance had been used to persuade people to move. These incentives did little to persuade rural residents to form villages and they continued to show little enthusiasm for the program. The government then resorted to the belief that people did not know what was good for them and had to be shown the 'right way' to modernity, thus justifying the use of force (Ergas, 1980; Palmer, 2004).

The Mozambican government met with the same resistance from the target population, who were particularly hostile to the shift from dispersed dwellings to a centralized village arrangement. Again the government abandoned coercion and resorted to compulsive relocation. Popular dissatisfaction with the government's policies and implementation may have been an element that brought rural people to support the RENAMO opposition (Cannon-Lorgen, 1999; Palmer, 2004). In this case, a political insurgency was able to harness popular

dissatisfaction with the government, in some regions dissatisfaction tied to villagisation, in order to gain popular support for their political aims.

In Ethiopia, more than 600,000 people were moved from the northern regions to the south between 1985 and 1986. Coercion was a central element in relocation seemingly from the start, with many families being separated, uncooperative farmers killed, and houses, crops, and animals killed, burned, or stolen. The level of unpopularity of the program and the amount of force needed to implement it became highly evident after the program was discontinued. Thousands of resettled villagers immediately returned to their former homesteads as soon as they were able, regardless of the lower living conditions they would face upon return (Cannon-Lorgan, 1999; Library of Congress, 1991; Palmer, 2004).

The second shortcoming was in the failure of local authorities to realize the actual intent of the programmes being implemented. Planning and management mistakes ensured that the agricultural development and modernization aims of the programs were never realized and in some cases left affected populations in a worse situation than they had been before (Palmer, 2004). Tanzania's *ujamaa* program was successful in increasing service availability, but as a result of scarce resources the assistance promised to help people move to villages could not be provided (Ergas, 1980). In Mozambique, implementation was accompanied by a drop in production, a result of badly timed movement, land tenure conflicts and lack of clarity in property entitlements. The confusion and lack of proper land for newcomers also led to a return to traditional land tenure systems to compensate (Yachan, 1997). Ethiopia experienced similar problems as a result of poor planning and execution (Library of Congress, 1991).

At times the intent and prioritization of the programs at higher levels of government did not filter to lower level regional authorities. For many regional authorities the programs became one in a list of policies to be implemented in order to obtain a favourable performance evaluation or to ensure promotion. In order to speed up implementation many civil servants revised the policy to meet their needs and to deliver the final product at a faster rate, and at times if the program seemed not to benefit their personal interests they were halted or manipulated (Scott, 1998; Ergas, 1980).

Officials in all three countries drastically underestimated the costs of implementing and sustaining their programs. In all three cases, the government was not able to generate the funds needed to set up enough villages to accommodate the entire rural population, as they had planned. Costs do not only involve the costs of setting up the villages, but also the value of destroyed property; the value of crops that were not planted and harvested during and after implementation; and the very high costs of administration. Cost-benefit analyses were either not undertaken, as in Ethiopia, or they were done haphazardly in the midst of efforts to speed up implementation. Most cost-benefit analyses did not take into perspective what village residents would also consider important economic costs, such as the money lost through longer travel time, and the cost of labor in instances were villagers were forced to build new houses or work in government farms (Palmer, 2004; Scott, 1998).

The third shortcoming was the fact that, according to some observers, villagisation and resettlement were simply 'impossible' policies in themselves. Instead of creating systems of 'rational land use', villagisation created concentrations of people who put even more pressure on water and land supplies, causing a decline in soil fertility and long lasting ecological damage. Villagers would then be prompted to move to another area where the same process would be repeated (Palmer, 2004; Library of Congress, 1991).

Some observers argue that villagisation also had disastrous effects on agricultural production, as new villages disrupted farming work, moved farmers away from their land, or destroyed agricultural land altogether (Ergas, 1980; Yachan, 1997; Palmer, 2004). But it is disputable that villagisation was the root cause of agricultural failure, as in both Mozambique and Ethiopia, violent conflict also contributed to a dip in production.

Other observers also blame villagisation and the move from individual farmers to collective farms for decreases in the security of land tenure and in the profitability of agriculture in Ethiopia (Wolde-Georgis, 1997; Cohen & Isaksson, 1988; Hoben, 1995). The initiation of collective farming was in fact only achieved in a handful of villages in Tanzania, and in Ethiopia the number of sites that reached the targeted communal production quotas were minimal.

Other observers argue that the emphasis on collective living and farming reduced farmer's incentives for good natural resource management, accelerated land depletion and deforestation, and resulted in reduced food security. The concentration of settlements and cultivated land to intensive overuse that increased soil erosion, and permanent cropping in single fields lowered yield over time (Wolde-Georgis, 1997; Cohen et al., 1988).

In both Tanzania and Ethiopia, lack of adequate sanitation in badly planned villages led to serious disease epidemics. Many Tanzanian villages experienced cholera and typhoid outbreaks, while cattle were blighted by the tsetse fly. In Ethiopia and Mozambique, the spread of intestinal diseases was rife, while others caught pneumonia from having to sleep outside or in unfinished houses (Wolde-Georgis, 1997; Palmer, 2004).

Why was villagisation so difficult to implement? Scott (1998) argues that large-scale authoritarian policies such as villagisation ultimately fail as a result of their top-down development and focus on scientific control. Their focus on scientific intervention leads to a disregard of complex local interdependencies and local knowledge that are not factored into the framework (van Leeuwin, 2001). In some cases, farmers were moved to new locations with vastly different ecological characteristics that they were not familiar with, completely devaluing their place-based knowledge. The roadblocks created by this disregard for location-specific, non-'technical' knowledge is one that cannot be overcome by technical training or the use of incentives (Scott, 1998).

2.5.2 Successes

Villagisation policies have also been credited with some successes, however. In individual sites where villagisation was implemented with a degree of success, villagers appreciated the access to schools, health services and transportation that the villages provided them. In Mozambique, more than 60% of communal villages benefited from water works and schools, and more than 30% had access to health agents and facilities (Cannon-Lorgen, 1999; Palmer, 2004). In Tanzania

as well, villagisation became the foundation for one of the country's largest gains in literacy and primary school education attainment (Scott, 1998; Hayden, 1980).

But for every village that received, others did not receive the services promised to them. In all three countries, more services were promised than the country had the resources to provide, and production and revenues did not rise quickly enough for them to provide services at a later date. In Tanzania, anger over the failure to provide services sometimes resulted in villagers deliberately sabotaging production (Palmer, 2004; Scott, 1998). Even in situations where villagisation made positive gains, the overambitious goals and lack of proper planning by governments overshadowed the positive aspects and eventually overshadowed them completely.

CHAPTER THREE: *IMIDUGUDU* - VILLAGISATION IN RWANDA

After the end of the civil war, the greatest challenge facing Rwanda was the resettlement and reintegration of a fractured and displaced population. Resettlement was at the heart of a number of issues that required immediate attention – housing the returning mass of more than 2.5 million refugees, who would put pressure on an already stressed land base; the reconciliation of groups who had been at war; the re-establishment of a viable economy; protecting the population from potential cross-border rebel attacks; and reducing the potential for internal conflict by reconsidering previous methods of land management. The potential for conflict was high, with multiple groups vying for control over land and claiming official or unofficial ownership. The government had little time to develop a mechanism for ensuring adequate housing and agricultural opportunities for the entire population and creating a new system of land distribution and rights management.

3.1 The Arusha Accords and Land-Sharing – Prelude to Villagisation

Upon taking power, the RPF-led government committed itself to upholding the terms of the Arusha Accords as they had been agreed before the outbreak of the genocide. During negotiations of the Accords, land access for returning Tutsi refugees was very high on the agenda. Both sides recognized that when the Civil War was over the influx of returning refugees would strain the country's limited resources unless planned properly.

Article 2 of the Accords contained five Protocols, Protocol 3 being the Protocol on the Reparation of Refugees and the Resettlement of Internally Displaced Persons. Herein the Rwandan government agrees, "each person who returns shall be free to settle down in any place of their choice inside the country, so long as they do not encroach upon the rights of other people" (GoR, 1993). Article 3 of the Accords deals with the provision of land, stating that the government had the obligation to "make lands available [for settling returnees upon their identification by the "Commission for Repatriation"] so long as [those lands] are not currently occupied by individuals", and that the Commission is "at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory" (GoR, 1993).

In addition to repatriation and internal displacement, this protocol also dealt with the issue of the eventual mixing of peoples who had been on opposite ends of a severe, long running conflict. The Tutsi-led RPF recognized that displacing Hutus in Rwanda on a large scale, seemingly in favor of returning Tutsi refugees, would not only almost definitely lead to further conflict, but would undermine the new government's legitimacy in the eyes of the majority of the population. Therefore to lessen the potential for multiple claims being made on pieces of land, and specifically to deal with the issue of Old Case refugees who had been out of the country for as long as 30 years, Article 4 establishes a '10 year rule', which states that "all refugees shall have the right to repossess their property in return, except for those who left the country more than 10 years ago whose land may have been occupied by other people" (GoR, 1993). In cases where land has been occupied, the government is then obligated, as stated in Article 3, to provide other land to returnees to help them resettle.

Though the government committed itself to adopting the Arusha Accords' stipulations on land, the situation after the genocide was significantly different from what it had been at the time the Accords were negotiated. The genocide dramatically increased the number of internally and externally displaced persons, while exacerbating ethnic and regional tensions and making the need for reconciliation more integral to the process of resettlement and land reform. In addition to this, refugees had began returning to Rwanda before the Accords had been completely negotiated, and by the time the new government took power and formally adopted the resettlement guidelines, thousands of returnees had settled or squatted on land that did not belong to them (Human Rights Watch, 2001, hereon HRW).

To cope with the inflow, the government opened up communal land, primarily former nature reserves, and converted them to be used as fields, pastures and new settlements. With the influx of New Case refugees in 1996, the land made available proved to be insufficient, and finding new land became more and more difficult. The issue of refugees returning to find their property occupied by others also became a major issue (HRW, 2001). The Ten Year Rule explicitly prohibited Old Case refugees from occupying their old property, but in cases where it occurred the protocols surrounding repossession of the land were unclear. Gasasira (1995) and

others point out that Old Case refugees could, and did, overturn the Ten Year Rule. If the 'new' occupier had died during the civil war, the repatriate was given priority access to the land, as "nothing is as dear as the land of one's ancestors" (17). Land that had been 'momentarily unoccupied' was also a grey area, and Old Case refugees could stake their claim by arguing that (a) the land ultimately belonged to the state, and (b) the state would provide alternative accommodation for the New Case refugees who hold some right to the land when they return, because (c) the purpose of land is to put it to use (Gasasira, 1995).

In fact, the government tacitly supported this sort of 'level-headed circumvention':

> People need to understand first and foremost that all land belongs to the state. It is the state which grants use rights to individuals, and which withdraws these rights should the individuals no longer be able to properly exploit the land in question. The development of the land must be the final goal of every land concession. We cannot afford to have arable land that is not under cultivation because the land is there precisely to feed society (Gasasira, 1995, p. 2).

And even if an Old Case occupier was willing to give up their land to newer returnees, the issue of the ownership of crops planted on the land became an issue. New Case refugees could not occupy the land until after harvest:

> those who have crops in the fields of other people must be allowed to stay long enough so they can harvest. This is the least we can do. The 'new caseload' refugee who returns will therefore need to await the end of the harvest before he can reclaim his property. We believe that this measure is the only means at our disposal to ensure that people actually produce food. If we do not do this, we are heading for a killer famine (Gasasira 1995, p.3).

Food production was, understandably, a primary priority for the government and he general population. But the need for refugees to wait for months to repossess their land was not heavily publicized by the government, who continued to insist at the time that New Case refugees would be able to claim their land "within a fortnight", to maintain public and, most importantly, international confidence in the government's ability to handle the refugee

situation.

Local administrators, particularly in the eastern regions, were directed to initiate a program of compulsory land sharing, where residents were encouraged to share their property with those who also claimed ownership of the land, as well as any displaced homeless people (André, 1995). The policy created tension on multiple fronts. It was never made legally binding, which quickly led to confusion and multiple claims on partitioned land. It also did not comply with already existing laws concerning compensation in cases of expropriation. The law clearly states that expropriated land must be compensated at its full value, but most victims of expropriation were not compensated monetarily or in kind, and were not given any assurances that they would have their land returned if or when the co-inhabitant was resettled on a different site.

Land sharing provoked new anxieties and legal uncertainties. The policy did not exist within the Arusha Accords or any previous legal framework. Decisions on the division of land came from individual regional administrators, who were technically endorsed by the government but not subject to any government guidelines, leaving the policy open to numerous abuses. Government officials claimed that implementation of the policy was made with the consent of community members, and all land sharing was on a consensual basis, but many citizens claimed they were pressured or coerced into giving up their land. New occupants feared being arbitrarily relocated or otherwise forced off the land; they could theoretically lose the land if the primary occupant decided to take legal action; or, more likely, they feared being subject to reprisals or violence at the hands of the primary occupants.

