

Land, Power and Peace: Land tenure systems and the formalization agenda in Rwanda

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Submitted October 2010

A thesis submitted to McGill University in partial fulfillment of the requirements of the
degree of Master of Arts

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ABSTRACT

Land tenure and agricultural reform are essential components of postwar development. This is especially true in Rwanda, where eighty percent of the population depends on subsistence agriculture in a rural system plagued by declining production and increasing population pressure. Given these challenges, in 2005 the Government of Rwanda introduced an ambitious set of tenure and agriculture reforms designed to replace subsistence farmers with a highly commercialized and professional agricultural sector. While introduced as a ‘pro-poor’ policy, field data demonstrate that the Government has shifted away from tenure reform as a means to physically consolidate land, and is currently striving to realize economies of scale through mandatory crop specialization. Furthermore, data demonstrate that the Government’s desire to consolidate land holdings through tenure and agricultural policies has decreased food and tenure security, restricted farmers’ rights and undermined subsistence livelihoods. While decreasing production and increasing conflict over land validate the need to reorganize rural Rwanda, the goals of Government tenure policies, forceful implementation of large-scale changes, and continued marginalization of the most vulnerable groups present a significant challenge to rural reform, and undermine the state’s long-term strategy for macro-economic growth.

SOMMAIRE

La réforme du régime foncier et du secteur agricole sont des éléments essentiels du développement en situation d’après-guerre. Ceci est particulièrement vrai au Rwanda, où quatre-vingt pourcent de la population Rwandaise dépend de l’agriculture de subsistance dans un système rural envahi et débordé par une production déclinante et une grande croissance de population. Prenant compte de ces obstacles, en 2005 le Gouvernement Rwandais introduit une série ambitieuse de réformes foncières et agricoles, créés pour remplacer les fermiers de subsistance avec un secteur agricole hautement commercialisé et professionnel. Même si cette nouvelle politique a été introduite supposément «pour les pauvres », des résultats de recherche démontrent que le Gouvernement s’est éloigné de la réforme foncière comme moyen de consolider leurs propriétés, se déplaçant vers la création d’économies d’échelle en imposant des politiques de spécialisation d’espèces

partout au Rwanda. De plus, les résultats de travail de terrain démontrent que le désir du Gouvernement de consolider leur territoire foncier à travers de telles politiques fait diminuer la sécurité alimentaire et foncière, limite les droits des fermiers, et décime les moyens de vies de subsistance des Rwandais. Même si une production qui diminue et un conflit de territoire foncier qui s'augmente fait valider la nécessité de réorganiser le Rwanda rural, les buts des politiques foncières du Gouvernement du Rwanda, l'implémentation d'énormes changements par force, et la marginalisation continue des groupes les plus vulnérables présente un grand défi à la réforme rurale, et présente un obstacle à la stratégie à long terme pour une croissance au niveau macro-économique.

ACNOWLEDGEMENTS

I would not have been able to complete this thesis without the support and guidance from a number of people.

First, I would like to thank my supervisor, Dr. Jon Unruh, for his encouragement and insight while helping me navigate the challenges and opportunities encountered throughout this thesis project. I am also deeply indebted to Dr. Kathleen Fallon for her work as a key member of my thesis committee. Dr. Fallon's reviews and guidance provided an important perspective to my work. I truly appreciate all the time my committee members spent reading drafts, reviewing proposals and helping me finalize this project.

Second, I would like to thank those individuals that helped me access the field. Here, a very special thanks is due to Dr. Eliane Ubalijoro for her help facilitating contact with government officials in Rwanda. I would also like to extend a very special thank you to my research assistants Élyse and Jean (pseudonyms). Thank you for your dedication, patience, enthusiasm and continued contribution to this project.

Third, I would like to thank Dr. Benjamin Forest and Dr. Bill Moseley for supporting me throughout this and a number of other projects. Thank you Dr. Forest for helping me navigate funding opportunities, prepare proposals and develop as an independent researcher. Thank you Dr. Moseley for your continued advice, friendship and interest in my work.

Fourth, I am deeply indebted to the Social Sciences and Humanities Research Council of Canada (SSHRC), and the Geography Department of McGill University for funding my research project. I also extend a further thank you to the Lorne Trottier Fellowship and to McGill University for additional financial support.

Next, I would like to thank the administrative staff from the Department of Geography at McGill University. Thank you for your patience and humour in helping me navigate all the requirements of the Master's program.

Sixth, I would like to extend a very special thank you to my friends and colleagues for their interest, enthusiasm and patience throughout the course of this project. Sharing ideas, coffee, office space, conferences and countless debates not only

helped me develop my research, but also made this an enjoyable and formative experience. A very special thanks to Alex, Natalie, Chelsea, Miriam, Letha, Gill, Lisa, Bernie, Patrick and Jason. I would also like to thank my immediate family for their unwavering support and enthusiasm, as well as their patience with my inability to keep in contact while in the field.

Finally, I am deeply indebted to all the farmers, land administrators, government policy makers and community members in Rwanda that welcomed me into their homes, onto their fields or into their offices. Without their time, ideas and experiences, this project would not have been possible.

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LIST OF ACRONYMS

1. FRW.....	Franc Rwandais
2. GoR.....	Government of Rwanda
3. HA.....	Hectare
4. IO.....	International Organization
5. MINAGRI.....	Ministry of Agriculture and Animal Resources
6. MINELA.....	Ministry of Environment and Lands
7. MINIRENA.....	Ministry of Natural Resources
8. NAP.....	National Agricultural Policy
9. NEPAD.....	New Partnership for Africa's Development
10. NGO.....	Non-Governmental Organization
11. OLL.....	Organic Land Law
12. PRSP.....	Poverty Reduction Strategy Paper
13. RA.....	Research Assistant
14. RCSP.....	Regional Crop Specialization Programme
15. RPF.....	Rwandan Patriotic Front
16. SSHRC.....	Social Sciences and Humanities Research Council of Canada
17. T.I.G.	Travaux D'Intérêt Généraux
18. UNFAO.....	United Nations Food and Agriculture Organization
19. USD.....	United States Dollar

CHAPTER 1 - INTRODUCTION

Land and land tenure are essential components of post-conflict development. Fundamental to reconciliation, economic rehabilitation and stability, access to land following conflict can present significant challenges to a peace process (Unruh 2003). The importance of land to re-building livelihoods and generating macro-economic growth in a recovering economy is especially relevant in Rwanda (Figure 1.1), where decades of population pressure have resulted in significant land fragmentation, decreasing production, and increasing conflict over holdings (Clay et. al 1990; André 1998; Musahara & Huggins 2005; Pottier 2006). The most densely populated country in Africa, approximately 92% of Rwanda's 9.7 million people reside in rural areas, and 80% of all households depend on subsistence agriculture (André 1998; Jones 2000; Bigagaza, Abong & Mukarubuga 2002; Musahara & Huggins 2005; Huggins 2010). When combined with rapid population growth and the increasingly unequal concentration of agricultural holdings in the hands of wealthy farmers, the overwhelming reliance on household production has severely reduced the amount of land available for subsistence farmers. As the average size of plots continues to decline – from 2 hectares in 1960 to 0.35 in 2007 – (National Land Tenure Reform Programme Statistics, NLTRP, 2007; Sagashya & English 2009) subsistence farmers have been forced to avoid fallow periods and expand crops onto unsuitable and often highly marginal terrain. The continued intensification of subsistence-oriented organic production has dramatically reduced the sustainability of the agricultural sector and threatens to exacerbate existing tenure and food insecurity (GoR 2004a; Musahara & Huggins 2005; Bruce 2007). Given extreme pressure on cultivable land, the existing and potential threats to agricultural sustainability in Rwanda have led a number of authors to call for large-scale changes to land-use and management institutions throughout the country (Landal 1970; Clay & Lewis 1990; Barrière 1997; Van Huyweghen 1999; Musahara & Huggins 2005; Musahara 2006).

Having acknowledged the importance of land and agriculture to stability and re-development, immediately following the genocide, the Government of Rwanda (GoR) launched a series of rural reforms that targeted the organization and management of the agricultural sector. Beyond striving to re-settle and re-integrate large populations of refugees and internally displaced people, the Government introduced a series of programs

aimed at solidifying agriculture as the foundation of macro-economic growth in the medium and long-term time periods. After nine years of debate, in 2005 the GoR approved the Organic Land Law (OLL), a series of policies that firmly establish tenure reform as the main priority for national development. Rwanda's first set of land tenure legislation since 1976, the Organic Land Law draws on privatization theory and mandatory registration to address land scarcity and population pressure, soil erosion and nutrient leaching, and what the Government refers to as the "shortcomings of both customary and statutory regulations" (Pottier 2006: 520). Although researchers, land administrators and local farmers acknowledge the pressing need to reform land use and management systems, the Government's desire to revolutionize rural Rwanda away from subsistence production to a highly commercialized sector of professional farmers undermines the tenure and food security of millions of households. Specifically, the mandatory formalization of the informal tenure regimes that govern the overwhelming majority of land holdings throughout the country, and desire to physically consolidate land into the hands of a smaller number of commercially-oriented farmers, requires a more comprehensive understanding of tenure systems and subsistence production. Most importantly, the Government of Rwanda needs to acknowledge and incorporate two central tenants into current and future attempts at large scale land reform. First, land tenure systems are socially constructed manifestations of inter-personal and institutional relations that cannot be immediately altered or formalized through statutory law. Second, subsistence farming remains an important mode of production given the unique social, cultural and biophysical contexts of Rwanda, and should be incorporated into any medium to long-term vision of agricultural reform. While decreasing production and increasing conflict over land validate the re-organization of rural Rwanda, the Government's idealized goals for the agricultural sector, desire to completely outlaw informal tenure regimes, as well as the rapid and forceful implementation of the Organic Land Law, threaten to exacerbate existing livelihood insecurity for the country's largest sector of producers. As the GoR moves forward with national land reform under the OLL, marginalizing subsistence-oriented households not only presents a significant challenge to rural reform, but also threatens to undermine the Government's long-term strategy for macro-economic growth.

Section 1.1 – RESEARCH AIM AND QUESTIONS

Given the Government's desire to revolutionize rural Rwanda, this thesis project investigates how subsistence farmers, informal land tenure systems, land administrators, and Government policies are adjusting to the mandatory formalization and privatization of all tenure regimes required under the Organic Land Law. As such, the aim of this thesis is to determine the type and extent of interactions between formal and informal management systems, as well as their respective proponents. To do so, I propose four main research questions:

1) *How and to what extent are informal land tenure systems influencing the application of formal land policies?*

This question focuses on how the existing informal land management institutions that predominate throughout rural Rwanda are influencing the realization of rural reform through the Organic Land Law. Specifically, how are informal tenure regimes and the daily practices of subsistence farmers affecting the goals and methods of realizing Government-led reform?

2) *How are Government officials and the national Law adjusting to the realities of a tenure system dominated by subsistence production and informal tenure?*

This question differs from the previous one in that it focuses on the role of land administrators and Government policy makers in modifying the goals and methods of implementing tenure reform to achieve greater penetration and sustainability. In striving to answer this question (from the perspective of Government administrators), I focus on how policies are being applied in communities at different stages in the reform process within and between regions.

3) *How are rural subsistence farmers interacting with the formal land law?*

While the first question focuses on how existing informal tenure systems are influencing the development and application of statutory laws, here I focus on specific ways farmers and subsistence households are being affected by, and responding to, the Organic Land Law. This question centres on four aspects of rural subsistence production. First, how are subsistence farmers interpreting Government policies, and therefore, the Government's

vision for the rural sector? Second, how are rural households adjusting their daily practices to Government-led reform? Third, how do farmers within and across field sites perceive the need for and methods of Government-led land reform? Finally, how and to what extent are rural subsistence households investing in or resisting the Government-led re-organization of land use and management systems through statutory law?

4) *What kinds of hybrid tenure systems have evolved to link informal management regimes with Government policies?*

Hybrid land tenure systems are those that evolve as a direct result of the differences between local practices and Government policies, as well as the interaction between their interdependent institutions. Specifically, farmers often support Government reform without making significant changes to their daily practices. Given unequal power relations and the GoR's limited ability to enforce wide-ranging reforms in a post-conflict environment, 'hybrid' refers to those regimes that emerge between the extremes of existing versus desired land use and management practices. This fourth and final research question, therefore, addresses the dynamic nature of land tenure systems as socially constructed institutions that evolve to meet specific needs. Given this understanding of tenure regimes, how are the Government-led reforms and informal practices that predominate rural Rwanda evolving to create new tenure relations that increase security and decrease conflict over land?

Although these questions focus explicitly on land reform in post-genocide Rwanda, they are fundamentally important to the development and implementation of land and agricultural policies in other postwar and development contexts. According to Unruh (2003: 352-353):

While land access or reaccess constitute one of the more problematic and volatile facets of societal relations during and subsequent to armed conflict, important operative aspects of land tenure during a peace process remain unexamined, and there exists a lack of theoretical and applied tools to address tenurial issues in the context of postwar social relations.

As socially constructed and constantly evolving institutions, land tenure systems cannot be separated from the socio-economic, political and cultural narratives that drive, and are

constituted by development (Bruce 1986; Place & Hazell 1993; Toulmin & Quan 2000; Cousins & Hornby 2006; McAuslan 2006). As such, a focus on land tenure not only provides an effective lens for understanding existing social relations, but also contributes essential information on how to design and apply effective policies in Rwanda and other developing countries.

Section 1.2 – CHAPTER OUTLINE

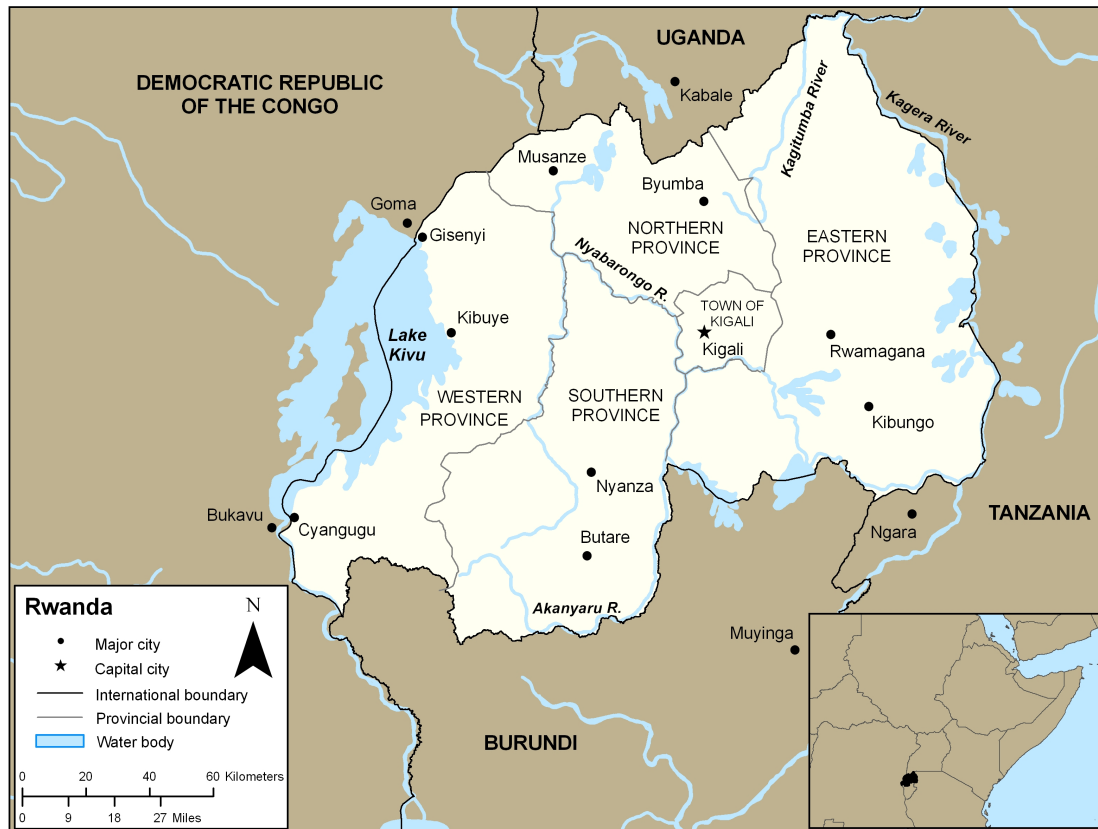
Following this introduction, Chapter 2 (Conceptual Framework) provides an overview and critique of the four main bodies of literature that inform my project.

Chapter 3 (Methodology) gives an outline of the research methods that guide the coursework, fieldwork, analysis and dissemination stages of this thesis. Chapter 3 also situates this project within the unique socio-political, economic and gendered environments that impact researchers and the data collected in post-genocide Rwanda.

In an attempt to further contextualize the theoretical and methodological foundations of this work, Chapter 4 (Land Tenure Overview) provides a brief history of tenure regimes, land policies and agricultural practices from pre-colonial to contemporary Rwanda. Rather than a complete history, this chapter strives to situate existing legislation within a complex history of multiple and often overlapping land management institutions.

Having established a broad contextual framework for further analysis, in Chapter 5 (Results) I present my primary research findings. The main goal of this chapter is to summarize the data collected. Following from these results, in Chapter 6 (Discussion) I analyze the impacts of rural reforms on subsistence households, and discuss the potential effects the methods and goals of Government-led reform could have on land management, agricultural production and the GoR's long-term development strategy. Rather than predict future events, the main goal of this chapter is to address both the opportunities and challenges for land reform within the unique context of post-genocide Rwanda.

Finally, in Chapter 7 (Conclusion and Recommendations) I summarize the key findings developed throughout this thesis project. I then conclude with a series of recommendations for short-term adjustments to the way legislation is currently being implemented, and long-term suggestions for policy development and further research.



(Figure 1.1 – Map of Rwanda
Source: M Pritchard 2010)

CHAPTER 2 – CONCEPTUAL FRAMEWORK

In this chapter I establish a conceptual framework for this project by providing an overview and critique of four bodies of literature: land and development, legal pluralism, law and development, and agriculture and development. My goal is to provide an introductory foundation to the main theories that support and contextualize my project. While I draw on a range of works, I refine my focus to those authors that apply their theories to the unique histories and experiences of the African continent. First, in section 2.1 I provide an overview of land in the context of development. I introduce why land is essential to development (section 2.1.1), follow with an outline of research on tenure (section 2.1.2), and conclude with the critical theories that dominate current research and policy work on land tenure in Africa. Second, section 2.2 introduces the concept of legal pluralism in an attempt to conceptualize how competing understandings of tenure interact and evolve within complex normative frameworks. The section begins with an overview and critique of juristic legal pluralism (section 2.2.1), follows with the emergence of descriptive legal pluralism (2.2.2), and finally situates Sally Falk Moore's concept of semi-autonomous social fields as an essential tool to determine what laws are in place at a specific location in space and time (section 2.2.3) (Moore 1972). Third, section 2.3 draws on literature that investigates the relationship between law and development. Here, I focus on the initial emergence of law as a tool within modernization theory (section 2.3.1) and move on to the major critiques of law and development (section 2.3.2). In section 2.3.3 I situate law within the institutional framework of neo-liberalism, and follow with an overview of the new critical theory of law and development (section 2.3.4). Finally, in section 2.4 I provide an introduction to literature from the field of agriculture and development. I begin by situating the origins of agriculture and development within modernization theory (section 2.4.1), trace the emergence of the agriculture-led growth model (section 2.4.2), and conclude with recent critiques that challenge the relationship between agricultural production and large-scale macro-economic growth (section 2.4.3).

While this conceptual framework provides an introduction to key literature, it is by no means a complete representation of the ideas, authors and experiences that support this work. Rather, these pillars contextualize and justify the main aim of this research,

which is to determine the type and extent of interaction between land tenure laws on the books and in practice.

Section 2.1 – LAND AND DEVELOPMENT

The study of land and its relation to development has moved up and down the ladder of policy and investment priorities over the past fifty years (Peters 2004). As such, this section begins with an overview of why land is essential to our understanding of development, and follows with an outline of the main paradigms that have dominated tenure reform and research throughout the colonial, post-colonial and contemporary eras. I begin by acknowledging that my understanding of ‘development’ transcends economic growth, and is rooted in Amartya Sen’s approach of providing human security with the goal of maximizing human capabilities (Sen 1993).¹ Furthermore, this conceptual framework proceeds from the understanding that ‘development’ is not a static entity but constantly changes as it interacts with divergent priorities and capabilities across geographic and temporal space.

Section 2.1.1 – Land tenure and development

Land is not simply the physical entity on which we are situated, but transcends both natural and constructed objects to include the social contracts that regulate access to resources (Deininger 2003). Access to resources exists as the most basic component of livelihoods for the rural poor, and the principle form of natural capital. Specifically, land is a central component of food security (Maxwell & Wiebe 1998; Toulmin & Quan 2000; Unruh 2003; Cousins & Hornby 2006), agricultural production (Feder & Noronha 1987; Atwood 1990; Place & Hazell 1993) and economic growth (Banerjee, Mookherjee & Benabour 2006; Cousins & Hornby 2006). The relationship between land and development, therefore, is especially strong in rural areas, and cannot be separated from the concept of tenure.

Land tenure refers to the terms and conditions under which land and its products are held and used (Bruce 1986; Moyo 1995; Shivji et al. 1998). Tenure systems,

¹ While literature and practitioners must continually question what is meant by development, I acknowledge that any formal deconstruction of the term is beyond the scope of this paper. For further readings on the definition of development see Ferguson 1990; Tinker 1990; Sachs 1991; Crush 1995; Escobar 1995; Cowen & Shenton 1996 and Pieterse 2001.

therefore, are not simply expressions of human-environment interactions, but manifestations of inter-personal and institutional relations. As defined by the United Nations Food and Agriculture Organization (UNFAO), land tenure:

...is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land... Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints (UNFAO 2002: 7).

Land tenure systems are social conventions that provide legitimacy for individuals, groups and institutions to occupy and use resources (Delville 1999; Deininger 2003). Tenure regimes are not static entities, but social contracts that implicitly or explicitly express “political choices and the distribution of power between the state, its citizens and local systems of authority” (International Institute for the Environment and Development, IIED 2006: 3). As a result, understanding land tenure is fundamental to conceptualizing the power dynamics that characterize resource flows and relationships between individuals, institutions and states (Cousins & Hornby 2006).

Section 2.1.1.1 – Land tenure and conflict

Given that land exists as an essential form of natural capital and livelihood asset, it emerges as a principle component of post-conflict development.² Specifically, land is essential to establishing and maintaining the security and stability needed to move forward with development agendas following small and large-scale conflicts (Holbrooke 1999; Andersson 2004; Unruh 2006). If land and property are not managed following war, competing or conflicting interests and rights can create significant obstacles to stability and development. Specifically, individuals and groups often take land management into their own hands and protect their interests against those of the state or other social groups (Unruh 2003; Andersson 2004). Although land is an important

² While there has been extensive debate on defining and delineating post-conflict and post-war situations, the formal deconstruction of these terms is beyond the scope of this project. As such, throughout this work I understand ‘post-conflict and post-war’ as those situations where “there is an absence of war, but not necessarily real peace” (Brahimi 2007: 3). Furthermore, I understand ‘the absence of real peace’ as those situations characterized by real and/or perceived threats to individual and state security, as well as the legacies of conflict lived through severe imbalances of power, a lack of institutional capacity and large populations of displaced people.

variable in maintaining stability, this work rejects the deterministic approach that characterizes much of the literature on environmental security (Westing 1989; Homer-Dixon 1994; Ohlsson 1999; Barnett 2001; Dalby 2002). Despite its importance to food security, agricultural production and economic growth, land scarcity is never a sole or sufficient cause of conflict (Percival & Homer-Dixon 1996; Musahara 2002; Tiemessen 2005).

Section 2.1.2 – Land tenure regimes

Having introduced the importance of land to development, in this section I present the concept of tenure, and the provision of tenure security through formal and informal management institutions. Land tenure systems are social institutions that evolve to provide security of use and occupancy to land owners and users. At its simplest level, tenure security “allows a person’s recognized rights to be protected against the acts of others,” and can be provided by either informal or formal institutions (UNFAO 2002: 13). Although these labels do not necessarily refer to particular tenure regimes, over the last sixty years they have become inherently associated with specific property managements systems. Formal regimes are largely seen as individualized private property rights that are recorded and guaranteed by the state. Conversely, informal regimes are often understood (and mislabelled) as all those that exist outside of statutory law, and are therefore ‘customary,’ ‘traditional’ or ‘extra-legal.’

Section 2.1.2.1 – Private property

The concept of formal land rights rooted in statutory law has become inseparable from individually held private property. Land title registration quickly emerged as the dominant form of protecting land rights in the West, where the authority of the state provides security against future conflicts (Deininger 2003). Privatization theorists argue that rights managed by the state ensure that individuals spend less time and money defending their claims, and provide a longer time horizon for increases in security and investment (Deininger 2003). This understanding of ‘security’ has solidified the relationship between formal law and private property, and is known as the ‘property-rights school’ of land tenure theory. The property-rights school assumes that land is essential to investment and economic growth, that private property provides the cheapest

and most efficient form of land management, and that private property increases an individuals' (or institutions') opportunity and willingness to invest in land (Feder & Noronha 1987; Lund 2000). Others go so far as to argue that the lack of access to formal property rights exists as the main cause of poverty in the global south (De Soto 2000). Here, private property is seen to: fix the economic potential of assets, reduce uncertainty, protect transactions, provide access to credit, and increase incentives to invest in land (Feder & Noronha 1987; De Soto 2000; Toulmin & Quan 2000; Benjaminson et al. 2006). According to the property-rights school, privatization leads to greater efficiency, productivity and environmental protection. Furthermore, in this context 'tenure security' does not simply refer to protection from other claims, but has been expanded to include the ability of an occupant to make changes to land that would best suit his financial interests (Feder & Noronha 1987).

Section 2.1.2.2 – Informal land rights

The second concept that has dominated tenure theory is the concept of informal land management institutions. Often referred to as 'customary,' 'traditional,' or 'extra-legal,' informal tenure regimes emerged through their inherent relationship with and existence 'outside' of statutory law. As the colonial powers applied the Western model of private property throughout Africa, the concept of 'customary' land tenure coalesced through an incomplete understanding of the systems colonial administrators encountered and interpreted as pre-colonial and communal (Feder & Noronha 1987). Further research into land tenure in colonial and post-colonial Africa, however, led to a more nuanced understanding of 'custom' as flexible systems that express socially embedded norms, cultural traditions and institutions (IIED 2006).

Although literature on land tenure theory was initially restricted to a polarized view of formal and informal rights, recent research has shifted towards a deconstruction of what is meant by 'custom.' Specifically, literature throughout the social sciences demonstrates that 'customary' and 'traditional' tenure systems do not represent pre-colonial institutions, but are social contracts that have been and continue to be produced through colonial and post-colonial encounters (Colson 1971; Mamdani 1996; Delville 1999; Peters 2004; Pottier 2005). Although multiple forms of tenure did exist in pre-

colonial Africa, all tenure systems, including those of the colonial era, are produced through the private-public dialectic rather than separated from it (Berry 2002; Spear 2003; Kuba & Lentz 2006). Initial understandings of customary tenure were filtered through local land administrators and chiefs who often exaggerated their powers, before being translated into a Western administrative court system that was not equipped to deal with such complex overlapping rights (Delville 1999; Pottier 2005). The construction of 'custom' is not limited to the colonial experience, but has been continually re-interpreted to fit evolving socio-economic, political and cultural environments (Delville 1999). This has resulted in an understanding of informal rights as flexible, complex products of state-society relations and socio-economic development.

Given a more nuanced understanding of customary tenure, I note three important issues. First, the terms 'customary,' 'traditional,' 'informal' and 'extra-legal' are problematic. These regimes are neither customary nor traditional (Cousins & Hornby 2006), and the term 'extra-legal' necessarily implies the need to incorporate these systems into statutory law. As a result, I refer to this sub-set of tenure regimes as 'informal,' despite the fact that they are often highly formalized. Second, literature on the flexibility of informal tenure systems is often characterized by essentialized conceptions of marginalized populations and the ability of small acts to outmanoeuvre states (Peters 2004; Pottier 2005). Any understanding of informal processes, therefore, must avoid the temptation to idealize social relations, and acknowledge that while often flexible, such rights can be restrictive and exclusionary (Peters 2004; Cotula & Toulmin 2007). Finally, research into the relationship between tenure regimes demonstrates that the informal-formal divide is rooted in a false binary between existing institutions and their supporting social norms (Migot-Adholla et. al. 1991; Cousins & Hornby 2006). Rather than locating institutions within one of two opposing camps, I understand land management systems as a continuum of rights along which specific situations can be placed based according to whether they are moving towards more or less formality (Cousins & Hornby 2006).

Section 2.1.2.3 – Critique of property-rights school

Where the property-rights school understands informal tenure systems as inferior to private rights, recent literature has demonstrated that individually held and registered

plots do not necessarily increase security. Rather, privatization often reduces security and exacerbates conflict by ignoring multiple and overlapping rights (Coldham 1978; Haugerud 1989; Atwood 1990; Shipton & Goheen 1992; Peters 2004; Benjaminson et al. 2006). First, land titling is expensive, and the inflexible nature of statutory law has proven a poor fit with local contexts (Delville 1999; Toulmin & Quan 2000; IIED 2006). The inherent simplifications necessary to individualize and register land exclude secondary rights, and as a result are largely inaccessible to poor groups (Delville 1999; Toulmin & Quan 2000). Second, very little evidence exists to support the assumption that marginalized populations are able to gain access to credit by using land as collateral (Migot-Adholla et. al. 1991; Peters 2004; IIED 2006). Parcels are often too small to legitimate effective lending, and poor farmers consider the risk of losing land to be too great (IIED 2006). Finally, a significant amount of data on land and agricultural output in Africa fail to support the conclusion that informal laws necessarily restrict access rights, inhibit the transfer of land, and reduce the scale and efficiency of production (Migot-Adholla et. al. 1991).

Section 2.1.4.2 – Evolutionary theory of land rights

Continued critiques of the property-rights school and a more nuanced understanding of informal tenure regimes have led a number of authors to focus on the evolution of individual rights within informal property systems (North 1990; Migot-Adholla et al. 1991; Platteau 1996; Sjaastad & Bromley 1996). These ‘evolutionary rights theorists’ argue that increases in population pressure and market globalization lead to the large-scale individualization of land rights (Migot-Adholla et al. 1991; Sjaastad & Bromley 1996). While this idea is not new to tenure theory (see Hill 1963; Morgan 1969 & Jones 1980) it has gained significant attention given the continued failure of large-scale registration and individualization in Africa. According to Cousins & Hornby (2006), evolutionary land tenure theory assumes that all institutions adapt to be as economically efficient as possible, and that adaptations to property management systems always result in those with the lowest transaction costs. Evolutionary land rights theory, therefore, relies on the flexibility of informal tenure regimes, but remains rooted in the assumption that individually held private property is the climax stage in the evolution of

tenure systems. This argument led the neo-classical and institutional theorists of the 1970s, 1980s and 1990s to agree that emerging informal markets in land should be encouraged to evolve (North 1990; Ostrom 1990; Berry 1993; Platteau 1996). Greater focus on the evolving nature of tenure institutions also prompted a number of authors to argue that land rights do not evolve in a single direction, whereby informal institutions necessarily become more formal. Rather, co-evolutionary theorists (Bruce & Migot-Adholla 1994) argue that as interdependent institutions, both formal and informal tenure regimes necessarily adapt to each other and evolve towards new institutional relations. This dialectic relationship between norms and the institutions of which they are a part highlights the need to focus on the process of tenure reform rather than simply the end goals.