While land sharing decreased the homeless burden, it introduced a new dimension of inequality and legal confusion to the already multifaceted land system. Land sharing quickly became the primary source of conflicts and disputes in many regions. It has been approximated that 80% of all disputes brought before local councils for reconciliation involved land related disputes, and conflicts based on land sharing remain a serious problem to this day (Gasarasi & Musahara 2005).

Regardless of these measures, estimates of the number of families in need of adequate shelter at the time ranged between 250,000 to 300,000 (HRW, 2001). Therefore, in December of 1996 the government adopted a National Habitat Policy that was primarily focused on the construction of villages that would come to be known as *imidugudu*. The government asserted that the legal basis for the policy was also derived from the Arusha Accords, which outlines the procedure for the creation of settlements for the homeless in Article 28:

> The Commission for Repatriation shall develop settlement sites. The sites shall be provided with basic socioeconomic infrastructures such as schools, Health Centers, water, access roads, etc. The housing scheme in these areas shall be modeled on the 'village' grouped type of settlement to encourage the establishment of development centers in the rural area and break with the traditional scattered housing (GoR, 1993).

A villagisation scheme was considered the most effective means of achieving this prescribed housing scheme in a timely fashion.

3.2 Implementing Imidugudu

Any habitation policy implemented by the new government would have to encompass more than the resettlement and accommodation of returning refugees and those whose homes had been destroyed in the war. The primacy of land in the previous conflict meant that land would also play a major part in the reconciliation and post-conflict rehabilitation process, and any policy designed would have to incorporate elements of the government's dedication to reconciliation. The Cabinet Council deliberately combined the need to combat homelessness with the need to relieve stresses on the land that would lead to conflict. To do this, they decided that "all the rural inhabitants should be regrouped in [imidugudu] villages" and that all new housing would be situated only within the perimeters of designated imidugudu settlements (Ansoms, 2007; Musahara et al., 2005).

National security was another major concern. After the civil war, the government was still regularly troubled by cross border attacks by the *Interahamwe*:

> Regrouping settlement will in the future constitute the best formula to ensure not only security but also national reconciliation because the people who live together will have common interests for which they work together to preserve. Close to the villages, police and gendarmerie will be established (Musahara et al., 2005, p. 4).

The dispersed nature of the customary settlement system across the hilly topography made it significantly more difficult for the Rwandan military to protect the population from cross border attacks, which had become a regular occurrence in the years following the genocide. Organizing the population into compact settlements would make protecting the population a more systematic task for the military, while making it more difficult for insurgents to infiltrate habitations undetected.

In reality, the National Habitat Policy and its villagisation program were not initially created to deal with the issues raised by an influx of refugees and homeless displaced persons. The policy was intended to deal with the long-term issues of land distribution and economic development only. The text of the policy liberally discussed issues of population growth and urban migration in the 'Third World', and briefly mentions the civil war and genocide as circumstances that have helped aggravate the problems of housing in Rwanda. Refugees were mentioned only once, as part of an explanation of why the issue of habitation had to be dealt with.

Villagisation was first mentioned in the Rwandan context by the local nongovernmental organization Association de Recerche et d'Appui en Aménagement du Territoire (ARAMET), who believed that "the core problem of Rwanda was not overpopulation or land scarcity in itself, but a lack of proper planning…. The central tenet was the socio-economic pressure could be resolved through better land use planning, better settlement patterns, and economic growth outside agriculture" (Hilhorst et al., 1999, p. 14). This premise became the basis of the post-genocide government's perspectives on the land issues facing the country, and has since informed the government's policy directions.

The rational for expanding villagisation to not only encompass refugees, but the entire rural population, mirrors those expressed by the governments of Tanzania, Mozambique, and Ethiopia. Firstly, the Rwandan government insisted that villages would allow for more the efficient delivery of services, with an intense focus placed on the primacy of security in the countryside. Villages are easier to defend than dispersed households. Secondly, the government believed that villages would bring people of different ethnic groups into daily, productive contact, which would spur the process of reconciliation while decreasing the probability of conflict by ensuring all families had a piece of land.

Thirdly, the government believed that *imidugudu* would result in better land use planning. The dispersed nature of habitation in Rwanda had long been pinpointed as the primary cause of socioeconomic pressure on the land, and was considered a waste of space and valuable resources by the new government. By grouping housing into villages, space for habitation would be separated from farming land, allowing the most fertile land to be reserved exclusively for productive use while less desirable land would be used for housing. If all productive land was dedicated at its full capacity to agricultural use, optimal production levels would be achieved, resulting in economic growth for rural communities.

Finally, the government believed that imidugudu would serve as a necessary prerequisite to rapid rural economic development. Imidugudu would serve multiple functions in this capacity:

- To regroup residents to counter the dispersion which makes it difficult to "*rend difficile la sensibilisation de la population*" [persuade them to follow government policy];
- To resolve the problem of land scarcity by redistributing the land and creating terracing to conserve the viability of existing land;
- To protect the environment;
- To improve the transportation and distribution networks; and
- To create non-agricultural employment and reduce pressure on the land.

The government also believed organized land use would encourage urbanization, which would create new jobs in non-agricultural sectors. The new government had seized on Rwanda's agricultural sector as both the perfect vehicle for jumpstarting economic growth, but also as a

sector that in the medium and long term could not continue to be the economic backbone of the economy. In the National Land Policy, traditional farming methods are described as "archaic", "anarchic", "badly managed", and "lacking in specialization" (Des Forges, 2006). Their intent was to usher in a new era of improved agriculture led by a corps of "modern, professional" farmers.

Consolidating land holdings would allow farmers to work on large plots – small farming plots have long been considered the primary reason for low productivity in the agricultural sector – which would be used for raising cattle and growing cash crops. Larger farms would ultimately mean fewer farmers, and those who lost their land would either be employed by the larger professional farms, or would be pushed into new professions. These new professions would lead and sustain the growth of new urban centers, which in turn would draw even more people off the land and into non-farming professions, and establish new bases of post-industrial economic activity which would form the base of the economy from then on.

Despite its original inception as a long-term development policy, the Rwandan government was very quick to tie the new habitat policy to the pressing need for providing housing to refugees. Within a month, the new policy was being presented as being primarily humanitarian in nature, which proved essential in gaining the support of the foreign governments, NGOs, and charity organizations that would contribute much of the funding used to construct the new villages (Ansoms, 2009).

The government first introduced imidugudu as a way to promote peace, reconciliation, and security in early 1997, at a presentation to foreign donors. These topics had been completely absent from any discussion related to the policy as late as December of 1996. NGOs and donors adopted this new peace and reconciliation narrative immediately; the UNHCR justified their contentious support for the program by also highlighting the rational of "prevention [of further conflict]" and protection for the people (HRW, 2001; Laurent & Bugnion, 2000, p. ix-xi).

Two new government orders given in quick succession further grafted the habitat policy onto the drive to house refugees. Firstly, in early January 1997 the Minister of the Interior and Communal Development resurrected the traditional practice of obligatory labor for the public

good, or *umuganda*, making it mandatory for all Rwandans to provide 'mutual assistance' to the homeless in the construction of new homes. However, the Minister also decreed that landholders were prohibited from building new homesteads if their landholdings lay outside the boundaries of newly established imidugudu (GoR, 1997).

In the same week, the Minister of Public Works ordered that all Rwandans would receive new land to build houses within imidugudu and that it was henceforth forbidden to build houses outside imidugudu sites. Local authorities catalogued all houses outside of settlement sites to ensure new ones could not be built. Within less than two months, it became illegal in most parts of the country to construct new housing outside of government-designated sites (HRW, 2001).

Implementation of the program was rapid, aided in part by the centralized nature of the government (Des Forges, 2006). The higher-level government was concerned with publicizing the policy through the media and visiting newly constructed sites, while the actual implementation was left to local administrative officials. The process was distinctly top down, with one local official stating "the national government gave the rules. We report back on the progress…" (HRW, 2001). Local administrative officials were in charge of the implementation process, but the administrative heads of communes were usually tasked with choosing locations for the villages. The commune heads were in turn 'advised' by a committee consisting entirely of national and local government officials (Des Forges, 2006; HRW, 2001).

Councilors, the heads of sectors within the commune, and cell leaders, the heads of cells within sectors, were tasked with carrying out policy implementation on the grassroots level. They interacted directly with the general population, delivering instructions during "persuasion meetings", which were designed to both inform residents of the elements of the policy as well as persuade them that compliance was beneficial and in their best interests. Publicly, the villages were publicized as being centers of service delivery, with access to water supplies, schools, markets and easy access to roads and transportation. Security was also heavily stressed, as well as the economic benefits of living in a central location (HRW, 2001).

Policy statements from the Minister of Interior and Communal Development released in early 1997 suggested that participation in the villagisation scheme was originally intended to be voluntary, differentiating it from similar programs in other African states (Hilhorst et al., 1999).

> Participants will be encouraged, through economic incentives as well as the provision of socio-economic infrastructure […]. Beneficiaries will be encouraged to participate in the planning, design and layout of their villages. They will participate in the construction of their own houses (Hilhorst et al., 1999).

The government insisted, "resettlement in the Rwandan context involves providing habitat for people who do not currently have suitable accommodation. It does not involve removing people from suitable homes, which they legally occupy. It is rather a voluntary process whereby people will move slowly into the newly established villages" (GoR, 2001b, p. 1). Although it had already been established that the government intended to villagise the entire population, this suggests that initially they planned only to move those who volunteered to relocate, or those who were occupying properly.

The message began to change as early as February of that year, when the Director of Cabinet at the Ministry of Rehabilitation and Social Integration insisted, "no one will be forced to go along with a program of villagisation… [but] it may be discouraged to stay behind" (Musahara et al., 2005).

At the ground level, the message was much stronger, and much less choice-oriented. Local officials were primarily concerned with gaining the approval of the national government by implementing their policies as quickly and thoroughly as possible. Despite participation in the program being officially characterized as completely voluntary, interviews with citizens strongly suggested that they had been "made to understand" that they had no choice but to comply, and those who refused to cooperate would be subject to fines or other punishments (HRW, 2001). However it was clear from very early on that many did not want to move into the villages, and those who refused to leave their homes and move into village sites were coerced to move or forcibly relocated. In some incidences families and individuals were forced to destroy their own homes to ensure they could not return (Des Forges, 2006; HRW, 2001).

The United Nations news and information service IRIN reported that at the end of 1999, 94% of the population of Kibungo prefecture, 60% of Umutara prefecture, and 40% of Kigali rural, and smaller but significant numbers of other prefectures had been villagised. Kibungo prefecture was a high priority region for the government because it lay adjacent to the Tanzanian border and was therefore the point of entry for hundreds of thousands of refugees. Kigali Rural was also a major concern, as it became the settlement point for many refugees who chose to move to the capital region in hopes of finding work (Jackson, 1999). In addition, 620,000 internally displaced peoples in northwest Rwanda were also reported to have been resettled in 351 villages in late 1999. These groups were a high priority for the state because they were located in regions subject to cross border attacks by the *Interahamwe* and needed to be resettled quickly to allow for heightened security.

From as early as 1997, one year after implementation, there was evidence that the policy was experiencing serious implementation issues. In some regions, villagers were compelled to move to new settlement sites before they had been connected to resources necessary for commercial and economic development. Many sites were located in inadequate agricultural zones, and in addition they were still far away from transportation routes; no schools or healthcare facilities had been built or staffed; and administrative infrastructure was nonexistent. Residents complained that the houses they moved into were too small and ill equipped to meet their needs (André, 2005; Des Forges, 2006; HRW, 2001). Many houses lacked basic resources like access to water, tinder, and sanitation facilities. The government reacted to this the next year by requiring the completion of needs assessments for each new site. However many needs assessments were completed hastily in order to meet tight implementation deadlines, and service provision continued to lag severely behind construction and habitation (Hilhorst et al., 1999).

3.3 Understanding the Government's Position

Why did Rwanda adopt such a policy in light of the failures in Tanzania, Mozambique, and Ethiopia? There was a sense, particularly among NGOs and foreign funding agencies, that

something had to be done, and the land system in Rwanda had to be replaced by something radically different: "Radical solutions are inevitable. Something has to happen, and we cannot leave the situation unchanged, just because that would be the tradition. There is no question about the need for drastic measures, the only question remaining is *how* to do it" (Hilhorst et al., 1999, p. 22). The government provided the how – villagisation – and refused to consider alternatives. They reasoned that there was little time to spend deliberating over multiple options, and villagisation was, in their estimation, the best short and long-term option for Rwanda at the time. Having returned from exile, mainly from highly structured refugee camps in surrounding countries, new government officials seemed heavily influenced by the way they had become used to living, and believed importing a structured rural land management system to be the most acceptable solution to the issues they were faced with.

NGOs and other international agencies were willing to support villagisation despite the problems associated with the policy because it was a drastic, feasible programme that would result in a high degree of change. Hilhorst and van Leeuwen (1999) speculate that part of the initial appeal of villagisation to both foreign actors and the Rwandan government was its ability to radically alter and order society and create neat, integrated communities. The immensity of the refugee crisis and the confusing narratives surrounding ethnicity and land rights made the imposition of a 'straightforward narrative' that prescribed an equally straightforward plan of action all the more attractive (Hilhorst et al., 1999). In situations such as these, Roe (1991) points out, "the more uncertain things seem at the micro level, the greater the tendency to see the scale of uncertainty at the macro level to be so enormous as to require broad explanatory narratives that can be operationalized into standard approaches with widespread application" (p. 288). Others speculate that enthusiasm for the program may also have been a factor of guilt felt by NGOs and foreign governments for not anticipating and acting on the genocide.

Many NGOs agreed to participate because being involved in villagisation was the best possible way to access funding and be involved in the reconstruction process. The United Nations High Commission for Refugees (UNHCR), one of the first major agencies to agree to participate in

villagisation, and subsequently one of its biggest funders, contributed more than $10 million in 1997 alone, most of which was subcontracted to other NGOs and relief agencies (HRW, 2001).

Another factor that greatly facilitated the implementation of *imidugudu* was that it fit easily into the mandates of a wide range of organizations. Many relief agencies participated in the policy as an extension of their mandate to provide shelter, and the government would only allow the provision of shelter within the parameters of *imidugudu*. Other agencies participated because they felt housing was so fundamental that citizens could not participate in other forms of reconstruction and development until they had been provided with shelter. A representative of the World Food Program, for example, stated, "shelter activities were a contribution to food production. If people do not have a house they cannot concentrate on agriculture. People are constantly busy to get money to construct their houses, so they are always hungry" (Hilhorst et al., 1999 p.24). This rational could be applied to many other areas, such as health, education, and economic development.

The Rwandan government did not see villagisation as the best possible emergency housing policy, but rather the best possible housing policy that coincidentally could be adapted to an emergency situation. Even before they formed the new government, there have been suggestions that the RPF, or its associate organizations, considered villagisation the best and only means of initializing their long-term rural development goals. The government stated on multiple occasions that the policy "represents the only feasible alternative to Rwanda's land-population equation for the foreseeable future" (GoR, 2001b, p. 1). Villagisation was the best means of reorganizing the rural countryside in such a way as to maximize its capacity and build a foundation for long-term economic development.

The government remained steadfastly unconcerned with the unpopular opinion of the policy held by almost all foreign observers. In 1997 they stressed that "Rwanda cannot and should not base its rural development and settlement planning on comparison to other countries where similar programmes have failed" (Musahara et al., 2005, p. 27). In effect, Rwanda could not be compared to others because Rwanda was different and would succeed where others had failed. This strongly echoes the opinion held by the Tanzanian government, who believed they would

succeed where others failed because they knew their people better than others (namely, foreign agencies and colonial administrations) and were implicitly aware of what they wanted and what was best for them.

Both Rwanda and Tanzania ultimately failed in the same area. Both governments were aware that large portions of the population were severely critical, or at least very wary, of the policies being implemented, and were especially resentful of being forcibly moved from their land. By assuming they knew what was best for their constituents, they neglected or refused to consult the general population or allow them any role in the design and implementation of the policy. In addition, the Rwandan government was comprised primarily of career soldiers, most of whom were not familiar with the farming profession and had been living outside the country for decades, or in some cases had not lived in Rwanda at all. Consulting the population would have supported the program planning process, and allowed the government to avoid planning errors such as locating villages away from necessary resources, and compelling farmers to plant certain crops on a schedule that did not suit the soil or climate conditions in the area. Knowing this beforehand would have saved a considerable amount of resources. In this sort of environment, more people may have felt at ease about the policy, and may have been more willing to move or to stay after they had been moved.

There was also disagreement as to whether villagisation would be a detrimental or beneficial to the agriculture sector. In other cases, agriculture had suffered under the policy. Villages were kept separate from farmland, meaning the time spent traveling decreased the time available to tend to crops; this distance also compelled farmers to work closer to their homes, resulting in severe degradation to the land surrounding villages. Villages were also considered an alien concept to the culture and preferences of the population, and some were quick to point out that earlier settlement programmes, such as the *paysannat* system, had generally failed to convinced locals of the merits of village living (Ansoms, 2009; Bart, 1993).

The government disagreed, stating that the practice of scattered settlements was a product of colonial and post-colonial practices and were not in fact a Rwandan 'cultural trait'. Both the colonial administration and churches disrupted and discouraged the growth of pre-colonial

trading centres and urbanization, and competition between different churches and missions resulted in scattered service provision. While it is true that colonial governments and missionary groups in Africa had tended to promote dispersed living in order to lessen the potential for civil and political organization in the native population, dispersed living was the norm in Rwanda before the German colonial period. This idealization of pre-colonial Rwandan society, again reminiscent of the Tanzanian government, would become an underlying narrative of Rwandan land policy from thereon.

Because the RPF-led government adopted the Accords upon taking power in June 1993, the villagisation scheme was ostensibly devised within the parameters for repatriation and resettlement laid out in the Accords (Jones, 2005). Any policy implemented would have to adhere to the Arusha Accords, which subverted both 'fundamental law' and the constitution. Articles 3 and 4 gave the Accords supremacy in areas where it conflicted with other points of Rwandan law and other regulations. Many argue that both the villagisation policy and its implementation were not always in compliance with the spirit and word of the Arusha Accords (Jones, 2005; Musahara et al., 2005).

It has already been pointed out that the policy was never reviewed or approved by the parliament or issued into law, primarily because it was an emergency implementation, but also suggesting that a close examination and debate of the policy may have brought to light the inconsistencies between its nature and the nature of Rwandan law and individual rights (Musahara et al., 2005).

Rwandan fundamental law states that the restriction of movement and choice of residence must be adopted by the Transitional National Assembly or by the Cabinet, approved by the Constitutional Court and 10 days later it must be promulgated by the President (HRW, 2001). Because the villagisation policy was not implemented through this process, the government had no legal basis for compelling Rwandans to move into villages. Additionally, the Arusha Accords, which could have overridden this process in cases of emergency, did not explicitly state that Rwandans would or should be compelled to inhabit newly constructed settlements if

they chose otherwise. Human Rights Watch highlights that the policy made no reference to existing living patterns of Rwandans, other than that they were resettled in 'government villages' but that they still held the right to choose the form of settlement they preferred (HRW, 2001). Articles 2 and 3 of the Accords explicitly state "each person who returns shall be free to settle down in any place of their choice inside the country, so long as they do not encroach upon the rights of other people" (Article 2, GoR, 1993), and that the government should "make lands available so long as they are not currently occupied by individuals" (Article 3, GoR, 1993). The government was required to provide housing possibilities to those without land or habitation, but both returnees and those who had not left the country were not prohibited from making habitation choices independent of the government's plans.

A final outcome of the uneven implementation process was the solidification of the perception that the government was partial to certain groups over others. Politically, this was evidenced by former Habyarimana strongholds, such as the provinces of Gisenyi and Ruhengeri, receiving significantly less material assistance from the government for the construction of villages. Culturally, there was the growing belief that the government was developing points of differentiation between different survivor groups, marking some as more deserving of assistance than others.

The villagisation policy was ostensibly formulated to deal with the issue of the landless, who were initially identified as the Old Case refugees who had been in exile for more than 10 years and therefore, per the stipulations of the Arusha Accords, could not legally reoccupy their land. From early on, therefore, villagisation became identified as a policy targeted at supporting Tutsis, who made up nearly the entirety of the Old Case refugees. Villagisation then took on an ethnic tone, despite the government's overall policy of "social harmony and reconciliation" which went as far as phasing out ethnic designations in official capacities, such as on the census.

The discourse of morality surrounding the villagisation policy aided the perception of ethnic partiality. Land was allocated to those who were "willing to work", and as land was typically allocated to the landless Tutsi Old Case refugees, they became identified with this moral uprightness and who, incidentally, were also more likely to have the resources to pay for large amounts of land (van Hoyweghen, 1999). Conversely, New Case refugees, many of whom were able to come back to claim land from squatting Old Case refugees, were at times characterized as 'lazy' after their 'pampered time in the camps' (Wyss, 2006).

Tiemessen (2005) argues that "the government's unity and reconciliation agenda, including imidugudu, aggressively seeks to ensure the secure and socio-economic well-being of 'survivors'", and therefore "has represented villagisation in terms of simply policy narratives that the international community responds well to: reconciliation, rational land distribution, encouraging repatriation" (p. 10). In a society where ethnicity has been declared irrelevant, the parameters of Hutu and Tutsi, themselves crafted on the basis of haves and have-nots (Tutsi are cattle rich while Hutu subsist on the land), was superseded by a new narrative of 'survivors' of the genocide versus non-survivors. While more rational from a policy perspective – it makes rational sense to target policy towards those heavily victimized by the genocide – the new identity demarcations run the risk of becoming equally divisive (Wyss, 2006; Tiemessen, 2005; van Hoyweghen, 1999).

Opinion on the merits and drawbacks of the new organization of living was also divided between those who had been refugees and those who had never left the country. Many refugees had been housed in camps and became experienced in living in collective communities, while those in Rwanda had continued to live in the customary dispersed form. Many of the refugee camps had been occupied since the late 1950s and had developed into permanent, dense, communities with new systems of interaction and beliefs on the proper way to live had become ingrained, particularly in those who had been born in camps and had never experienced alternate forms of spatial organization. The division between returnees and those who had never left created a new level of stratification, which was also bolstered by the fact that the core of the government was formed by returnees. Those who did not have returnee

connections, or who spoke French rather than English, began to feel marginalized in elite society. There was also a sense that those who had just returned came with preconceived notions of what they wanted Rwandan society to be, but they did not understand the conditions in Rwanda, how people lived, and what circumstances informed their decisions (Jackson 1999; van Hoyweghen 1999).

3.4 Outcomes of the Villagisation Policy

By 2005, imidugudu and Rwanda's land policy in general was experiencing shortcomings on multiple levels. Between 1996 and 2001, more than 265,000 houses were built, mainly in imidugudu. But despite this, nearly 192,000 vulnerable families were still homeless or living in inadequate shelter. In 2005 the government estimated that fewer than 20% of the population was living in designated villages (GoR, 2005).

Land related disputes continued to remain a serious problem. Huggins and Musahara's 2004 comprehensive study of post-genocide conflicts identify three types of disputes that constituted the majority of land-based issues brought to arbitration. Firstly, "competing claims due to the return of multiple waves of refugees" continued to be a major concern, up to ten years later. As well as this, issues surrounding inheritance and other intra-family disputes were also common. In particular, the issue of women's inheritance of land became a growing source of conflict, sometimes violent (Musahara et al., 2005; Wyss, 2006). The same fears exhibited in Mozambique, Ethiopia and Tanzania were also raised in Rwanda, where many who were moved into villages believed the scheme was a scheme by the government to monitor and control its citizens. Some Rwandans feared being placed in 'mono-ethnic' villages and what it could possibly mean in the future.

The absence of adequate compensation for confiscated land was a second common complaint. Those whose lands were confiscated to create imidugudu were not compensated, while others who managed to retain their family's land were advantaged by also having access to newly communalized properties. The third source of dispute was the growing appropriation of land by

the 'new elite', those with political connections, often for land speculation than for agricultural use (Musahara et al., 2005; van Hoyweghen, 1999; Rakita, 2005).

This was not a new phenomenon. In 1984 the National Enquiry into Household Expenditure reported that half of the country's productive land was controlled by 15 percent of the population (Minot 1989). The government's power to redistribute land, and their lawful requirement to ensure that all citizens that needed land would be provided for suggested an intention to create a more egalitarian system. But as early as 1998, development agencies such as the Agency for Cooperation and Research in Development (ACORD) were warning that most land was being bought up by the same elite groups that had been accumulating land before the genocide (Musahara et al., 2005; Rakita, 2005). By 2001, the Household Living Conditions Survey showed that only 6% of rural Rwandans owned plots of land greater than 2 hectares. This was a dramatic decline from the 1980s, when the proportion rested at 16.4%. In many cases, when farmers were forced to move into imidugudu villages, where plots of land were typically smaller than most residents were used to, their former land was accumulated by the elite. The government acknowledged in 2004 that the urban elite held a disproportionate amount of rural land and intended to rectify the situation through the upcoming Land Law (GoR, 2004).

Another goal of villagisation was to consolidate agricultural land and increase farm production. While the government failed to show that this was so, data and anecdotal evidence collected have shown that the opposite may have been true. For imidugudu residents who were able to maintain their original farming plots, the decreased cultivation time and increased potential for theft caused by the increased distance from farming plots led to a decrease in productivity. For those who were allocated farming land in imidugudu villages, productivity also decreased. Plots were too small for farmers to produce the same amount of food as they had in the past, and were also too small to allow them to keep animals (ADL 2000; HRW, 2001; Pottier, 2006).

> If the plans for villagisation were so rational and scientific, why did they bring
> about such general ruin? The answer, I believe, is that such plans were not

scientific or rational in any meaningful sense of those terms. What these planners carried in their mind's eye was a certain aesthetic, what one might call a visual codification was almost impervious to criticism or disconfirming evidence (as quoted in Jackson, 1999, p. 2).