Section 2.1.2.5 – Registering informal land rights

In addition to the evolutionary theory of land rights, a number of authors focus on the possibility and process of formalizing informal land rights (Delville 1999; Chauveau 2003; Benjaminson et al. 2006; IIED 2006). Given the general failure of the property-rights school to transform land tenure institutions in Africa, a significant amount of research has emerged that focuses on the process of registering the multiplicity of rights held at the local level. Here, the goal is to transcribe and legitimate informal rights into statutory – mainly national – institutional frameworks (Delville 1999; Chauveau 2003). While this demonstrates a significant shift away from the property-rights school, the very process of solidifying informal systems restricts their application and relevance to local contexts. Specifically, registration requires that all rights be mapped and externalized through ratification by a third party. This process necessarily simplifies, legalizes (within statutory law) and constricts informal systems (Chauveau 2003; Benjaminson et al. 2006). Second, the formalization of informal rights is based on the assumption that these institutions are already trending towards greater formality, that the products of tenure security can be separated from the process, that systems of security can be externalized without being co-opted, and that overlapping rights can be transcribed (Chauveau 2003). These shortcomings aside, registering informal land rights is seen by many as an important, if not unavoidable, step in the evolution of tenure theory. As Cotula and

Toulmin (2007) conclude, the true question regarding land tenure is not if governments should intervene, but when.

Section 2.1.3 – Land and development conclusion

This first section of my conceptual framework has provided a review and critique of literature on land tenure theory in Africa. First, as I move forward with my analysis, I adopt Delville's conclusion that tenure systems cannot be considered in isolation (Delville 1999). Rather, as tenure regimes emerge to meet a social need, policies must be context specific and developed according to local power dynamics, as well as social, cultural and political factors (Delville 1999). Second, I understand the process of gaining title to land (whether through formal or informal systems) as necessarily rooted in unequal power relations characterized by distinct winners and losers (Peters 2004). Third, given the failure of the property rights school to realize large-scale change in Africa, and the challenges of registering informal rights, I agree with Cotula and Toulmin (2007) that when studying informal-formal relationships we need to avoid a one-size-fits-all approach to policy. Fourth, I emphasize that the nature of property rights and the importance of land are constantly changing along with our understanding of development. As I move forward with this research, therefore, I understand land management as essential to maintaining and improving livelihoods. From this perspective we must acknowledge tenure systems as expressions of power, culture, and unique socio-economic contexts that result in multiple overlapping narrative frameworks.

Section 2.2 – LEGAL PLURALISM

The reality of land tenure systems as social entities has led to a greater understanding of the normative frameworks that characterize state-society and interpersonal relations. Given this context, in the second section of this chapter I provide an overview of critical literature on legal pluralism, and focus on how laws evolve and interact across social space.

Section 2.2.1 – Juristic legal pluralism

Initial understandings of legal pluralism emerged as a direct result of the European colonial experience in Africa. The Western understanding of statutory law (as a

single unified body of norms controlled by the state) imposed on African societies created a hierarchical system where different laws were applied for different people (Griffiths 1986; Merry 1998; Unruh 2003). In this context, the concept of legal pluralism emerged in reference to the different bodies of law that existed for specific sub-groups within a society (Hooker 1975; Griffiths 1986; Unruh 2003). I refer to this understanding of legal pluralism as ‘juristic,’ as multiple normative orders exist, but are situated within a clearly delineated hierarchy. In a state of juristic legal pluralism, ‘customary’ or ‘traditional’ laws are allowed to supplant statutory law, but only under special circumstances pre-determined by the state (Hooker 1975; Griffiths 1986).

Section 2.2.2 – Descriptive legal pluralism

Further research into the multiple normative orders that characterized the colonial and post-colonial eras demonstrates that a juristic understanding of legal pluralism fails to acknowledge the inherent complexity of all legal systems (Moore 1973; Galanter 1981; Griffiths 1986; Merry 1988; Unruh 2003). According to Griffiths (1986), this ‘weak’ understanding of pluralism cannot be separated from legal centralism, as multiple normative orders exist, but only in relation to the power and dominance of statutory law (Griffiths 1986; Unruh 2003). What I label as ‘descriptive’ legal pluralism emerges out of this realization, and from deconstructing the formation and expression of normative orders within plural social structures. Descriptive legal pluralism transcends a binary understanding of law, and emerges as an attribute of social fields rather than specific legal frameworks (Smith 1969; Gillissen 1971; Pospisil 1971; Hooker 1975; Galanter 1981). The development and application of law, therefore, exists as an amalgamation of constructed and constantly evolving norms that interact across social space (Fitzpatrick 2005). Each sub-group within a society has a normative framework that is continually evolving and necessarily different from those of others (Pospisil 1971). Descriptive legal pluralism is congruent with social organization and results in a situation where all societies are necessarily plural (Moore 1973; Griffiths 1986; Unruh 2003). What is essential, therefore, is not the existence of legal pluralism, but the ability to understand the interactions between normative orders; to understand how multiple, overlapping laws are constructed in relation to a plurality of social forms (Fitzpatrick 2005).

Section 2.2.3 – The semi-autonomous social field

Where all laws and societies are inherently plural, the study of legal pluralism shifts from recognizing the existence of multiple normative orders to determining how they overlap, interact and evolve in relation to one another. While a number of authors outline the social construction of legal norms (Pospisil 1971; Smith 1974), if all institutions and sub-groups are necessarily plural, the scale at which we analyze the evolution and interaction of norms is of central importance. Given the significance of scale, my research understands legal pluralism according to Sally Falk Moore's theory of the 'semiautonomous social field' (Moore 1973; Merry 1988). Moore begins her analysis by avoiding a pre-determined conception of law, and focuses on the scale of analysis at which different norms exist. These units are the semi-autonomous social fields, which generate rules, customs and symbols internally, but remain vulnerable to norms and decisions from the larger world of which they are a part (Moore 1973). Studying specific fields in terms of their semi-autonomy, therefore, emerges as a tool to determine what laws are in place at a given location and moment in time (Moore 1973; Griffiths 1986, Merry 1988; Unruh 2003).

Section 2.2.4 – Legal pluralism conclusion

The second section of this conceptual framework has provided an introduction to legal pluralism. As I move forward with my analysis, I understand legal pluralism as inseparable from social pluralism and the unequal power relations that characterize interactions between the normative orders of different groups and institutions. Specifically, I understand law as a socially constructed and plural entity. From this perspective, legal research shifts from an essentialist understanding of law to one that is contextually specific and focused exclusively on relationships between overlapping systems. I also add a more explicit conception of power to Moore's semi autonomous social fields as units of analysis. Specifically, I employ Foucault's understanding of power as dispersed through formal and informal means of control that result in innumerable points of contact and confrontation between actors and institutions (Foucault 1977 & 1979; Townley 1993; Blomley 1994). As power is produced and transferred through strategic relations, it adds an important lens to understanding why specific laws

are in place at a given location and point in time (Foucault 1977 & 1979; Blomley 1994). Finally, by combining the scale-based analysis of semi-autonomous social fields with this approach to power, I employ Fitzpatrick's concept of integral plurality. According to Fitzpatrick (2005) the study of law is concerned not only with domination, discipline and the power-knowledge dialectic, but more so is inherently constitutive of social life.

Section 2.3 – LAW AND DEVELOPMENT

Having established an understanding of law as socially constructed and necessarily plural, this next section provides an introduction to literature on law and development. As a unique field of study, I understand law and development as emerging through the intersection of research on economics, development and legal theory (See Figure 2.1). Law and development as a field of inquiry, therefore, is constantly changing along with research and policy priorities within each of these three interdependent spheres. Given this understanding, the study of law and development cannot be reduced to a single definition or relationship between component parts, but must be traced alongside respective ontologies and overlapping theories.

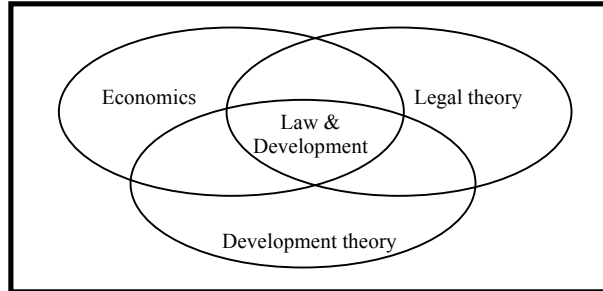


Figure 2.1

Section 2.3.1 – Law and Modernization Theory

While laws have been transplanted throughout the global south for centuries, the study of law within the expressed context of 'third-world development' did not emerge until the late 1950s (Trubek & Galanter 1974; Chua 1998; Trubek & Santos 2006). In the context of the cold war, 'development' was dominated by modernization theory and the belief that the West possessed the means, experience and knowledge necessary for economic, political and social growth (Burg 1977; Chua 1998). Here, the goal of development was to establish a modern industrial economy where macro-economic

growth, industrialization and import substitution were assumed to produce social and political institutions similar to those in the West (Nyhart 1964; Seidman 1966; Burg 1977; Apter 1987; Bilder & Tamanaha 1995; Trubek & Santos 2006)³. In this context, law emerged as an existing and exportable tool to create the conditions necessary for growth by establishing the formal structure needed for macro-economic reform (Nyhart 1964; Trubek & Santos 2006; Davis & Trebilcock 2008). As outlined in by the Harvard International Legal Studies Report in 1961,

...there is general awareness of the world-wide importance of the rapid and orderly economic development of the newly changing societies in Latin America, Asia and Africa... On the record, there are good reasons to anticipate that the contribution of the legal profession can be of major importance, since a legal framework will be essential to the task, and its execution will involve legal processes (Harvard Law School, Report of the Director, 1954 – 1961: 3).

The main assumption of this legal instrumentalism, is that Western law provides an effective tool for large-scale social engineering, where laws can increase human welfare by modifying the political and economic behaviours of individuals and institutions (Merriall 1966; Massell 1968; Proehl & Richardson 1970; Seidman 1972; Meagher & Smith 1974).

Section 2.3.2 – Landmark critique

While early law and development literature focused on transplanting Western public law and legal institutions into developing countries, the impact of these changes were undermined by the lack of overlap between law on the books and law in practice (Burg 1977; Davis & Trebilcock 2008). Labelled as the ‘problem of the gap,’ the first era of law and development was characterized by extensive legislation but very little change (Davis & Trebilcock 2008). While a number of authors focused on closing the gap through greater enforcement and communication of the legislative changes driving reforms, in 1974 David Trubek and Marc Galanter, two prominent law and development scholars, published a landmark critique on what they termed the ‘crisis’ of law and development literature. Trubek and Galanter (1974) argue that the relevance of legal

³ For further readings on modernization theory see Rostow 1960; Black 1966; Tipps 1973; Apter 1987 and Huntington 1986.

instrumentalism to development is undermined by its reliance on conservative Western legal theory and the ethnocentric, naïve paradigm of liberal legalism. Trubek and Galanter define liberal legalism as a series of four assumptions that characterize Western conceptions of law. First, liberal legalism assumes that the state exists as the primary and ultimate location of power over individuals, while at the same time is always created through individual and group participation (Trubek & Galanter 1974). Second, liberal legalism assumes that laws are created by individuals and groups, where all actors are equally situated to secure what is best for their interests (Trubek & Galanter 1974). Third, liberal legalism assumes that laws are designed to achieve social principles that are equally enforced throughout all groups, and finally, that the behaviour of social actors tends to conform to statutory law (Trubek & Galanter 1974). Having outlined their understanding of liberal legalism, the authors then problematize these assumptions by questioning whether law exists as a truly independent and manipulable aspect of society, whether it can be separated from the interests of legislators and policymakers, and whether law remains relevant where courts are not the primary location of social control (Trubek & Galanter 1974; Davis & Trebilcock 2008).

Transcending the question of the gap, Trubek and Galanter (1974) not only demonstrate that law may be irrelevant (or harmful) to development, but also that Western conceptions of law as ‘neutral’ are inherently flawed. Rather, independent of context and geographic location, state-based statutory laws are socially constructed entities dominated by elite groups (Burg 1977; Chua 1998).

Section 2.3.3 – Law and neo-liberalism

While Trubek and Galanter demonstrate the major assumptions that characterize legal instrumentalism as a tool of development, the field of law and development quickly transitioned from a focus on modernization theory to a neo-liberal understanding of development. During the 1980s international development theory remained dominated by economics, but the main focus shifted from public investment to market liberalization (Trubek & Santos 2006).⁴ This transition was characterized by a shift from public to private laws that attempted to protect private property and reduce state-based market

⁴ For more on neo-liberal theory see Bauer 1984, Colclough 1992 and Ferguson 2006.

protection in order to ‘get prices right,’ and facilitate efficient exchange between actors (Summers & Pritchett 1993; Dam 2006). While neo-liberal theory dominated the policies of major financial lenders, it often had devastating consequences on developing economies. As a result, by the mid 1990s development theory – and therefore law and development – began to transition away from pure market-based neo-liberalism to a greater understanding of the social goals of development.

Section 2.2.4 – A critical practice of law and development

As neo-liberal policies failed to initiate macro-economic growth, critics began to assert that an exclusive focus on economic development, transplanting legal norms, and obstructing local management systems undermines development. These critiques of neo-liberalism led to an understanding of development that recognized the limits of markets, and the fact that state intervention is often a critical addition to market liberalization (Trubek & Santos 2006). This realization marked a notable shift in development theory away from an exclusive focus on economic growth to a more holistic understanding of social development, context and localization (Brohman 1995). An instrumentalist view of law and development remained essential, but was joined by the realization that, independent of their ability to generate economic growth, legal institutions were necessary components of development (Trubek & Galanter 1974). Despite these changes, literature and policies in the field of law and development remain dominated by instrumentalism, legal formalism, and the neo-liberal assumption that private law creates a level playing field for divergent socio-economic, political and ethnic interests.

With the realization that statutory law is necessarily power laden, literature on law and development began to incorporate research on the way informal systems regulate the interactions between individuals and institutions (Ellickson 1991; Bernstein 1992). Here, critics of legal formalism argue that statutory law necessarily co-opts and pacifies social movements that are forced to participate in a state’s legal system (Sparke 2005; Lobel 2006). Co-optation analysis demonstrates that actively engaging with a formal legal system forces groups to reform their narratives to fit within the statutory framework chosen by the state. Engaging with the statutory legal system necessarily narrows their

platform and restricts available strategies for resistance (Simon 2004; Lobel 2006). As demonstrated by Lobel:

...the turn to the law actually reinforces existing institutions and ideologies. As they engage with the law, social reform groups become absorbed by the system even as they struggle against it (Lobel 2006: 939).

Co-optation analysis has led a number of authors to conclude that the only way to challenge state law is to ‘opt out’ of the current system and re-construct a new social sphere independent of market and state domination (Lobel 2006). However, Lobel notes that the very idea of ‘opting out’ of a formal legal system reinforces the false binary of plural social spheres (Lobel 2006). The more appropriate approach to avoiding cooptation, therefore, is a concerted shift towards legal pluralism where not all laws can be reduced to the uni-directional relationship between the state and the individual (Lobel 2006).

Section 2.2.5 – Law and development conclusion

Building on an understanding of law as socially constructed and necessarily plural, this section provides an overview and critique of literature on law and development. First, for this project I avoid restricting the relationship between law and development, and agree with Freidman (1969) that a narrow definition of law and social control necessarily limits findings on the role of law in the context of development. As such, I understand the field of law and development as an intersection of economics and law, as well as development theory and practice, and focus on how these components evolve in relation to each other. Second, a review of the literature on law and development demonstrates that despite extensive critical research – indeed because of it – the field remains characterized by a severe lack of consensus (Burg 1977; Adelman & Paliwala 1993). While policy work and large development projects are still dominated by an instrumentalist conception of law, the literature remains characterized by competing claims that often combine instrumentalist and non-instrumentalist theories (Burg 1977). Third, this work strives to avoid the assumptions of liberal legalism outlined by Trubek and Galanter (1974), and expands on a formal understanding of law to include informal norms and institutions. Finally, I proceed from the understanding that law cannot be

separated from power, which – as outlined above – is a decentralized and productive entity (Foucault 1977 & 1979). As such, the relationship between law and development cannot be confined to the hierarchically imposed power of the state over individuals, but is characterized by a dialectical and productive relationship of power, knowledge and resistance. Throughout this work, therefore, I approach law and development through Meagher and Smith's (1974) suggestion of working from specific to general, understood here as shifting from an exclusive focus on formalism to greater emphasis on context and informalism.

Section 2.4 – AGRICULTURE AND DEVELOPMENT

Similar to land and land tenure theory, the role of agriculture has moved up and down the ladder of development priorities over the past sixty years. While the literature focuses almost exclusively on the role of agriculture in economic growth and poverty reduction, agriculture is intrinsic to African development given its centrality to local, national and regional economies. Agriculture accounts for sixty percent of Africa's total labour force and forty percent of the continent's annual hard currency earnings (New Partnership for Africa's Development, NEPAD 2003). Yet, despite the dominance of the agricultural sector, rural areas remain extremely poor and the number of chronically undernourished people continues to increase (NEPAD 2003). Given this context, the final section of my conceptual framework draws out four key aspects from agriculture and development literature that form the basis of my study.

Section 2.4.1 – Agriculture and modernization theory

While the early 1950's marked the initial emergence of large-scale government intervention in the global south, the predominance of modernization theory precluded the possibility of large-scale financial support for the agricultural sector. The contribution of agriculture to 'development' – understood here as macro-economic growth – was undermined by the central tenet of modernization theory: that economic growth requires the systematic re-allocation of productive factors from the primary sector to a modern industrial sector (Lewis 1954; Adelman 2001; Diao et. al. 2006). Viewed through the lens of modernization theory, agriculture in Africa was inherently inefficient given high labour requirements and relatively low per-capita production. (Diao et. al. 2006). This

‘inefficiency’ was combined with the predominant growth model of modernization theory, which understood agriculture as not having strong backward or forward production linkages (Hirschman 1958; Delgado et. al. 1998). As a result, agriculture was seen to only passively contribute to development, as macro-economic change required a transfer of human capital from the primary sector to industry (Adelman 2001; Diao et. al. 2006). The transfer of labour to non-agricultural sectors (growth poles) would result in stronger production linkages to the overall economy and higher multiplier effects (Hirschman 1958; Hazell & Röell 1983; Diao et. al. 2006). Finally, the role of agricultural production in modernization theory was undermined by the belief that agricultural exports were highly elastic, and that demand for manufactured goods from developing countries would grow much faster than demand for agricultural commodities (Prebisch 1959; Diao et. al. 2006).

Section 2.4.2 – The agriculture-led growth model

The passive understanding of the relationship between agriculture and macro-economic growth began to change in the late 1960s (Diao et. al. 2006). While modernization theory focused on growth through production linkages and multiplier effects, Johnston and Mellor (1961) demonstrate that agriculture has a significant effect on consumption linkages. Specifically, a rise in agricultural production increases incomes, which in turn leads to a greater demand for goods and services at the local level (Johnston & Mellor 1961; Delgado et. al. 1998). Rather than focusing on the direct link between agricultural production and economic growth, Johnston and Mellor demonstrate that agriculture creates supply side growth and second round linkages within the sector itself (Delgado et. al. 1998). In a case study of India, Mellor and Adelman (1966) support this conclusion by demonstrating that although links from agriculture are relatively weak (i.e. have little effect outside the purchase of agricultural goods) the consumption linkages from agricultural production stimulates rural economies and produces linkages and multiplier effects to other sectors (Mellor & Adelman 1966; Mellor 1976; Bell & Hazell 1980; Delgado et. al. 1998; IFPRI 2002). This recognition of the growth potentials of rural areas led to a concerted shift in development theory, and agricultural production emerged as a key determinant of economic growth (Bell & Hazell 1980; Delgado et. al.

1998). Literature on economic theory, linkages and development policies quickly led to the creation of the ‘agriculture-led growth model,’ which positioned the sector as the primary driver of economic growth and development (Singer 1979). The main assumption of this model is that greater agricultural production increases consumption within the sector. Increasing consumption results in greater monetization and mechanization as agriculture shifts from ‘traditional’ to ‘modern’ methods of production that require less time and labour to meet subsistence (Eswaran & Kotwal 1985; Diao et. al. 2006). Agricultural growth, therefore, simultaneously contributes to increases in production and consumption linkages, while the newly released labour contributes to industrialization (Diao et. al. 2006). The emergence of the agriculture-led growth model, therefore, represents a concerted shift in development thinking away from modernization theory to the idea that economic growth depends on initial state intervention in agriculture as an engine of growth. This model was tested throughout South and South East Asia, where large-scale intervention in agriculture and technology resulted in the Green Revolution. Often referred to as the ‘East Asian miracle,’ state intervention in agriculture, as well as improvements in technology and infrastructure dramatically increased crop yields and stimulated macro-economic reform (Griffin 1974; Conway & Simmonds 1997; Hazell et. al. 2001; Evenson & Gollin 2003). Despite the success of the agriculture-led growth model in this context, large-scale mechanization, economies of scale, high-yield seed varieties and state intervention have failed to create or sustain significant economic growth throughout the African continent.

Section 2.4.3 – Current thinking on agriculture and development

The continued failure to realize a Green Revolution for Africa and the rise of neo-liberal theory in the 1980s led a number of authors to conclude that the large-scale state-support of agriculture is ineffective (Diao et. al. 2006). The neo-liberal shift in development theory from public to private investment, however, did not alter the dominance of the agriculture-led growth model in Africa. Rather, in the context of structural adjustment policies, large-scale state support for agriculture was seen to inhibit growth, restrict markets and result in imperfectly tradable goods (World Bank 2008).

While the agriculture-led growth model continues to dominate the policy agendas of the International Financial Institutions and majority of African governments, the model has evolved to embrace a more holistic view of development that transcends macro-economic growth. Specifically, the agriculture-led growth model has expanded beyond its initial focus on higher yields and economies of scale to include the goals of increasing food security, decreasing poverty, and protecting the environment (Eswaran & Kotwal 1985; NEPAD 2003; Diao et. al. 2006; World Bank 2008). Although the main focus remains on the ability of agriculture to stimulate macro-economic growth, recent research highlights the link between nutrition and economic reform (see Bliss & Stern 1978; Strauss 1986; Williamson 1993), where food crises undermine economic stability and reduce the effects of investment (Diao et. al. 2006).⁵

Section 2.4.4 – Critique of the agriculture-led growth model

Although the agriculture-led growth model has dominated African development policies for the last forty years, the overall lack of results and continual rise in the number of poor and undernourished has led to significant critiques. Two of these critiques are especially relevant to this study.

Section 2.4.4.1 – Contextual factors

First, the economic and contextual factors that supported the Green Revolution in Asia are no longer relevant to Africa or current thinking about development. The real market prices of agricultural commodities have halved since the 1980s, which has significantly undermined the profitability of agriculture (Diao et. al. 2006). Furthermore, domestic markets for food in Africa are often very limited, as a single good harvest can dramatically reduce the prices and incentives for production (Bahiigwa, Mdoe & Ellis 2005). While the Green Revolution relied on large-scale state intervention (i.e. price floors, subsidies and protectionism), this model was dismantled by neo-liberalism and the structural adjustment policies of the 1980s and 1990s (Bahiigwa, Mdoe & Ellis 2005). Growing population pressure has led to significant natural resource degradation and general declines in production (Diao et. al. 2006). Finally, regional and international markets for agricultural goods have changed dramatically due to globalization and the

⁵ For more on this see Barro & Sala-i-Martin 1995; Dawe 1996 and Timmer 1996.

significant increase in cheaply produced goods and services, including food products (Bahiigwa, Mdoe & Ellis 2005; Diao et. al. 2006).

Section 2.4.4.2 – Livelihoods theory

Second, a significant number of researchers problematize the assumption that increases in yields are the initial driver of macro-economic change. Specifically, research into ‘livelihoods theory,’ by authors such as Ashley & Maxwell (2001) and Ellis & Harris (2004) demonstrates that the relationship between agricultural growth, poverty reduction, and macro-economic reform is often more complicated than the linkages and secondary multiplier effects proposed in the agriculture-led growth model (Bahiigwa, Mdoe & Ellis 2005; Diao et. al. 2006). Research on livelihoods theory in Africa demonstrates that increases in crop yields and food security, as well as decreases in poverty, are often results of non-farm activities rather than on-farm production (Ellis 1998; Ellis & Freeman 2004; Bahiigwa, Mdoe & Ellis 2005). While the end result is still increased yields and second round linkages, the livelihoods literature questions where initial investments should be made. Although this is not a new finding (see Evans & Ngau 1991 and Tiffen et al. 1994), research on livelihoods theory in Africa has led to the conclusion that initial growth in agricultural yields is stimulated through the complex and evolving strategies that individuals and families adopt across sectors (Bahiigwa, Mdoe & Ellis 2005). Based on this conclusion, a number of authors argue that economic growth and poverty reduction should occur by building on those areas in a national economy where growth is actually occurring (Bahiigwa, Mdoe & Ellis 2005). Specifically, the focus should be on increasing mobility to growth centres rather than supporting the areas that are stagnating or in decline (Ellis & Harris 2004; Bahiigwa, Mdoe & Ellis 2005).

Section 2.4.5 – Agriculture and development conclusion

In this final section of my conceptual framework I have engaged with literature that links agricultural production to different theories and understandings of development. First, I demonstrated how agricultural production was overlooked by modernization theory and the exclusive focus on releasing labour for industrial production. Second, I outlined how further research into production and consumption linkages situated agricultural growth as the initial driver of large-scale macro-economic

reform. Third, I described how despite the success of the Green Revolution in Asia, the agriculture-led growth model has failed to create changes to production and poverty throughout the African continent. Fourth, I demonstrated that despite this inability to realize change, development policies and programs across Africa remain dominated by the agriculture-led growth model, which has expanded alongside development theory to include social goals such as the provision of food security, poverty reduction and environmental protection. Finally, I concluded with a critique of the agriculture-led growth model by outlining the influence of globalization and neo-liberalism, and that increased yields often occur through diversification strategies away from agriculture. Based on this overview, my research progresses from the realization that differences in cultural heritage, climate and biophysical geographies preclude any attempts to standardize the role of agriculture in development programs across countries and continents. This being acknowledged, agriculture continues to dominate national outputs and employs the overwhelming majority of labour in Africa. The size and scope of the agricultural sector, therefore, secures its presence within our understanding of African development. As such, I agree with the African Union and NEPAD's conclusion that agriculture, more than any other sector, has the capacity to uplift the African economy (NEPAD 2003). However, I qualify this conclusion by stating that an understanding of the role of the agricultural sector in development transcends the assumed link between increased production and economic growth. I also conclude that given the overwhelming reliance on agriculture throughout the African continent, large-scale reform also risks undermining economic growth, reducing food security and exacerbating extreme poverty.

Section 2.5 – MOVING FORWARD

Throughout this conceptual framework I have provided an overview and critique of land tenure theory (section 2.1), legal pluralism (section 2.2), law and development (section 2.3) and agriculture and development (section 2.4). My main goal was to provide an introductory foundation to the bodies of work that support and contextualize my thesis project. Specifically, I strive to demonstrate how the theories presented are inherently tied to constantly changing conceptions of the goals and methods of development. Figure 2.2 summarizes the results of my conceptual framework and helps to situate this chapter

within my thesis project as a whole. Furthermore, as we move into the following chapters, it is important to remember that this theoretical foundation is not a static entity, but informs my research methods and data analysis while contextualizing the results and application of this study.

Summary of the Conceptual Framework			
From Land & Development	From Legal Pluralism	From Law & Development	From Agriculture & Development
<ul style="list-style-type: none"> - Tenure regimes are social manifestations of inter-personal and institutional relations - Tenure regimes are socially constructed and dynamic - Land is essential to security and stability in post-conflict environments - Land scarcity is never a sole or sufficient cause of conflict 	<ul style="list-style-type: none"> - Legal pluralism cannot be separated from social pluralism and unequal power relations - Power is dispersed through formal and informal means of control that result in countless points of contact - As all laws are socially constructed, all laws are plural 	<ul style="list-style-type: none"> - Law and development is constantly changing alongside the research and policy priorities within its constituent fields - Law cannot be separated from power. Power is a decentralized and productive entity - The relationship between law and development is a dialectical and productive relationship of power, knowledge and resistance 	<ul style="list-style-type: none"> - Agriculture is essential to economic growth throughout the African continent - Differences in culture, markets and biophysical geographies preclude attempts at standardizing agricultural growth strategies - Agriculture has the capacity to uplift African economies, but this role transcends the link between increased production and economic growth

(Figure 2.2)

CHAPTER 3 – RESEARCH METHODS

In this chapter I introduce the research design and fieldwork components of this project, and situate my thesis within the unique socio-political, economic and gendered environments of post-genocide Rwanda. I arrived in Rwanda in June 2009 to conduct three months of fieldwork and answer the previously stated research questions (section 1.2). To this end, I met with rural subsistent farmers, landless peasants, land administrators, and international development consultants. At each site I employed a series of qualitative research techniques selected not only for their relevance, rigour, and flexibility (Berg 1989), but also their ability to locate participants (researcher, interpreters and informants) within the unique overlapping socio-political, economic, cultural and power narratives of post-genocide Rwanda.

Throughout the course of my fieldwork I collected data from five field sites (section 3.2). I employed a series of three qualitative research techniques including: individual interviews, community meetings and participant observations (section 3.3). Over the course of three months I interviewed a total of 108 individuals from four participant groups (section 3.4). After introducing the data collection process, in this chapter I describe how the data were analyzed (section 3.5), and situate the research preparation, data collection and analysis within the unique environment of post-conflict Rwanda (section 3.6). Finally, I provide a summary of how I accessed the field (section 3.7), and conclude with an overview of my positionality and the ethical considerations necessary throughout this project (section 3.8).

Section 3.1 – PHYSICAL GEOGRAPHY OF RWANDA

Located in the Great Lakes region of central Africa, Rwanda covers an area of 26,338 km² (2.6 million hectares), 58% of which lie above 1,500 meters sea level (Kangasniemi 1998; Gourou 2007). Known as *Le Pays des Mille Collines* (Land of a Thousand Hills), Rwanda is characterized by its unique physical geography. From the Virunga volcanoes in the Northwest, elevation, local relief and steepness of slope gradually decline towards the lowlands of the Southeast (Lewis, Clay & Dejaegher 1990; Kangasniemi 1998). Rwanda's physiognomy is characterized by a pre-Cambrian shelf where extensive erosion has caused harder rocks to surface and led to steep slopes

covered with thin fragile soils and intersected by deep valleys and marshy plains (Gourou 2007).