The visual and scientific aesthetic appeal of *imidugudu* also likely shielded them from criticism. The post-genocide Rwandan government has focused on creating scientific, rational solutions to the nations problems. This is likely in part to minimize the potential of accusations of favoritism and bias, but also potentially for the simple reason that we believe overwhelmingly in the ability of science to answer questions rationally and provide effective solutions. Visually, brand new villages built in similar style, with houses lined in rows, provides a neat and modern picture of what the country may become if they continue on their chosen path. The fact that they "look right becomes more important than whether they work" (Scott, 1998 as quoted in Jackson, 1999, p. 11)

Despite these issues, and fears from international observers and non-government stakeholders that new land reforms would strengthen the negative tendencies of villagisation rather than solve them, the government is dedicated to solidifying villagisation's place as the foundation of its rural land policies and all 'anti-poverty' measures. The presumptions that informed the government's villagisation policy also formed the basis of their vision for the country's development until the year 2020 (Vision 2020), as well as the new National Human Settlement Policy (2004) and the new Land Law (2005).

CHAPTER FOUR: NEW POLICY DIRECTIONS – THE 2005 LAND LAW

> Land is the most important productive asset owned by most Rwandese households. It has also historically been a source of dispute and conflict. Rwanda has a legacy of disputed land rights, arising partly from the lack of legal status for land title and partly from the return of people whose land has been occupied by others. Hence the provision of security and the resolution of land disputes are important objectives of the Government (GoR, 2002a, para. 133)

It was apparent to all those involved that land had become "the greatest factor hindering sustainable peace" (Musahara et al., 2005, p. 275) and the government was aware that land reform and conflict prevention were inextricably entwined. Comprehensive new policies would have to be implemented to standardize the divergent land policies and install a system that increased access to land and the protection of land rights for the general population. Consultations and assessments of the land issue took eight years, a testament to the intricacy and sensitivity of the reforms in question (Barriére, 1997; World Bank, 1998; Musahara et al., 2005). Consultations were conducted by the government, NGOs such as the World Bank, and members of the Rwandan civil society, such as LandNet and the African Centre for Technology Studies (ACTS), who also agreed that

> government has the responsibility to strengthen the security of rural livelihoods, and to create employment for thousands of unemployed youth… [T]he government [also] has a moral duty and responsibility to redress gross inequalities in land ownership…. Land distribution to benefit the poorest… will reduce powerful tensions related to access to and control of land, and contribute to the process of national reconciliation and peace-building (ACTS, 2003).

Over the course of seven years, the consultations and studies undertaken by these agencies contributed to the creation of Vision 2020, the National Human Settlement Policy, and the Land Law 2005.

4.1 Vision 2020

The parameters and goals of the 2005 Land Law were defined by two documents – Vision 2020 and the National Human Settlement Policy (2004). The Vision 2020 documents lays out, in

detail, the steps the country must follow to reach a set of ambitious target achievements by the year 2020. According to the Vision,

> Rwanda aspires to become an emerging nation which has vanquished poverty and attained the per capita income of middle-income countries – a modern strong and united nation proud of its fundamental values and one which is politically stable, without discrimination between its sons and daughters (GoR, 2004, p. 3).

The ambitious goals of Vision 2020 – to "vanquish poverty" and "attain the per capita income of middle-income countries" – are best characterized by their intention to 'leapfrog' industrial development, eschewing gradual technological and economic advancement in favor of immediately situating the national economy as the hub of the technological and telecommunication service provision industries in Africa.

The vision for Rwanda's future then is very focused on rapid modernity and urban centricity. Plans for the rural countryside involve the consolidation and growth of 'development poles' and grouped settlement sites, where the non-urban population (currently at approximately 70% of the total population) will be able to access services and the basic infrastructure necessary for the development of income generating non-agricultural activities. The economy's reliance on agriculture is viewed as a weakness, and the Vision intends to decrease the population dependent on agricultural activities from 85 to 50 percent.

4.2 National Human Settlement Policy (2004)

The purpose of the 2004 National Human Settlement Policy was to update the original settlement policy to ensure that it was consistent with the national economy and with the national goals outlined in Vision 2020 (Napier, 2007). The policy begins with an assessment of the existing policy and its implementation to date. It first notes that according to government measures fewer than 20% of the total population was currently living in settlements set up through the policy, and identifies a number of reasons why the implementation rate had remained much lower than expected. Poverty at the government and household levels meant funds for the construction and maintenance of settlements were sorely lacking. The majority of funds for settlements had in fact come from NGOs and foreign governments, and programs suffered when this avenue of funding was lost at the end of the emergency period (GoR, 2004). Funds also declined substantially because many international donor and development agencies became wary of the imidugudu policy, its implementation, and the potential social and economic outcomes that could result.

Other factors identified by the government included the fact that the human settlement commissions established in 1997 had not been successful in their role as policy implementers. Inadequate building materials and the limits in local human resources also hampered the speed of implementation. The inadequate development of existing sites was also discussed: "despite the huge efforts put in the development of infrastructural facilities and the provision of basic services (road, water, electricity, schools, hospitals, banks telephones and other socio-economic amenities), rural households on the whole are still apart from one another" (GoR, 2004, p. 9). Finally, the government acknowledges the lack of legal basis for the imidugudu sites, one of reasons the 2004 National Human Settlement Policy was commissioned.

Also for the first time, the government acknowledges the human rights dimension of housing and human settlement: "the Government of Rwanda recognizes the fundamental right to housing for every citizen as specified in international instruments to which Rwanda has subscribed" (GoR, 2004, p. 10) which include the Istanbul Declaration and the Programme for Human Settlements (June 1996) and the Millennium Development Goals (February 2002),

among others (Napier, 2007). Specifically, they recognized the need to protect the rights of marginalized populations, including women, orphaned children and child-headed households, the elderly, and the disabled.

The Policy outlines five objectives, strategies to meet those objectives, and programmes to be implemented under each strategy. The first objective was a reassertion of the government's dedication to rationalizing land use, and their intent to continue utilizing imidugudu to accomplish the task. The policy acknowledges that imidugudu "has been controversial and despite the problems and obstacles this exercise has been facing, the Government strongly believes that these imidugudu constitute the unique alternative solution to the Rwandan land-population equation in a foreseeable future due to the advantages of this mode of human settlement" (GoR, 2004, p. 20).

Under this objective, the first programme calls for the "consolidation of all villages and rural centres" and upgrades to bring them to an acceptable level in terms of access to social and economic services. Priority would be given to the provision of water supply networks, as well as to the consideration of renewable energy alternatives. Other programmes include the formulation of a space development plan of imidugudu sites so that site selection is based on the development demands of each region; the establishment of model rural settlement plans based on different regional characteristics, to allow for faster, more efficient execution; and awareness raising programmes so that the rural population understands "the role they must play in the execution of different regroupment programs" (GoR, 2004, p. 22).

Other objectives include creating new housing units, improving the quality of housing, and improving access to housing for vulnerable social groups; supporting local businesses and training programs; strengthening the role of local institutions in settlement management, including reactivating the human settlement commissions, strengthening the role of women in the settlement design and management spheres; and promoting a system of rural housing finance, including home-saving schemes (GoR, 2004).

4.3 Land Law 2005

4.3.1 Developing the Land Law

In 1995, Michigan State University (MSU) published a report that argued that rural Rwanda had become trapped in a downward spiral of regression since the mid-1980s. According to Clay (1995), three factors were responsible for this trend – unsustainable land use (caused by intensification without proper investment in soil fertility and land improvement); lack of off-farm employment; and rapid population growth.

To reverse the trend, the report prescribed three potential solutions. Firstly, they advocated the greater use of organic matter, which in turn would require an increase in the number of cattle owned by subsistence farmers. Secondly, the report recommended the introduction of more agricultural inputs, such as chemical fertilizers, and thirdly the creation of a more secure land tenure system, requiring an overhaul of Rwanda's existing land laws.. The report emphasized the promotion of income-raising activities, either through promoting off-farm employment or cash cropping (Clay et al., 1995).

Reforming Rwanda's land laws, according to the MSU study, would necessitate reducing the risk of appropriation and inducing the right to transact land (Clay et. al., 1995). The ban on poor people selling off small parcels of land to sustain themselves economically, though commonly ignored, resulted in rental practices that were believed to have put agricultural productivity into decline. Farmers avoided investing heavily in land that they did not completely control, meaning that rented land resulted in low conservation investments in fertility. The detrimental impact of this was most visible in south-central Rwanda, which experienced a high level of absentee landlordism. But in the northwest, the Ministry of Agriculture's Division of Agricultural Statistics found high levels of land acquisition through purchase, even though land sales caused by economic hardship were technically illegal (Clay et al., 1995). The Agricultural Statistics report reached the same conclusions as Clay et al. (1995), the World Bank, and the Rwandan government, who all believed that Rwanda must rationalize and privatize its land system.

Other reports published around the same time suggested that many citizens also agreed with the creation of a privatized land system, and began to request the right to transact land. In an article on land in the journal *Kibungo Experiments and Experiences,* the authors called for the lawfully sanctioning of the right to transact land, insisting it was the will of the people (Pottier, 2002). They recounted citizen a series of seminars held in the region of Kibungo, where citizens from different socio-economic groups were able to express their views on the land issue. In the seminars, they

> requested that once and for all, let there be land laws so that land is a commodity that can be exchanged, used as collateral or freely be developed. These same feelings were expressed by a national workshop on land tenureship organized by the then Ministry of Agriculture and Animal Husbandry held…in December 1996 (Pottier, 2002, p. 8).

Other seminars mirrored these recommendations: "Rwanda must have clear land tenureship laws – so that land can be freely exchanged" (Karake, 1997, p. 22). While there are conflicting accounts of the actual nature of the seminars, some accounts described them more as government-run 'coercion sessions', in general they showed that the Rwandan people agreed with the recommendations put forth by the World Bank and MSU, that Rwanda must move towards "granted full property rights instead of simple usufruct" (World Bank, 1998, p. 3).

The National Seminar on Land Reform in Rwanda was also held very soon after the release of the MSU report. The seminar argued that Rwanda's post-independence dual land system, where the state controlled almost all land and there was limited privatization, did not offer "the peasant any secure access to land since the state remains the ultimate owner. Experience shows that the public management of land and environment often results in failure because local actors fail to take responsibility" (GoR, 1998, p. 99). To handle the situation, the government of Rwanda decided upon a drastic reorganization of rural space that would abolish dispersed settlements and farm fragmentation and replace them with a villagisation scheme.

Spatial reorganization and consolidation are not new ideas in Rwanda (Prioul, 1976; Twagiramutara, 1976). The *paysannat* system introduced by the Belgian colonial administration, while not applied on a widespread basis, was centered around the same idea of

consolidating the rural population. President Habyarimana, who presented himself as being 'of the countryside' was also critical of the dispersed nature of rural settlements. He believed that the "traditional system of random landholdings and scattered homesteads blocks the development of the countryside" (quoted in Nezehose, 1990, p. 38). Habyarimana was concerned that the customary farming traditions was limiting the country's ability to utilize its natural resources. Though the *paysannat* system was halfheartedly reintroduced in the 1970s and 80s, the Habyarimana regime never considered a policy as drastic as villagisation (Nezehose, 1990).

In 1996, after a national conference and the publication of the 'Agriculture Development Strategy', the Ministry of Agriculture first presented the idea of drafting a comprehensive land law to normalize land use and ownership and deal with the legal inconsistencies in the agrarian sector. In 1997, in collaboration with the World Bank, the Ministry commissioned a study on land reform.

The study was conducted by an FAO consultant named Olivier Barriére. Barriére, along with others (Clay et al. 1995) recommended that the Rwandan government incorporate both continuity and change. The state should retain control over land, but subsistence farming had to be partially phased out in favour of a more commercial approach to land. Barriére argued that Rwanda's small fragmented farms had reached their maximum production capacity, and the only way forward was a radical break from 'custom', which, in actuality, he considered a return to an idealized pre-colonial conception of land rights (Barriére, 1997).

According to Barriére, the 'traditional' systems of *ubukonde* and *isambu-igikingi* were characterized by great political power over land, be it through the head of the land clearer or settler's lineage, or through the *mwami*. The political authority then granted usage rights to individuals, and in exchange for these rights the individuals are held subject to certain duties and obligations (payments and fees, for example) to the authority, as well as duties related to land cultivation. In incidences of disobedience or abandonment of land, the authority had the right to reclaim the land and allocate it to someone else (André, 2003; Barriére, 1997).

In these systems the concept of private property does not exist because individuals did not have absolute or exclusive rights to the land that they occupied, and they did not hold the right to dispose of land at their discretion. The individual's relationship to land is that of patrimony – they

> do not appropriate land for themselves, but exercise the right to exploit a part of the patrimony which they should manage, and on which the extended family, the lineage, or the political authority retains a degree of control, even though the latter's authority and role in land management has decreased over time (André, 2003, p. 30)

Barriére takes this relationship of patrimony to the national level, arguing that land should be considered 'national patrimony', not the property of the state or the individual, but a factor of production and a site of settlement. The inhabitant of the land would have the right to use the land, while the government "is the guarantor of the land and environmental patrimony of the country and should ensure its management" (André, 2003, p. 31). The individual would be subject to obligations, such as an agreement not to claim the land for speculative ends, uphold a duty to cultivate and use the land in an efficient manner, and to protect the land in the spirit of sustainability. If they fail in their obligations, the state could reserve the right to reclaim the lands and allocate it to another individual in order to safeguard the economic development and environmental protection of the 'national patrimony' (André, 2003).