Rwanda's climate is tropical temperate, and altitude is the main determinant of differences in temperature between regions (Twagiramungu 2006; Gourou 2007). With little annual variation in temperature, seasons are defined by the amount – rather than length – of rain, which follows a bi-modal pattern.¹ The four seasons are:

- *Urugaryi*: the 'small' dry season from January to mid-March.
- *Itumba*: the 'big' rainy season from mid-March to mid-June.
- *Impeshyi*: the 'big' dry season from mid-June to mid-October
- *Umuhindo*: the 'small' rainy season from mid-October to the end of December (Byiringiro 1995; Kangsniemi 1998; Twagiramungu 2006; GoR 2006a; GoR 2007).



(Figure 3.1 Rolling hills, Musanze District, North Province. Source: M Pritchard 2009)

Seasonal variations in rainfall permit two main growing seasons that are intersected with short production periods aimed at reducing the severity of dry seasons. According to the Government of Rwanda's 2004 Draft Land Policy, season A runs from September to late January, season B from March to August, and periods C & D cover some of the months in between (GoR 2004). Given extensive variation in altitude, climate and soil types, a number of regional classification systems have emerged for Rwanda.² While these models note the significant differences in biophysical, climactic and cultural traditions

¹ The bi-modal rain pattern is a result of the *Inter-Tropical Convergence Zone (ITCZ)*, caused by the convergence of trade winds from the Northern and Southern hemispheres around the equator (Hastenrath & Lamb 1978; Barry & Chorley 1992). The ITCZ moves back and forth over land resulting in two rainy seasons.

² In 1975 Delpierre classified Rwanda into 12 regions according to agricultural potential (elevation, precipitation and soil type). This was later altered by Gasana (1992), who refined Delpierre's system at a much larger scale (smaller and more detailed regions) (Olson 1994). Conversely, in 1986 de la Masseliere et al. sub-divided Rwanda into a series of food-crop regions based on actual rather than potential production. This approach was later altered by Clay & Dejaegher (1987) who added the variable of regional cultural differences to the food-crop regions.

throughout the country, they depend on the priorities of researchers and policy makers, and as a result, are constantly changing. As such, in this work I employ the general classification system outlined by the GoR that divides the country into three main regions according to altitude, temperature and rainfall (see Figure 3.2). However, independent of the region, the physical geography of Rwanda is characterized by significant changes in altitude, soil and climactic conditions over very short distances (Lewis & Berry 1988; Nizeyimana & Bicki 1992; Steiner 1998).

(Figure 3.2 Regional classification of Rwanda. Source: Kangasniemi 1998; Twagiramungu 2006)

Region	Alternate Name	Geographic Location	Altitude	Average Temperature	Average Precipitation
Highlands	The Congo-Nile Divide	North-West	> 1900 m	15 – 17 °C	> 1 200 mm
Midlands	The Central Plateau	South-West and Central	1500 – 1900 m	17 – 20 °C	1 000 – 1 300 mm
Lowlands	Eastern Lowlands	East	< 1500 m	21°C	800 – 1 000 mm

The administrative zones of Rwanda are hierarchically organized into five provinces (*Intara*), districts (*Uturere*), sectors (*Imirenge*), cells (*Utugari*) and villages (*Imidugudu* – *Umudugudu* [*sing.*]).³

Section 3.2 – Field sites

For this project I conducted research in the capital city of Kigali, and at five field sites spread across the West, North and South provinces (see figures 3.3 and 3.4). At each

³ The current administrative regions of Rwanda were established by Organic Law #29/2005 of 31/12/2005 Determining the Administrative Boundaries of the Republic of Rwanda. Prior to 2005 Rwanda was organized into a series of 12 Prefectures named for their respective capitals (Prioul 1974; Grouss 1994).

location interviews were initiated at the sector level, and evolved to include different cells and Umudugudu as opportunities presented themselves. Respondents were selected according to criteria outlined in section 3.3.

(Figure 3.3 Field Sites. Source: GoR 2007; GoR 2007a; GoR 2007b)

District	Province	Area (km²)	Temperature (avg/yr)	Precipitation (avg/yr)	Altitude (metres)	Population Density per km²	Field sites (sector)
Nyabihu	West	512.5	15 ° C	1400 mm	1460 – 4507	541	Bigogwe
Musanze	North	530.4	20 ° C	1400 – 1800 mm	1900 – 2000	592.6	Rwaza
Rulindo	North	567	19 ° C	1243.3 mm	1400 – 2000	448	Rusiga
Bugesera	East	1 334	21 ° C	810 mm	1300 – 1667	2005	Ntarama & Nyamata

The field sites selected for this study are representative of national dependence on subsistence agriculture, as over ninety percent of the working population in each district is directly involved in food production (GoRa 2007; GoRb 2007; GoRc 2007). In addition to the predominance of agriculture, sites were selected to capture differences in biophysical geographies, population pressure, climate, farming techniques, distance from administrative centres and genocide experience. I accessed each location by private car or public bus from research bases in Musanze town, North province, and Kigali city, Kigali province.



(Figure 3.4 Map of Field Sites. Source M Pritchard 2010)

Section 3.3 – RESEARCH METHODS

Field research for this project drew on a series of interview and participant observation techniques. In this section I introduce the methods employed and demonstrate why these techniques were most relevant to collecting data for my thesis.

Section 3.3.1 – Informal semi-structured interviews

After arriving in the field, my first priority was to collect data from rural subsistence farmers. Initial focus on this participant group enabled me to compare data collected to those in the literature while gaining a better understanding of the dynamics ‘on the ground’ before meeting with land administrators. Although I arrived in Rwanda with a comprehensive set of interview questions (see Appendix A), I spent the first week revising questions, interview techniques and schedules with key informants. Having effectively re-evaluated my research questions and goals, I spent three days travelling throughout the country reviewing field sites and refining locations based on accessibility,

as well as variations in biophysical and social geographies. Finally, in an attempt to further refine the interview questions, sampling techniques and daily research schedule, I performed a two-day field trial in Kinigi sector, Musanze District.

When meeting with rural subsistence farmers and landless peasants (see section 3.3 for an overview of sampling) I performed a series of semi-structured interviews aimed at answering two main questions. First, how are informal land tenure systems organized and why are they structured in this way? Second, how are subsistence farmers and informal management regimes adjusting to the Organic Land Law? I selected semi-structured interviews to answer these questions as they are content focused (on themes determined relevant by the researcher), structured in a predetermined order, and allow a degree of flexibility in the way questions are presented and addressed (Dunn 2000; Kitchen & Tate 2000). Furthermore, as outlined by Bradshaw and Stratford (2000), understanding informants in complex cultural situations (as in Rwanda)

...usually requires semi-structured, in-depth interviewing or observational methods that, though time-consuming, often result in a deeper or more detailed appreciation of the complicated issues involved (Bradshaw & Stratford 2000: 72).

In addition to semi-structured interviews, when meeting with subsistence farmers and landless peasants I employed two forms of informal interviews. Here my goal was to gain personal accounts of specific events and divergent histories in order to further contextualize information gained through semi-structured interviews. Differing from semi-structured interviews, informal (conversational) interviews forego a formal structure to avoid restricting a respondent's answers to the categories provided by the researcher (Dunn 2000; Kitchen & Tate 2000). Often referred to as 'unstructured,' these situations avoid interview guides so that questions can emerge from the natural course of a conversation (Kitchen & Tate 2000). The two techniques I selected were oral histories and life histories. Although oral and life histories differ slightly in application, both strive to situate individual narratives within unique and overlapping social, political and economic environments (Borland 1991; Hatch & Wisniewski 1995; Thomson 2009). Specifically, oral histories focus on personal experiences at particular points in time, and allow the researcher to expand on official historical narratives by gaining alternative

perspectives of specific events (George & Stratford 2005). Oral histories are especially relevant when working with marginalized groups (such as rural subsistence farmers) that are traditionally ignored or purposefully mis-represented in the historical record (Dunn 2000; George & Stratford 2005). These narratives are especially important in Rwanda, where historical narratives are continually reconstructed to privilege the experiences and highlight the suffering of certain groups (Jefremovas 1997; Newbury 1998; Newbury & Newbury 1999). Given the informal nature of oral histories, this technique often inadvertently transitioned into life histories, as participants expanded beyond specific events to cover a larger period of time. Differing from oral histories, life histories are not restricted to specific events, but focus on an individual's experience throughout their entire life (Hatch & Wiesniewski 1995; Dunn 2000). Life histories effectively incorporate the experiences and knowledge of ordinary actors as active subjects in state development, and provide important information in post-conflict environments (Hoppe 1993; Plummer 1995; Jackson 1998; Alvesson & Skoldberg 2000; Bondi 2002).

Issues of land tenure in Rwanda are inherently tied to the social, political and economic histories of competition and conflict between individuals, groups and institutions. Given this situation, oral and life histories allow participants to not only locate themselves within decades of displacement and conflict over land, but also to share information not represented by the state's historical narrative. However, with this focus on personal experience, one must ensure that interviews do not promote voyeurism (or war tourism). To avoid this situation I remained focused on the interview guide and relied heavily on my research assistants who have extensive experience working with perpetrators and survivors of the genocide.

Finally, I make three important distinctions regarding logistics. First, the interview strategies outlined above are not mutually exclusive, but exist along a continuum from more to less formal. As such, informal and semi-structured interviews were not necessarily separated within each meeting, but combined while navigating the data collection process. Second, interviews in rural communities were performed in locations selected by the participants. The majority of interviews were conducted on an informant's land, or inside household enclosures. Data were collected using handwritten notes – after obtaining permission from the participant – and interviews lasted between thirty minutes

and two hours.⁴ Third, I followed each interview by ‘downloading’ my research assistant. This involved a series of questions and comparisons that allowed us to further triangulate our respective data and overall impressions, while continually reviewing the interview process. Finally, while the anonymity of all participants cannot be guaranteed, I took significant steps to protect the locations and identities of all individuals involved (see Appendix B).

Section 3.3.2 – Formal interviews

When meeting with local and national land administrators, I quickly determined that participants were more comfortable with formal interviews based on predetermined questions. As such, I performed five formal interviews to determine how the goals and implementation of the national land policy have evolved given the continued lack of large-scale implementation. In an attempt to diminish fears amongst rural subsistence farmers that I was affiliated with the Government, interviews with state officials were conducted after data were collected from local households. Formal interviews lasted approximately thirty minutes to one hour, and were conducted in district administrative offices or outside on ‘official’ tours of farm and terrace projects.

Section 3.3.3 – Community meetings

In addition to semi-structured and informal interviews, when meeting with rural subsistence farmers I facilitated five community meetings. While my original goal was to perform a number of focus group meetings, these proved too formal and unable to effectively remove the researchers from the data gathering process. Differing very slightly from focus groups, informal community meetings provide an effective alternative for ideas to be raised through group interaction, and enable the researcher to further triangulate data obtained at the household level. The community meetings organized for this project were informal, and originated at the village (*Umudugudu*) level by talking with farmers breaking for lunch. These small groups quickly grew as farmers returned

⁴ Whyte (1982) argues that note taking often inhibits data collection as the researcher can miss important movements, expressions and gestures, and cannot participate as an active listener (Dunn 2000). Conversely, Douglas (1985) notes that tape recorders can lead informants to be less responsive during an interview. Through previous field research I found that the challenges of note taking could be largely reduced when using an interpreter, as the researcher is able to watch the participant while she is speaking and write during the translation breaks.

from their fields and wanted to join in the discussion. Meetings occurred between 1 and 3 pm (the hottest part of the day when farmers do not work their fields) and were held in central areas of the Umutugudu. Each meeting involved between 8 and 15 participants, and the roles of the researcher and research assistant were limited to asking questions when needed to keep the conversations going. Community meetings allowed the research team to be less involved in the discussion, and to witness greater interaction between different interests groups and ages. Like focus groups, community meetings enable a wider range of participants than individual interviews (i.e. landless peasants, elderly, sick or malnourished individuals), and provide a larger degree of anonymity for participants. As noted by Berg (1989), this anonymity often translates into a greater sense of security, as individuals do not feel singled out by the researcher. However, like focus groups, the quality of the data is greatly influenced by the effectiveness of the moderator and composition of the group. Specifically, community meetings can be dominated by interest groups and powerful individuals able to restrict the amount or type of information shared (Berg 1989).

Section 3.3.4 – Participant Observation

The third research strategy I employed in the field was participant observation. While some authors distinguish between participant and non-participant observation, I understand the process as outlined by Atkinson & Hammersley (1983) and Evans (1988). These authors argue that all interviews and observations necessarily remove the researcher and participant from regular interactions in time and space (Evans 1988). As a result, we are unable to study social relations without becoming a part of them (Atkinson & Hammersley 1983). Participant observation, therefore, “is not a particular research technique, but a mode of being-in-the-world characteristic of researchers” (Atkinson & Hammersley 1983: 249). Here, the purpose of participant observation is to count, complement and contextualize data (Kearns 2000). Throughout my field stay, I counted to compare the size of fields, number of land holdings, number of individuals per household, amount of land lost to the Government, and the number of conflicts over land. Field data were then compared to those in the literature as well as those collected in Rwanda away from selected field sites. Finally, each day spent in the field (actively

researching, commuting, living, etc.) helped further contextualize individual interviews and data collected. During planned and unplanned observations I situated myself as participant as observer and observer as participant, and kept notes of daily interactions in a research diary. As participant as observer I walked through the fields with farmers, helped key informants seed their plots, and followed farmers and landless peasants through their daily routines. As observer as participant I met with farmers at the market to discuss crop yields and rural livelihood strategies.⁵ Finally, independent of the relationship between observer and participant, I understand all observation techniques as necessarily characterized by unequal power relationships (Kearns 2000). Participant observation, therefore, is always a power laden and gendered experience where the positionality of all individuals involved influence the data collected (Rose 1993; Nast 1994; Kearns 2000).⁶

Section 3.3.5 – Qualitative versus quantitative methods

I designed a qualitative rather than quantitative or mixed methods approach for two main reasons. First, the epistemological starting point of this project is one that challenges positivism and holds that the measureable world cannot be separated from the social relations between researchers and participants (Entrikin 1976; Smith 1988). Furthermore, this project emerges from Tuan's (1977) conception of human geography as a discipline that requires an understanding of the psychological, emotional and existential attachments to places and spaces. To this end, qualitative methods emphasize lived experiences that are interpreted through shared meanings of divergent realities. This allows the researcher to study the emotions, perceptions and attitudes of participants (Winchester 2000). Furthermore, tracing the evolution of informal tenure systems requires an understanding of human experiences within overlapping socio-spatial realities (Jackson & Smith 1984; Pile 1991; Dwyer & Limb 2001). As outlined by Jackson (2002), research that looks at land tenure requires the flexibility and open-endedness characteristic of qualitative research methods. Finally, qualitative methods are not only systematic, formalized and flexible, but they can also be effectively reproduced, and

⁵ According to Gold (1958), participant as observer refers to situations when both the informant and researcher are aware that theirs is a research relationship. Conversely, observer as participant occurs during one-time visits for short periods of time as the researcher moves through the field environment.

⁶ See section 3.7 for a discussion on positionality.

successfully locate researchers within the subjective discourses that characterize data collection, interpretation and representation (Berg 1989).

Second, in addition to the benefits of qualitative research, given the focus of this project a quantitative or mixed methods approach would inhibit data collection. First, quantitative methods do not provide the level of detail needed to highlight the overlapping power relationships of rural Rwanda. Second, recent quantitative data in Rwanda cannot be compared to long-term trends given decades of conflict and forced displacement. Third, the data that do exist cannot be separated from Government development narratives and the state's vision for long-term reform. Finally, attempts at large scale surveying are hindered as large numbers of people are unwilling to provide written proof of names, property holdings and geographic locations.

Section 3.4 – SAMPLING

My goal for this project was to achieve a stratified representation of individuals from different ethnic groups, socio-economic statuses and geographic locations. To this end, I employed a series of purposive sampling techniques to select individuals from three subject groups: rural subsistence farmers, local land administrators and non-profit land consultants. Patton (1987) refers to fifteen types of purposive sampling; four of these are central to my methodology. First, opportunistic sampling involves following leads that emerge during the fieldwork experience (Bradshaw & Stratford 2000). Opportunistic sampling allowed me to follow up on prospective interviews as they presented themselves throughout the day. Second, snowball (chain) sampling uses participants to locate other individuals of interests (Bradshaw & Stratford 2000). Snowball sampling provided an effective means of expanding on initial contacts within a community in an attempt to increase sample size and corroborate experiences within a specific area. Third, convenience sampling involves selecting participants solely on the basis of access (Bradshaw & Stratford 2000). All forms of sampling are characterized by a certain degree of convenience, as I only met with those individuals that were available and willing to participate in my research. Finally, I used criterion sampling to select individuals with different sizes and locations of landholdings (e.g. near vs. far away from the household enclosure, steep slope vs. marsh, etc.).

Section 3.5 – DATA ANALYSIS

The qualitative data gathered through interviews, community meetings and participant observations were analysed for both manifest and latent content. Manifest content analysis assessed the ‘visible’ data collected (Babbie 1992; Dunn 2000) and focused on trends in land holding. Conversely, latent content analysis requires researchers to determine the themes that underlie and support the data collected (Dunn 2000). To access latent content I employed inductive thematic analysis by searching for themes and manually amalgamating these patterns into contextually appropriate findings. Specifically, inductive thematic analysis involved coding large amounts of data in an attempt to distil field notes, research diaries and photos from recurring themes, into emerging narratives, and finally into specific experiences that address my research concerns (Auerbach & Silverstein 2003). The data collected are presented in chapter 5, and results discussed in chapter 6.

Section 3.6 – RESEARCH IN RWANDA

Despite the trauma and overwhelming scale of violence experienced in Rwanda during the latter part of the 20th century, the country currently remains impressively stable and secure. Beyond the involvement of the Rwandan Defence Forces in conflicts throughout the Great Lakes Region following the genocide, there has been little large-scale violence within Rwanda since 1994. However, despite the relative security of the country, like other post-conflict environments, research in post-genocide Rwanda is characterized by a number of challenges and ethical dilemmas over and above the standard adjustments necessary when researching in developing countries. First, while the GoR has successfully stabilized the country, the current regime has been criticized for violating human rights and restricting political and personal freedoms (Reyntjens 2004 & 2006). Critics accuse the Government of exploiting international ‘genocide credit’ to crack down on official opposition while centralizing power in the hands of an RPF party intolerant of political opposition (Prunier 1997; Jefremovas 2002; Reyntjens 2004 & 2006; Pottier 2006). For example, while Articles 9 and 33 of the 2003 Constitution legislate the process of national unity and freedom of opinion, they have been liberally interpreted and applied by the state as a means to accuse individuals and political parties

of divisionism.⁷ As divisionism is understood as being in opposition to or expressing disagreement with Government policies, according to Reyntjens (2004) voices critical of the regime experience character assassination, intimidation or physical threats. Rwanda also employs an extensive surveillance network for domestic and foreign occupants, and civil society remains restricted (if not controlled) by the Government (Reyntjens 2004; Thomson 2009). This level of surveillance and control includes international donors, and forces non-government and international organizations (NGOs and IOs) to balance their ideal practices against the possibility of being expelled from the country (Reyntjens 2004 & 2006).

Second, the power and control of the GoR places a number of specific challenges on researching land tenure. Although Articles 9 and 33 of the Constitution have been used to outlaw the labels Hutu and Tutsi, genocide experience remains inherently tied to social, political and economic life, and therefore, the evolution of land tenure systems. Life and oral histories emerge as an essential method of circumventing ethnic labels in order to protect participants and researchers, while gaining information on individual experiences and power-dynamics during and following the genocide. Third, household power dynamics in Rwanda are especially important to data collection. Despite the overwhelming number of women and female-headed households, Rwanda remains inherently patriarchal. When present, male heads of household dominated the interviews by answering all the questions and discouraging others from participating. While women often appear to disagree (e.g. shaking their head), they rarely voice their opinions when a husband or father is present. However, these gendered power relations are often more flexible when working with elderly men and women, who are given more latitude to speak freely and contribute to the interview.

⁷ Article 9: The state of Rwanda commits itself to conform to the following fundamental principles and to promote and enforce the respect thereof: 1° fighting the ideology of genocide and all its manifestations; 2° eradication of ethnic, regional and other divisions and promotion of national unity... (GoR 2003: 4). Article 33: Freedom of thought, opinion, conscience, religion, worship and the public manifestation thereof is guaranteed by the State in accordance with conditions determined by law. Propagation of ethnic, regional, racial or discrimination or any other form of division is punishable by law (GoR 2003: 8).

Section 3.7 – ACCESSING THE FIELD

Fieldwork for this thesis project was made possibly through a number of professional and personal affiliations. First, my affiliation with McGill University provided an important means of justifying my presence in Rwanda and interest in subsistence farmers. Furthermore, my position as a graduate student provided a means of separating myself from Government development and power narratives. Second, my research was made possible through my affiliation with Dr. Jon Unruh (thesis supervisor), Dr. Kathleen Fallon (thesis committee member), and Dr. Eliane Ubalijoro (key informant), who provided support as well as national and international contacts. Regarding fieldwork logistics, Canadian citizens visiting Rwanda for less than ninety days do not require a visa. While professional visas are available, they are not required for graduate students conducting independent field research. However, to protect against any unforeseen circumstances, I carried proof of registration at McGill University, proof of funding from the Social Sciences and Humanities Research Council of Canada (SSHRC), and a letter of support from Dr. Emmanuel Nkurunziza, director of Rwanda's National Land Centre. Although official permission is not required to meet with land administrators, formal interviewees often requested official documentation in order to protect themselves from reprimand. In such cases I referred to Rwanda's Minister of Natural Resources (MINIRENA) Stanislas Kamanzi, who was aware of my presence in Rwanda and initiated my contact with Dr. Nkurunziza.⁸ When communicating and meeting with land administrators I downplayed my focus on rural subsistence farmers to better situate my project within the Government's development narratives.

Section 3.7.1 – Working with interpreters

Throughout the course of my field session, linguistic and cultural interpretation were provided by two research assistants (RA). Both RAs came highly recommended and have significant experience working professionally with IOs, NGOs, independent academic researchers and at-risk communities in rural Rwanda. RAs were used across field sites, where their different positionalities and experiences provided an effective means to further triangulate the data. As outlined by Scott (2001: 22):

⁸ The Honourable Stanislas Kamanzi is now Minister of Environment and Lands for the Government of Rwanda.

Most accounts of researchers working in cross-cultural contexts brush aside the positionality of the field assistant or interpreter...this is a serious omission since factors such as age, gender, regional and class background and prejudices such as attitudes towards women or ethnic minorities can play a tremendous part in shaping interactions between the researcher, interpreter and research subjects and the nature of the data obtained.

Elyse (pseudonym) is a 27-year-old female with three years experience translating for regional and international non-profits in Rwanda, but with no university or vocational training. Traditionally, Elyse's gender would locate her below the status of a male head of household. However, her role as a guest and professional associate of a foreign researcher significantly altered the patriarchal power relationships that influence interviews. This allowed Elyse to interact directly with male and female participants in both rural and urban settings. Furthermore Elyse's extensive experience working with at risk populations in rural settings (e.g. genocide survivors as well as female and orphan headed households) give her unique insight into local livelihoods and significantly increase her ability to establish effective field relationships.

Differing greatly from Elyse, Jean (pseudonym) is a 26-year-old male with four years experience translating for academics and international NGOs in Rwanda. Jean has a Bachelor's degree in English Literature from the Kigali Institute of Education, and has a formal background in both written and oral translation. Originally from a subsistence-based farming household in Northern Rwanda, Jean's positionality as an urban-educated professional results in a very different positionality from Elyse. Specifically, Jean's level of education and experience emphasize household power dynamics already balanced in favour of guests. While Jean's gender and socio-economic status place him at the top of these power relations, his previous experience as a farmer and refugee, as well as extensive experience working in rural settings allowed him to effectively relate and interact with participants across subject groups.

Section 3.8 – POSITIONALITY AND ETHICS

I arrived in Rwanda in June 2009 as a 26-year-old Canadian MA student with previous experience working in East Africa and Rwanda. Having briefly elaborated on

the training, background and unique identities of the RAs, I move on to consider how my own positionality influences the data collected. Throughout this work I understand positionality as an inevitable component of collecting, interpreting and discussing data that emerge only through personal interactions in social environments affected by constructed norms, expectations and power relations (Dowling 2000; Winchester 2000). Personal characteristics and social position comprise my unique subjectivity based on race, socio-economic position, gender, ethnicity, level of education, age and relative ableness (Dowling 2000; Skelton 2001). The continual recognition of the influence this subjectivity has on data collection and representation is essential to the research process. As outlined by Rose (1997: 104), the goal is to position the researcher as a ‘transparently knowable agent...which looks outward to understand its place in the world, to chart its position in the arenas of knowledge production, to see its own place in the relations of power.’ Throughout the preparation, fieldwork, data analysis and discussion periods of this thesis, I strive to acknowledge the nature of my biases by critically reflecting on my role as a researcher in rural Rwanda (McDowell 1992; England 1994; Gille 1994; Moss 1995).

First, my identity as a Caucasian immediately distinguishes me from local residents who view most white visitors as tourists, non-profit workers or international researchers. While I assumed two of these roles (tourist and researcher) throughout my field stay, my identity as a young academic allowed greater interaction and freedom when working with the elderly, genocide survivors, Government officials and other highly regarded individuals. Second, as a male and guest in each household, my gendered identity altered patriarchal power dynamics by locating me beside the head of the household. As such, if a household was presided over by a male, he often directed the conversation as one between men that excluded other voices and opinions. Third, my identity as an educated foreigner adds to the traditional emphasis Rwandan culture places on hospitality. As a result, we were always welcomed into homes and compounds, even if the participant was initially uncomfortable with the prospect of being interviewed. Given the traditional importance of hospitality in Rwanda, initial conversations were essential to determine an individual’s comfort and willingness to contribute to the research process. Fourth, given my relative affluence, as well as socio-political, racial and gendered

identities, when researching in Rwanda it is difficult to not over empathize with the suffering (past and present) of the rural poor (Buckley-Zistel 2007). Specifically, it is difficult to not allow continued suffering to affect your interpretation and representation of the data. This challenge is exacerbated by recent focus among the international media outlets and academics on the significant human rights violations perpetrated by the Government of Rwanda. However, after living and working in rural Rwanda, I acknowledge the extreme challenges currently facing the GoR, as well as the need for large-scale change to land practices given increasing conflict over land, decreasing soil quality and environmental protection. The constant realization of the monumental challenges facing the state and rural households forced me to critically reflect on the relationship between the needs of local communities versus the long-term sustainability of the rural system.

Section 3.9 – CONCLUSION

In this third chapter I have provided an overview of the research design that informed the fieldwork and data analysis sections of my thesis. In addition to the field sites, interview strategies, participant observation and sampling techniques selected, I have outlined the contextual factors that shape research in Rwanda, the logistics of accessing the field, and process of collecting data as a uniquely positioned and subjective researcher. Given the data collected across a number of socially constructed lines of sight, in the following section I strive to contextualize existing tenure regimes by providing a historical overview of land tenure systems in Rwanda.

CHAPTER 4 – HISTORICAL OVERVIEW OF LAND TENURE SYSTEMS IN RWANDA

In an attempt to contextualize the results and discussion sections that follow, in this chapter I provide an abridged history of land tenure systems in Rwanda. First, section 4.1 traces the evolution of tenure regimes from pre-colonial to contemporary Rwanda. I begin with an introduction to tenure systems prior to colonialism (section 4.1.1) and follow by outlining how these regimes were altered by German and Belgian colonial administrations (section 4.1.2). Next, I summarize the legislative changes to land systems after independence (section 4.1.3), and move on to provide an overview of land laws following the genocide (section 4.1.4). The first section of this chapter then concludes with a summary of the 2005 Organic Land Law (section 4.1.5). Second, having outlined the major attempts at land tenure reform in Rwanda, section 4.2 summarizes the effects legislation and increasing population pressure have had on land access, distribution, productivity, diversification strategies and informal tenure regimes. Finally, in section 4.2.1 I conclude this historical overview of land tenure systems in Rwanda by taking stock of the existing literature and noting the research gap that I address through this thesis project.

Section 4.1 – LAND TENURE SYSTEMS IN RWANDA: A HISTORICAL PERSPECTIVE

As outlined in section 2.1.1 of the conceptual framework, land tenure systems are social contracts that provide legitimacy to the occupation and use of resources (Gluckman 1972; Deninger 2000; Delville 2004; IIED 2006). Land tenure systems are representative of the social, economic and political relations that govern interactions between individuals, groups and institutions, and as such are key to understanding social dynamics (Musahara & Huggins 2005). The evolution of tenure systems in Rwanda, therefore, cannot be separated from the socio-economic and political relations that frame the diverse and evolving narratives of Hutu and Tutsi (Musahara & Huggins 2005). As social contracts, the evolution of land tenure regimes is directly related to the specific and often divergent histories of Rwanda. The social constitution and construction of land management systems aside, my goal for this chapter is to further contextualize existing

tenure regimes in Rwanda by locating them along a continuum of evolving norms and legislation. However, given restrictions on space and my explicit focus on land tenure, a more complete history of social, economic and political trends in Rwanda is beyond the scope of this project.¹

Having acknowledged the central goal of this chapter, I make an important note regarding the terms ‘Hutu’ and ‘Tutsi.’ While a significant amount of research has been dedicated to tracing the origins and histories of these labels (see Prunier 1997; Newbury C 1998; Mamdani 2001; Harrow 2005) most of the arguments can be summarized into two polarized views of the Hutu and Tutsi (Musahara & Huggins 2005). First, the ‘primordialist’ view holds that the Hutu and Tutsi originated in different parts of Africa and arrived in Rwanda at separate times (Musahara & Huggins 2005). This narrative was used in the early twentieth century by the colonial powers as a means to entrench existing socio-economic differences and exploit indirect rule through the Tutsi king. The *Interhamwe* militia and perpetrators of the genocide also used primordialist narratives as a means to further alienate the Tutsi prior to and during the genocide. Second, what Mamdani (2001) terms the ‘instrumentalist’ view, holds that the Tutsi and Hutu share a common ancestry and that any differences can be explained through social mobility and manipulation by elites. This view is currently propagated by the Tutsi dominated RPF Government of Rwanda, which sees history as an important means of supporting reconciliation through the state’s policy that ‘there are no Hutu or Tutsi, only Rwandans.’ While a history of the Hutu and Tutsi is beyond the scope of this study, I agree with Mamdani (2001) and Musahara & Huggins (2005) that both the primordialist and instrumentalist views of ethnicity in Rwanda are overly simplistic and not mutually exclusive. What is obvious, is that ethnic narratives cannot be separated from the multiple and often overlapping revisions of history that are imbued in Rwanda’s power relations and political agendas (Jefremovas 1997). As a result, throughout this work I understand the labels ‘Hutu’ and ‘Tutsi’ as explained by Mamdani (2001):

By understanding political identities as embedded in particular institutions, I conceptualize them as historical and not primordial, and institutionally durable

¹ For a more detailed reading of Rwanda’s history see Prunier 1995 & 1997, and Mamdani 2001.

as opposed to being available for instant manipulation by those in power or seeking power (Mamdani 2001: 15).²

Section 4.1.1 – Pre-colonial land tenure

Prior to the arrival of colonialists, the region that is now Rwanda was divided into two distinct polities with their own respective tenure regimes (Pottier 2005). The Central, Eastern and Southern areas of what is now Rwanda were controlled by the centralized court of the Tutsi king (*Mwami*) (André 1998; Hajabakiga 2004; Musahara & Huggins 2005; Pottier 2005). The Hutu kingdoms of Busozo and Bukinzi controlled the areas of Northwest Rwanda that remained outside the regions controlled by the Mwami (Musahara & Huggins 2005; Pottier 2005). In areas controlled by the central court, the king remained the ultimate owner of all land and granted usufruct rights through two systems (André 1998; Jones 2000; Musahara & Huggins 2005). Agricultural lands were granted on an individual basis under the *Isambu* system, and pastoral areas were managed by the *Igikingi* system. Under *Isambu* and *Igikingi* the Mwami (or his representative) granted use rights in turn for regular payments of food and labour (André 1998; Hajabakiga 2004; Musahara & Huggins 2005; Pottier 2005). The Mwami remained the ultimate owner of all land, and a triumvirate of regional authorities managed use rights at the local level (Liversage 2003; Musahara & Huggins 2005).

In areas outside the central court, tenure was controlled under the *Ubukonde* system, which distributed land rights through the lineage of the first occupier (André 1998; Liversage 2003; Hajabakiga 2004; Musahara & Huggins 2005). As land in these areas was primarily forested, the lineage of the first person to clear the land controlled future access through familial and client relationships (André 1998; Musahara & Huggins 2005). After clearing the forest, the lineage head would first allocate land to his relatives and then provide new arrivals with plots in exchange for loyalty and small payments. The form and frequency of these payments constituted the central difference between *Ubukonde* and the *Isambu/Igikingi* system of the central court (Musahara & Huggins

² I also agree with Mamdani (2001) that “...whatever other disagreements they may have, historians and political analysts of Rwanda have been preoccupied with finding a single answer to the question: Who is a Hutu and who is a Tutsi? In contrast, I argue that Hutu and Tutsi have changed as political identities along with the state that has enforced these identities. There cannot therefore be a single answer that pins Hutu and Tutsi as transhistorical identities” (Mamdani 2001: 34).

2005). Specifically, remissions made under Ubukonde consisted primarily of agricultural tools, traditional banana beer and only occasionally labour (Newbury 1981; André 1998; Musahara & Huggins 2005; Pottier 2005). While initial access to land differed between each system, all rights obtained through Ubukonde and Isambu/Igikingi were transmitted through patrilineal inheritance and subdivided amongst the sons of a household (André 1998; Musahara & Huggins 2005, Musahara 2006).

Section 4.1.2 – The colonial period

In the late 19th century the area known as Ruanda-Urundi came under control of Germany. The German colonists quickly established indirect rule through the Mwami, who granted them land for administrative and religious buildings (André 1998; Hajabakiga 2004). However, in 1918 all German colonial lands were confiscated under the treaty of Versailles, and the territory of Ruanda-Urundi was granted to Belgium. Like the Germans, Belgian authorities quickly established a system of indirect rule through the Tutsi king.

The impact of colonialism on land tenure regimes in Rwanda has been thoroughly documented by a number of authors (Reisdorff 1952; Maquet 1954; Maquet & Nayagiziki 1957; Adriaenssens 1962), and a comprehensive overview is beyond the scope of this work. However, one of the most influential and lasting changes was the introduction of a dual land management system. Like German colonists, Belgian authorities initially received land as gifts from the Mwami. This practice changed soon after 1918, as the new colonial authorities enacted the Decree of 1885, which established separate land tenure systems for colonists and indigenous Rwandans (Hajabakiga 2004). According to the Decree of 1885:

- i) *Only the Colonial Public Officer could guarantee the right to occupy land taken from indigenous Rwandans. Colonialists or other foreigners intending to settle in the country were to apply to the colonial administration, follow its rules for obtaining land as well as the rules for settlement.*
- ii) *Occupation of land should be accompanied by a title deed. Indigenous people should not be dispossessed of their land. Vacant land was considered as state-owned.* (Hajabakiga 2004: 47-48).

In other words, all previously occupied land remained under informal law, while only colonialists and other foreigners could obtain a title deed (Hajabakiga 2004). In addition to introducing a dual system of land tenure, in the early 1920s the Belgian administration assisted the central court in annexing the remaining independent Hutu Kingdoms of the Northwest. As these lands were incorporated into the centralized Government they experienced a change in land tenure systems from Ubukonde to Isambu (Musahara & Huggins 2005).

Having established a dual system of land tenure and brought the remaining Hutu kingdoms under Government control, the colonial regime enacted a series of laws aimed at eroding informal land tenure systems in Rwanda. First, in 1924 the Government codified the mandatory labour requirements of the Isambu system, increased the number of hours and days of forced labour, and restricted the requirement to only Hutu landholders (Musahara & Huggins 2005). Second, in 1926 the colonial administration abolished the traditional triumvirate of chiefs that governed rural districts, and divided Rwanda into a series of chiefdoms controlled by a single Government appointed official (Liversage 2003; Hajabakiga 2004; Musahara & Huggins 2005). However, despite the state's attempt at restricting Ubukonde and centralizing control of the country, the system remained in practice throughout the Northwest until the 1950s when the mwami Mutara III Rudahigwa attempted to abolish Ubukonde completely (Hajabakiga 2004). Third, in response to increasing population pressure, in the 1930s the colonial Government introduced a villagization strategy known as *Paysannats* (Jones 2000). An attempt at large-scale villagization, Paysannats were developed to ensure a more even distribution of land by establishing rural settlements along main roads and infrastructure (Jones 2000; Pottier 2005). Each settler was to receive 2 hectares of land, which they were prohibited from selling or dividing (Jones 2000). While villages were unpopular and proved unable to alter the traditional practice of scattered housing, the Paysannats remained part of Rwanda's national land policy until the mid 1970s.

By the early 1950s the colonial Government had effectively centralized the control of all land in Rwanda and shifted the focus of tenure laws to individualizing existing property rights and establishing a more Western system of private holdings (Musahara & Huggins 2005). To this end the state passed a series of laws aimed at further

constricting Ubukonde, Isambu and Igikingi throughout the country (André 1998; Musahara & Huggins 2005). While undermining informal tenure systems, the colonial Government abandoned its support of the minority Tutsi monarchy and quickly reallocated financial and political backing to the larger Hutu population (Liversage 2003; Musahara & Huggins 2005). As the Belgian administration abandoned its support for Tutsi minority rule, in 1959 the overwhelming majority of Tutsi in positions of influence were removed from power, and “widespread ethnic pogroms against the Tutsi” emerged throughout Rwanda (Musahara & Huggins 2005:270).³ The scale of conflict experienced in 1959 dramatically affected tenure systems in Rwanda; as large numbers of Tutsi fled the country (approximately 150,000), abandoned lands were allocated to Hutu families (Musahara & Huggins 2005).

Following the events of 1959, the main goal of the colonial Government was to undo the feudal nature of payments and labour requirements that characterized the Isambu and Igikingi tenure systems. To this end, in 1960 and 1961 the state passed a series of laws aimed at abolishing the practice of political land clientship based on payments and labour requirements, while protecting the familial rights obtained through the Ubukonde system (André 1998).

The edict of January 28th, 1961, coming into effect on May 26th of the same year, adopts measures targeting the ubukonde, abolishing the institution of political land clientship, by proposing the restitution, division, rental or repurchase of the access and occupation of lineage lands by clearers while some measures aim to restrain certain rights they enjoy vis-à-vis their clients (André 1998: 6).

This was the final land policy enacted by the colonial administration. In 1961, the Mouvement Democratique Republicain-Parmehutu (MDR-P) party toppled the Tutsi monarchy in a coup supported by Belgium (Liversage 2003). Finally, on July 1st, 1962, the region broke with Burundi and the Belgian Government to establish the independent Republic of Rwanda (Liversage 2003).

³ This period is referred to as the ‘Social Revolution.’ For more information on the social revolution see Olson 1995, Prunier 1995 and Mamdani 2001.

Section 4.1.3 – Post-colonial land tenure

Following independence, Government land policies remained focused on undoing both the feudal and dual nature of land holdings throughout rural Rwanda. Under Article 108 of Rwanda's 1962 Constitution, tenure systems established during colonial rule are binding, occupied lands remain in the possession of the occupants, and all unoccupied lands are the property of the state (Musahara 2006). While pre-existing tenure regimes are binding, Article 108 also stipulates that all future sales and gifts of land must be approved by the Minister of Agriculture (Musahara 2006). This latter requirement exemplifies the central purpose of tenure policies following independence. First, in an attempt to reduce fragmentation, the Government sought to transition informal regimes into individualized rights, thereby undoing the duality of land tenure (Musahara & Huggins 2005). To this end, in 1967, 1978 and 1991 the GoR introduced legislation aimed at increasing private property throughout the country (André 1998). However, given the sheer technical difficulty of registering so many plots and the clientelistic agendas of Government officials, these laws remained largely unimplemented and little change occurred (André 1998; Uvin 2001; Musahara & Huggins 2005). Second, like the colonial administration, immediately following independence the Government sought to undo the feudal nature of tenure regimes (André 1998). However, similar to previous legislation, the GoR failed to realize significant change as the new leaders continued to pursue clientelistic policies and agglomerate personal land holdings (Pottier 2005). Finally, the Government continued to implement the Belgian system of *Paysannats* until the mid 1970s. A largely unsuccessful and unpopular attempt at restructuring rural Rwanda, the *Paysannats* were finally disabled in the mid 1970s.

While this long series of laws failed to address increasing population pressure and land fragmentation, Rwanda experienced extensive growth in the number of extra-legal land sales through the informal market (Pottier 2005). Once again, in an attempt to unify existing tenure regimes and reduce fragmentation, in 1976 the GoR passed the most significant piece of tenure legislation since independence. In order to restrict the development of an open and uncontrolled land market, the law of 09/76 of March 1976 proclaimed the state as the sole owner of land throughout the country, and that all rights – independent of previous and existing tenure regimes – were usufruct (André 1998;

Musahara & Huggins 2005; Pottier 2005). Furthermore, to sell lands held under the informal tenure system, the parcel must be at least 2 ha (André 1998; Liversage 2003; Hajabakiga 2004). Like previous legislation, decree number 09/76 had very little effect on existing land tenure regimes in Rwanda. Increasing population pressure led to greater fragmentation, continued reductions in average plot size, increased landlessness and internal displacement.

Section 4.1.4 – Post-genocide land law

While a large body of literature has emerged investigating the role of land prior to and during the genocide, this work categorically avoids a limited and deterministic understanding of the relationship between land, scarcity and conflict in Rwanda (see section 2.1.1.1). As such, the goal of this section is not to deconstruct the origins of the genocide, but rather to briefly explain its effect on existing land tenure regimes. I do, however, make one important statement regarding the 1994 genocide in Rwanda. Given the scale of conflict and displacement that affected the Tutsi, Hutu and Twa throughout Rwanda, it is not possible to overstate the damage inflicted upon human and natural capital, or the incredible obstacles facing future peace and stability in Rwanda (Musahara & Huggins 2005).

Section 4.1.4.1 – The Arusha Accords

Signed on August 4th, 1993, the Arusha Accords were a series of pre-genocide policies signed by the Hutu GoR and Tutsi dominated RPF in an attempt to initiate peace between the two parties (André 1998; Jones 2000; Hajabakiga 2004). While the Accords failed to stabilize Rwanda in the short term, they were quickly adopted as the foundation of Rwandan law during the post-genocide transition period led by the RPF (Jones 2000). Of the five main protocols that made up the Arusha Accords, the role of land and land tenure was outlined by the protocol “on the repatriation of Rwandese refugees and the resettlement of displaced persons” (GoR 1993: 36). The basic principles of this protocol state that:

Article 1: The return of Rwandese refugees to their country is an inalienable right...

Article 3: For purposes of settling returnees, the Rwandese Government shall make lands available...

Article 4: The right to property is a fundamental right for all the people of Rwanda (GoR 1993: 36-37).

As the foundation of formal land law following the genocide, the main goal of the Arusha Accords was to peacefully re-settle the overlapping waves of refugees and internally displaced populations. To this end, under Article 3, the new GoR opened up new lands for settlement in the previously protected areas of the Gishwati Forest Reserve, Akagera National Park, and the Mutara Game Reserve (Liversage 2003; Hajabakiga 2004). Furthermore, while Article 4 acknowledges a citizen's right to land, it follows by placing restrictions on re-claiming access to previously abandoned holdings. Specifically, "in order to promote social harmony and national reconciliation refugees who left the country more than 10 years ago should not reclaim their properties, which might have been occupied by other people" (GoR 1993: 37). Third, in an attempt to exert greater control over land access, in 1996 the GoR passed a law that made villagization the only legal form of settlement in rural Rwanda (Pottier 2005). However, like previous attempts at villagization under the Paysannat system, the *Imidugudu* (villagization) policy was implemented hastily and created very little change to land holdings and tenure (Pottier 2005).

Section 4.1.4.2 – Emerging land law

While the Arusha Accords formed the basis of Government policy during the post-genocide transition period, the GoR quickly acknowledged the need for a more complete legal framework, especially regarding land rights. Based on the belief that "the agricultural sector could not be developed in a sustainable manner without the development of a land law," in 1996 the Ministry of Agriculture and Livestock recommended that new legislation be developed (Musahara & Huggins 2005: 286). Following this recommendation, in 1997 Olivier Barrière conducted the first extensive study of land tenure systems in post-genocide Rwanda (Musahara & Huggins 2005). A consultant from the United Nations Food and Agriculture Organization (UNFAO), Barrière's work was rooted in a narrative that focused on the commercialization of agriculture rather than importance of small-scale subsistence (Musahara & Huggins 2005). Given this framework, Barrière recommended that the Rwandese state retain

overall control of the land, but that there be a concerted shift away from subsistence to market oriented production (Barrière 1997; Musahara & Huggins 2005; Pottier 2005). Barrière also supported the Imidugudu program and concluded that individually held plots should be made legally indivisible in order to reduce fragmentation (Barrière 1997; Musahara & Huggins 2005). In both cases Barrière's recommendations do not differ from previous laws and recommendations aimed at consolidating land and increasing private property. However, following this report, the central purpose of Rwanda's emerging land policy shifted from re-settling returnees to reducing fragmentation, increasing tenure security and ensuring greater penetration of existing and future legislation (Musahara 2006).

Based on Barrière's work and the GoR's priorities for land, the first draft of the new Land Law was completed in 1999, but did not undergo formal debate in the legislature until 2002 (Musahara & Huggins 2005). Following several years of refinement and limited consultations, the GoR approved the Draft Land Policy in 2004 (Musahara & Huggins 2005). The nine years it took to debate and approve the 2004 Draft Land Policy indicate the extent of the challenges facing land reform as well as the potential consequences of inappropriate or unsuccessful legislation.

Section 4.1.5 – The 2005 Organic Land Law

After being approved by Parliament, in 2005 the Draft Land Law was converted into a permanent law. Known as the 2005 Organic Land Law (OLL), this extensive piece of legislation is Rwanda's most comprehensive set of land policies since 1976. The central focus of the OLL is to effectively address the factors the GoR believes are the main causes of decreasing sustainability and productivity. Specifically, the OLL strives to address increasing population pressure, land fragmentation and soil degradation, as well as the inability of customary tenure regimes to address these issues (Pottier 2005). To attend to these challenges, the OLL draws heavily on Articles 29 and 30 of Rwanda's 2003 Constitution, which establish the inviolable right to private property (GoR 2003).⁴

⁴ Article 29: Every person has a right to private property, whether personal or owned in association with others. Private property, whether individually or collectively owned, is inviolable. The Right to property may not be interfered with except in the public interest, in circumstances and procedures determined by law and subject to fair and prior compensation (GoR 2003: 8).

Based on these Articles, the OLL strives to revolutionize rural Rwanda by registering and individualizing all land holdings, consolidating small plots, formalizing land use planning, and outlawing informal tenure systems (Pottier 2005; Sagashya & English 2009). While the OLL is a comprehensive series of policies that cover all aspects of occupation, access, use and transmission, for this thesis I remain focused on those parts of the law explicitly related to tenure systems. The most important Articles for this thesis project, therefore, are those focused on the individualization, privatization, consolidation and proper management of land, as well as those that seek to outlaw existing informal management systems (see figure 4.1).

(Figure 4.1)

Article Number	Excerpts of Organic Land Law
3	“...the state has supreme powers to manage all the national land, and this is done in public interest aimed at sustainable, economic development and social welfare...In that regard, it is the state that guarantees the right to own and use the land. The state also has rights to expropriate due to public interest, settlement and general land management through procedures provided by law and prior to appropriate compensation” (GoR 2005: 2).
20	“...the Minister having Agriculture in his or her attributions in conjunction with local authorities and the respective residents may approve consolidation of small plots of land in order to improve land management and productivity...it is prohibited to reduce the parcel of land reserved for agriculture of less than a hectare” (GoR 2005: 6).
30	“Registration of land a person owns is obligatory. The order of the Minister having Land in his or her attributions specifies the procedures through which land registration is carried out” (GoR 2005: 7).
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 ensuring its production in a sustainable way” (GoR 2005: 11).

Article 30: Private ownership of land and other rights related to land are granted by the State. The law specifies the modalities of acquisition, transfer and use of land. (GoR 2003: 8).

63	“Productive use, appropriate protection and sustainable land productivity shall be based on the area’s master plan and the general structure of land allocation, organization and use and specific plants certified by relevant authorities” (GoR 2005: 11).
86	“The <<ubukonde>> custom as governed by law n° 530/1 of May 26, 1961 on land tenure in the territories of Gisenyi and Ruhengeri [Gisenyi & Musanze] is hereby abolished” (GoR 2005: 14).

While the 2005 OLL establishes the framework for all current and future land policies in Rwanda, it is also the foundation of the Government’s plan for long-term development and macro-economic reform. As such, the OLL has required (and still requires) significant supporting legislation and ministerial orders (Sagashya & English 2009).

Section 4.1.5.1 – The implementation of the Organic Land Law

Having established a new foundation for rural reform, in 2006 the GoR launched a series of field consultations to prepare for the nation-wide implementation of tenure policies (Sagashya & English 2009). The Ministry of Natural Resources (MINIRENA – formerly the Ministry of Lands, Environment, Mines, Water and Forestry – MINITERE) performed a series of consultations throughout rural Rwanda in an attempt to gain a more nuanced understanding of land management practices, and to develop “a feasible consultative and participatory approach to the registration of landholdings” (Sagashya & English 2009: 16).

This required engaging fully at district, sector and cell level to design both the scope and content of the field trials interventions, and to ensure that the drafting of decrees and design of the strategy was evidentially based (Sagashya & English 2009: 16).

According to Sagashya and English (2009), results from the consultations suggested that farmers increasingly look to the Government and statutory law for tenure security. Based on the data collected, MINIRENA developed a set of administrative procedures known as Land Tenure Regularisation (LTR) to recognize, record and secure existing rights over individual, private and public lands.

It [LTR] is designed to clarify the rights of the existing owners and occupants of

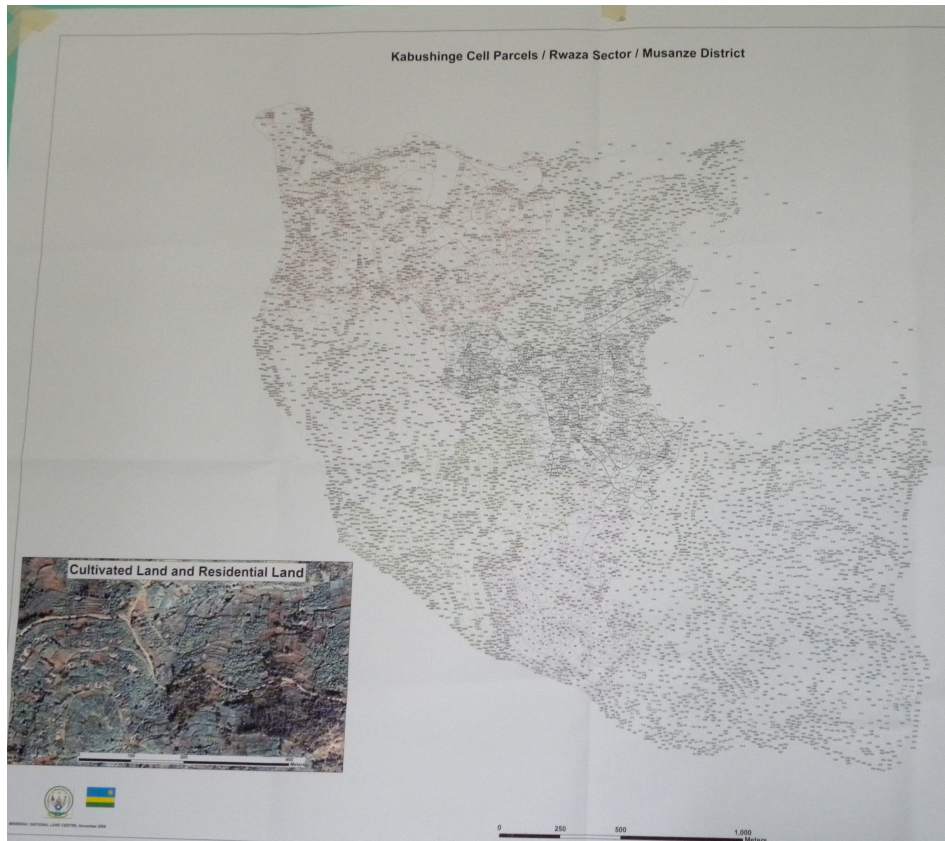
land and, where necessary and desirable, to convert those rights into a legally recognised form that will allow people to legally transact their interests in land, and use their titles for mortgaging and credit purposes (Sagashya & English 2009: 18).

Having designed the LTR system using data collected from the field consultations, from March to December 2007 MINIRENA launched the LTR program in four pilot sites (Figure 4.2). Pilot projects were carried out at the cell level, where they were designed to test the large-scale implementation of LTR and to inform the process of local institution building (Sagashya & English 2009). Ownership information was recorded on over 14,900 plots, and landholders met with registration officials to trace land boundaries on satellite images (Sagashya & English 2009). Based on the results from these field trials, in 2009 the GoR transitioned out of the preparatory stage and into the full-scale national implementation of LTR. With land tenure reform at the foundation of the Government's long-term development plan, MINIRENA (now MINELA – Ministry of the Environment and Lands) is currently striving to complete the LTR process for all plots in Rwanda (over 7,900,000) by 2013 (Sagashya & English 2009).

(Figure 4.2 – Land Tenure Regularization Field Trial Sites 2006-2007)

Province	District	Sector	Cell	# of HH	# of Umudugudu	# of Parcels	Total Ha
West	Karongi	Ruganda	Biguhu	358	8	3, 019	740
North	Musanze	Rwaza	Kabushinge	1,118	8	7, 432	584
Kigali	Gasabo	Gatsata	Nyamugali	1,200	5	1,562	66
East	Kirehe	Kirehe	Mwoga	837	5	2,895	2,058
Total				3,513	26	14,908	3448

(Source: Sagashya & English 2009)



(Figure 4.3 – Map of Kabushinge LTR pilot site, Musanze District. Image source: M Pritchard 2009; Map source: Government of Rwanda.)

Section 4.1.5.2 – Critiques of the Organic Land Law

Over the past five decades a number of authors have argued that Rwanda requires large-scale changes to land use and management systems (Landal 1970; Clay & Ngenzi 1990; Barrière 1997; Van Huyweghen 1999; Musahara & Huggins 2005; Musahara 2006). However, despite the need for reform, a number of these (and other) authors express significant concern over the goals and implementation of the Organic Land Law. In this section I provide a brief overview of the critiques that relate explicitly to existing land use and management systems in Rwanda. For a more extensive overview of each argument, as well as other critiques of the OLL, please refer to the authors and publications cited.

First, one of the central goals of the Organic Land Law is to reduce population pressure by providing rural households with greater opportunities for off and non-farm employment. While these jobs are essential for land management and diversification, they

risk entrenching existing economic inequalities, as the majority of jobs outside of household production are controlled by a small number of affluent individuals (Musahara & Huggins 2005). A large-scale shift towards these sectors, therefore, could increase economic diversification while exasperating existing inequalities.

Second, to protect women's access to property, in 1999 the GoR passed the Inheritance Law, which guarantees women and children equal access to land (GoR 1999). While this was an important step towards greater equality under statutory law, two central components of the legislation continue to restrict women's access to holdings. First, the Inheritance Law only relates to legally married women and their offspring. As most unions in Rwanda are common law (Musahara & Huggins 2005), the majority of women and children in the country cannot benefit from the Inheritance Law. Second, overlapping clauses in the Inheritance and Organic Land Laws have created a significant grey area characterized by a lack of legislation. Specifically, the Inheritance Law states that women and children can inherit land according to the information laid out in the OLL, while the Land Law states that inheritance practices must follow the Inheritance Law (Musahara 2006).

Third, the Government's focus on land as the main component of long-term sustainability and development in Rwanda (outlined in the Poverty Reduction Strategy Papers I & II and Vision 2020 document) has placed significant pressure on the speed of the Land Tenure Regularization process.⁵ Specifically, the Government's desire to register all plots in Rwanda by 2013 has led some authors to conclude that the speed of implementation threatens to outpace the development of supporting legislation (Sagashya & English 2009). Lacking the necessary legislation and driven by demand for results places pressure on local land administrators, and will likely lead to unequal application and significant compromises in the registration process (Sagashya & English 2009).

Fourth, there is significant concern regarding Articles 62 and 75 of the OLL, which outline the Government's rights to confiscate land that "is not being used in a productive way" (GoR 2005: 11) According to the Land Law, "the use of land in a productive way is

⁵ Vision 2020 (GoR 2000) is a document that outlines the foundation of Rwanda's short, medium and long-term development programs. Vision 2020 sets forth the main priorities for sector wide reform and summarizes the Government's goals for the year 2020. According to Vision 2020, "we will always have to build upon our agricultural sector and develop it into productive and market-oriented agriculture over the medium term" (GoR 2000:3).

to protect it from erosion, safeguard its fertility and ensure its production in a sustainable way” (GoR 2005: 11). While protection against soil erosion is an essential part of agricultural sustainability in Rwanda, the language used in the OLL does not specify the criteria for judging a farmer’s ability (Musahara & Huggins 2005). Given Rwanda’s recent history of the Government as the ultimate owner of all land, and the power dynamics that characterize state-society relations, Articles 62 and 75 have led to significant fears of large-scale land confiscations.

Fear of land confiscations relates to the fifth and one of the most prevalent critiques of the 2005 OLL. According to Article 20 of the Land Law, once registered, households with parcels 1 hectare (ha) or smaller are prohibited from dividing their lands (GoR 2005). The purpose of this Article is to promote “the consolidation of small plots of land in order to improve land management and productivity” (GoR 2005: 5). While this restriction appears reasonable given decreasing production and continued fragmentation, Article 20 presents two main challenges. First, the 1 ha limit established by the Government is based on a study conducted by UNFAO, which concludes that households require at least 0.9 ha to be nutritionally viable (Liversage 2003; Moseley 2004; Sagashya & English 2009). Not only is this number contentious given extreme differences in productivity and market forces around the world, but it also contrasts directly with the 2004 Land Policy and the GoR’s conclusion that households in Rwanda require at least 0.75 ha to fulfil the nutritional requirements of the average family (Musahara & Huggins 2005). Second, the 1 ha limit effectively outlaws the custom of patrilineal inheritance, which is both an important tradition and means of accessing land for most households. Third, given the continued decline in the average size of land holdings, 73-77 % of all households in Rwanda own less than 1 ha (Musahara & Huggins 2005).

Because 73–77% of households own less than 1 ha of land, for consolidation to achieve a minimum holding of 1 ha, over half a million households would have to give up their plots, but would receive compensation, according to the policy (the question remains whether the government could afford to pay adequate compensation). This huge number of people, representing almost a third of the entire population, would have difficulty finding alternative forms of subsistence (Musahara & Huggins 2005: 314).

In other words, not only will the majority of rural Rwandans not be able to reduce the size of their holdings through gifts or distress sales, but their lands will also remain vulnerable to large-scale government confiscation.

Section 4.2 – ACCESS TO LAND

Having provided a brief overview of Rwanda's land tenure systems, this final section summarizes the effects that previous policies and current legislation have had on land use and management systems throughout the country.

First, despite continued attempts at unifying formal and informal tenure regimes, rural Rwanda remains dominated by a dual system of land holdings. While the national implementation of the OLL in 2009 has increased the number of individualized and registered claims (slightly), the overwhelming majority of the country relies on overlapping use rights that draw on a mixture of formal and informal management practices.

Second, over the last fifty years the population of Rwanda has almost quadrupled (Musahara & Huggins 2005). Increasing population pressure has led to greater fragmentation and continued decline in the average size of holdings. Mirroring the rise in national population density from 121 persons per km² to over 350 per km² today, the average size of total land holdings has dropped from 2ha in 1960 to 0.35ha in 2007 (Rurangwa 2002; National Land Tenure Reform Programme, NLTRP Statistics 2007; Sagashya & English 2009). As holdings have become more fragmented and dispersed, land distribution has become increasingly unequal (Bigagaza et al. 2003; Musahara 2006). By 1984, 50% of all agriculturally productive land in Rwanda was already consolidated on 182,000 of the country's 1.1 million farms (Baechler 1999; Musahara 2006). Both of these factors have led to significant increases in landlessness and conflict over holdings (Musahara & Huggins 2005). Furthermore, increased population pressure has altered both formal and informal inheritance practices, and has reduced women's ability to access land through their husbands and fathers.

Third, increasing population pressure has placed incredible stress on arable land. As early as the 1960s scholars began to warn of an absolute land scarcity in Rwanda (Landal 1970). As land became increasingly scarce, individuals were forced to avoid

fallow periods and plant on unsuitable terrain. Over time, these practices led to extensive soil erosion and nutrient leaching. Currently, soil erosion is classified as moderate to severe on 50% of the country's land surfaces (Musahara & Huggins 2005), which according to the Government, translates into a loss of the ability to feed approximately 40,000 people each year (GoR 2004). While farmers have been (and continue to be) blamed for unsustainable practices, they have historically invested heavily in soil conservation through terracing, agro-forestry, water catchments and living hedges (Musahara & Huggins 2005). The intensive inorganic production that predominates throughout the country, however, is currently limited by a severe lack of access to organic and inorganic fertilizers (Musahara & Huggins 2005).

(Figure 4.4: Image of subsistence farmland in Bigogwe District. Source: M Pritchard 2009)



Fourth, increasing land fragmentation and decreasing production have led to a greater dependence on off and non-farm employment amongst rural households. According to Musahara & Huggins (2005), 47% of all households that depend on

agriculture “engaged in some non-farm and or agricultural labour activities out of necessity and not as a form of alternative employment” (Musahara & Huggins 2005: 305). While this suggests that large numbers of subsistence farms are no longer sustainable, the availability of off and non-farm employment remains disturbingly low.

Finally (for this section), population pressure and shrinking land holdings have led to notable increases in conflict over land (André 1998), as well as an informal market for individually traded property rights. While the majority of farmers rely on the community to provide tenure security, over the past 50 years there has been a continual increase in the number of plots sold informally through highly formalized, but locally managed markets.