Barriére's study has been criticized for upholding the official narrative of a "harmoniously balanced pre-colonial past" and advocating a return to the 'traditional' concept of patrimony (André, 2003; Wyss, 2006). He is also criticized for positioning the *isambu-igikingi* system and the rule of the *mwami* as the 'authentic' customary pre-colonial system and at least partially discounting the influence of the *ubukonde* system, and ignoring the changes to the land linked to the political, demographic, economic and institutional evolution of the country in the second half of the 20th century (André, 2003). In his prescription for Rwanda's future he favours the implementation of a centralized system with the state as the ultimate owner of land, which reflects the *mwami*'s control over land in the *isambu-igikingi* system, without seriously considering that many in Rwanda had not lived under that system, and many who did were not in favour of it.

None of the government's major land-based objectives were changed in the new Land Law. The government reiterated that they wished to create a new tenure regime, hinged on land consolidation and the granting of "land titles based on long-term leases of 99 years" (GoR, 2004a, p. 27) to facilitate better soil management and productivity, reduce the prevalence of land disputes, and bring about social stability. They see "security of tenure or rights of access to land, and more effective land management, as important factors for the improvement of the agricultural sector and the economy as a whole, helping to create the resources needed to reduce poverty and to consolidate peace and social cohesion" (Musahara et al., 2005, p. 307).

4.3.2 Land Law 2005

The Land Law covers four areas: land scarcity; population pressure and landlessness; soil degradation and the need to combat erosion; and the shortcomings of both customary law and statutory regulations.

All forms of customary tenure are abolished by the Law, and in its stead a private land market based on registered titles is created. The combination of a private land market and land registration, combined with the consolidation of fragmented plots (Article 20), will form the foundation of commercial mono-cropping, which the government believes will be more beneficial to the national economy than small scale subsistence farming.

The consolidation of fragmented plots is a second, both more ambitious and more controversial, aspect of the new law. In the Land Law, consolidation is defined as "a procedure of putting together small plots of land in order to manage the land and use it in an efficient uniform manner so that the land may give more productivity" (GoR, 2005, Article 2). The Poverty Reduction Strategy Paper (PRSP), in discussing the need to increase the average plot size for economic development purposes, states that the government will encourage households to "consolidate plots in order to ensure that each holding is not less than 1 hectare; there will also be a ceiling of 50 ha. This will be achieved by the family cultivating in common

rather than fragmenting the plot through inheritance" (GoR, 2002a, para. 134). Article 20 of the Land Law confirms the PRSP's assertion that all consolidated land must be more than 1 hectare. Any land under 1 hectare is considered insufficient for efficient exploitation, and may be confiscated by the state.

The increasingly small size of land holdings of rural Rwandans had been identified in the past as a major contributing factor of rural poverty. According to the FAO, a family must farm a plot of land of at least 0.9 hectares to remain economically viable, while some place the figure at approximately 0.75 hectares (, 2004). In Rwanda, measurements of the average size of family plots varies from 0.60 to 0.75 hectares. In either case, the new consolidation measurements combined with registration requirements may push large numbers of small farmers out of the agricultural sector. Farmers with less than 1.0 hectares may be barred from registering their land, and Article 20 also gives local authorities the right to "approve the consolidation of small plots of land in order to improve land management and productivity" (GoR, 2005).

Land can also be confiscated if farmers fail to exploit it diligently and efficiently, as per Articles 62-65 of the Law.

> 62. Any person who owns land must use it in a productive way and in accordance with its nature and intended purpose. The use of land in a productive way is to protect it from erosion, safeguard its fertility and ensure its production in a sustainable way.

> 63. Productive use, appropriate protection and sustainable land productivity shall be based on the area's master plan and the general structure on land allocation, organization and use, and specific plants certified by relevant authorities (GoR, 2005)

If land is not 'effectively conserved' and 'productively used', or if they are degraded and remain unused for three consecutive years, the government reserves the right to take action, which usually involves the requisitioning of land for a period of three years (GoR, 2005, Article 74). In effect, local officials are given the right to judge a farmer's abilities and outputs, based on their own sets of criteria. Farmers who do not meet the criteria will have their land requisition and it "may be entrusted to another person who so requests and who demonstrates ability to efficiently conserve the land and productively exploit it" (GoR, 2005, Article 74).

If their land is dispossessed, the owner can request repossession in writing, by "explaining how he or she will commit him/herself to the productive exploitation of the plot in question" (Ansoms, 2007, p. 22). If the request is refused, the owner has the right to appeal in court. This process is obviously heavily problematic in the rural context, where many residents are illiterate, and may not have the means to pursue their cases in court (Ansoms, 2007).

Article 30 of the Land Law deals with land registration. "Registration of land a person owns is obligatory" (GoR, 2005, Article 30) and "priority will be given to tenants with a proven intention to develop and properly exploit the land. This is in order to promote professional agriculture" (GoR, 2004, p. 25). The government here is giving preference to larger commercial farmers at the expense of small and subsistence farmers, who may find themselves at a serious disadvantage. Land officers will "keep land registers and issue certificates approving ownership of land" (GoR, 2005, Article 31), while the landowner bears the costs of registration, including cadastral costs (GoR, 2004, p. 25). If the landowner is incapable of paying the cost of registration, they will lose the legal right to their land (GoR, 2005; Musahara et al., 2005).

Gender imbalances inherent in the previous customary land tenure systems are addressed in Article 4. The Law reiterates the 1999 Inheritance Law, which denounced gender imbalances and abolished gender discrimination in land inheritance practices for all legitimate children (GoR, 1999, Article 50). Previously, land could only be inherited by the original owner's legally recognized sons. Female children could not inherit land at all, and a widow could not inherit land from her husband. If the landowner died without sons, his land would be transferred back to his family and his widow would either return to her family, or be obliged to marry a member of her husband's family.

After the genocide, the ratio of men to women became roughly 30:70. In areas hardest hit by the genocide and civil war, statistics suggest that between one third and one half of all women were widowed (Pottier, 2002). A large proportion of women also became de-facto heads of household after their husbands were imprisoned for suspected participation in the genocide. The two groups were particularly vulnerable and, along with child-headed households,

constituted a high percentage of those with below-subsistence land holdings, while also being highly susceptible to discrimination and intimidation. Widows and their female children had no right to inherit the land they subsisted on, as it was controlled by their dead husband's male relatives. Unless they could fully exercise their usufruct rights to land through their legitimate male children, or in extreme cases where they were permitted to inherit land (such as being widowed without children or hope of remarriage), women were very likely not to have access to land.

The only exception was land bestowed as *ingaligali* land:

> Women cannot inherit land, but a woman, married or not, may receive land as a gift (*urwibutso*) from her elderly father. This kind of land (*ingaligali*) is usually set aside for emergencies, at the time a family farm is divided up among the male children. A troubled daughter (*indushi*) will be given such land and will have access to it for as long as she is deemed in need, if necessary for life. After her death, however, the land will be reclaimed by her late husband's nearest patrikin (Pottier & Nkundabashaka, 1992, p. 165).

Ingaligali remained common in certain parts of Rwanda in the early 1990s though more so than ever, brothers were likely to bully a 'troubled daughter' into relinquishing the land, or the woman may been declared no longer in need (de Lame, 2005). Widows were compelled to engage in 'proper conduct' by their husband's lineage, which typically meant either sexual abstinence or marrying the deceased husband's brother (Kairaba, 2002). With the growing scarcity of land after the genocide, women became even less likely to benefit from the gift of *ingaligali* land.

In considering the policy's effect on women, the government set out to change the "judicial guidelines and legal interpretations of laws pertaining to property, land and women's rights". The national seminar proposed a number of amendments to the law that would strengthen women's control over land, including:

- The widow is subrogated vis-à-vis her husband's land rights.

- The unmarried woman who finds herself the sole surviving descendant of the patrilineal group; to the second degree or as parallel cousin, is entitled to inherit the land rights of the group.
- The married woman who has neither brother nor sister can inherit the land rights of her parents (GoR, 1998, p. 106).

The resulting Inheritance Law stated that "all children recognized by civil law, male and female, would inherit property without discrimination", and that "women could inherit from fathers and husbands, and keep what they brought to the marriage should they survive husbands and decide not to inherit from them" (Pottier, 2006, p. 519). The choice of whether or not to inherit from a husband must be made at the time of the civil marriage.

The National Land Policy (2004) claimed that the Inheritance Law had solved the problems caused by the custom of excluding wives and daughters from inheriting family property, and recommended that the Land Law integrate the Inheritance Law's clause on land inheritance (Pottier, 2006). The Land Law therefore confirms that "any form of discrimination in matters of land ownership, including gender discrimination, is prohibited" (Pottier, 2006, p. 522) and that only married women and their children can inherit, but because the official government stance was that issues of discrimination had been 'solved', the law does not go into further discussions on the topic. The belief that land inheritance had achieved gender equality was very far from the case, as we will discuss in the following section.

4.4 Critiquing the Land Law

The Inheritance Law was a major step towards the institutionalization of gender parity, but it failed to acknowledge three major issues facing the categories the Law was intended to advocate for. Firstly, the Law states that land can be inherited by female children of a *legally recognized* marriage. The majority of unions in Rwanda are common law and not registered legally, as the cost of registering a marriage is high and continues to climb. In the absence of a marriage contract, all children of the union are considered illegitimate. Children may be

declared legitimate heirs in hindsight, but female children are more likely to remain categorized as illegitimate, and therefore would remain outside the scope of the new inheritance rules (André, 1995; Burnet, 2001; Newbury & Baldwin, 2000; Pottier, 2002).

Secondly, the Inheritance Law is not retroactive. The tens of thousands of widows and illegitimate daughters in Rwanda today remain without protection or legal rights to their family's land. In actuality the advent of the Inheritance Law and the growing possibility that this group would someday have full rights to their land increased incidences of pressure and intimidation. They became more likely to be driven off their land or coerced by their in-laws into giving up their land (Avega-Agahozo, 1999).

Thirdly, the Law stipulates, "the family council determine the part of the patrimony earmarked for the raising of minors and the part to be shared between all the children" (GoR, 1999, Article 51). The council therefore has the right to debate the new inheritance laws on a case-by-case basis, and decide whether a woman 'deserves' to inherit her father or husband's land and, if so, how much of it. Eventually, even the proportion of women ostensibly protected by the Inheritance Law are not as protected from gender discrimination as the government asserts (Avega-Agahozo, 1999).

The most contentious issue raised by the new law was, unsurprisingly, the issue of land consolidation and the resolution of land-sharing disputes (Musahara et al., 2005). With respect to land consolidation, concerns were focused on the lack of clarity about which implementation mechanisms would be applied. While the PRSP stated that households would be 'encouraged' to consolidate fragmented plots (GoR, 2002), the Land Policy stated that "one *needs* to carry out the regrouping of plots" (GoR, 2004, emphasis added), and there was confusion over the level of coercion that would be employed by the government. Adding to the confusion, the Ministry of Lands (MINITERE) suggested that land consolidating would come down to

> Encouraging increased production through formation of adjacent plots with similar crops. According to policy-makers, this means that 'nobody will lose their plot'. Farmers will be encouraged to adopt cash crops including tea, coffee, flowers, and rice, in large mono-cropped areas, but each person will have the responsibility to register his/her plot separately (Musahara et al., 2005, p. 312).

But conversely, a Ministry of Agriculture (MINAGRI) official did not mirror this message, and instead insisted that people had to be moved off the land:

> They say that agriculture is the productive sector, but it isn't in Rwanda…. In fact we should stop calling it the productive sector; it is at this point the survival sector. At this point, most people are not earning because the pieces of land they have access to are too small…. We have to get more people off the land, as we cannot continue a system with small pieces of land…. when people get off the land, there will be more land in the hands of fewer people, which will allow a better planning of the system (Ansoms, 2009, p. 12)

Naturally, most resource-poor farmers worried that they would be refused permission to register their land or that their land would be forcibly consolidated if they totaled less than 1 hectare or they were unable to pay the registration fee (Musahara et al., 2005).

The actual necessity of land consolidation was also questions, as the government consistently failed to produce evidence that land consolidation would actually positively affect land positively affect land productivity. In fact, the World Bank consultant Blarel argued that "consolidation policies are unlikely to increase land productivity significantly" (Blarel et al., 1992, p. 252).

During the consultation process leading up to the Land Law, there was even considerable disagreement within the government over whether agricultural development still deserved to be treated as a core issue. Many believed it did not hold as prime a place in the Rwandan economy as to warrant special attention, but eventually the argument turned towards what type of agricultural transformation the state should aim for. The majority of policy makers were still focused on the modernization and professionalization of the sector, with a strong focus on maximum productivity and output growth through consolidation (Ansoms, 2009).

While the Land Law was being formulated, data began to emerge that suggested the opposite, that small landholdings on average produced more material. In 2001, the smallest farms were the most productive, both in terms of kilocalories produced by hectare and in terms of value of production per hectare (Ansoms, 2007).