Section 4.2.1 – Literature on land tenure in Rwanda

Having drawn extensively on the literature to provide a historical overview of land use and management systems in Rwanda, in this section I situate my thesis project within the existing bodies of work and resulting research gaps. Specifically, given the speed and scale with which the Government has implemented the Organic Land Law, there is a notable lack of information on how land tenure systems in Rwanda are impacting rural reform. Unsurprisingly, the majority of academic publications on land in Rwanda emerged in response to the challenges of re-settling, re-organizing and re-securing rural areas following the genocide. As a result, a number of works emerged in the late 1990s and early 2000s to contextualize the need for land reform within complex socio-cultural and economic institutions. However, other than the recent article published by Huggins in 2010, the initial analyses and critiques of the 2004 Draft Land Policy and 2005 Organic Land Law have not been followed by detailed research on the current state of land reform in Rwanda, or data on how Government policies are affecting subsistence farmers and rural livelihoods.⁶ After providing a thorough review and critique of the Organic Land Law for the United Nations Food and Agriculture Organization, renowned Rwandan academic and land consultant Dr. Hermann Musahara (2006: 16) states:

What is inevitable is the need for more studies on the issue and ongoing

⁶ See Huggins, C. 2010. Agricultural Policies and Local Grievances in Rural Rwanda. *Peace Review*. 21 (3): 296-303.

monitoring of the progress of the reform [in Rwanda].

As we move forward into the Results and Discussion chapters of this thesis, I step into this theoretical and experiential gap by providing detailed information on how formal and informal tenure systems in Rwanda are interacting and evolving given the respective needs and goals of subsistence farmers and government policy makers.

Section 4.3 – CONCLUSION

This chapter provides a brief history of land tenure systems in Rwanda (section 4.1), and follows with a summary of trends in access and distribution of land holdings (section 4.2). The main goal of this chapter is to contextualize the data analysis and discussion sections that follow by situating current legislation within a complicated and convoluted history of multiple, often overlapping tenure systems. Over the last sixty years, the overwhelming majority of academic and policy oriented publications on land and agriculture in Rwanda argue that increasing fragmentation, decreasing production and increasing conflict over land demonstrate the need for large-scale change in land use and management practices. However, the continued inability of Government policies to reform, let alone impact land use and management practices in Rwanda over the past ninety years demonstrates that any attempt at revolutionizing the rural system requires not only effective policies, but also support and participation from rural households.

CHAPTER 5 – RESULTS

Having previously introduced my research design and methodology, in this chapter I summarize the data collected for this thesis project into three main results. My goal for this chapter is to state the primary findings and separate any conclusions from the analysis and discussion that follow in chapter 6. To this end, in section 5.1 I present my findings on the status of land and land tenure systems in Rwanda as understood by rural subsistence farmers. In section 5.2 I summarize the clarifications and changes to the legislative framework currently driving mandatory land registration and consolidation. Section 5.3 then follows with an overview of how these changes are impacting rural subsistence farmers. Finally, given significant differences in how land policies are affecting subsistence households, in section 5.4 I summarize how the gradual and often dissimilar application of Government land reforms is creating distinct polities throughout rural Rwanda.

Before delving into my primary findings, it is necessary to acknowledge the nature of research into land reform in post-genocide Rwanda, and the impact this unique context has on data collection and presentation. Specifically, as tenure regimes are complex social institutions, research into the evolution of formal and informal land management systems necessarily produces complex and convoluted results. Simply put, research into the evolution of multiple overlapping social institutions is messy. While the multifaceted nature of land tenure systems lends itself to highly detailed data on socio-political, economic and cultural relations, these often lead to results that do not readily fit (as much as one might like) with more traditional conceptions of empiricism. This disconnect between existing and desired data is especially true for post-genocide Rwanda, where reasons for how and why tenure systems are evolving change within and between communities according to ethnicity, genocide experience, gender and family history, as well as social, cultural, economic and political relations. Given this unique context, beyond a summary of general percentages and trends, I choose to not artificially reduce data to empirical metrics that oversimplify complex and continually evolving relationships. Forcing the data collected for this project into distinct stratified categories of results unnecessarily generalizes complex responses and ignores why different individuals and households give similar responses for completely different reasons. In

order to avoid the confusing (yet tempting) role of reducing data to fit with a more traditional understanding of empiricism, in this chapter I present the themes that emerge through inductive thematic analysis, and support these findings with specific quotations and experiences. Furthermore, I approach this topic from a perspective that challenges positivism and holds that the measurable world cannot be separated from continually evolving social relationships (Entrikin 1976; Smith 1988). From this perspective, in the following sections I allow the data to demonstrate the complexity of the lived experiences that are evolving and exerting themselves through shared meanings of divergent realities within the complex and conflicting social, economic, political and cultural spaces of rural Rwanda.

Section 5.1 – CURRENT STATUS OF LAND USE AND TENURE IN RWANDA

While most of the literature (government, grey and academic) on land in Rwanda focuses on the need for change given decreasing fertility and increasing population pressure, very little information exists on the perspectives and evolving practices of rural subsistence farmers. Rather, most publications are dominated by scientific narratives that quantify levels of erosion and nutrient depletion in lieu of anthropocentric analyses of how these changes are affecting baseline producers and consumers.¹ Here, my goal is not to idealize the struggle of subsistence households, but to compare and contrast local perceptions of land quality and the need for change with those disseminated in government, non-profit and academic publications.

Section 5.1.1 – Local perceptions of land use and soil fertility

Initially outlined in section 4.2, increasing population pressure and intense organic agriculture on steep (often highly marginal) lands have led to extensive and severe soil erosion throughout Rwanda. While data collected for this project do not focus on measuring the amount or extent of erosion, interviews with subsistence farmers across the five study sites overwhelmingly confirm the severity of the problem and its effect on rural livelihoods. Specifically, when asked about changes in soil quality over time, 76%

¹ This is not to suggest that these studies are flawed, or indeed any less accurate than those that focus primarily on data collected from rural subsistence farmers. Rather than to challenge the veracity of previous studies, my goal is to add another level of data in an attempt to further triangulate existing results, and present a contemporary perspective that has yet to be filtered through the agendas of policy makers.

of subsistence farmers interviewed for this study note significant decreases in soil fertility and productivity over the past ten years (see Figure 5.1).

(Figure 5.1) Change in soil fertility over the past 10 years ²			
Field site (by District)	Number of informants that have owned or rented the same plot of land (at least 1) for the last 10 years	Number of informants that note significant decreases in soil fertility and agricultural output over the past 10 years	Percentage (%)
Musanze	19	15	79
Rulindo	9	7	78
Bugesera	13	11	85
Bigogwe	9	5	56
Total	50	38	76

While some farmers state that their lands have been affected by climate change, drought, or invasive grass species, 76 % of participants have witnessed the impact of erosion on soil quality and productivity. As summarized by Grace:

The structure of the soil has changed over time. Before we would plant different types of crops and get enough production. Now the soil has changed and we are not getting enough [production] (Interview, Bugesera District, 07/2009).

In addition to the problems caused by erosion, a number of informants note the impact that continued tillage has had on small holdings. According to Amida, a female farmer working her family's plot in Rulindo District, "Because the land is too old and because of a lack of fallow periods, even before soil erosion became a problem the land had been exhausted" (Interview, Rulindo District, 07/2009). While all subsistence farmers and landless peasants sampled observe significant increases in erosion and decreases in overall production, given large variations in topography and access to inputs, the levels

² The 'ten year' requirement for this measurement was included to filter out those households that have only recently moved into the area and are not as familiar with medium-term trends in soil fertility and productivity. The ten year time period also gives informants a larger sample of 'data' from which they can make their assessments, but is not so long as to exclude those households that were displaced during or immediately following the genocide. Participants that did not meet the 10 year requirement for this sample were asked about their experiences with soil erosion and productivity (in their previous and current locations). While these data are not included in the table, they do support the trend of decreasing soil fertility and agricultural output over time. It is also important to note that the results for Bigogwe District (56%) are somewhat lower than the other field sites, as all of the lands included in this sample were formally part of the *Gishwati* Forest Reserve. As such, these lands were only cleared for agriculture between 1995-1999, and are therefore relatively 'young' compared to plots in the other field sites.

and extent of degradation vary significantly over small distances within and between fields and research sites.

Section 5.1.2 – Local trends in land ownership

In addition to widespread acknowledgement of the need for land use change, current trends in land ownership support the privatization narratives currently driving the OLL and underpinning the GoR’s platform for long-term development. Despite decades of failed attempts at privatizing land throughout the African continent, Rwanda has a long history of a highly formalized ‘informal’ land market. First, while most landholders obtain their plots through a mixture of private purchase and inheritance, the number of farmers accessing land exclusively through the informal market has increased significantly over the past 60 years. Indeed, 71% of subsistence farmers interviewed for this study purchased at least one of their plots through the informal market (Figure 5.2). This market is ‘informal’ in that the plots are not registered, taxed or regulated by a federal body (i.e. the Ministry of Environment and Lands). At the same time, the term ‘informal’ is misleading as decades of buying and selling land have resulted in a highly regulated, formalized and politically legitimized ‘informal’ market. When purchasing a piece of land all parties involved (and their witnesses) must sign a ‘title deed,’ which, while not issued by the state, is submitted to the local Government for ratification. In order to acknowledge, and therefore guarantee the contract, the individual purchasing the land pays the local Government a ‘registration fee’ worth six percent of the total purchase price.

While the method of obtaining land is related to the tenure relations used to protect that land (e.g. households that inherit all of their holdings tend to rely exclusively on community protection), it does not necessarily inhibit households from simultaneously drawing on multiple forms of protection. As most landholders in Rwanda obtain plots through a mixture of inheritance and private purchase, the overwhelming majority of households draw simultaneously on community backed and

(Figure 5.2) Main methods of obtaining land	
Informal Purchase Only	23.8 %
Inheritance Only	28.6 %
Mixture of informal purchase & inheritance	47.6 %

individually held ‘informal’ protection.³ In this case, informal title deeds are a way to supplement existing methods of community protection, and have evolved not only as a means of guaranteeing household rights, but more so as a necessary component of Rwanda’s agricultural system. Specifically, given such intense and highly diversified modes of production, a market for buying and selling small plots of land emerged as an essential component of diversification and risk management. Subsistence households often sell small sections of their land in times of distress only to re-purchase or rent these plots when more capital becomes available. This incredibly fluid and dynamic market was important to post-genocide stability, as it enabled old and new caseload refugees (Tutsi and Hutu) to access land and re-establish their livelihoods following the conflict. The resulting situation is one where most households obtain land through a mixture of inheritance and private purchase, and consequently draw on both community-backed and individually held ‘informal’ protection. While this mixture of tenure systems is not unique to Rwanda, or surprising given increasing population pressure and extensive community support mechanisms, 100% of the households interviewed for this study that inherited all of their holdings rely exclusively on community backed protection.

I was born here so I inherited this land. There is no question as to whose land it is. If you were born on the land it is yours automatically, there is no use for a piece of paper. The village protects my interests. No one can dispute my claim to this land because they have seen me grow up on it (Interview, Hadidja, Musanze District, 06/2009).

Conversely, households that purchase all of their landholdings (28.6 % of farmers interviewed for this study, see Figure 5.2) rely on both the ‘informal’ titles guaranteed by local leaders and community protection. Indeed, all respondents who purchased land through the informal market note the importance of community protection. According to Faustin, a farmer from Rulindo District:

You can never buy land without a contract. But the customary tenure systems also means that there are lots of local people around, so they know whose land it is and you can’t cheat (Interview, Rulindo District, 07/2009).

³ Throughout the course of this work, I define and use ‘the majority’ to refer to those data that consistently emerged and dominated individual interviews and community meetings within and/or across field sites. These data were amalgamated and analyzed using inductive thematic analysis (see section 3.5).

While it is essential to distinguish between the methods of obtaining land and the methods of protecting it, data collected for this project demonstrate that despite greater reliance on informally purchased plots that require highly formalized ‘informal’ titles, the majority of rural subsistence households still draw extensively on community backed tenure security.

Second, despite the prevalence of community backed tenure regimes, data show that the overwhelming majority of rural subsistence farmers not only support, but more so desire the Government to act as the formal guarantor of land rights. Data from interviews across field sites support the findings from Sagashya & English (2009), who conclude that the majority of farmers consulted during Government field trials for the OLL “saw the Government and statutory law, and not ‘custom,’ as the best guarantor of tenure security” (Sagashya & English 2009: 3). Indeed, 67 of the 68 (99%) subsistence farmers interviewed for my thesis project state that Government backed security is the best method of protecting their holdings due to problems with conflict over land.⁴

There have been many disputes over land in this area. Violence has occurred, people have been attacked and cut because of the land...Under the current land law [registration] I will be more protected than before. This [law] will solve problems because when you have your land registered you can claim ownership more easily (Interview, Ingabire, Bugesera District, 07/2009).

When asked about the Government’s desire to formalize all customary land tenure systems (OLL Article 30), the overwhelming majority of farmers favour Government protection. Of all the farmers and landless peasants interviewed, only one, an elderly female farmer in Rulindo District, sees registration as a negative process that necessarily represents a shift away from ‘traditional’ tenure systems and a loss of culture. The overall reliance on a mixture of informal titles and community backed tenure security has resulted in widespread support for Government-led privatization. This support is largely due to the fact that Government-backed security does not necessarily exclude farmers

⁴ While data from all five field sites demonstrate significant concern with conflict over land, this was an especially important factor in the desire for Government backed security in both Rulindo and Bugesera Districts. Informants from Rulindo state that they are hope private registration will put an end to mandatory land sharing imposed by local officials following the genocide. In Bugesera informants note a higher prevalence of conflict over land, but state that the overwhelming majority of instances are intrafamilial. For example, a number of informants note the problems caused by polygamous households, where the family of one wife will try to claim the lands of the other wife once the husband dies.

from drawing on community protection. Rather, informants see titles as an additional method of guaranteeing access to land that supports, rather than replaces the role of the community.

Section 5.2 – ADJUSTMENTS TO THE ORGANIC LAND LAW

As outlined in section 4.2, despite repeated calls for large-scale tenure reform over the past 40 years, a number of authors (Musahara & Huggins 2005; Pottier 2006; Huggins 2010) express significant concern over the nature of the Organic Land Law and its potential impact on rural subsistence farmers. Specifically, critics state that the cost of registration mandated by the Land Law threatens to exclude the most vulnerable groups, while restrictions on dividing lands smaller than 1ha will severely inhibit the distress sales and inheritance practices essential to local livelihoods (see section 4.1.5.2). Although significant concerns remain, after two years of Government-led field trials and the initial nation-wide roll out of the OLL, data collected for this project demonstrate two significant results:

- i) *The cost of registration has increased access to privately held and guaranteed lands.*
- ii) *The GoR has made significant changes to the specific requirements of the Land Law, and fundamentally altered the previously established methods of reforming tenure regimes and the entire rural system.*

Section 5.2.1 – The cost of mandatory land registration

National registration programs are extremely expensive and the Government of Rwanda notes that mandatory fees will help offset (rather than cover) state expenditures. However, if the cost of registration is set too high it will necessarily exclude the majority of landholders. While a valid concern, data collected for this project demonstrate that although the Government has continued to charge households for initial registration, the cost remains relatively low. As a result, the Land Law has not yet restricted access to holdings, but is making individually held and guaranteed plots more accessible to vulnerable populations. According to interviews with farmers and land administrators, the cost to register one plot of land is a one-time fee of 1,000 FRW (approx \$1.69 USD). Here, a plot is defined as a contiguous area that is not divided by a road or separate

holding. Lands divided by a road or neighbouring property are recorded as two plots, where each must be registered at a cost of 1,000 FRW. For example, as the average household possesses approximately five plots of land (Musahara & Huggins 2005), the average cost of registration will be 5,000 Francs (approximately 8.34 USD). While paying for multiple plots is difficult for most farmers, the current cost of registration is significantly lower than that required to protect land through the informal market (6% of the total sale price). Specifically, informants note that the lower cost of obtaining titles will allow them to gain the protection that was previously untenable given the 6% fee levied by local administrators. Furthermore, informants and Government officials across field sites note that households unable to pay the mandatory fee at the time of registration are not locked out of the process. Rather, lands are registered and ownership information recorded for all plots. Those individuals unable to pay on the day of registration are simply required to go to the District office and collect their titles once they amass sufficient capital.

The cost of registration is no problem for the needy. They [the Government] will register you, and say that when you have money, come to the office, pay, and they will give you the receipt (Interview, Victoire, Ntarama District, 07/2009).

In addition to an extensive pre-existing desire for Government backed tenure security, the relatively cheap cost of registration has increased support for the Land Law at the local level. Most importantly, data demonstrate that more households are now able to access private property. Although landholders who had previously ‘registered’ their holdings through the informal market are required to ‘re-register’ their plots under the formal system, the relatively low cost decreases the level of frustration felt by households that are essentially being charged twice for one piece of land. While registration is only just beginning outside of pilot sites (as of July 2009), data show that the majority of participants are able to pay to register some but not all of their holdings.

Section 5.2.2 – The 1 hectare restriction on dividing land

In addition to clarifying the cost and process of registration, data demonstrate significant discrepancies between the requirements outlined by the Organic Land Law, and how these policies are currently being applied throughout rural Rwanda. First

introduced in section 4.1.5, the main goal of the Organic Land Law (and purpose of registration) is to consolidate small, widely displaced holdings in order to motivate and empower households to invest in soil protection and profit from economies of scale. In what initially appears as a complete departure from these goals, as of June 2009, the Government of Rwanda has abandoned all previously developed restrictions on dividing land holdings 1ha or smaller. Although this change directly contravenes Article 20 of the OLL (one of the most contentious yet important components), the adjustments remain ‘informal’ as the Land Law has not been amended by Parliament. Data show that rather than not being allowed to divide any lands smaller than 1ha (through sale or inheritance), farmers can now subdivide their holdings as much as they want. While the GoR has yet to officially amend the Organic Land Law, these changes represent a significant shift in the approach to consolidating agricultural holdings and revolutionizing the rural system. According to the chief land administrator in Musanze District, “Farmers can subdivide their land for inheritance or for sale, they just have to follow the steps required to change the ownership information on the [Government’s] official land registry” (Interview, Musanze District, 06/2009).

Although any movement by the GoR away from the 1 ha law represents a significant departure from the central purpose of the OLL, further results demonstrate that the Government has not abandoned its goal of large-scale consolidation. While the OLL was developed as the primary means of altering the rural system and realizing the changes required by Rwanda’s vision for development (outlined in the Vision 2020 document), in practice the Government has shifted its focus to revolutionizing rural Rwanda through the National Agricultural Policy (NAP). Specifically, the Regional Crop Specialization Programme (RCSP) introduced by the NAP is currently being used to consolidate all aspects of agricultural production and decision making away from subsistence farmers and rural households.

Intensification that requires increased use of inputs and regional specialization will allow producers to take advantage of agro-bio-climatic conditions in various ecological zones to maximize production. This justifies the necessity to integrate agriculture in [the] market economy to secure benefit to farming enterprises through high income and improved market[s] (GoR 2004: 14).

This method of specialization is then established by the RCSP, which states that the “selection of commodities must be economically rational and strictly based on comparative advantage (GoR 2004: 9). Specifically, households are required to plant only the crops selected and provided by the Ministry of Agriculture according to imposed planting and harvesting timetables (Huggins 2010). As explained by the head land officer for Musanze District:

The Ministry of Agriculture decides on the [crop] zones according to bioclimatic zones...No one should grow crops independently, so the Government entered into land consolidation. In a certain area everyone has to adopt the same crop. The idea is to be able to support each other and to be able to buy in bulk
(Interview, Musanze District, 06/2009).

In other words, under crop specialization the total number of plots within a given area is not reduced through physical consolidation. Rather, all composite plots are effectively consolidated into a single field of one crop planted and harvested by the landowners. Crop specialization, therefore, has emerged as an effective method of using agricultural policy (what, when and how crops are planted) to achieve the large-scale tenure reform and agricultural change that were the driving force behind the OLL.

Section 5.3 – THE ORGANIC LAND LAW AND REGIONAL CROP SPECIALIZATION: THE IMPACT ON SUBSISTENCE FARMERS

Given the significant shift away from the OLL as the main method of realizing large-scale change in rural Rwanda, a key challenge in presenting the results is distinguishing between interdependent Government laws and local perceptions of policies. Specifically, while the OLL and RCSP draw on separate legislation within a comprehensive rural development strategy, they have also been developed and applied in completely different ways. Contrasting greatly with the nine years of debate and two years of field trials required to prepare the OLL, the NAP was implemented with little consultation, monitoring or indeed awareness at the local and international levels.⁵ Despite significant differences in the development and implementation of the OLL and

⁵ While the OLL was a relatively inclusive process (when compared to other legislation in Rwanda), Huggins (2010) notes that “the general direction of the policy and law were never really up for debate” (Huggins 2010: 296).

NAP, they are being understood and applied at the local level as a single policy.⁶ To further complicate matters, the Government has added a third component to these two interdependent policies: the construction of radical terraces required under the OLL. The resulting situation, is that throughout rural Rwanda, registration, terracing (if required), and crop consolidation are understood as parts of a single comprehensive land policy that are applied in different stages over a period of months or even years. Furthermore, data collected for this project show that these ‘stages’ of reform are not being implemented evenly, but draw on different methods of reform in different regions of the country. While some areas had undergone registration, terracing and initial preparation for crop specialization by June 2009 (almost exclusively in areas surrounding OLL pilot sites), most farmers sampled outside of these areas have only experienced one of the three steps (e.g. registration or terracing, etc.). Data collected in all five-field sites show that combining the OLL and RCSP to realize Government goals for land and agriculture reform have led to significant variations in policy application. Specifically, the aggressive implementation of both land and agriculture policies has affected rural Rwanda in two ways. First, the Government’s attempt at achieving land consolidation through crop specialization is significantly reducing tenure and food security throughout the country.⁷ Second, the aggressive and unequal methods of implementing registration, terracing and consolidation have divided the country into distinct polities of farmers and communities whose opinions of both the land policy and GoR vary according to their stage in the reform process.

⁶ Obviously there is always significant (and indeed necessary) overlap between land and agricultural policies. However, local farmers do not distinguish between the application of Government reform and the policies on which these are based. Rather, any policy dealing with land (whether focused on tenure or agriculture) is understood as a single, comprehensive piece of legislation. While this is partially due to the fact that most farmers are illiterate and do not have the opportunity to read Government laws, local conceptions of land and agricultural reform as a single entity are also direct results of how the laws are implemented.

⁷ At no point does this study suggest that land tenure and food insecurity did not exist prior to the implementation of the Organic Land Law and Regional Crop Specialization Programme. Rather, population pressure, declining production and increasing conflict over land in Rwanda have contributed to the erosion of tenure and household food security over the years. Rather than an argument against Government intervention in the rural sector, I focus on how the nature of this intervention threatens to exacerbate the problems it is trying to solve. Furthermore, any discussion of the necessary tradeoffs between short-term insecurity and long-term security is beyond the scope of this project.

Section 5.3.1 – Land tenure security

Data compiled across research sites demonstrate that while rural households overwhelmingly support the registration and privatization of holdings, initial registration, terracing and preparations for crop specialization have significantly decreased land tenure security (see Figure 5.3).⁸ Although crop specialization has not yet been applied throughout most of the country, participants from all field sites are aware of, and worried about the impact rural reforms will have on their livelihoods.⁹ Specifically, farmers have been explicitly warned of the need to follow Government planting instructions, and told that households that ignore these requirements will have their crops ripped out of the ground, will be fined, and eventually evicted from their lands.¹⁰ Crop specialization, therefore, threatens land tenure security in two main ways. First, 94% of farmers interviewed in Musanze and 83% in Bigogwe (Districts where lands have recently been cleared for terracing and crop specialization) express significant fear of having their lands confiscated by the Government (Figure 5.3). Conversely, farmers in Rulindo (30%) and Bugesera (33%) Districts express concern over the state's ability to confiscate land, but do not mind as long as they are compensated. At the same time, despite the promise of Government-backed private land tenure, respondents across all field sites state that if the Government wants to take their land, there is absolutely nothing protecting them.

If someone from the community tries to take away our land, then you can go to the leadership [umudugudu level] and they can protect you. If the Government tries to take your land, there is nothing you can do (Interview, Pacifique, Musanze District, 06/2009).

⁸ Land tenure security can be measured in a number of ways. However, given the scope and focus of this project, throughout this work tenure security is 'measured' through local perceptions of an individual's (or household's): (1) right to work their land(s) as they see fit, (2) feeling that they will not be deprived of these rights "over land and the economic benefits that flow from it," (3) the certainty that rights will be recognized and protected against forced evictions (UN-HABITAT 2008: 5).

⁹ For the purpose of this paper, the policies understood as 'rural reform' are restricted to the Organic Land Law and Regional Crop Specialization Programme. While rural reform obviously involves a number of other interdependent policies, this paper remains exclusively focused on changes to land tenure and land use through the OLL and RCSP.

¹⁰ This confirms findings by Ansoms (2009) and Huggins (2010). Ansoms (2009) quotes a Government official as stating that "[farmers] are obliged to obey," either they invest in this planting technique or they will "have to leave their land and work for someone who is willing to invest" (Ansons 2009: 91). According to Huggins (2010), "security personnel at the sector level told residents that if they did not plant the required crops at the same time as other members of cooperatives, other people would be brought in to cultivate their land" (Huggins 2010: 300).

This feeling of insecurity is re-stated throughout the country, but effectively summarized by Evaline, a female farmer and head of household: “Life is very difficult because the Government can take away your land at any moment” (Interview, Musanze District, 06/2009).

(Figure 5.3) Impact of registration and specialization on tenure security¹¹

Field site (by District)	Number of semi- structured interviews	Number of farmers that note decreased tenure security due to rural reforms & threat of land confiscations	Percentage (%)
Musanze	31	29	94
Rulindo	10	3	30
Bugesera	15	5	33
Bigogwe	12	10	83
Total	68	47	69

Second, in addition to the threat of confiscation, regional specialization effectively undermines tenure security by centralizing all aspects of agricultural decision making away from farmers. As a result, in spite of the new titles granted and guaranteed by the state, rural households are essentially being transformed from landowners to agricultural labourers. Although the majority of farmers admit that they are looking forward to help from the Government, those that have already experienced registration, terracing and preparation for consolidation state that “tenure security is non-existent” (Interview, Adeline, Musanze District, 06/2009). While the Government of Rwanda established the Organic Land Law to increase tenure security, according to Agena, “tenure security does not matter anymore because all land belongs to the Government” (Interview, Musanze District, 06/2009). Despite extensive registration and Government-backed titles, areas affected by crop specialization are dominated by the feeling that “there is absolutely no protection anymore” (Interview, Safie, Musanze District, 06/2009), and that “it looks like they gave us receipts [titles] just to blindfold us” (Interview, Honoline, Musanze District, 06/2009). These results demonstrate that the

¹¹ This figure is based solely on data from semi-structured interviews with rural subsistence farmers. I chose not to incorporate data collected during community meetings as given the ‘open discussion’ format and informal nature of the meetings, it is difficult to attribute answers to specific individuals. However, data from community meetings in each District were used to further triangulate information from semi-structured interviews. Data from community meetings in each District strongly support results obtained through semi-structured interviews for this and all findings.

combination of initial registration, large-scale terracing, and the threat of crop specialization undermine tenure security. Despite state-led privatization, farmers are afraid of widespread land confiscations. This apparent conflict between Government programs aimed at clarifying tenure regimes and declining security at the household level is discussed in greater detail in Chapter 6.

Section 5.3.2 – Food security

In addition to a notable decrease in tenure security, areas affected by the OLL and RCSP have experienced significant reductions in food security (see figure 5.4).¹² Unlike tenure security, which has been actively reduced in areas that have completed or are currently experiencing registration, terracing and/or initial preparations for crop specialization (e.g. Musanze & Rulindo field sites), decreased food security (when compared to before the implementation of the OLL and RCSP) is reported across all sites. Although food insecurity existed prior to 2009, data demonstrate five ways that terracing and crop specialization threaten current levels of subsistence amongst rural households: mandatory land clearing, lack of inputs, loss of diversification, lack of local participation and deficient information.

(Figure 5.4) Impact of registration and specialization on food security ¹³			
Field site (by District)	Number of semi- structured interviews	Number of farmers that report decreased food security due to rural reforms & threat of land confiscations	Percentage (%)
Musanze	31	24	77
Rulindo	10	6	60
Bugesera	15	7	47
Bigogwe	12	9	75
Total	68	46	68

¹² In this work I employ UNFAO's definition of food security: "Food security exists when all people, at all times have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life. Household food security is the application of this concept to the family level, with individual households as the focus of concern (UNFAO 2003: 29). Furthermore, this study does not attempt to quantify levels of food (in)security amongst rural households. Rather the issue of 'hunger' and food security arose in interviews with subsistence farmers and landless peasants who note increased hunger due to rural reforms, and fear that monocropping will significantly reduce access to nutrients.

¹³ See footnote 11.

Section 5.3.2.1 – Mandatory land clearing for terraces

In preparation for the terracing required under the OLL, farmers have been forced to clear their fields of all crops.¹⁴ In some sections of Rulindo District, local land administrators warned farmers not to plant following a specific harvest, as the Government needed the area clear for terracing. Conversely, in other parts of Rulindo and throughout Musanze households were instructed to uproot crops in the middle of the growing season. Finally, according to a number of participants, in a few areas of Rulindo and Musanze Districts, prisoners working under the T.I.G. (Travaux D'Intérêt Généraux) program simply arrived without warning, ripped crops out of the ground and began to build terraces (see Figure 5.5).¹⁵

Independent of how lands are cleared, a lost harvest (current or future) significantly undermines household food security. When informants complained to local land administrators about lost food and income, they were simply told to go and purchase what they require at the market. As explained by a number of farmers, purchasing food is difficult (if not impossible) when the Government has destroyed your main, if not only, source of food and income. Given different experiences with land clearing, reductions in food security have been especially severe in those areas of the Musanze and Rulindo field sites where crops were uprooted without warning. In these areas, farmers state that they were not prepared for terracing, and were therefore unable to harvest their crops early, or pre-emptively diversify in an attempt to prepare for a longer or unanticipated 'hungry season.' As a direct result of terracing, farmers across Musanze and Rulindo experienced prolonged periods of hunger. Unsurprisingly, these 'hungry seasons' were especially

¹⁴ During the fieldwork stage of this project radical terraces were only being constructed in the Rulindo and Musanze field sites.

¹⁵ T.I.G. is an obligatory program for "individuals convicted of genocide or crimes against humanity and classified in second category by Gacaca courts," that requires them "to perform while under house arrest, unpaid work of public interest as an alternative penalty to imprisonment and this in a relevant institution" (The New Times, 20/07/2010). 'Tigistes' are required to participate in "hard unpaid works," such as "breaking and hauling rocks, digging with picks and shovels, and manually moving earth by hand, sack, or wheel barrel" (The New Times, 20/07/2010). For further information on the categorization of prisoners convicted of Genocide crimes see: Organic Law N° 16/2004 Of 19/6/2004 Establishing the Organization, Competence and Functioning of Gacaca Courts Charged with Prosecuting and Trying the Perpetrators of the Crime of Genocide and Other Crimes Against Humanity, Committed Between October 1, 1990 and December 31, 1994. According to the Organic Law 08/96 on the categorization of genocide defendants, the 2nd category of prisoners are: the authors, co-authors, or accomplices of deliberate homicides or serious attacks that caused someone's death, or individuals who – intent on killing –caused injuries or committed serious violence without causing death.

devastating for the most vulnerable households. Unlike farmers who have a number of plots spread out over a large area (and therefore do not lose all of their crops at once), informants note that the poorest households not only lost all of their investments, but also their entire income. When asked about the impact of not being able to grow due to



(Figure 5.5 - Fields in Musanze after being uprooted by prisoners Source: M Pritchard 2009).

terracing, Julie, a wealthier (relatively) female farmer from Rulindo states, “it is no problem...because I can go elsewhere to plant on my land where there aren’t any terraces” (Interview, 07/2009). Conversely, two female heads of household in Musanze District lost their entire incomes for at least one growing season in a single morning. When prisoners arrived on their lands and proceeded to rip their only crops out of the ground, Adeline lost 50,000 FRW (82.68 USD) worth of harvest on one plot, and 70,000 FRW (115.75 USD) on another, while Chemsas lost 80,000 FRW (132.28 USD) on her only piece of land.

Despite the detrimental impact of terracing on food security, data collected across field sites demonstrate that the majority of farmers acknowledge the need for terraces, and are thankful for Government support. While these same farmers admit to being frustrated with the methods in which the terraces are being built (specifically the way lands are being cleared, see Figure 5.9), the majority of affected individuals state that they understand why the adjustments are needed, and are positive that terraces will help with soil erosion. According to Mutara, “People don’t have the financial means to build terraces, but they would do so if they could...so it’s good that the Government comes in to support the needs of the people” (Interview, Rulindo District, 07/2009). Faustin, a farmer in Rulindo District, supports this conclusion despite his significant frustration with the three months it took to build the terraces and lack of

compensation for lost growing seasons. “Despite the hardships [caused by terrace construction], I believe very strongly in the terraces because they will play an essential role in preventing soil erosion” (Interview, 07/2009). Unlike farmers in Rulindo, where terrace construction was initiated in November 2008, participants in Musanze had their lands cleared immediately prior to my field visit.¹⁶ Given the recent loss of land, lack of warning, and the use of prisoners to tear up crops, 90% of the farmers interviewed in Musanze are either very upset or express complete hopelessness with their current situation and future prospects (see Figure 5.9).

The Government shows up and says that their goal is to help you, to make your situation better and to make you richer, but then why would they clear the crops that have already been planted? (Interview, Celine, Musanze District, 06/2009)

This level of anger and frustration severely undermines household food security. When asked about how she will provide for her family, Celine follows by stating, “If they take away your food and you have kids, what are you going to feed them? Soil?” (Interview, 06/2009)

Section 5.3.2.2 – Lack of seed delivery

Although large swathes of cropland have been uprooted for terraces, as of August 2009 the overwhelming majority of areas cleared remain unplanted (see Figure 5.6). While the terraces are being built by the Government according to the Organic Land Law (in order to protect against soil erosion and increase production), under regional crop specialization farmers are only permitted to plant the hybrid seeds selected and provided by the Ministry of Agriculture (MINAGRI). Although hybrid seeds and fertilizers could significantly increase household production, as of August 2009 all of the lands cleared in Musanze, Rulindo, and Bigogwe remain unplanted, as MINAGRI has not delivered the only seeds farmers are allowed to plant.¹⁷ Unsurprisingly, the lack of inputs has

¹⁶ The difference in opinions between Districts is likely due to a number of factors (see chapter 6), but largely due to timing of terracing and visits to different field sites.

¹⁷ With regards to how inputs will eventually be purchased, according to Huggins (2010), “Farmers are forced to buy particular kinds of seeds and fertilizers from the local authorities. Such agricultural inputs are usually supplied on credit that is repaid at harvest time” (Huggins 2010:300). According to several land administrators in Musanze District, the hybrid seeds provided in pilot areas were initially free, but have to be repurchased at the beginning of each season. Fertilizer must also be purchased, “although at a subsidized

significantly reduced food security, as large numbers of households remain unable to plant on newly constructed terraces or cleared lands. When combined with at least one harvest lost due to land clearing, the time required for terracing and for the soil to settle, the current delay in the delivery of seeds means that households that have had their lands cleared have gone multiple seasons without planting or harvesting a single crop.

It took three months to build terraces; we did not receive any compensation for lost harvests and could not help to build the terraces. Prisoners would come and find beans, uproot the beans and not care if you had crops planted as the Government gave them permission to tear up crops. Now, two months after the terraces were constructed, they [the Government] haven't yet provided seeds to any of the farmers. I asked the Government for seeds, but they said they couldn't find any, so I won't get any...I don't think the Government will ever provide the seeds... I have to accept that it is a terrible situation and try to endure. I can only try to resist starvation (Interview, Faustin, Rulindo District, 07/2009).

Of all the farmers interviewed for this project, only one individual whose land had been cleared stated that the Government allowed him to plant what he wants until they provide the necessary seeds. This singular account contrasts directly with the experiences of other informants from adjacent plots, who note that they are strictly prohibited from planting on their land.¹⁸ Although some areas in Musanze and Rulindo were only recently cleared for terracing in May and June 2009 (and therefore lost only 1 harvest by the time I arrived in the field), by July 2009 the majority of informants from Rulindo had already gone two to three growing seasons without planting or harvesting a single crop. Although lands in Rulindo were first cleared in November 2008, terraces were not finished until May 2009, and farmers have still not received any seeds (as of August 2009). Unsurprisingly, extensive land clearing, mandatory crop specialization and lack of seed delivery have

and reduced price” (Interview, Musanze District land officer, 06/2009). The Government, therefore, selects the seeds, sets the price, and households must purchase the seeds following each harvest.

¹⁸ While it is possible that local land administrators are allowing households to plant what they want until the Government seeds arrive, this was not encountered in any of the field sites beyond this single occurrence. When compared to interviews conducted in the farms and areas surrounding this outlier, and fact that this land is surrounded by unplanted terraces, it is highly probable that the farmer was planting illegally. This is much more probable than a single individual being granted the right to plant in an area where planting has been prohibited.

significantly reduced household food security and increased frustration amongst rural households.

We can't plant what the Government wants because they haven't given us the seeds, but we also can't plant our own crops to survive on (Interview, Assuma, Musanze District, 06/2009).

(Figure 5.6) Land clearing and delivery of inputs by District			
Field site	Lands cleared for terracing and/or crop specialization?	Date lands were cleared	Farmers received hybrid seeds and fertilizers (as of 20/08/2010)?
Musanze	Yes	05/2009 – 06/2009	No
Rulindo	Yes	11/2008 – 01/2009	No
Bugesera	No	–	No
Bigogwe	Yes	01/2009 – 05/2009	No

Given the power narratives that characterize post-genocide Rwanda (see chapter 6), more surprising than decreasing food security, is that the restrictions introduced by the RCSP have precipitated small acts of resistance at the household level (see Figure 5.7).

(Figure 5.7) Incidences of illegal planting and food theft ¹⁹			
Field site (by District)	Number of semi-structured interviews	Number of farmers that note increased occurrences of illegal planting and/or food theft as a result of rural reforms	Percentage (%)
Musanze	31	3	10
Rulindo	10	4	40
Bugesera	15	0	0
Bigogwe	12	3	25
Total	68	10	15

Specifically, informants in Rulindo, Musanze, and Bigogwe Districts all note that crop destruction and the lack of inputs have led to notable increases in illegal planting. While no participants admit to resisting Government policy, 15% of informants note that farmers in their community have started to plant their lands at night, steal food from other

¹⁹ Information on illegal planting and food theft were not raised in response to a specific research question. The researcher and research assistants purposefully avoided asking informants about illegal practices, as this information could be dangerous to the individual / household in question, and is not conducive to building trust between the research team and informants. As such, the responses recorded in this table arose through discussions of the coping mechanisms households are employing to deal with lost crop cycles.

plots, or seed another family's land, in an attempt to harvest a crop before the Government returns to the area.

Section 5.3.2.3 – Lack of diversification

In addition to the loss of multiple harvests, regional crop specialization threatens to reduce food security as the program effectively outlaws the traditional practice of polycropping. Here, I note that given the lack of seeds and large areas waiting to be cleared for specialization, this aspect of the RCSP has yet to fully impact farmers (as the land has not been planted). However, like tenure security, food security can be undermined by the threat of a policy that has yet to be applied. Indeed, this is the case throughout all the field sites, where farmers are afraid that crop specialization will decrease access to nutrients and income. Specifically, farmers note three ways that monocropping threatens household food security and undermines subsistence livelihoods.

First, the intensive polycropping that characterizes subsistence production throughout Rwanda evolved not only as a result of population pressure, but also as an essential method of risk aversion due to significant variations in microclimates, topography and taxonomy. Given these unique biophysical and cultural contexts, a number of informants express significant concern over monocropping, which contradicts what they have learned and experienced through decades of practice.

According to the Government, I can only plant one crop, but the local custom says that multiple crops are the safest and best way to grow. Consolidation, therefore, is not a good thing for me...I am worried that the land is not fertile and that the Government system will not work. This area requires a diversity of crops (Interview, Amida, Rulindo District, 07/2009).

While this fear of monocropping is reiterated by a number of households, informants also note that specialization could work if the Government provides sufficient fertilizer. However, such statements were always followed by significant concern over the timely delivery and cost of required inputs. Specifically, most farmers do not believe that they will receive easy access (i.e. cheap and dependable) to the seeds and fertilizers required and promised by the Government.

Second, beyond risk aversion, polycropping allows households to plant different crops for different purposes (e.g. some for consumption and some for sale), and to stagger harvest times throughout a single growing season. These methods of diversification allow farmers to harvest more often in order to feed their families and generate small amounts of income between large harvests. In response to the threat of crop specialization, informants express significant concern surrounding the communal planting and harvesting timetables required under specialization, as “I can’t step one foot on my land until harvest time” (Interview, Ingabire, Bugesera District, 07/2009). While predetermined timetables may help to realize economies of scale, they completely disrupt and undermine the modes of production and consumption established to provide food and income for subsistence households.

Third, while monocropping has been designed to significantly increase production, 35% of all subsistence farmers interviewed for this project state that they are concerned it will severely limit access to a wide range of nutrients (see Figure 5.8). For example, in Ntarama sector, a number of informants are concerned with the impact the shift from a mixture of sweet potatoes, cassava, groundnuts, sorghum and beans to only cassava will have on household diets.

I usually grow sorghum and beans, eat the beans and use the sorghum for porridge...but the Government wants me to grow cassava. My children will not be able to eat only cassava (Interview, Bugesera District, 07/2009).

This frustration is also evident in Musanze District, where farmers in Kabushinge Cell (OLL pilot site) had their crops uprooted, and have been forced to plant maize, a crop that is not a traditional staple in Rwandese diets.

(Figure 5.8) Impact of RCSP on crop diversification and access to nutrients ²⁰			
Field site (by District)	Number of semi- structured interviews	Number of farmers that express concern regarding the effect monocropping will have on household diets	Percentage (%)
Musanze	31	5	16
Rulindo	10	6	60
Bugesera	15	10	67
Bigogwe	12	3	25
Total	68	24	35

Section 5.3.3 – Local Participation

In addition to impacts on tenure and food security, data from all five field sites contradict Government claims that the OLL and NAP are ‘pro-poor’ policies that incorporate insights from subsistence farmers. Interviews demonstrate that subsistence households have either been completely removed from the decision making process or purposefully ignored by land administrators.²¹ When asked about whether local insights have been incorporated into land and agriculture policies, the head of an *Umudugudu* in Ntarama sector answered, “agronomists know the soil better than local farmers. Only agronomists are able to detect the changes taking place” (Interview, Bugesera District, 07/2009). This view of subsistence farmers as recipients rather than participants in policy design and implementation is confirmed across field sites, where the opinions and expertise of local farmers are completely ignored by the administrators and extension agents in charge of educating local households about the OLL and RCSP.

I used to plant sweet potatoes on this land, but the agronomist arrived and said I must plant maize. We talked to the agronomist and said ‘we have been here for a long time and maize does not grow here,’ but the agronomist said ‘grow maize or we will tear your crops up.’ I know that if they grow maize it will never succeed (Interview, Claudine, Bugesera District, 07/2009).

²⁰ For this measurement, farmers were asked how they expect regional crop specialization will affect their livelihoods. As large areas of cropland had recently been cleared in Musanze and Bigogwe (immediately prior to my field visit) it is not surprising that informants in these Districts are less concerned about the potential impacts of monocropping. Rather, informants in these Districts are more concerned with the absolute lack of food in the short-term (represented in figure 5.3) than with the potential loss of nutrients once monocropping is implemented.

²¹ This confirms findings by Huggins (2010) who notes that “the governor of Eastern Province personally warned people of Kirehe District at a public meeting, ‘anyone who dares to grow sorghum will have enormous problems...I don’t want to hear any questions’ (Huggins 2010: 288-289).

Section 5.3.4 – Lack of Information

Given the complex and overlapping nature of land and agricultural policies, agronomists and local administrators have done an impressive job of informing rural households of registration and crop consolidation. Indeed, 100% of respondents are aware of both mandatory registration and consolidation. However, while farmers know that they will have to register their lands and grow what the Government wants, there is a severe lack of consensus on all other aspects of regional specialization. This lack of information has not only led to an enormous amount of speculation, but has also instilled significant fear in farmers who feel completely powerless, and that they are simply waiting to be told what to do. Feelings of fear and uncertainty are especially prevalent with regards to what farmers are expected to do with harvests under the RCSP. Here, a complete lack of information on what farmers are expected to do with their harvests has increased fears that local markets will be flooded with regionally grown commodities, and that prices for locally produced goods will plummet. Unsurprisingly some of this confusion arises from the scale of reforms and speed of implementation. However, the amount of confusion expected when implementing policies of this scale is exacerbated by the fact that the GoR has established different requirements for harvests in different regions of the country. According to the head land officer in Musanze, all of the goods harvested under regional crop specialization in his District are for private use and to be sold individually at local markets.

People have a right to do anything with their crops. The Government only requires that they store some of it and don't eat all of it (Interview, Musanze District, 06/2009).

This requirement for Musanze is completely different from that in Bugesera District, where farmers forced to grow cassava will have to sell their harvests directly to an agricultural processing plant. When compared to specialization for household consumption and local sale, farmers in Bugesera are confident that selling to an agro-processing plant will guarantee a good price and ensure that they will not have to go without income on weeks when they miss a market day. Independent of what happens with harvests, however, the nature and extent of conflicting information within

communities and households remains a significant component of the insecurity and uncertainty generated by the OLL and RCSP.

Section 5.4 – DIVISIONS IN RURAL RWANDA

While the results presented in the previous sections demonstrate specific ways land and agriculture policies are affecting local livelihoods, data collected through interviews and participant observation can be amalgamated into two general trends. Specifically, as the OLL and RCSP are applied throughout rural Rwanda they have created distinct regional and sub-regional polities according to how different requirements are implemented and what stage communities are at in the transformation process.

Given significant variations in how land and agricultural policies are implemented within and across districts, in those areas not yet reached by crop specialization and registration, informants express significant excitement and desire for Government assistance. While support for state intervention is prevalent across all sites, in areas where lands have yet to be cleared for terracing or specialization farmers are noticeably and vocally eager to receive the hybrid seeds and fertilizers promised by the Government. This level of support is not surprising given local and national recognition of the need for extensive land use change due to declining production and increasing conflict over land. Specifically, data show that individuals generally support state intervention for two main reasons. First, when asked about how the GoR can help small farmers, the overwhelming number of informants state that the Government could provide households with greater access to seeds and fertilizers. Although a number of individuals admit that they are apprehensive about regional specialization, “people are really looking forward to the Government arriving, as they are hoping for greater production and income generation” (Interview, Nadine, Musanze District, 06/2009). As explained by Espérance, “most of the people are happy because with the new seeds farmers will get manure, which helps them get a better harvest” (Interview, Espérance, Musanze District, 06/2009). Second, farmers express significant support for privatization and Government backed tenure security given increasing conflict over land. While informants in all sectors note the need for registration to reduce conflict, this response is especially prevalent in Bugesera District.

The Government is registering [land] to solve family disputes. Registration will really help with this...This is a good thing as before people would come and take land away. Now it remains your land but the Government protects you against disputes (Interview, Grace, Bugesera, 07/2009).

In direct contrast with existing levels of support and optimism, data from the Musanze and Rulindo study sites demonstrate that farmers who have experienced two (or all three) components of land reform (registration, terracing and preparations for consolidation) have reacted in one of two ways. First, a number of farmers admit to being severely frustrated with the methods of Government intervention in the rural sector, but continue to support the long-term goals of privatization and consolidation. Respondents in this category generally focus on the challenges imposed by terracing and the lack of seed delivery, but remain positive regarding the need for large-scale reform. This opinion is echoed by individuals who are generally more concerned with crop specialization and the loss of diversification, but are simply 'waiting to see' how the Government policy is going to affect their livelihoods. In other words, farmers are apprehensive, but given the lack of alternatives are waiting to see what happens.

Whatever comes from the new regime you have to accept it...We are waiting to see if it [registration and crop specialization] will work out. If it doesn't work out we will try to see how we can change it...but we don't know if the

Government will listen to us (Interview, Christian, Bigogwe District, 08/2009).

Second, a large number of informants express significant fear and frustration with both the goals and methods of land and agriculture reform (see Figure 5.9). Unsurprisingly, a larger percentage of informants in Musanze and Bigogwe Districts (the field sites most affected by radical terracing and land confiscations) express significant anger with Government policies. Respondents from these Districts report that land confiscations and consolidations have already led a number of families to leave the region for areas not yet reached by the Government, and have forced others to leave the country in search of new land. Furthermore, informants in Musanze state that reductions in food and tenure security have increased the prevalence of conflict over land and food theft from crops yet to be cleared.

(Figure 5.9) Impact of registration and specialization on perceptions of the Government and/or rural reforms ²²			
Field site (by District)	Number of semi-structured interviews	Number of farmers that note increased feelings of anger, frustration and/or hopelessness due to rural reforms	Number of farmers that believe rural reforms will improve their livelihoods
Musanze	31	28 (90 %)	4 (13%)
Rulindo	10	4 (40%)	6 (60 %)
Bugesera	15	2 (13%)	10 (67%)
Bigogwe	12	12 (100 %)	1 (8%) ²³
Total	68	46 (68%)	46 (21%)

Despite an overt fear of the Government, respondents are becoming increasingly angry with the current and potential loss of food and land.

This [crop specialization] is not good because it feels forceful. The Government is not planting food crops, but the people are not allowed to plant the food crops they need and have no way to protect themselves (Interview, Akena, Musanze District, 06/2009).

Another farmer speaking to the effect land consolidation has had on her family asked, “How would you feel if someone showed up and took your food? You would be hungry and you would be angry” (Interview, Ingabire, Musanze District, 06/2009).

We have nothing to do, nothing to hope for because we cannot go above the law. This is not a happy thing. If they [the Government] tell you to leave your land, they are basically telling you to go into the lake and drown yourself (Interview, Chemsu, Musanze District, 06/2009).

Finally, decreasing tenure and food security have precipitated acts of resistance in several areas throughout the country. While the extent of resistance has remained surprisingly low (see chapter 6 for discussion of the reasons why) given the number of informants that express anger or frustration with the Government, the OLL and RCSP

²² The responses incorporated into this figure are not mutually exclusive. Specifically, a number of farmers note that they are happy the Government is constructing terraces, but frustrated with the methods of realizing reforms. Furthermore, this table only incorporates those incidences where participants verbally expressed their anger, frustration, sense of hopelessness or pleasure regarding rural reform. As such, those cases where informants were visibly upset and afraid to comment on the Government are not included in this figure, but support the trends outlined in this chapter.

²³ While such a low number of respondents is not ideal for converting the data into percentages, the main purpose of this (and all tables) is to break down general trends by field sites and provide further information on how the data vary between Districts.

have led a number of farmers to plant illegally on previously cleared lands. Contrary to these relatively small acts of resistance, in the Northwest District of Rutsiro, Government plans to confiscate the lands and re-locate an entire community, in order to implement a re-forestation project, precipitated a large-scale riot (The New Times, May 25th 2009). While this riot occurred in response to a re-forestation rather than crop specialization project, the experience is indicative of the potential effect large land and crop consolidations can have on rural communities.

Section 5.5 – CONCLUSION

In this chapter I summarize the main research findings for this thesis project. My goal was to provide the reader with a summary of the data collected and amalgamated without discussing the context or future implications that follow in chapter 6. Given the focus of this project, I have divided the results according to specific and general trends that present themselves both within and across field sites. Despite the fact that farmers throughout Rwanda acknowledge the need for land use and tenure change, and support state intervention in the rural sector, the methods of realizing both the necessary and desired reforms are currently undermining land tenure and food security, as well as the livelihoods of rural subsistence households.

CHAPTER 6 – DISCUSSION

Following directly from the results presented in chapter 5, in this chapter I provide an in depth discussion of the relevance my findings have to local livelihoods, policy implementation and Government legislation. Furthermore, I present the contextual factors that influence the results and discuss the potential impacts of Government land reform on rural subsistence farmers, as well as on the GoR's overall development program. My goal is not to predict future events, but to discuss existing opportunities and challenges as the Ministry of Environment and Lands (MINELA) moves forward with its attempt to revolutionize the rural system. To this end, in section 6.1 I summarize and relate my primary findings back to the research questions that formed the initial foundation of this project. In section 6.2 I follow with a discussion of the theoretical and practical implications the OLL and RCSP have on the livelihood security of subsistence farmers. In section 6.3 I outline how the current methods of implementing both the OLL and RCSP threaten to exacerbate existing levels of tenure and food insecurity in Rwanda. Finally, in section 6.4 I present the contextual factors that influence both policy implementation and response at the local level. I then conclude both this section and the chapter with a discussion of how current trends in tenure and food security relate to public perceptions of policy reform, and in turn, the Government of Rwanda.

Section 6.1 – RESEARCH QUESTIONS

Going back to the introductory chapter, my initial interest in this topic emerged out of the apparent conflict between three main factors unique to rural Rwanda:

- i) The need for large-scale reform to the rural sector given significant and continued declines in production and environmental sustainability.
- ii) The size of the rural population and overwhelming dependence on subsistence agriculture.
- iii) The GoR's ability to mobilize post-genocide power narratives and widespread knowledge of the need for reform to justify revolutionizing the rural sector towards economies of scale and commercial agriculture.

Given significant variations in the goals of different stakeholders, my initial argument was that *to successfully reform the rural sector, the Government of Rwanda needs to*

incorporate local modes of production and livelihood preferences into both the end goals and methods of realizing change. From this position I distilled my approach to focus exclusively on the relationships between formal and informal land tenure systems in rural Rwanda as experienced through the evolving practices of subsistence farmers and Government land administrators. *Specifically, how are subsistence farmers, land administrators and state policies adjusting to large-scale formalization and consolidation in a rural sector dominated by informal land tenure, fragmented plots and household production?* Given this focus I designed a series of four research questions to determine the type and extent of interactions between formal and informal land management institutions and their respective proponents.

While my initial focus was on land tenure, the ways that subsistence farmers access lands are necessarily related to how individuals and communities use their holdings. In other words, initial interviews quickly demonstrated that any discussion of tenure reform in Rwanda requires an understanding and analysis of agricultural practices and policies. Although this link between tenure and land use caused me to broaden the focus of this project to include agricultural policy, the initial questions driving my research remain relevant. This is especially true as data demonstrate that the National Agricultural Policy (specifically the Regional Crop Specialization Programme) is being used as an alternative method of realizing (rather than supporting) large-scale tenure reform. While the results summarized in chapter 5 transcend this project's initial exclusive focus on the OLL, answering the four research questions provides an effective starting point for further discussion. To this end, in this section I provide a brief response to each of the four previously stated research questions. My goal is to give succinct answers to the initial ideas behind this project, and then follow with greater analysis and discussion.

1) How and to what extent are informal land tenure systems influencing the application of formal land policy?

When first approved by parliament in 2005, one of the most important critiques of the Land Law was that it was disconnected from the realities of the rural system. Specifically, the goal of registering all plots across the country as quickly as possible

means that MINELA is tasked with formalizing the land rights of approximately 98% of the rural population by 2013 (Sagashya & English 2009). Given this challenge, this question focuses on how land policies are interacting with (i.e. adjusting to) a rural system predominated by subsistence agriculture, diversification, displaced holdings and a multiplicity of informal tenure systems.

Results from this study demonstrate that existing land management practices currently influence Government tenure policy in two main ways. First, the growing demand for state-backed security given increasing conflict over land provides direct support for national registration and individualization. Furthermore, given the increasing importance of informal titles, a shift to national level protection represents more of a ‘scaling up’ of existing practices rather than a fundamental change to household and community institutions. However, while current trends in land management systems support Government-led registration, there is little proof that state tenure policies evolved in response to local practices (i.e. that the Government designed land policies to fit with existing practices). Rather, the OLL has always been rooted in the GoR’s desire to increase agricultural production and transform the rural sector away from its reliance on subsistence and into the foundation for macro-economic growth. Indeed, there is little evidence that local farmers were consulted, or their practices taken into consideration until after the Government had established its main priorities for the reform process (Huggins 2010). Based on data presented in section 5.3.3, I agree with Huggins (2010), who concludes that the GoR’s current focus on registration and individualization was not developed in a way that incorporated local practices or desires.

Second, I argue that local practices have had a significant impact on the way reforms are being implemented. Specifically, current land use and management practices (i.e. intense organic agriculture on multiple, often highly displaced plots) have significantly hindered initial efforts at registration and consolidation. While land administrators will not comment on why the state has abandoned the 1ha restriction on buying and selling land (Article 20), informants across the country note that this occurred because the law was too difficult to implement and enforce.

2) How are Government officials and the Land Law adjusting to the realities of a tenure system dominated by subsistence production and informal tenure?

Although local practices influence the feasibility of physical consolidation through restrictions on dividing land, results demonstrate that the unofficial abandonment of Article 20 has not altered the GoR's vision or timeline for revolutionizing the rural system. Rather, by ignoring restrictions on dividing land and shifting to consolidating plots through crop specialization, MINELA has effectively adjusted the methods of achieving its goal, rather than the goal itself. At the same time, by allowing households to subdivide all plots, the Ministry of Environment and Lands has effectively abandoned the OLL as the main tool of rural reform. Data from subsistence farmers and land administrators suggest that this is a practical adjustment, and has emerged as way to control tenure through 'the back-door' (see section 6.2.1). Specifically, the GoR is attempting to consolidate plots by controlling all aspects of household production. In other words MINELA and MINAGRI are striving to achieve tenure reform through agricultural policy. Registration (the central component of the Organic Land Law) remains important, but is no longer necessary for consolidation. Rather, the process of registration shifts away from its initial purpose of controlling the land market and providing incentives to invest in land, to making all plots visible, which will allow the state to better monitor agricultural practices and establish an annual land tax.

3) How are rural subsistence farmers interacting with the formal land law?

Farmers are interpreting and interacting with land and agricultural policies in different ways within and across field sites according to what stage they are at in the overall reform process. Specifically, in areas that have not experienced terracing or land clearing, farmers are more likely to see rural reform policies as the Government's attempt to provide greater tenure security and boost agricultural production. However, while the overwhelming majority of respondents support registration, even those excited for state intervention express significant concern with the fact that the Government will soon control all aspects of household production. Whether households support state policies or not, forced crop specialization is significantly restricting individual rights to land and could only be justified by considerable increases in agricultural production and standard

of living. Conversely, in areas that have already undergone registration and initial land clearing, farmers are far less positive about the future. Informants in these areas are frustrated with the Government and question whether reforms are actually meant to empower subsistence households and improve rural livelihoods, or are simply a less direct means of consolidating land in the hands of fewer farmers.

Unsurprisingly, differences in how farmers interpret rural reforms leads to a range of ways households interact with formal policies. The level and type of interaction is also affected, if not completely dictated, by the unique political context of post-genocide Rwanda and power narratives that characterize urban-rural and state-society relations. While the impact of power relations is discussed in greater detail in section 6.4.1, here I note that both the extent and nature of state power has led to the belief amongst rural households that they cannot challenge, or even question the Government. Independent of whether farmers support or condemn rural reforms, they are unwilling (if not completely unable) to confront the state. Furthermore, both Government officials and subsistence farmers view rural households as recipients rather than participants in policy development and implementation (Musahara & Huggins, 2005). Given little to no interaction between actors, widespread desire for state support, and the complete removal of local actors from the reform process, the overwhelming majority of households are simply ‘waiting to see’ what will happen to their livelihoods.

4) What kinds of hybrid land tenure systems have evolved to link informal management regimes with Government policies?

Simply put, the OLL and RCSP have not resulted in any hybrid land tenure systems.¹ This finding is not surprising for two main reasons. First, the complex power dynamics that characterize both rural and post-genocide environments have translated into overlapping feelings of fear and allegiance to the current Government. These feelings of fear are often a direct result of genocide experience and have significantly reduced levels of passive and active resistance to Government reform (see section 6.4.1). Second, from the perspective of local farmers, switching from individual rights protected at the local level to private property backed by the state is not a significant change, as it

¹ For a definition of hybrid land tenure systems, see Section 1.1 on pg. 4 of this work.

does not necessarily require a fundamental transformation of institutions or practices. As previously mentioned, the majority of individuals are not concerned with Government registration, as it is often seen more as a scaling up (rather than fundamental restructuring) of existing practices from the local to the national level. As such, any change in the scale of the institution granting individual rights will not reduce (and has not reduced) reliance on community protection. In other words, without restricting how households divide their plots, land tenure regimes have changed in name, but not in practice. The true change to land use and management practices is occurring through regional crop specialization. Rather than a hybrid system evolving to link formal and informal systems, crop specialization supports the central tenet of the OLL while effectively controlling all aspects of household production.

Section 6.2 – TENURE AND FOOD SECURITY

Building on the previous paragraphs, the following sections attend to and go beyond the pre-determined research questions. Here, my goal is to address those issues that arose throughout the course of this project that have the greatest potential to impact local livelihoods and Government policies over the short and long-term. To this end, I have divided this section into four parts. First, I discuss the theoretical and practical implications of decreasing tenure and food security due to land and agricultural reforms. Second, I demonstrate how existing threats to livelihood security in the short-term are exacerbated by the methods the GoR is using to implement rural reforms. Third, I discuss the impacts that increasing frustration with rural land policies has had (and could have) on Government development priorities over the short and long-term. Finally, I discuss and contextualize existing and emerging trends in local responses to both the nature of reform and methods of policy implementation.