Table 5 Inverse relationship between farm size and productivity for all crops (2001 figures)

Land quintiles	Median land occupied	Median added value of production (frw)		Median caloric value of production (Kcal)	
	Hectares	Per hectare	Per corrected hectare*	Per hectare	Per corrected hectare*
1	0.17	379,437	351,007	4,635	4,408
2	0.35	257,534	252,430	3,839	3,689
3	0.56	173,071	178,455	3,106	3,281
4	0.90	145,035	157,610	2,842	3,078
5	1.66	86,877	91,614	1,692	1,720
Total	0.56	173,071	175,641	3,098	3,210

*Accounting for differences in soil quality: land surface is multiplied by a soil quality index (above one for households with higher than average soil quality, and below one for households with lower than average soil quality)

Source: Ansoms, 2007

The government's 2004 Strategic Plan for Agricultural Transformation (SPAT), though advocating the consolidation of land, recognizes that small production units perform better per land than larger ones (GoR, 2005). This can be explained by the fact that smaller farms usually have better quality soil than large ones (Ansoms, 2007).

Blarel argues that field fragmentation and intercropping was a more effective strategy, as it takes advantage of complementarities between crops, variations in soil types and differences in micro-climates. "Fragmentation is not as inefficient as widely assumed, it offers farmers a tool for managing risk, seasonal labour shortages, and food security when other alternatives might be more costly" (Blarel et al., 1992, p. 252). Instead of being considered a detriment to land yield, fragmentation "should be understood as a strategy consciously pursued to increase the diversity of agro-climatic conditions, not as the unhappy outcome of antiquated inheritance rules" (Pottier, 2006, p. 523).

Rwanda sees land consolidation as the basis of a 'green revolution' in the agricultural sector, and in this revolution small landholders did not have a place. The trend in the rest of the

continent is the opposite, and small landholders are seen as the key towards agricultural 'green revolutions'. The World Development Report stresses the importance of smallholders in sub-Saharan Africa's agricultural sector, and advocates policy initiatives that protect the rights and competitiveness of smallholders who share the market with large commercial farms. In the past ten years even the World Bank has reconsidered its past stance on the modernization and commercialization of agriculture and land policies in African countries and have moved towards a closer consideration of the viability of customary systems and small farms (Ansoms, 2009).

Though the government originally stressed that land consolidation would somehow be achieved without pushing anyone off the land, they later estimated that "considering the enormous investments needed to achieve the threshold of profitability, by the year 2010 there will be 1.4 million persons, or 200,000 families for whom agricultural production will no longer be a source of income" as a result of land consolidation and confiscation, and the subsequent production of larger, cash-crop focused farms" (GoR, 2002b). However they believed the agricultural sector would absorb up to 800,000 of those people, through labour-intensive works such as forest plantations, rural infrastructure, and the development of swamps; the development of a wage-earning agricultural class that would be the result of agricultural intensification; and employment created through the development of the tourism and manufacturing industries. Easing the population pressure would quickly prove fruitful, as the government estimated that through increasing labour productivity and farmer's incomes, and recapitalizing family farms, agriculture's contribution would be increased by 5.6% per annum (André, 2003).

We should not dream. Where will we put all these people? If we would find something that could employ 40 to 60 percent of the population, at that moment we could count on a trickle-down effect. But with a range of activities that can give revenue to 2 to 5 percent of the population, we will never be able to create a trickle-down effect of which the benefits will reach the other 85 percent (Ansoms, 2009, p. 14).

There are multiple potential outcomes for farmers who lose their land through consolidation. The Land Law states: "in the case of expropriation of individuals, the system of compensation will be applied" (GoR, 2005, p. 37). Farmers who are forced out of agriculture through land consolidation should be eligible for compensation from the state. This 'system of compensation' is based on the 1979 expropriation law, which is based on the belief that

[land] in Rwanda has no market value, be it in urban or rural areas. Land value is determined by the buildings erected on the land. It is these improvements which are referred to in the case of compensation of state-approved expropriation. The market value of the land is really poor (GoR, 2005, p. 30).

Under villagisation, many Rwandans had already experienced the government's unwillingness or inability to follow the guidelines for compensation laid out in the expropriation law. Even so, according to the Land Law, if a farmer was to receive compensation for expropriated land, he would not be receiving the value of the *land*, but the value of any 'improvements', namely in the form of buildings, made to the land. Because land ultimately belongs to the government, the only element of economic value attributed to the 'renter' of the land is any built forms or facilities they themselves have erected. In the case of very small plots with minimal built elements, farmers may receive '*nul franc*' (Ansoms, 2009).

For those who *do* lose their land, possibly with little to no compensation, what prospects do they have for the future? Historically, Rwanda has a poor record of creating off-farm employment. The PRSP optimistically speculates that those farmers who are compelled to leave their land as a result of consolidation will be able to move into the new employment opportunities created by the increased productivity of consolidated farms (GoR, 2005). Neither the document nor the policy makers involved in its construction had a clear vision of the alternatives that would be provided.

Prospects are so high, according to the PRSP, that many land-poor farmers will find it in their best interest to leave agriculture behind entirely. Greater economic productivity will

> "create a demand for non-agricultural goods and services. These goods and services will form an increasingly large share of expenditures as people's incomes rise. Hence they should grow faster than the agricultural sector. It is estimated that a 5.3% rate of growth in agriculture would generate non-farm rural growth of 6.7%" (GoR, 2002a, para. 95).

Vision 2020 shared this optimistic view of the future, advancing the view that modernized agriculture would "go hand in hand with exit strategies from agriculture", creating new opportunities in self-employment and remunerated employment, along with improvements in rural infrastructure (GoR, 2002b, para. 211). There were varying degrees of realism expressed by government officials as to these employment opportunities. Some expressed highly unrealistic views: "we will build factories that work twenty-four hours. And this is not only in Kigali but also in other centres of economic interests" (Ansoms, 2009, p. 13).

Other had a more realistic view. Some high-ranking MINAGRI officials highlighted the importance of developing smaller scale industries and services, supported by the development of a base of local demand for the goods and services produced by these new sectors (Ansoms, 2009). There is already a corps of under- and unemployed carpenters and masons in the countryside because subsistence farmers do not have the purchasing power to support them. "If you walk in the hills, and even in the city, you see people outside of the agricultural sector who have nothing to do" (Ansoms, 2009, p. 14). There is also the issue of lack of training possibilities for former farmers. Some officials have argued, "people cultivate because they did not have the chance to be educated. We have to give the people training. They should not leave the agricultural sector without alternatives" (Ansoms, 2009, p. 13). Many feel that the government is putting the cart before the horse; instead of giving people training and job options that may compel them to leave the land, they are pushing people off the land with no assurances to future opportunities.

In effect the government is asking land-poor farmers to take a 'leap of faith' into sectors that they had little experience in, and that in fact may not yet exist. The government assures them

that their removal from the agricultural field will create automatically increase agricultural growth and a subsequent growth in non-agricultural sectors. But without assurances that the will not be able to support themselves away from agriculture, why would most small-scale farmers voluntarily leave farming completely?

The focus on large scale commercial farming also leaves those small-to-medium scale farmers who are not pushed out of the market at a disadvantage. Large farmers are allotted the bulk of government support, while small farmers are left marginalized and without the resources to take greater investments in their land.

> "How will a peasant exploit his land in a 'professional' manner with the little he has and without the support of the government? In fact, they need training, specifically oriented towards the exploitation of small surfaces, because this is the reality of agriculture in Rwanda" (Ansoms, 2009, p. 12)

Farmers are given very few options to stay in the market. The focus on output maximization and highly productive farm units do little to alleviate poverty. On one hand, farmers were encouraged to maximize the product of their land by planting high yield crops and restricting their fields to one or two different crops a year. Most small farmers typically opt for crop diversification, alternating between a number of different crops to guarantee subsistence yields, and there is worry that they will not be commercially able to confine themselves to a limited number of crops, especially if they do not have any insurance against risk. In some regions, farmers have been ordered to abandon crops they government does not consider viable, and sometimes they have been forced to destroy their fields. In January 2007 the Governor of the Eastern Province initiated a ban on sweet potatoes, for example. This, and other similar incidents, were overthrown by the Minster of Agriculture, especially after they became reported internationally, but the knowledge that their crops can be arbitrarily destroyed causes uncertainty and fear among farmers (Ansoms, 2009).

However, even for those who stay, the future is not completely assured. Tenure security means different things to different people. "What peasant farmers want is 'security from land disputes'; what Government has in mind is security through land registration" (Pottier, 2006, p. 525). In Africa, land titling has not been advantageous for the poor, and may have created

situations contrary to the policy goals they attempted to achieve. In the 1970s and 1980s, it was assumed that title deeds

> would improve tenure security and lead to increased agricultural investment and productivity. [Since then, however, field studies have shown] not only that such programmes have failed to achieve the expected results of improving agricultural investment and productivity, but they also encouraged speculation in land by outsiders, thus displacing the very people – the local users of the land – who were supposed to acquire increased security through titling, and they facilitated practices of bribing, fraudulent titling and expropriation of land. As a result, the programmes frequently exacerbated conflicts and patterns of unequal access to land based on gender, age, ethnicity and class (Peters, 2004, p. 274).

An interesting and problematic element of the Land Law is the minimum plot size of 1.0 hectares for any individual. Only three quarters of rural population owns more than 1.0 hectares of land, and many of them own this land in dispersed form. In the PRSP, the government suggested that, in addition to the 1.0-hectare minimum, a 50-hectare maximum landholding for individuals should also be imposed to combat the accumulation of land by the elite. However, this maximum limit is not discussed in the 2004 Land Policy and the 2005 Land Law. The limit was present in earlier drafts of the Law, but was dropped in the deliberation process, perhaps because "politically connected individuals have acquired, over the last few years, land holdings of 50 ha or more for coffee and cattle production" and were not willing to relinquish their holdings (Musahara et al., 2005, p. 324).

4.5 Who is the Land Law For? The Evolution of the 2004 Land Law and the Government's Relationship with the Rural Constituency

The disconnect between the new Land Law and the actual needs on the ground can be attributed in part to the government's disinterest and unwillingness to perform meaningful consultations with the public. Rwanda has a highly centralized, authoritative government and a civil society that is too weak to effectively act as a counterbalance to the government. Throughout the development and evolution of the Land Law, the government's attitude towards its rural and urban constituencies heavily shaped the resulting policy goals and actions.

The government promised to "support the strengthening of democratic governance, including support for… media and civil society participation… [and] allow legitimate political expression" in the country (Christian Aid, 2004). While there was a degree of interaction and collaboration with the civil society, the relationship was severely uneven and the civil society was not guaranteed complete political independence (Ansoms, 2009).

The lack of community participation and the weakness of the civil society are facilitated by and simultaneously exacerbate the government's perception of its rural constituency. The way the government speaks both to and about rural citizens suggests that they have infantilized the peasantry and considers them both unwilling and unable to take part in the decision-making process. This attitude must change if the government wishes to move towards a more equitable land policy that supports all those it affects.

In the past, while the Habyarimana government saw problems with rural settlement patterns and the lack of development in the agricultural sector, the President still considered farmers the backbone of the national economy, and the state forecasted a high potential for future growth in that sector. In speeches, Habyarimana championed the rural lifestyle and popularized it as the 'Rwandan ideal', even as he enunciated the necessity of change and evolution. (Verwimp, 2003). In a 1987 speech on the occasion of the 25th anniversary of the Republic of Rwanda, he said,

> if in the 25 years of your independence Rwanda has known a lot of success in its struggle for progress, if it has been able to take a number of important steps, it is in the first place our farmers who made this happen… it is their total devotion to their work, every day… their fabulous capacity to adapt, their pragmatism, their genius, their profound knowledge of our eco-systems that allowed them to extract an amazing degree of resources from their plots of land (Verwimp, 2003, p. 16).

Under President Kagame, the message is completely different. Official policy considers the rural lifestyle unsustainable and a detriment to the country as a whole. Vision 2020 refers to the necessity of moving "beyond past *delusions* of viable subsistence-based agriculture" (GoR, 2004, p. 22, emphasis added). The issues facing rural farmers, many of which are key reasons why they are unable to move past the subsistence level, are dismissed and the government focuses more on the poor attitude of rural farmers as the reason for their poverty. If they

would just adopt a 'good mentality' they would be able to escape their circumstances. In his

inaugural speech in 2000, Kagame discusses the development challenges facing the country and

states:

> I do not believe that we should lose hope and surrender ourselves to lives of
> poverty. If we can utilize the resources that God has given us to good effect, we can
> eradicate poverty…. We would like to urgently appeal to the Rwandese people to
> work. As the Bible says, 'he who does not work should not eat' (Kagame, 2000).

Emphasis is placed on the responsibility of each citizen to overcome his or her own poverty

(Ansoms, 2009). Interviews by Ansoms uncovered the same sentiments expressed by

government officials, many of whom believe there is an 'awareness problem' among Rwandans,

who have

> to change radically and to become part of a society that can take care of itself, that
> can survive on its own, and that does not have to beg…. *One should not wait until
> one comes to help you as if you are a little baby. The head of state is angry with this
> spirit.* Instead of depending upon others, one has to do things on one's own…. We
> really have to convince everyone to be with this national slogan that everyone has to
> go forward in life (interview quoted in Ansoms, 2009, p. 9-10, emphasis added).