Section 6.2.1 – Land tenure security

As demonstrated in Chapter 5, there is widespread support amongst rural subsistence farmers for privatization and registration. However, despite this support, the addition of regional crop specialization to the OLL has decreased tenure security in all five field sites. While support for registration presents the Government with an unprecedented opportunity to successfully register all landholdings throughout Rwanda,

the nature and methods of implementing tenure and agricultural policies threaten to undo potential benefits to rural livelihoods and overall production. Results for this study demonstrate that the existing (highly formalized) informal management regimes have led to significant support for registration. Furthermore, the GoR has successfully built on the desire for private holdings by reducing the cost of registration and thereby increasing accessibility to Government-backed titles. Relatively cheap registration also supports the conclusion that the primary purpose of the OLL is to render all plots visible, as once information on holdings is centralized, MINELA can establish a land tax and better monitor agricultural practices. To this end, lowering the cost of registration makes good fiscal sense, as it facilitates the creation of a national land tax, which will generate far more capital than one-time registration fees. Given the widespread desire for privatization and the cheap cost of obtaining title deeds, if separated from crop specialization, MINELA's current approach to registration could lead to one of the most successful land tenure formalization processes in the region. Differing from the experiences of a number of African countries, data show that not only do subsistence farmers and the GoR want private, centralized land holdings, but also the rural system had previously formalized both the nature and means of accessing those rights.

Initially, the relatively low cost of registration and abandonment of restrictions on dividing land suggest that the GoR is adjusting the OLL to meet the needs and practices of rural households. While this implies a certain degree of the flexibility that can help ensure greater policy penetration and sustainability, the positive aspects of tenure reform are currently being undone by the addition of mandatory crop specialization. By striving to achieve consolidation through planting restrictions, changes to official legislation have emerged in spite of subsistence farmers rather than because of them. Although initial adjustments to the OLL suggest a dynamic implementation process driven by flexible institutions, results show that GoR's attempt to consolidate agricultural land through crop specialization, rather than restrictions on buying and selling plots, has significantly reduced tenure security. Despite mandatory registration and privatization, the Organic Land Law has not increased tenure security. Rather, by pairing the OLL with regional crop specialization, farmers are becoming increasingly angry with the complete loss of

rights over household production, and afraid of large-scale confiscations by a Government intent on physically consolidating land.

Despite the privatization of all land holdings, the specific requirements of both the OLL and RCSP have significantly increased fears of large-scale land confiscations. As outlined in section 4.1.5.2, one critique of the OLL is that the language used to describe MINELA's rights to confiscate land leaves significant latitude for manipulation by the Government (Musahara & Huggins 2005). Specifically, the lack of criteria for judging a farmers' ability to use his land "in a productive way" (GoR 2005: 11) has increased fears amongst academics and policy analysts that the GoR will bolster plot consolidation through large-scale confiscations. At the same time, tenure insecurity amongst subsistence households has increased due to direct threats of eviction from land administrators, and a long history of pre and post-genocide Governments confiscating vast tracts of land during periods of reform. Furthermore, tenure security has been greatly reduced by the centralization of household production in the hands of the Government. Despite having paid for titles, with no input into how crops are planted and harvested, landowners are being transformed (in essence) into agricultural labourers. Although tenure security is the feeling of being able to protect one's land from competing claims, in Rwanda titles do not protect individuals or their property from the Government.

Beyond actively reducing tenure security, the addition of regional crop specialization to land reform through the OLL has created a situation that completely contradicts the epistemological foundation of privatization theory. Specifically, Government control of household production undermines the very purpose of private property, which is to increase incentives to invest in the sustainable management of holdings in order to drive production and environmental protection. With little to no control over how they use their lands, farmers have fewer incentives to invest in their holdings. Although the threat of confiscation remains a powerful incentive, fear does not necessarily increase a farmers' willingness to invest, as informants feel that the Government will take their land in spite of how they use it.

The fact that crop specialization undermines the theoretical foundation and practical application of privatization is further evidence that the GoR is using agricultural policies to achieve large-scale tenure reform through the 'back-door.' While land and

agricultural policies are necessarily related, here the term ‘back-door’ refers not only to the fact that MINELA is using a different policy to achieve the goals established by the OLL, but also that this alternate legislation fundamentally contradicts the purpose of property registration. Specifically, although the end goal of tenure reform has not changed, the Government is simultaneously employing agricultural and tenure policies that directly contradict each other. Given the failure of physical consolidation through restrictions on sub-dividing plots, the GoR has shifted its focus and method of reforming the rural system from increasing rights over land to completely restricting them. The term ‘back-door’ is also appropriate given the different ways in which the OLL and National Agricultural Policy (NAP) were developed. As the foundation of agricultural, and therefore, market reform, the OLL is considered to have been a relatively participatory process (Sagashya & English 2009; Huggins 2010). Although non-government actors were completely removed from initial debate surrounding the purpose of the policy, a number of national and international stakeholders were involved in discussions on how to realize the GoR’s goals. Conversely, the specifics of the NAP (including crop specialization) were completely removed from debate and treated as “technical questions,” rather than “socio-economic and political ones” (Huggins 2010: 297). While the OLL received significant international support, there was (and remains) very little awareness amongst international academics, policy makers, and monitoring agencies of the crop specialization program that is being applied throughout Rwanda. The different histories and purposes of these two interdependent yet completely contradictory pieces of legislation have resulted in the current situation: while the OLL remains the legislative foundation of rural reform, the Government is striving to realize the desired changes through alternate means that undermine, if not directly contradict, the purpose of registration.

Section 6.2.2 – Food security

In addition to decreased tenure security, results summarized in chapter 5 demonstrate that land reform through the OLL and RCSP are actively reducing food security. Although reductions in food security have been more severe in regions waiting for the inputs required under specialization, the nature of rural reforms and aggressive

methods of implementing policies threaten to exacerbate existing scarcities across the country in four main ways.

First, there is little proof that the economies of scale and mechanization desired by the Government are feasible in Rwanda. The small-scale farming that dominates rural production strategies developed in response to a number of factors, with two of the most important being population pressure and Rwanda's unique physical geography. Outside of the large valleys and marshlands already controlled by the Government or large agribusinesses, there is little proof that economies of scale provide a viable mode of production given significant variations in elevation, temperature and soil type over very small distances (Musahara & Huggins, 2005). Although hybrid seeds and fertilizers could help reduce the impact of these variations, increased production would not only require significant inputs, but also that the seeds and fertilizers are delivered throughout the entire country on a strict and dependable schedule.

The challenge of providing seeds and fertilizers each season to all farms across the country brings us to the second issue that threatens to exacerbate existing scarcities. The successful implementation of crop specialization requires extensive market and transportation infrastructures. Currently, subsistence farmers produce a wide variety of goods for household consumption, and purchase whatever goods and nutrients they are missing at the local market. Crop specialization necessarily requires larger markets to promote trade between regions, and elaborate transportation networks to move agricultural goods in order to maintain stable prices and balanced diets. While Rwanda has demonstrated an impressive ability to construct high quality roads, the tradition of scattered housing means that the overwhelming majority of people do not have access to new infrastructure. Although the Government is currently attempting to outlaw and re-organize scattered settlements through a national villagization program (*Umudugudu*), the majority of subsistence households do not have the capital required to pay to transport their goods beyond local markets.² Without access to transportation or the ability to pay

² While any analysis of the *Umudugudu* program is beyond the scope of this project, this villagization policy remains an important component of rural reform. According to the Government's Vision 2020, "Rwanda will pursue a harmonious policy of grouped settlements based on economic activity. Rural settlements organized into active development centres will be equipped with basic infrastructure and services. This system will serve as an entry point into the development of non-agricultural income

others to move goods, crop specialization risks flooding local markets with a small number of regionally produced foodstuffs and severely reducing access to nutrients. At the same time, increased production will also present significant opportunities for large financial gain, which could drive investment in both market and transportation infrastructures. However, while agricultural reform will provide significant opportunities for financial gain, there is little proof that emerging markets will benefit the poorest groups, rather than solidify existing inequalities.

Third, in addition to the challenges presented by physical geography and limited infrastructure, the Government's desire for a revolutionized rural system based on a commercially oriented sector of professional farmers ignores cultural ties to subsistence production. Subsistence agriculture is an important component of Rwandese culture, is inherently tied to identity, and has been supported through decades of Government policies. Specifically, agricultural policies during the 1970s and 1980s encouraged self-sufficiency at the household level as a means to overcome obstacles imposed by foreign debt. These policies were then re-enforced by a number of failed attempts at privatizing the agricultural sector, which solidified the belief that food security could most easily be achieved through subsistence farming. According to Pottier (1989: 461):

The general opinion is that no one should have to buy food, because buying food mostly implies buying low-value food (whether in monetary or nutritional terms), which in turn implies poverty. Whatever the social class or status of a given household, its members see markets and roadside shops (boutiki) as mediocre substitutes for the farm.

Cultural ties to agriculture remain very strong in Rwanda despite high rates of urbanization following the genocide. Despite high rates of urban growth, Rwanda remains dominated by urban to rural linkages. Large numbers of urban residents own rural lands, and/or the majority of people living in cities trace their childhood or immediate families back to the farm. Without idealizing or essentializing subsistence livelihoods, and acknowledging that Rwanda needs to reform its current mode of agricultural production, any attempt to alter the rural system requires a significant

generating activities. Land will be reorganized and consolidated so as to create adequate space for modern and viable farming" (GoR 2000: 19).

transformation in socio-cultural identities. If the Government does not acknowledge the importance of subsistence production and incorporate it (in some form) into its vision of a new Rwanda, local practices could severely undermine both the application and realization of necessary change.

Finally, in addition to severely restricting rural livelihoods, the state's current inability to provide households with the seeds required under regional crop specialization breaks an important law set forward by the OLL, and demonstrates the challenges of simultaneously implementing two policies with similar mandates but different methods of service delivery. According to Article 65 of the Land Law, agricultural plots cannot be considered as productive (and therefore can be confiscated) if "the land is meant for agriculture," but is "without crops or other plants [on] at least up to half of its area" (GoR 2005: 11). In direct contravention of this law, large areas of land remain completely unplanted as a direct result of the crop specialization programme. On the one hand, farmers can only plant the seeds delivered by MINELA. On the other hand, all aspects of agriculture are controlled by a state that has thus far failed to deliver the necessary inputs, and is thereby breaking its own law.

Section 6.3 – POLICY IMPLEMENTATION

As previously noted, the central goal of this project is not to critique the Government's decision to position agriculture as the foundation of Rwanda's development program, but to determine how land policies are affecting and being affected by rural subsistence farmers. Despite a number of concerns, the majority of farmers support state intervention in the rural sector. Regardless of this support, results demonstrate that in addition to the policies themselves, the methods of implementing land and agricultural reforms are actively reducing tenure and food security in three main ways.

Section 6.3.1 – Speed and scale of change

First, the Government of Rwanda has placed aggressive, if not impossible, goals on the timeline of the land tenure regularization process. Despite the slow start to registration and numerous adjustments to official policies, the state remains committed to registering all holdings (over 7,900,000) by 2013. While the desire for rural reform is

understandable, the speed and scale of changes have led to policies being applied before supporting requirements are met. As previously discussed, lands that have been forcefully cleared by the Government remain unplanted, as farmers have not received the seeds and fertilizers required by the RCSP. Although both land and agricultural reforms acknowledge the need for supporting legislation within and across sectors, the desire for rapid change means that policies are outpacing the requirements needed to implement and sustain them. If the application of rural reform continues to outpace the supporting legislative and logistical requirements, current policies will continue to exacerbate tenure and food insecurity. In turn, decreasing tenure and food security at the household level threatens to exacerbate frustration with the Government and acts of resistance at the local level. While data demonstrate relatively little resistance to state land policies (see section 6.4.1.1), any increase could significantly impact the time, cost, and effort needed to implement and monitor rural reforms.

The speed and scale at which the GoR is attempting to transform rural Rwanda also places significant pressure on local land administrators. A results oriented approach based on idealistic, if not unrealistic, goals imposed by MINELA and MINAGRI could lead to significant differences in how policies are applied and enforced between regions. For example, land administrators attempting to clear large areas may resort to using prison labour rather than taking the time to prepare households to implement the requirements themselves. On its own, greater flexibility at the local level is not necessarily negative. Rather, flexibility can have a positive impact on policy implementation, as local administrators can serve as a buffer between competing interests, and facilitate greater mediation between local practices and Government policies. Unfortunately, despite the Government's dedication to decentralization (an important component of flexible policy application), power in Rwanda remains highly centralized. Although local land administrators are in charge of implementation, they are 'kept on a very short leash.' Not allowing local administrators to mediate between divergent goals and practices could lead to a situation where administrators are forced to achieve an unrealistic set of goals no matter what the consequences. As a result of the strict timeline and administrative hierarchy, the local application of official policies is transformed from an opportunity for

mediation to an effective means of maintaining the idealized, if not unrealistic, reform process.

Finally, the speed and scale with which lands are being cleared for terracing and crop specialization exacerbate existing food insecurity. When reflecting on crop destruction, a number of farmers complain that the Government gave them no warning of when or how their lands would be cleared. Unsurprisingly, the impact of crop destruction on food insecurity is especially severe in those areas that have been cleared by prisoners. Without sufficient warning, households are unable to pre-emptively diversify into alternate forms of income generation, so the loss of food and capital is that much more severe. In addition to lost growing seasons, food insecurity is exacerbated by the fact that lands are being cleared across relatively large areas within and between communities. As a result, individual households are unable to draw on one or two of their more dispersed holdings that have yet to be cleared. Furthermore, large land clearings destroy the market for agricultural labour, which remains an important method of diversification in times of stress. Finally, as almost all the households within a community are equally affected by land clearings (independent of the number of holdings), they are unable to support each other. While some farmers may have greater savings, access to remittances or land a number of kilometres away (that has yet to be cleared), large-scale clearings reduce protection through existing systems of mutual reciprocity. Traditionally, as households become more insecure they are able to support one another by drawing on familial and community relationships. To take this discussion one step further, without the ability to draw on community support, it is possible that lands will be increasingly concentrated in the hands of wealthier farmers. With the complete loss of local support and lack of alternate opportunities, farmers may be forced to sell their lands at below market price. While this could result in the physical consolidation of plots initially desired by the Government, it would also increase the size of the landless class in an economy characterized by a lack of off and non-farm employment opportunities.

Section 6.3.2 – Off and non-farm employment

In addition to the speed and scale of implementation, the negative impacts of tenure and agricultural reforms are exacerbated by a severe lack of off and non-farm

employment opportunities. Specifically, food and tenure insecurity are further undermined by Government restrictions on the informal economy, and the lack of jobs in the formal sector.

First, restrictions on the development of informal markets significantly limit a household's ability to cope during times of stress. Unlike most countries in the Great Lakes region (and indeed most of Africa), Rwanda has successfully restricted the development of an informal economy. Indeed, when arriving in Rwanda for the first time, visitors are often surprised by the lack of street vendors and markets outside of state controlled spaces. According to a number of informants, even the traditional practice of brick making (an important method for farmers to cope during times of drought and crop disease) has been outlawed in an attempt to reduce soil erosion and centralize production. Although the lack of informal markets means that towns and cities appear more organized, it also leaves rural households with little flexibility to absorb the food and income lost through rural reforms. Furthermore, when thinking of creating incentives for new products, restrictions on informal markets could reduce opportunities to invest in the new products and value added services that will develop alongside crop specialization. While the informal economy can be a significant restriction to formal macro-economic reform (as capital is removed from the regulated economy), it also leaves the poorest households with no chance to diversify in the short term. Without capital leaking out of the controlled economy, the overwhelming majority of money remains in the formal sector, where there is little proof that the most marginal groups will benefit from the markets controlled by a small number of urban elites.

Second, opportunities for household diversification away from farming are also hindered by a severe lack of off and non-farm employment opportunities. This lack of jobs conflicts with the Government's desire to move what it sees as a surplus of agricultural labour into processing and value added production. While these opportunities will increase with the success of regional crop specialization, again, there is little proof that financial growth will benefit the most vulnerable households (Musahara & Huggins 2005). According to Musahara & Huggins (2005), the overwhelming majority of existing business opportunities in Rwanda are controlled by a small number of wealthy elite, and there is little evidence that capital growth will benefit the poorest farmers. The risk,

therefore, is that emerging markets will simply re-enforce existing inequalities (Musahara & Huggins 2005).

The development of off and non-farm employment opportunities is also clouded by the apparent contradiction between the respective goals the OLL and RCSP have regarding the release of labour from the agricultural sector. The Organic Land Law strives to reduce the number of farmers in an attempt to consolidate holdings, while increasing the labour available for value added production. Conversely, under crop specialization, MINELA and MINAGRI are allowing farmers to remain on their land and grow the crops needed to drive macro-economic reform. Indeed, at a community meeting in Musanze District, land administrators actively discouraged farmers from migrating into cities. On the one hand, crop specialization could significantly reduce the risk of large numbers of farmers flooding into urban areas already characterized by a severe lack of jobs. On the other hand, the total loss of control over agricultural production, as well as decreased tenure and food security have already precipitated families to leave the farm in search of other alternatives.

Section 6.3.3 Perception of subsistence farmers

Beyond the lack of off and non-farm employment opportunities, the initial and continued success of rural reforms are undermined by the GoR's limited view of subsistence farmers. Specifically, the language used in state policies demonstrates that MINELA and MINAGRI see subsistence farmers as the main cause of decreasing sustainability in the rural sector.³ Specifically, as summarized by Huggins (2010), the Government of Rwanda believes that "the peasants are practicing a mediocre agriculture that has no future" (Huggins 2010: 297). This view of rural households as the cause of the problem rather than part of the solution, contradicts the anthropocentric trend that has emerged to guide development projects (in theory and practice) over the last fifteen years. At the same time, as previously noted, the complete lack of local involvement in rural reform is not surprising to local farmers, who understand public policy as something that is imposed rather than discussed.

³ This finding is supported by data gathered from formal interviews with land administrators and extension agents who frequently state that subsistence farmers are the main cause of the instability plaguing the rural sector.

The Government decides what to do and the farmer has to accept it. The Government does what it wants (Emmanuel, Musanze District, 07/2009).

Although this lack of participation in public policy is a result of the unique culture and power narratives that characterize post-genocide Rwanda, ignoring local insight severely undermines the potential success of current reforms. Specifically, the overwhelming majority of farmers are very apprehensive of crop specialization, and a significant number of informants are certain that it will fail. Although some individuals believe that specialization could work, the majority state that all they can do is wait and see. While not directly undermining Government policy, farmers are pessimistic and appear to be waiting for land policies to fail. At the same time, the failure to realize significant changes throughout rural Rwanda will also negatively affect subsistence farmers, as the rural sector requires significant reforms in order to stabilize both the physical environment and agricultural production. By not acknowledging or incorporating the opinions of the country's largest sector of policy recipients into the reform process, the Government is actively reducing incentives to invest in both tenure and agricultural change. Rather than preparing for a new opportunity and increased production, farmers are preparing for greater insecurity.

Although the overwhelming majority of farmers interviewed for this project are apprehensive of land reform through specialization, it is possible that administrators could use the first areas cleared for specialization in each region to demonstrate the potential benefits of hybrid seeds and fertilizers. According to a land administrator in Musanze District, when farmers experience crop specialization they "are hesitant at first, but once they see the size of production become excited" (Interview, 07/2009). At the same time, while greater production (due to hybrid seeds and fertilizers) will help garner support for the specialization programme in the short-term, sustainable reform requires that increased agricultural outputs are translated into greater income and livelihood security at the local level.

While I have focused on the need to incorporate subsistence production into the Government's view of rural Rwanda, my goal is not to prioritize local knowledge over that of agronomists or consultants. Rather, current policies are striving to shift the rural system from a complete dependence on local insight to one based exclusively on

Government and ‘professional’ perceptions. Instead of a system that places farmers against agronomists, I argue that successful and sustainable reform requires a dynamic and continually evolving relationship between actors that draws on both science and local experience, rather than one or the other. Although local participation could increase investment in land and agricultural reforms, greater input from subsistence farmers is also an important means of transitioning legislation away from an idealized set of Government goals, to achievable and sustainable policies. The true measure of land tenure reform is not through the policies that are developed, but through their penetration, ability to create positive change, and sustainability beyond the short term. Despite the widespread need for reform, if the GoR continues to ignore the insight and recommendations of subsistence farmers, it risks further alienating highly marginalized communities and completely undermining incentives for rural households to invest in the reform process.

Section 6.4 – DISCUSSION OF TRENDS

Beyond the ways that the OLL and RCSP are decreasing tenure and food security, results show that these policies are precipitating significant reactions amongst subsistence farmers and members of the landless class to both the nature of legislation and methods of implementation. Specifically, data demonstrate that the Land Law and crop specialization are dividing the rural sector according to what stage communities are at in the overall reform process. As outlined in section 5.4, both the extent and methods of reform have led to significant differences in opinions regarding rural reform and the Government of Rwanda. In areas that have not undergone registration (most of the country), informants are enthusiastic about state intervention in the rural sector. Conversely, in communities that have experienced initial or prolonged exposure to registration, terracing or crop specialization, individuals are frustrated and feel that their situation is completely hopeless. I note, however, that recent land reforms are obviously not the sole cause of existing opinions and feelings regarding state intervention in the rural sector or the Government of Rwanda. Rather, land is an important issue that is inherently related to social, political and economic relations. As such, land is not the sole cause of existing trends, but emerges as a topic that brings both pre-existing and evolving opinions to the forefront of discussion. Although we cannot attribute causality to the rural

reform process, land remains an essential component in the evolution of complex social relations. Specifically, as land reform expands throughout Rwanda, increasing frustration and hopelessness could significantly undermine tenure reform, and therefore, the Government's overall development program. Furthermore, as land already exists as a rallying point for socio-political and economic inequalities, the continued erosion of local livelihoods could threaten the hard-earned and impressive stability achieved by the people and Government of Rwanda.

Section 6.4.1 – Contextual factors

Prior to discussing the potential impacts of current trends, in this section I outline a number of the contextual factors that influence both policy implementation and response throughout rural Rwanda. Here, in order to adjust policies and better predict future opportunities and challenges, my goal is to acknowledge the unique characteristics that influence how individuals and Government officials are responding to land and agricultural reform.

Section 6.4.1.1 – Lack of resistance

While data indicate a small amount of resistance across field sites, the prevalence of households ignoring or actively contradicting Government-led land reform remains relatively low.⁴ My goal is not to suggest that resistance is needed or indeed deserved, but the topic remains important as rural reforms are dramatically reducing individual rights to land and leading to prolonged periods of hunger in a stable yet potentially insecure post-genocide environment. As large areas remain unplanted, and increasing numbers of families suffer from a severe lack of food and income, it is somewhat surprising that more households are not planting 'illegally' on cleared lands. At the same time, the relative lack of resistance and continued support for Government policies despite increasing frustration can be understood according to two factors unique to Rwanda.

⁴ Throughout this work I define 'resistance' as a continuum of actions individuals, groups and institutions employ to oppose specific actors and outcomes. Here, passive resistance refers to covert actions such as 'foot-dragging' or 'paying lip-service' to government policies, while active resistance involves the overt refusal to comply with requirements (i.e. planting illegally, destroying Government crops, etc). While a large amount of literature exists on the definition and evolution of resistance, any formal deconstruction of the concept is beyond the scope and space restrictions of this project.

First, population pressure and land fragmentation have reduced fallow periods, soil fertility and overall productivity throughout the country (André 1998; GoR 2004a; Musahara & Huggins 2005; Pottier 2006). Despite an overwhelming reliance on subsistence production, as well as the cultural and historical ties to land, data clearly demonstrate that farmers acknowledge the need to change land use and management systems in Rwanda. As a result, although households are becoming increasingly frustrated with the methods MINELA and MINAGRI are using to implement reforms, farmers are willing to wait and see whether state intervention can stabilize production. At the same time, this ‘wait and see’ attitude is also a result of the widespread desire for terraces and privately held land, which the Government is providing through the OLL.

Second, in addition to the need for reform, patience with policies that undermine local livelihoods is a direct result of the power narratives that characterize the relationships between different groups of the rural poor and the post-genocide Government of Rwanda. Beyond the previously acknowledged view of legislation as something that is imposed, data demonstrate that opinions of the Government and its land policies are highly influenced by existing feelings of fear and allegiance. On the one hand, large numbers of farmers are afraid to comment on state policies. In Musanze District, a number of informants state that if they talk about rural reforms, their lands will be confiscated and they might end up in jail. “When you speak about the Government you’re going to end up in jail” (Nathan, 06/2009). While it is difficult to separate these fears from historical experiences tied to ethnicity and the genocide, farmers across the five field sites selected for this project who state that the Government simply does what it wants and people cannot resist. These feelings of complete disempowerment have obvious implications for land reform, as households give the GoR significant latitude in both the nature and methods of creating change. As a result, on the one hand, fear of reprisals by a strong Government capable of mobilizing genocide narratives to restrict human rights could give MINELA and MINAGRI more time and power to implement effective policies. On the other, using fear to implement state-policy risks altering rural livelihoods to the extent that households will be unable to resume previous practices (if

rural reform fails).⁵ This fear is exacerbated by the fact that the very act of questioning the state is perceived as an act of divisionism. Fear of losing land, and the facility (real or perceived) with which a very powerful Government can confiscate private holdings significantly restrict individual reactions to the reform process. Although the GoR has published specific legislation guiding land expropriation, local farmers remain convinced that MINELA can and will do what it wants with private lands.

Contrasting directly with significant fear of the state, the lack of resistance is also a direct result of widespread support for the Rwandan Patriotic Front (RPF) led by His Excellency President Paul Kagame. While the Government and people of Rwanda have made impressive steps towards reconciliation and economic development, the Kagame regime continues to receive unparalleled support from Tutsi genocide survivors. Indeed, the majority of informants interviewed in Ntarama and Nyamata Sectors (areas with high concentrations of Tutsi genocide survivors) state that although land policies have seriously reduced food and tenure security, they will not and cannot question the Government. While informants from other regions included in this study (i.e. Musanze and Bigogwe) often refuse to speak of the state for fear of reprisals, informants in Ntarama and Nyamata see the Government as responsible for not only their current security, but also for their very existence.

“We are still alive thanks to this Government, so we will do what they tell us”

(Christian, 07/2009).

Section 6.4.1.2 – Regional differences

As the OLL and RCSP are applied throughout rural Rwanda, data show that these policies have increased frustration, but have also led to notable differences in responses between geographic locations. A significant amount of these variations can be attributed to the schedule of my field visits and the gradual application of Government policies.⁶ Indeed, even bioclimatic factors contribute to differences in data between regions, as

⁵ According to a number of key informants, feelings of disempowerment and fear have strong ties to the genocide. Furthermore, following the genocide a number of communities have begun to feel increasingly marginalized by the Government, which according to Reyntjens is increasingly dominated by the interests of a small number of Tutsi elite (Reyntjens 2004 & 2006).

⁶ For example, individuals that had their crops uprooted a week prior to my field visit may have different opinions regarding the GoR and rural reform than those households that have gone over eight months without a harvest.

terracing in areas with four crop cycles per year causes households to miss out on more harvests than those with only two or three. At the same time, I attempted to account for these differences by performing interviews across communities at different stages in the transformation process in each field site. While I argue that different opinions on land and agricultural policies are a direct result of the stage communities are at in the reform process, I also acknowledge that these differences can be further contextualized through an understanding of historic and recent settlement patterns. As the GoR has outlawed the labels ‘Hutu’ and ‘Tutsi,’ what follows is not rooted in surveys of ethnicity. Rather, this discussion is based on historic settlement patterns and informal interviews, where ethnicity was triangulated through life and oral histories (see section 3.3.1). Furthermore, by attempting to acknowledge differences in settlement patterns, I am in no way trying to highlight differences within or between regions. Both the Government and people of Rwanda have made overwhelming progress towards peace, security and reconciliation following the genocide. At the same time, historic and post-genocide settlement patterns may have a significant effect on the general aggregation of responses within and across the different field sites selected for this project. However, given these very general and historic differences in settlement patterns, it is tempting to affiliate data collected for this project with ethnicity. Such a link would be unwise and uninformed. As previously mentioned my goal is not to attribute causality, but to further contextualize existing data. In other words, according to informants from Bugesera District, support for Government policies in the Southwest is inherently related to experience during the genocide, the role of the RPF Government in stabilizing the country, and the fact that the overwhelming number of informants interviewed in these sectors are Tutsi genocide survivors. Conversely, the old caseload Tutsi refugees (i.e. the majority of informants from Bigogwe District) that lived outside of Rwanda during the genocide may not have as strong of ties to the Kagame Government. Independent of the differences in pre and post-genocide settlement patterns, ethnic and regional affiliations are components rather than causes of different opinions regarding Government policies. Rather than linking responses with a limited number of factors, we must strive to acknowledge all of the issues that affect social, political and historical differences across field sites in order to better understand and monitor the divergent impacts and opinions of public policies.

Section 6.4.2 – Discussion of existing trends

Given the power dynamics and political narratives that predominate throughout rural Rwanda, the feelings of frustration and hopelessness encountered across field sites are all the more relevant. Although fear and allegiance reduce resistance to policies that threaten rural livelihoods, they also give greater significance to existing anger and those small acts of resistance that occur. While acts of resistance remain relatively low, we must question how long this can and will last. Although the purpose of this project is not to determine the link between frustration and resistance, continued reductions in food and tenure security without support from the Government leaves subsistence households with few options. While households demonstrate an admirable ability to ‘wait and see’ how rural reforms play out, they will be unable to wait indefinitely. Most importantly, without delivering the seeds and fertilizers required under crop specialization, we can assume that farmers will eventually be forced to plant on lands cleared by the Government. The question, therefore, becomes whether the state will legitimize this practice.

The possibility of large numbers of households resisting Government policies in Rwanda has important implications for the sustainability of the rural sector and the state’s overall vision of development rooted in agricultural growth. Here, we must question how the Government of a post-genocide, highly militarized and controlled country will respond to large numbers of households directly ignoring official policies. While the governments of most developing countries eventually abandon legislation that the administration and general population are unable or unwilling to implement, the unique political context, need for rural reform, and Government desire to establish agriculture as the foundation of macro-economic growth, could lead to a different experience in Rwanda. As the end goal of rural reform is to establish agriculture as the springboard for national development, the failure to initiate significant change within the rural sector will undermine the short, medium and long-term growth strategies outlined in Rwanda’s Vision 2020 document. Here, the centrality of land reform to development, and the unique power narratives that characterize post-genocide Rwanda raise two important questions. First, will a highly militarized country controlled by a powerful state allow acts of resistance to alter plans for land reform, thereby undermining environmental sustainability and Government development programs? Second, what effect would

another series of failed land policies have on future legislation and an increasingly unstable rural sector? These questions are especially important as the extent of erosion and conflict over land mean that a lack of reform could be just as threatening (in the medium and long-term) to local livelihoods as the failure of current policies. At the same time, if land and agriculture reforms are not implemented correctly, Government policies will simply exacerbate existing threats to tenure and food security. What remains clear, therefore, is that we must question the extent to which tenure and food security can be diminished amongst a highly marginalized population before decreasing livelihood security starts to have repercussions on the GoR's development program and the stability of the rural sector.