This attitude, likening most Rwandans to children who must be scolded for not being willing to

work for themselves, suggests that the government considers poverty a choice, or a 'state of

mental dependence'. If they would just adopt the proper mindset, they would be able to

overcome their difficulties. There is little acknowledgement that many of the obstacles put to

rural farmers have been caused by the government's own policies. Instead the government's

policies are portrayed as modern, progressive efforts to change the country for the better,

while those who cannot thrive under them are described as 'ignorant' and lacking in vision

(Ansoms, 2009).

A government that does not take the initiative or abilities of its citizens seriously will likely not

view them as adequate partners in the policymaking process. The government has also proven

unwilling to perform meaningful consultations with the public. While there was a degree of

interaction and collaboration with the civil society, the relationship was severely uneven and the civil society was not guaranteed complete political independence (Ansoms, 2009).

Although the government and the World Bank both stressed the need for public participation in the consultation phase of the Land Law, throughout the development and evolution of the Law, evidence suggests that input from the public and Rwandan civil society was limited and sometimes marginalized. In Rwanda, civic engagement has been severely hampered by war, extreme poverty and social inequality, and a lack of access to information. In the aftermath of the genocide, civil society and the associative sector has grown, but continues to be heavily under the influence of the 'omnipresent' government and 'externally driven and inspired by the apolitical intervention priorities of the international aid community', whose heavy presence in Rwanda and close relations to the government may also be limiting the abilities of local organizations to thrive independently (Ansoms, 2009; Uvin, 1998). Uvin argues that the nature of civil society in Rwanda, a country for a long time trapped in cycles of racism and violence, may also be different from the Western norm, in which "the presence of voluntary associations […] is considered to promote pluralism, democracy, rapid economic growth, effective public service, and resilience against external shocks" (Uvin, 1998, p. 167) In Rwanda, civil society is considered a partner in service delivery and development process, rather than a counter power to the government (Kitaba, 2004, p. 42).

The organization LandNet Rwanda was created in 1999 in order to give the 43 member organizations a collective voice in the policy development process. In addition to the civil society, members included international NGOs, and government agencies such as MINITERE and the Ministry of Finance and Economic Planning (MINECOFIN). At that time MINITERE confirmed its commitment to developing the National Land Policy through a thorough consultative process. In November 2000, the ministry organized the *National Consultation Workshop*, in which the first draft of the National Land Policy was discussed. Participants reacted positively to the workshop, which was praised for its "much greater openness" and the cultivation of an environment where participants could discuss highly sensitive issues such as land-grabbing by the elite and the seemingly preferential land rights of Old Case refugees. After

the consultations, both LandNet and MINITERE conducted nation-wide consultations that highlighted their differing views on consulting the public (Ansoms, 2007).

While LandNet's consultations were conducted in a wide variety of regions, taking into account the opinions of more than 900 people, MINITERE's consultation involved district administrators rather than representatives of the general public, a move which many felt reflected "a tendency within some governments […] to see peasant populations primarily as beneficiaries, incapable of fully and actively participating in such processes" (Musahara et al., 2005, p. 287). Additionally, by the time the LandNet consultations were finished, in 2001, drafts of the land policy and law had already been sent to Cabinet. They were expected to be passed in 2002 and the government was not interested in making changes (Ansoms, 2009). For the time being, the civil society was unable to have any serious input into the policy and law, and LandNet initially intended to focus on collaborating in the implementation phase of the policy.

They continued their advocacy in March 2003, organizing around four issues they felt would be major sources of conflict – women's land rights, civic participation in the land reform process, land consolidation and urbanization, and the habitat rights of the Batwa. LandNet believed that 'specific provisions on inheritance and succession of land by women' should be made, and implementation of the policy should be closely monitored to ensure a voluntary approach to land consolidation, urbanization and villagisation. However, according to some NGO officials, MINITERE remained unwilling to consider LandNet's recommendations.

The government did eventually consider LandNet's recommendations in 2004, after the organization wrote a letter of its objections directly to the President. The letter was discussed in 'the high circle' and eventually influenced the National Land Policy. For example, "the draft land bill circulat[ing] in May 2004 made an important revision: the Minister of Lands could now 'encourage' – rather than 'order' – land consolidation" (Ansoms, 2009, p. 23). In later versions, the law went on to stipulate that "the Minister of Agriculture, in consultation with the local authorities and the concerned community, may approve the consolidation of plots of land in order to maximize production" (Ansoms, 2009, p. 23). This was possibly the most notable success of LandNet and the Rwandan civil society in the policymaking process.

After the land policy was passed in 2004, LandNet turned its attention to the Land Law. Among other things, LandNet was concerned with the removal of the 50-hectare maximum size of land lots, and the lack of harmonization in the legal framework. Regardless of their objections, the law was adopted in January 2005 without the input of LandNet or other civil organizations. Ansoms (2009) identifies three major reasons why they were unable to make a lasting impact.

Firstly, consultations were held after the government had compiled their own findings and decided on their course of action, and despite their promise to involve all stakeholders, many began to consider the consultations as simply lip service. Many citizens did not believe participating would make a difference in the government's decisions, and some of the non-state actors felt the same way. Ansoms theorizes that in a country with a long history of top-down governance, there is also a history of passiveness among the civil service. They have become accustomed to having limited input with the government and therefore do not attempt to increase participation because they believe they cannot.

Secondly, civil society was kept insufficiently informed by the government. For example, at the *National Draft Land Policy Workshop* in November 2000, most participants did not receive a preliminary draft of the policy until the day of the workshop. In addition, different materials were made available – French speakers were given a 60-page dossier, while only a 7-page document was made available for English speakers. In any case, participants were not given enough time to become well enough informed to participate meaningfully in public hearings.

Finally, several rural associations engaged in rights based developments were intimidated by the government. Employees were harassed and attacked, accused of practicing discrimination and divisionism for advocating for the rights of certain ethnic groups, particularly the Batwa, and many organizations were denied the right to practice (Ansoms, 2009).

In the end, the consultative process that led to the Land Law 2005 was heavily dominated by the government, the World Bank, and the FAO, all of whom shared similar points of view on reform and were all primarily interested in paying lip service to an interest in the opinions of the public. The premise of engaging with the public was largely unfulfilled – the public was ignored, while the civil service, the sector most interested in talking to the public and taking

their opinions to the state, where usually given little room to participate. They registered some successes, and in a few instances made great gains, but overall the government passively or actively ensured that their input was minimal (Ansoms, 2009).

This trend is one of the symptoms of the system underlying the government's approach to land and the rural population, and it is a system that is out of sync with the government's publicized goals for these sectors. What then is the perceived future of the Rwandan government's land policies and perspectives, and what do they need to do to create a more equitable system?

CHAPTER FIVE: CONCLUSIONS - THE NATURE OF VILLAGISATION IN RWANDA

This study set out to explore the implementation of the villagisation policy in Rwanda, and consider its effectiveness as a short-term refugee resettlement plan and as a long-term rural land management scheme. Through an examination of the historical context of land management in Rwanda, as well as an in-depth analysis of the villagisation policy, it's implementation, and the development and implementation of subsequent land related policies tied to the concept of villagisation, a number of conclusions about the nature and consequences of Rwanda's policy decisions have been drawn.

This study argues that villagisation can be considered a partial failure as an emergency resettlement scheme, because of the government's underestimation of the scope of the problem facing refugees. As a long term social and economic development plan for the rural sector, the study argues that villagisation is not a great departure from previous government policies, and continues the trend of the centralization of power over land in the hands of the government, who is more concerned with maximizing economic output than securing the rights of vulnerable populations. Finally, the study argues that villagisation may in fact have severely harmed the rights and opportunities of small-scale farmers and, in particular, widows and orphans, without providing adequate avenues away from agriculture. However, the study finds that the government's later policies have made inroads in the assertion of the rights of vulnerable groups, as well as the acknowledgement of the need for alternative economic growth opportunities for low-income citizens.

5.1 VILLAGISATION AS A SHORT-TERM REFUGEE RESETTLEMENT SCHEME

As an emergency resettlement scheme, Rwanda's experience cannot wholly be considered a failure or a success. While the program did manage to settle a large proportion of returning refugees and internally displaced persons, the implementation of the program was lacking in sensitivity and an understanding of regional circumstances.

The government severely underestimated the volume of refugees and internally displaced persons who would need to be resettled in the years following the end of the civil war. Initially, it was assumed that the land abandoned by Old and New Case refugees would be more than enough to ensure that all returnees would have a plot of land to themselves, but that quickly proved not to be the case.

The government's stated commitment to upholding the Arusha Accords, which gave every Rwandan the right to return, and guaranteed those who had left less than ten years before the right to reoccupy their land, also put them in a precarious position. They were unable to set up legal and administrative frameworks to ensure that people's land would not be occupied by squatters, and in cases where squatters had already settled, they did not have enough sites to move them and return occupancy to the rightful owners. The government then turned to compulsory land sharing, thus negating the ownership rights of the majority of the population in an effort to house as many people as possible. Unfortunately this primarily served to increase tension in an already tense situation, with conflicts brewing over the ownership of crops, and the rights to use land that may only legally have been under the ownership of some of the current residents.

By the time villagisation was formally introduced, up to 300,000 families remained landless, not considering those in precarious land-sharing situations. Rwanda quickly fell into the same trap as other African governments, and very quickly resorted to the use of force to relocate a frustrated and distrustful populace. The planning of villages also fell into the now familiar traps – planners were not aware of local conditions, and inadvertently placed villages in locations that left them inaccessible to farmland and basic resources such as water. This can in part be attributed to the speed of implementation that was necessitated by the higher than expected surge in returning refugees, combined with the need to accommodate the many discrepancies created by the ill-thought out land sharing system, which was quickly giving way to legal conflicts and violence.

But the policy's failure as an emergency measure can also be explained as a result of the government's insistence on combining their emergency response with other long-term

development goals. By the time villagisation was presented as a definite policy, it is clear that the government was already considering it less as an emergency resettlement measure and more as a long-term social and economic rural development plan. In many ways they considered the needs of returnees met while hundreds of thousands of families remained unhoused, and in some cases were housed in isolated, unsanitary locations cut off from the necessary amenities they would need to return to a normal way of life.

5.2 VILLAGISATION AS A SIGNIFICANT POLICY SHIFT

In both its general nature and in the form of implementation chosen by the government, villagisation was not a radical break from previous land policies, which had helped to exacerbate Rwanda's land scarcity issues to the point of collapse. The study's examination of Rwanda's land management history shows that villagisation can be considered an evolution of the government's historically centralized organization, and its insistence on controlling access to land and resources. From the pre-colonial era, when the *mwami*'s consolidation of power created a feudal caste system where fewer and fewer members of society held control over the use and distribution of land, Rwanda has been moving farther along the road towards the centralization and consolidation of power.

The introduction of the Belgian colonial government further consolidated the state's power. They were attracted to the top-down nature of the *mwami*'s existing system, and consolidated his, and by extension their own, power by intensifying the use of coercion and military force, and increasing the powers of those at the higher echelons of power. The first civil war fought in part over Hutu dissatisfaction with the concentration of power in Tutsi hands, could have resulted in the radicalization of the land management system and perhaps a return to a more traditional, decentralized conception of the ownership of land. Instead, the Hutu elite stepped in to fill the vacuum created by the ouster of the Tutsi government, and continued the trend toward ensuring that the government held all power over land affairs. In part, this was due to necessity – the economy was so highly dependent on maintaining a strong agricultural sector

that the government could not risk it being undermined by continued fragmentation and misuse.

In the post-genocide era, the government is again concerned with the primacy of land in the social and economic lives of Rwandans, and again they have reacted by ensuring that they maintain a high level of control over everything concerning the distribution and use of land. Additionally, the issue of security has become more paramount than ever. Villagisation allows the government to combine these twin concerns. Scott (1998) describes villagisation as a form of 'authoritarian high modernism', a system that allows the government to organize the population into legible 'fabricated agglomerations' that makes surveillance and control of the population more systematic. The government's power has reached the point where planning has penetrated to the household level, where families are obligated to sign social contracts with the government proscribing production goals and lifestyle and behavioral standards.

5.3 VILLAGISATION AS THE BASIS OF A LONG-TERM LAND MANAGEMENT AND ECONOMIC GROWTH POLICY

Even with the acknowledgement of villagisation's failings, the government's focus centered on how to further adapt the policy, rather than attempting to create new policy mechanisms to handle resettlement and land management, with particular attention being paid to the issues of land rights, the viability of small-scale agriculture, and land disputes.

As a long-term land management policy, villagisation, as previously discussed, continues the trends already witnessed in Rwanda's political history, and produced familiar results. Poor implementation led to the creation of villages in remote, unsanitary locations. The economic potential of residents was hampered by lack of access to farmland, with further distances to farms decreasing the overall productivity of land, while also leaving farm produce open to theft and destruction. Farmers unable to maintain themselves through agriculture became compelled to sell excess land, which typically found its way into the hands of the urban elite. The government's decision to resort to coercion to move residents into villages heightened fear

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and insecurity within an already tense population, and endangered the relationship between the government and its constituency, who began to perceive of villages as tools of government control. Based on the experiences of Mozambique, Tanzania, and Ethiopia, all of which were brought to the government's attention early in the implementation process, none of these early results were particularly surprising. All of these effects were felt in the previous cases, and in each case they resulted in villagisation being abandoned as an unworkable, ineffectual policy. In Mozambique and Ethiopia, the ineptitude of the government went so far as to turn citizens against them, prompting the use of active and passive force to highlight their resistance.

Through the introduction of the Land Law 2005, the government attempted to rectify some of these issues, but ultimately it is evident that their intention continues to be a focus on the continued micro-management of land affairs. The major conclusion we can draw from this study is that the government, through their concentration on economic growth rather than equitable rights, is leaving the majority of the rural population at risk of poverty and insecurity on the land. The primacy of land consolidation, without actual evidence that consolidating land would lead to a growth in agricultural output, greatly suggests that the government is primarily concerned with turning as much land as possible *away* from agriculture and into other industries as possible. This has resulted in the creation of a system where it is becoming increasingly easy for the government to dispossess small landholders of their land, while making it increasingly difficult for them to retrieve that land. At the same time there remain few options for those who have lost their land. The government assures them that there will be newer, more beneficial sectors for them to move into, but there is no guarantee that these sectors will grow, or that they will have the skills and training needed to be successful in them.

The development path chosen they the Rwandan government is unsurprising. Classic development theory, which the government has been heavily drawn to through their close ties with NGOs and development agencies, is based on the presumption of the need to achieve a modern economy thorough structural transformation. "Major aspects of structural change include the shift away from agriculture to non-agricultural pursuits… with a corresponding change in the occupation status of labour (i.e. "changes in the distribution of the labour force

between agriculture and the non-agricultural production sectors")", according to the highly influential economist Simon Kuznets (Kuznets, 1973 as quoted in Ansoms, 2007, p. 11). Less-developed countries have been encouraged to strive for economic independence through the modernization of their economies and a decrease in their reliance on the primary sector, in Rwanda's case, agricultural activities.

The experience of many African countries has shown decades of unsuccessful attempts to shift away from the agricultural sector. The more recent trend towards the 'fight against poverty' has highlighted the need for rural-led development and economic growth in order to combat high rates of rural poverty (Mwabu & Thorbekce, 2004). A focus on the agricultural sector's importance has returned, though without lessening the emphasis on the need for households to diversify their incomes to include farm and non-farm economy (Yaro, 2006; Abdulai & CroleRees, 2001; Ansoms, 2007). The development process of the Land Law exhibits the disconnect between Rwanda's government and the rural constituency, with the government exhibiting something close to disdain for the viewpoints of the rural populace and rural agricultural experts. The involvement of citizen groups is superficial at best, with their recommendations being welcomed but dismissed out of hand. This is creating a system driven overwhelmingly by an urban bureaucracy that has long since dismissed the potential and legitimacy of rural agriculture, considering it archaic and outside of the established vision of a modern, advanced, technologically driven Rwanda.

In fact, Rwanda's land policies stand in stark contrast with the prevailing trends across the continent. In sub-Saharan Africa, policy reformers are showing renewed interest in the evolution of traditional and customary tenure systems (Pottier, 2005; Whitehead & Tsikata, 2003). There is a growing acknowledgement that in places where new systems of tenure are based on land consolidation and registration, the older customary land systems have not disappeared but instead have transformed into a "complex picture in which people contest rights to land by drawing ... on whichever legal resource they can" (Mackenzie, 2003, p. 258). The continued insistence on overlaying more and more government mechanisms and legal measures onto an already overloaded system only serves to confuse, particularly in Rwanda

where in many instances the message sent by different levels of government is contradictory. Land disputes continue to be one of the most common legal issues facing rural Rwandans, and attempting to push many out of land ownership will not help to solve the problem. Instead, the government should be working towards creating a clear, understandable system that is implemented uniformly and fairly across the country. A confusing system is not a peace-building system.

The government's persistence with villagisation is partly understandable, but the nature of the policy and the methods of implementation, as well as the government's relationship with the civil society and the population at large, need to change in order to ensure that a balance is struck between the government's intentions and the wishes of the people. If not, the negative aspects of villagisation will continue to come to the fore, and Rwanda cannot afford to allow conflict to build up and repeat the same cycle it has already experienced.

CHAPTER SIX: RECOMMENDATIONS

The 2005 Land Law has the potential to make large numbers of Rwandans landless and destitute. This situation, and the frustration and anger it engenders, may give way to social and political unrest, a possibility that the government must hope to avoid at all costs. The situation would be further exacerbated if the country's rapid rate of growth slows perceptibly, allowing the already widening gap between haves and have-nots to become wider and making the hope of upward mobility seem even more unattainable. Rwanda continues to exist in a highly unstable region – the government continues to be involved, to varying degrees, in the conflict in the Democratic Republic of Congo – and the danger of spillover remains high.

On a lower level, the government still has the obligation to protect the rights of its citizens, which the Land Law strives to achieve but falls short in a number of areas. There are many actions that can be undertaken, both operationally and legally, to bridge the gaps between existing policy and actual necessity:

6.1 ENGAGE WITH LOCAL KNOWLEDGE AND EXPERTISE

The Rwandan government has a long history of disregarding the knowledge of its citizenry. According to Newbury (1998), as early as the Habyarimana regime agricultural officers were chosen on the basis of their educational profile and connections rather than experiences, and as a result much local knowledge (e.g. local variations or crops, soils, pests, labour practices, etc.) was lost, in the name of standardizing and 'rationalizing' agriculture.

In the post-genocide era there have been numerous incidences of agricultural practices being introduced that may have been reconsidered had the government's officials included the views of local farmers in the decision-making process. For example, the practice of rotating crops had been employed for decades for a specific reason, and forcing farmers to plant only specific crops on their land proved disastrous for some. Today there is also an issue with government officials being sent from the city to oversee rural policy, despite having little experience or

knowledge of the conditions in the rural regions they are assigned to, and sometimes even with disdain for those they are sent to serve.

6.2 ENSURE EQUAL LAND RIGHTS FOR WOMEN AND VULNERABLE POPULATIONS

The land rights of women and female children should be developed further and laid out clearly in the legal framework. The major issues that continue to face women – continued dependence on a husband's family; the legal illegitimacy of non-marriage unions; and the high incidences of land grabbing and land loss, must be dealt with. Women and female children make up a large and important segment of the population, particularly at this time in Rwanda's history. The government must ensure them stability, security, and the possibility of economic prosperity and upward mobility to ensure the prosperity of the rural population as a whole.

The increasing role of women in the political sphere since the genocide also gives rise to the hope that the inconsistencies in the Inheritance Law will be handled, and the normalization of women's role in politics may bring more women to the fore at the local level. Currently at issue is the perceived illegitimacy of women's claims to land. The government's continued championing of the authority and political visibility of women will break down barriers of perception and create a more equal environment.

6.3 ALLOW FOR DECENTRALIZED DECISION MAKING TO TAILOR GOVERNMENT POLICY TO LOCAL CONDITIONS

Pottier (2006) has previously argued that the possibility for conflict stemming from the government's land policies may be potentially offset by the fact that the government allows some flexibility in the way policies and laws are locally interpreted. While the state imposes firm goals and policy directions, they typically fail to provide strict criteria for each goal. Local administrators are therefore inadvertently afforded a significant amount off leeway in the means they use to achieve proscribed goals. Of course this also gives way for potential abuses,

some of which have been documented here, but the system also allows for local administrators who are deeply familiar with the regional context and knowledgeable of its inhabitants to better tailor government initiatives to the local level.

The government should focus on local training and hiring, rather than the current practice of sending out officials from the city that have little knowledge, interest or enthusiasm for the rural regions. A growth in the familiarity and understanding between government officials and local residents is hugely important in Rwanda, where the implementation process of land and settlement laws have left many residents wary of the government's intentions.

6.4 ALLOW MORE INDEPENDENCE TO SMALL LANDOWNERS AND DEVELOP POLICIES THAT SUPPORT THEIR ABILITY TO SURVIVE IN THE MEDIUM AND LONG TERM.

The Rwandan government has identified land security as a necessary element of the poverty reduction and economic growth model. However, the system they have developed leaves most small landowners seriously insecure on their land. Small landholders run the risk of losing their land temporarily or permanently for a number of reasons – their land holdings may be less than 1 hectare; they may be unable to afford the registration costs; or they may be deemed insufficiently productive, among others. Studies have shown that insecure landholders are less willing to invest heavily in their land or take big risks. In truth, the government believes that small landholders will be mostly phased out through some farmers choosing to leave the land while those that remain will be able to accumulate more land or consolidate their farms. As a result they have neglected to fully consider the needs of small landholders, a fact that may ultimately undermine their plans, or drive the majority of small farmers into poverty or unemployment.

The government of Rwanda needs to acknowledge that small landholders are a part of the agricultural economy and deserve the same level of regard as large cash crop operations. Currently, risk taking in the small farming sector is characterized by government edicts to plant certain crops in a certain manner, usually at the risk of the farmer losing their land if they do

not comply. The government needs to create a secure environment while providing farmers with multiple options for education and experimentation. The risk of temporarily or permanently losing land must be diminished significantly so that farmers can operate in an environment where they feel they are the ultimate decider of the land's use and potential. This sense of independence and security would theoretically translate into an increased willingness to experiment with different forms of crop maximization and the use of land for collateral on bank loans.

6.5 DEVELOP A MORE EFFECTIVE MEANS OF ADVOCATING FOR LAND RIGHTS

A more transparent dialogue within the country on governance and post conflict reconstruction is important, particularly in light of the increasing economic and political dominance of a small elite. There is a need to create a more effective mechanism for advocating for land rights as well as engaging government over policy issues. Currently, members of LandNet Rwanda are highly active, but there are large gaps in capacity between (a) urban-based NGOs and rural organizations, and (b) national and international organizations. It is important to build the capacity of local NGO networks to advocate for the land rights of the poor.

Civil society organizations should be involved in a number of aspects of policy implementation, including awareness raising and dissemination of the key aspects of policy; capacity building' and monitoring of the socio-economic impacts of land consolidation and villagisation.

6.6 DEVELOP A WORKABLE SHORT- AND LONG-TERM STRATEGY TO PROMOTE NON-FARM ACTIVITIES

There is an urgent need to evolve a workable strategy to promote non-farm activities as a long-term conflict mitigation approach and response to land problems. This should be based on realistic projection of the possibilities involved, rather than an overly optimistic model, because

of the large number of people who may become landless through consolidation and related processes.

If livelihood choices remain limited and incomes deteriorate it is possible that the wealthier minority will eventually 'buy out' poor landowners, unless checks are put in place, there are no guarantees that the land market will expand sufficiently to encompass the 'new poor' demographic, and if no regulations are drawn up in order to protect the rights of the poor, a large, impoverished mass of people may result. This would be an undesirable outcome for the country as a whole, politically, economically, and socially.

Criticism of the government's policy is not that it is inappropriate, but that it does not indicate the full extent and the true nature of the challenges being faced by Rwanda, and by the rural population in particular. Land reform is the most serious political and economic issues standing in the way of Rwanda's future peace and prosperity. In many ways, villagisation has thus far been used as a quick and easy, superficial solution to this problem. The result has been a lack of consideration for the circumstances and livelihoods of those who do not fall within the government's definition of desirable future citizens. While Rwanda's push for modernization and prosperity has been admirable, they risk to undermine their considerable achievements by ignoring the needs and points of view of vulnerable members of society.

GLOSSARY

Abagererwa – clients of the abakonde.

Abakonde – the original clearer of a plot of land.

Igikingi – a cooperative land system employed in the Rwandan Central Kingdom. Dealt with domain over communal grazing territories.

Imidugudu – villagisation

Interahamwe – a civilian militia associated with Habyarimana political party

Inyangarwanda – "enemies of Rwanda"

Isambu – a cooperative land system employed in the Rwandan Central Kingdom. Dealt with individual agricultural tenure, access and occupation in exchange for fees.

Ubukonde – an informal lineage based system that governed the forest zones.

Mwami – the supreme leader of the Rwandan Central Kingdom

New Case refugees – Refugees who fled Rwanda during the second civil war (1994)

Old Case refugees – Refugees who fled Rwanda from the 1950s to the 1970s

Paysannat – a Belgian system of village organization.

Ujamaa – 'familyhood', the term used in Tanzania to describe the government's villagisation policy.

Ujima – a traditional Tanzanian concept of communal obligation and responsibility, from which Julius Nyerere derived his concept of ujamaa

Umuganda – a Rwandan tradition for mandatory labor for the public good

Villagisation – the grouping of a population into centralized, planned settlements.

ACRONYMS

FRELIMO – Liberation Front of Mozambique

MINAGRI – Ministry of Agriculture, Government of Rwanda

MINITERE – Ministry of Lands, Government of Rwanda

MRND(D) – Mouvement Revolutionnaire National pour le Developpement et la Democratie

RENAMO – Mozambican National Resistance

RPF – Rwanda Patriotic Front

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