Section 6.4.3 – Moving forward

While the preceding paragraphs highlight some of the central challenges facing land reform in Rwanda, it is important to note that the Government has also made a number of admirable and successful attempts to improve food, tenure and physical security, as well as rural livelihoods as a whole. Specifically (regarding rural reform), terracing and the provision of state-backed tenure security at an accessible price demonstrate the GoR's desire to reduce conflict over land and increase household production. At the same time, the methods of realizing these changes have dramatically undermined rural livelihoods. Given the amount of money dedicated to land reform, the unique power narratives that dominate state-society relations, the importance of agriculture to macro-economic growth, and consequences of not adjusting the rural system, I believe that the challenges currently facing tenure and agricultural reform in Rwanda will not alter the Government from its current course of achieving long-term change through registration and crop specialization. The question that emerges, therefore, is how to ensure that these policies do not unnecessarily reduce tenure and food security as the GoR strives to achieve these changes? Here, in the short term there is a need to shift from a focus on the nature of the policies themselves to the methods the state is using to realize and enforce these changes. Specifically, by altering the methods of implementing land reform and crop specialization, the GoR could decrease negative

impacts on tenure and food security while increasing the potential for large-scale land reform through both the OLL and NAP.

Conversely, in the medium to long term, the success and sustainability of rural reform requires the state to incorporate a more nuanced understanding of subsistence farmers. However, in order to ensure food and tenure security, the state needs to drive significant changes throughout the rural system. At the same time, however powerful the Government, the necessary changes will not be sustained if they are realized by alienating the largest and most important sector of Rwanda's economy. Currently, not only does the GoR have a tremendous number of factors that support its ability to create change, but also, rural subsistence farmers demonstrate an incredible resilience and willingness to see what changes the Government can realize. Furthermore, the existing climate of fear and allegiance rooted in pre and post-genocide experiences give administrators significant latitude when developing and applying policies. All of these factors combine with the overwhelming need for change, to support Government-led reform to land use and management practices in Rwanda. However, the unique context that supports the state's capacity to realize change also presents an unparalleled number of challenges. While the GoR has demonstrated its ability to adjust legislation, it has thus far failed to reduce the negative impacts of policies on rural subsistence farmers. By unnecessarily undermining tenure and food security amongst rural households, the Government is actively reducing both the sustainability and success of current policies, and therefore, its overall vision for macro-economic reform.

Section 6.5 – CONCLUSION

In this chapter I strive to contextualize and discuss the results presented in Chapter 5. Specifically, I concentrate on both the opportunities and challenges that large-scale land reform present for administrators and rural households in Rwanda. By focusing on Government policies as well as the methods of implementing rural legislation, we are able to distinguish between opportunities for reform both inside and out of the state's theoretical and practical frameworks for development. In turn, this approach allows us to present a number of policy suggestions that the data demonstrate could help the GoR reform both its policies and methods of realizing the required and desired changes.

CHAPTER 7 – CONCLUSIONS AND RECOMMENDATIONS

In this thesis I have explored how subsistence farmers, land administrators and Government policies in Rwanda are adjusting to the formalization of tenure systems and agricultural production in a rural sector dominated by subsistence and informal land management regimes. Specifically, I have focused on how the Government of Rwanda's desire to replace the current dependence on subsistence production with a commercially oriented, highly monetized agricultural sector is impacting rural subsistence households. Given this focus, I have divided my arguments into 7 chapters. In Chapter 1, I provide an introduction to my thesis project and an overview of the initial research questions that form the basis of this work. In Chapter 2, I develop a conceptual framework based on four bodies of literature that support and contextualize my research on land tenure reform in post-genocide Rwanda. Having established the theoretical foundation for my project, Chapter 3 provides an outline of the methods that guide the coursework, fieldwork, data analysis and dissemination stages of my MA thesis. In an attempt to further contextualize my theoretical framework and methodology, in Chapter 4 I follow with a brief history of tenure systems and land policies in Rwanda. Having established a sound theoretical, methodological and contextual foundation, in Chapter 5 I present my primary research findings. Following directly from these results, in Chapter 6 I analyze the effects land tenure and agricultural policies have had on subsistence farmers, and discuss the potential impact public perceptions of state-led reform could have on the GoR's long-term development program. Finally, in this chapter I conclude this thesis with a series of recommendations for short and long-term policy reforms, and suggest important areas for further research.

Section 7.1 – RECOMMENDATIONS

Although this work highlights a number of the challenges that currently face Government-led reform throughout the rural sector, Rwanda's policy makers, as well as MINELA and MINAGRI have taken impressive steps towards stabilizing agricultural production, and remain singularly dedicated to reforming the entire rural system. While both the need and wide ranging desire for reform provide the GoR with a unique opportunity to realize large-scale change, data collected for this project show that the

idealistic goals driving state policies and the methods of realizing the desired changes have dramatically affected rural livelihoods. Specifically, beyond the requirements established by the Organic Land Law and Regional Crop Specialization Programme, the aggressive methods of implementing rural reforms have significantly reduced tenure and food security amongst rural subsistence households. Although the scale of change required throughout rural Rwanda – given decreasing production and increasing conflict over land – will necessarily result in significant challenges to local farmers, the aggressive schedule and forceful implementation of policies present un-necessary risks to the realization and sustainability of Government-led reforms. Beyond re-writing policies and adjusting state plans for the rural sector, in the short-term a number of adjustments to how land and agricultural requirements are implemented could significantly improve the penetration and sustainability of these reforms.

Section 7.1.1 – Short-term recommendations

In this section, I draw directly on the data collected throughout this project to provide a series of recommendations that concentrate on minimizing risks to rural subsistence livelihoods in the short-term, while maintaining the GoR's goals for rural reform.

- 1) Lands should not be cleared (for terracing or specialization) until after the previously planted crops have been harvested. This will delay the implementation of crop specialization (at most by the amount of time needed to complete one growing season), but could significantly reduce the level of frustration amongst rural households affected by crop destruction. While the GoR's desire to prepare as much land as possible for hybrid seeds is understandable, current levels of crop destruction are completely unnecessary given that the only seeds and fertilizers farmers are allowed to use are not yet available.
- 2) As farmers can only plant seeds provided by the state, lands should not be cleared until the necessary inputs are available. This adjustment will also delay country-wide crop specialization (slightly), but will help ensure that farmers can plant on their lands as soon as they have been cleared, and that Government policies do not force subsistence households to go extended periods without planting or harvesting a

single crop. Each of these outcomes may help reduce frustration with land and agriculture policies at the local level, and could increase willingness to invest in Government-led reform.

- 3) MINELA should employ landowners as wage labourers and involve them in the construction of terraces on their lands and in their communities. Providing a small daily wage will increase the cost of terracing, but will also significantly reduce the severity of food insecurity experienced during terrace construction. Furthermore, using local labour to supplement (rather than replace) prisoners working under the T.I.G. program will reduce the amount of time needed for construction, and increase the amount of land available for specialization in the short-term.
- 4) Rather than forcing farmers to uproot their crops, MINELA and MINAGRI should require households to leave their lands unplanted following a specific harvest. Ideally, the Government should give households as much warning as possible, and move back the previously specified date if necessary inputs do not arrive on time. Providing households with a specific date by which all lands must be cleared will enable farmers to harvest their crops, sell/store any surplus, and spend the months leading up to specialization establishing short-term coping strategies.
- 5) Using prisoners to uproot crops unnecessarily imbues the land clearing process with power and ethnic narratives linked to the genocide. Independent of ethnicity, having crops destroyed, let alone by perpetrators of the genocide, severely undermines the Government's commitment to pro-poor policies, and exacerbates existing levels of frustration towards reform. As such, prisoners should only be used to clear crops when households have continued to ignore the state's planting requirements.
- 6) When lands have already been cleared but hybrid seeds and fertilizers are not available, the Government should temporarily postpone crop specialization throughout the affected areas, and allow farmers to work their plots until the inputs arrive. Once the necessary inputs are available and distribution networks have been established at the local level, farmers should be allowed to complete the growing season before moving forward with specialization.
- 7) Although land administrators and extension agents have done an impressive job of informing local communities about Government reform, MINELA and MINAGRI

can improve both food and tenure security during the implementation stages of the OLL and RCSP by ensuring that all requirements are explained in detail to rural communities. Specifically, farmers should not just be informed of the general requirements of registration and specialization. Rather, households should have all the information about how and when these reforms will occur. Most importantly, subsistence households need more information on:

- i) What they are expected to do with their harvests.
 - ii) What happens to their land(s) if they are unable or unwilling to implement crop specialization. How much compensation will households receive for confiscated lands? Will the Government re-allocate the holdings or can farmers sell their plots in an open market?
 - iii) How long lands will remain unplanted once they have been cleared.
 - iv) Where and when farmers can collect Government seeds and fertilizers.
 - v) How much the inputs cost, and how households are expected to pay. Are costs subsidized by the Government?
- 8) While the GoR has passed legislation on expropriation (Law #18/2007 Relating to Expropriation in the Public Interest), further information is needed on how this law is being put into practice given the national roll out of registration and specialization. Detailed information on the methods and amount of compensation, as well as the opportunities for households to protect their holdings from confiscation will decrease fears of expropriation, and could help encourage the physical consolidation of land and successful mobilization of agricultural labour.
- 9) A price floor should be established for all the crops that are to be sold to agribusinesses. Households growing these crops should be guaranteed a minimum price, as they do not have the option of switching to other crops or selling their harvests at local or regional markets. Furthermore, MINELA and MINAGRI should encourage subsistence households (i.e. provide credit) to form cooperatives and invest in emerging markets for processed goods. Specifically, new opportunities for off and non-farm employment linked to crop specialization need to evolve alongside existing agribusinesses to ensure that rural reforms do not exacerbate economic disparities.

- 10) MINAGRI should provide detailed information on not only how to access credit, but also what the funds can be used for given Government restrictions on agriculture.
- 11) MINELA and MINAGRI should decrease the speed and aggressiveness of rural reform. Allowing more time for policy implementation will help ensure that both land and agricultural requirements are thoroughly and evenly applied throughout the country. Specifically, the Government needs to ensure that rural reforms are not implemented before the necessary inputs are available and supporting legislation is established.
- 12) While the OLL was piloted in four sites throughout Rwanda, MINELA and MINAGRI need to slow down the countrywide application of land reform so that experiences from previous and ongoing registration and specialization sites can be incorporated into nation-wide application. This is especially relevant given the shift from the OLL to the RCSP as the main tool for consolidating plots. Slowing down the pace of change and incorporating lessons learned from previous and ongoing experiences will increase the penetration and sustainability of rural reform.
- 13) In order to avoid privileging certain groups and/or regions, the GoR needs to ensure that land reforms are being implemented in the same way across all communities. Although some degree of flexibility is important within and between sites, the methods of clearing land should not change.

Section 7.1.2 – Longer-term recommendations

Beyond short-term adjustments that can help stabilize tenure and food security during land and agricultural reforms, data collected for this project demonstrate a number of important factors the GoR should consider as it moves forward with future legislation.

- 1) There is a significant need to incorporate subsistence farming and subsistence farmers into the Government's vision of a reformed rural sector. Sustainable land reform requires the GoR to include multiple understandings of land use and rural production in its overall vision of agriculture and the national economy.
- 2) There is a pressing need to mobilize and involve civil society in advocating for farmers' rights, as well as in developing and monitoring land and agricultural policies. This requires the Government of Rwanda to change its view of rural

subsistence farmers away from the cause of land degradation to an essential part of any long-term solution.

- 3) The GoR needs to ensure that excess labour is not released from the agricultural sector before off and non-farm employment opportunities are made available.

Section 7.1.3 – Recommendations for further research

- 1) There is an urgent need to monitor how land and agricultural policies are being implemented across the country. Further research is especially needed on how these policies are impacting the most vulnerable groups, and how large-scale registration and specialization are affecting conflict over land.
- 2) While the Organic Land Law is promoted as an important step in guaranteeing equal rights to land for all, further research is needed on how women and the most vulnerable groups (e.g. female headed households, orphan headed households, individuals infected with HIV/AIDS, etc.) are accessing and using plots. How are registration, specialization and increasing conflict over land affecting the claims and livelihoods of these groups?
- 3) Further research is also needed on the impact of rapid, national-level crop specialization rooted in economies of scale on soil quality, erosion, household incomes and diets.
- 4) As regional crop specialization expands throughout the entire country, further research is needed on the prevalence and evolution of active and passive resistance. This is especially important given the post-conflict context, current political climate, and fact that land and agricultural reforms are the foundation of the GoR's plan for macro-economic growth.
- 5) Finally, further research is needed on the size, demographic composition and regional movements of the pre-existing and emerging landless class throughout the different stages of land and agricultural reform.

Section 7.2 – CONCLUSION

Land tenure and agricultural reform are essential components of post-conflict development. This is especially true in Rwanda, where decades of population pressure have increased land fragmentation, erosion, nutrient leaching and conflict over holdings.

Despite notable decreases in agricultural production, approximately eighty percent of all households in Rwanda rely on subsistence agriculture as their primary source of food and income (Huggins 2010). Given the size of the rural population and importance of the agricultural sector to the national economy, the Government of Rwanda has embarked on an ambitious series of land tenure and agricultural reforms aimed at replacing subsistence farmers with a highly commercialized and monetized agricultural sector. With the national roll out of both the Organic Land Law and Regional Crop Specialization Programme, MINELA has abandoned its original plan of physically consolidating land in favour of establishing economies of scale through mandatory crop specialization. While I have demonstrated that the overwhelming majority of farmers acknowledge the need for large-scale change to land use and management practices, data collected for this project also show that the Government's idealized view of a commercially oriented rural sector, and the aggressive methods of implementing reforms, pose a significant threat to tenure and food security. Despite the negative effects these policies are having on subsistence households in the short-term, I argue that the Government will harness the pressing need for change and unique power narratives that characterize state-society relations in post-genocide Rwanda to continue with current reforms despite existing and potential consequences for subsistence households. Whether or not this occurs, this thesis project demonstrates that the GoR's vision of a modern agriculture sector, the forceful implementation of policies, and continued marginalization of the most vulnerable groups present a number of obstacles to rural reform. Furthermore, as the Government of Rwanda remains committed to driving development through agricultural production, the failure to realize sustainable change in the short, medium and long-term periods could significantly undermine the national strategy for macro-economic growth.

Having outlined the unique political, cultural and biophysical contexts of Rwanda, the need for significant adjustments to land use and management practices, as well as the Government's desire for rapid and revolutionary changes, I argue that a number of small adjustments to how land and agriculture policies are implemented will help stabilize tenure and food security in the short-term, while maintaining the state's overall vision for reform. Conversely, in the long-term, the stability of existing and future policies requires that the Government of Rwanda incorporate a more nuanced view of rural subsistence

farming that includes household production and producers in both the development and implementation of land and agriculture policies.

APPENDIX A – PRELIMINARY RESEARCH QUESTIONS

1. How much land do you cultivate total? Over how many plots? Do you own or rent this land?
2. Do you share the land with anyone (e.g. brother, sister, brother in-law, son, wife, etc.)?
3. How do you show that this land is yours or your family's? Is there a specific name for this type of system? What protections are there against someone taking your land? Who guarantees your land?
4. Have you registered your plot with the Government? Has anyone asked you or told you to do this?
5. How would you prove that you own the land if someone came to ask you? How do you protect your land against disputes?
6. How did you receive this land? Did you purchase it? Inherit it? When and from whom?
7. What rights do you have to your land (i.e. can you sell it? just plant on it? etc.)?
8. What happens if there is conflict between people over land? Who do you go and talk to?
9. What does the Government of Rwanda want to see happen with farmland? What are their goals?
What is the national land law in Rwanda?
10. How has the 2005 Land Law affected you, your family and your farm? How, why or why not?
11. Has anyone tried to come and make you register your land? If yes, what did they say?
12. If participants answer 'no' to question #11: What will you say and/or do when someone comes to tell you that you have to register your land and that you have to pay to do so?
13. If the Government requires you to pay to register your land, will you be able to?
14. What do you think the Government's land law should say and/or do?
15. What are the main challenges currently facing farmers? How have these changed over the last ten years?
16. How can the Government help farmers?

APPENDIX B – PRIVACY AND CONFIDENTIALITY

First, true anonymity for all participants is not possible as I will be accompanied by research assistants. Second, subsistence farmers will be invited to attend focus group meetings where they will have the opportunity to interact with each other. Third, given the possibility that meetings take place in a public setting, I will be unable to conceal the fact that participants are talking or have talked with me. Finally, the communities of interest are small and very closely knit. Based on previous experience, information of this nature (not sensitive and openly shared) circulates quickly amongst community members. This being acknowledged, there are a few simple steps that I will take to ensure confidentiality and protect the identity of all participants. Primarily:

- 1) The names of each individual interviewed will be stored on an Excel document on a password-protected computer. In this document, each individual name will be associated with a unique numeric figure (variable). These numbers will not be given sequentially (e.g. 1, 2, 3...) but will be randomly selected. Prior to each meeting, the variable associated with the individual's name will be inserted into a set equation known only to me. The equation will be determined before arriving in the field, memorized and not written down on any electronic or paper document. In any notes taken during the interview and in subsequent write-ups the subject will be identified only through the numeric figure given by the result of the equation. For example, if my first interview is with a Mr. Jon Smith, before meeting with Mr. Smith I will write his name down on my interview sheet and give him the number 7. I will then take this number and multiply it by the predetermined equation. If the equation were $(x^2)4$, the result of this equation for Mr. Smith would be $(7^2) \times 4 = 196$.¹ When taking notes during the interview, transcribing, or making any reference to information collected from Mr. Smith, I would refer to him simply as 196. When I need to refer back to the individual's name, I access the initial Excel document, insert the number 196 as the result of the equation and solve for variable x in order to locate the individual name.

¹ This equation is provided as an example, and will not be used during fieldwork.

- 2) When initially invited to attend focus group meetings, rural subsistence farmers will be informed that confidentiality should be respected in the group setting, but cannot be guaranteed. This will be reiterated at the beginning of each meeting.
- 3) When describing results, quotes, etc. in my thesis and/or journal articles, I will use pseudonyms instead of individual names.
- 4) In addition to these precautions, data will be transcribed and stored on a password-protected computer and frequently backed up on 2 small external hard-drives and a password-protected FTP site. I will also regularly email copies to my private email account. No notes, printouts or paper documents of any sort will be left in Rwanda upon completion of my fieldwork.
- 5) After returning from the field, access to the data compiled will be restricted to my supervisor and myself.

REFERENCE LIST

- Adams, M. 1995. Land Reform: New Seeds on Old Ground? ODI Natural Resource Perspectives.
- Adams, M, B Cousins, and S Manona. 1999. Land Tenure and Economic Development in Rural South Africa: Constraints and Opportunities: Overseas Development Institute.
- Adams, M, S Sibanda, and S Turner. 1999. Land tenure reform and rural livelihoods in Southern Africa. *Natural Resource Perspectives* 39.
- Adelman, I. 1984. Beyond export-led growth. *World Development* 12 (9):937-949.
- . 2001. Fallacies in development theory and their implications for policy. *Frontiers of development economics: The future in perspective* 103.
- Adelman, S, and A Paliwala. 1993. Law and crisis in the Third World: H. Zell.
- . 1993. Law and Development in Crisis'. Sammy Adelman with Abdul Paliwala Law and Crisis in the Third World. London: Hans Zell Publishers.
- Alvesson, M, and K Skoldberg. 2009. Reflexive methodology: New vistas in qualitative research: Sage Publications Ltd.
- André, C. 1998. Rwandan Land: Access, Policy and Land Reform. Antwerp University-Centre for Development Studies Working Paper Series (29).
- André, C, and JP Platteau. 1998. Land relations under unbearable stress: Rwanda caught in the Malthusian trap. *Journal of Economic Behavior and Organization* 34 (1):1-47.
- Apter, DE. 1987. Rethinking development: Sage Publications.
- Ashley, C, and S Maxwell. 2001. Rethinking rural development. *Development policy review* 19 (4):395-425.
- Atkinson, P, and M Hammersley. 1994. Ethnography and participant observation. *Handbook of qualitative research* 248:261.
- Atwood, DA. 1990. Land registration in Africa: The impact on agricultural production. *World Development* 18 (5):659-671.
- Back, LR. 1981. Traditional Rwanda: Deconsecrating a Sacred Kingdom. *The Study of the State*:15.
- Ballentine, K, and H Nitzschke. 2004. Profiting from Peace: Managing the Resource Dimensions of Civil War: Lynne Rienner.
- Bank, World. 1990. World Development Report 1990.
- . 1993. World development report 1993: investing in health. Washington DC: World Bank.
- Barnett, J. 2001. The meaning of environmental security: Ecological politics and policy in the new security era: Zed Books.
- Barrière, O. 1997 Cadre juridique de la réforme foncière au Rwanda; analyse et propositions préliminaires. Kigali.
- Bell, CLG, and PBR Hazell. 1980. Measuring the indirect effects of an agricultural investment project on its surrounding region. *American Journal of Agricultural Economics* 62 (1):75-86.
- Benjaminsen, TA, S Holden, C Lund, and E Sjaastad. 2006. The Emerging Formalisation Agenda and some Empirical Evidence from Africa.

- Brahimi, L. (2007). *State Building in Crisis and Post-Conflict Countries*. United Nations Forum on Reinventing Government. Vienna, Austria, 26th-29th June, 2007.
- Bernstein, L. 1992. Opting out of the legal system: extralegal contractual relations in the diamond industry. *The Journal of Legal Studies* 21 (1):115-157.
- Berry, S. 1993. No condition is permanent: The social dynamics of agrarian change in sub-Saharan Africa: Univ of Wisconsin Pr.
- . 2002. Debating the land question in Africa. *Comparative Studies in Society and History* 44 (04):638-668.
- Bigagaza, J, C Abong, and C Mukarubuga. 2002. Land scarcity, distribution and conflict in Rwanda. *Scarcity and Surfeit: The Ecology of Africa's Conflicts*, ACTS Press, Nairobi/Institute for Security Studies, Pretoria:85-156.
- Bigombe, B, P Collier, and N Sambanis. 2000. Policies for building post-conflict peace. *Journal of African Economies* 9 (3):323.
- Bilder, R, and BZ Tamanaha. 1995. Law and Development, Law and Crisis in the Third World. *AM. J. INT'L L.* 89:470, 472.
- . 1995. The Lessons of Law-and-Development Studies. *American Journal of International Law*. 89:470, 479.
- Black, CE. 1966. *The dynamics of modernization: A study in comparative history*: Harper & Row.
- Blaikie, P. 1989. Environment and access to resources in Africa. *Africa*:18-40.
- Blarel, B. 1990. *Tenure Security and Agricultural Production under Land Scarcity: The Case of Rwanda*.
- Blomley, NK. 1994. *Law, space, and the geographies of power*: The Guilford Press.
- Bohman, J. 1995. Public reason and cultural pluralism: Political liberalism and the problem of moral conflict. *Political Theory* 23 (2):253-279.
- Bondi, L, H Avis, and R Bankey. 2002. *Subjectivities, knowledges, and feminist geographies: the subjects and ethics of social research*: Rowman & Littlefield.
- Borland, K. 1991. *That's not what I said: Interpretive conflict in oral narrative research*: Routledge.
- Bradshaw, M. and E. Stratford, 2000: *Qualitative Research Design and Rigour*. In I. Hay (ed.) *Qualitative Research Methods in Human Geography*. Oxford University Press, Melbourne, pp. 37-49.
- Brosius, JP. 1997. Endangered forest, endangered people: environmentalist representations of indigenous knowledge. *Human Ecology* 25 (1):47-69.
- Bruce, J. W. (1986) 'Land Tenure Issues in Project Design and Strategies for Agricultural Development in Sub-Saharan Africa', LTC Paper No. 128. Madison, WI: University of Wisconsin-Madison, Land Tenure Center.
- . 2000. African Tenure Models at the Turn of the Century: Individual Property Models and Common Property Models. *Land Reform/Réforme Agraire/Reforma Agraria* 2000 (1).
- . 2007. Drawing a line under the crisis: Reconciling returnee land access and security in post-conflict Rwanda. Humanitarian Policy Group Background Briefing. London: ODI.
- Bruce, JW, and SE Migot-Adholla. 1994. *Searching for land tenure security in Africa*: Kendall/Hunt.

- Bryant, R. L. 1992. Political Ecology - An Emerging Research Agenda in Third-World Studies. *Political Geography* 11 (1):12-36.
- Bryceson, DF. Sub-Saharan Africa betwixt and between: rural livelihood practices and policies.
- Buckley-Zistel, S. Ethnographic research after violent conflicts: personal reflections on dilemmas and challenges.
- Byiringiro, FU. 1995. Determinants Of Farm Productivity And The Size-Productivity Relationship Under Land Constraints: The Case Of Rwanda. Graduate Research Masters Degree Plan B Papers.
- Charlery de la Masseliere, B, F Bart, and O Barbary. 1986. La répartition régionale des cultures vivrières au Rwanda. Analyse statistique in *Frontières: mythes et pratiques* (Brésil, Nicaragua, Malaysia). Cahiers- ORSTOM. Sciences humaines 22 (3-4):453-477.
- Chauveau, JP. 2003. Rural land plans-establishing relevant systems for identifying and recording customary rights. Issue Paper-Drylands Programme, International Institute for Environment and Development (122):24pp.
- Clay, DC, and YMJ Dejaegher. 1987. Agro-ecological zones: the development of a regional classification scheme for Rwanda. *Tropicultura* (Belgium).
- Clay, DC, and LA Lewis. 1990. Land use, soil loss, and sustainable agriculture in Rwanda. *Human Ecology* 18 (2):147-161.
- Clay, DC, T Reardon, and J Kangasniemi. 1998. Sustainable Intensification in the Highland Tropics: Rwandan Farmers' Investments in Land Conservation and Soil Fertility. *Economic Development and Cultural Change* 46 (2):351-377.
- Coldham, S. 1978. Effect of Registration of Title upon Customary Land Rights in Kenya, The. *J. Afr. L.* 22:91.
- Collier, P, and A Hoeffler. 2004. Aid, policy and growth in post-conflict societies. *European Economic Review* 48 (5):1125-1145.
- Colson, E, and V Turner. 1971. The impact of the colonial period on the definition of land rights. *Colonialism in Africa, 1870-1960*:193-215.
- Conway, G, and NW Simmonds. 1997. The doubly green revolution: Food for all in the 21st century: Penguin, London.
- Cotula, L, C Toulmin, and C Hesse. 2004. Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues: International Institute for Environment and Development.
- Cousins, B. 1997. How do rights become real? Formal and informal institutions in South Africa's land reform. *IDS Bulletin* 28:59-68.
- Cousins, T., Hornby, D. 2006. The Realities of Tenure Diversity in South Africa. Colloque international "les frontieres de la question fonciere - At the frontier of land issues." Montpellier, 2006.
- Cowen, MP, and RW Shenton. 1996. *Doctrines of development*. Routledge Press.
- Cross, S. 2002. Customary land tenure, taxes and service delivery in rural Malawi: A review of institutional features of rural livelihoods. LADDER Papers on Rural Development, University of East Anglia.
- Crush, JS. 1995. *Power of development*: Routledge.
- Cunningham, CD. 1991. Lawyer as Translator Representation as Text: Towards an Ethnography of Legal Discourse. *Cornell L. Rev.* 77:1298.

- Dalby, S. 2002. Environmental security. University of Minnesota Press. Minneapolis, Minnesota.
- Dam, KW. 2006. Law and Economic Development.
- . 2006. The law-growth nexus: The rule of law and economic development: Brookings Institution Press.
- Daudelin, J. 2003. Land and Violence in Post-conflict Situations.”. North–South Institute. World Bank.
- Davis, KE, and MJ Trebilcock. 2008. The Relationship Between Law and Development: Optimists versus Skeptics. *American Journal of Comparative Law* 56 (4):895-946.
- Dawe, D. 1996. A new look at the effects of export instability on investment and growth. *World Development* 24 (12):1905-1914.
- Deininger, 1999 Does Africa need land reform? In: Toulmin, C., Quan, J. (Eds.), *Evolving Land Rights, Policy and Tenure in Africa*, DFID/IIED/NRI, London, pp. 51–73.
- . 2003 *Land Policies for Growth and Poverty Reduction*, World Bank and Oxford University Press, Oxford (2003).
- Delepierre, G. 1974. Les Régions agricoles du Rwanda. Note technique de l'ISAR 13.
- Delville, PL. 1999. Harmonising Formal Law and Customary Land Rights in French-speaking West Africa: International Institute for Environment and Development.
- Diao, X. 2007. The role of agriculture in development: Implications for Sub-Saharan Africa: *Int Food Policy Res Inst IFPRI*.
- Diao, X, and J Thurlow. 2007. The role of agriculture in development: Implications for Sub-Saharan Africa: International Food Policy Research Insitute.
- Dowling, R. 2000. Power, subjectivity and ethics in qualitative research. *Qualitative research methods in human geography*:23-36.
- Dunn, K. 2000. Interviewing. *Qualitative research methods in human geography*:50-82.
- Dwyer, C, and M Limb. 2001. Introduction: Doing qualitative research in geography. *Qualitative methodologies for geographers: issues and debates*:1-20.
- Ehrlich, E, R Pound, and KA Ziegert. 2002. *Fundamental principles of the sociology of law*: Transaction Pub.
- Ellickson, RC. 1991. *Order without law: How neighbors settle disputes*: Harvard Univ Pr.
- Ellis, F. 1998. Household strategies and rural livelihood diversification. *Journal of Development studies* 35 (1):1-38.
- Ellis, F, and HA Freeman. 2004. Rural livelihoods and poverty reduction strategies in four African countries. *Journal of Development studies* 40 (4):1-30.
- Ellis, F, and N Harris. 2004. New thinking about urban and rural development. Keynote paper prepared for the UK Department for International Development Sustainable Development Retreat. Princeton University Press Princeton, New Jersey.
- Escobar, A. 1995. *Encountering Development: The Making and Unmaking of the Third World*.
- Eswaran, M, and A Kotwal. 1985. A theory of contractual structure in agriculture. *The American Economic Review*:352-367.
- Evenson, RE, and D Gollin. 2003. Assessing the impact of the Green Revolution, 1960 to 2000. *Science* 300 (5620):758.

- Fearon, J. D., and D. D. Laitin. 2000. Violence and the social construction of ethnic identity. *International Organization* 54 (4):845-877.
- Feder, G, and D Feeny. 1991. Land tenure and property rights: Theory and implications for development policy. World Bank.
- Feder, G, and R Noronha. 1987. Land Rights Systems and Agricultural Development in Sub-Saharan Africa. *The World Bank Research Observer* 2 (2):143-169.
- . 1987. Land rights systems and agricultural development in sub-Saharan Africa. *The World Bank Research Observer* 2 (2):143.
- Ferguson, J. 1990. *The anti-politics machine: "development," depoliticization, and bureaucratic power in Lesotho*: Cambridge Univ Press.
- Food and Agriculture Organization of the United Nations (UNFAO). 2002. Land tenure and rural development. In *FAO Land Tenure Studies* 1-50. Rome.
- Friedman, LM. 1969. On legal development. *Rutgers L. Rev.* 24:11.
- Galanter, M. 1981. Justice in many rooms: courts, private ordering, and indigenous law. *J. Legal Pluralism* 19:1.
- Gilissen, J. 1971. Introduction: L'Étude comparée du pluralisme juridique. *Le Pluralisme juridique: ...tudes publiées sous la direction de John Gilissen*:7ñ18.
- Gold, RL. 1958. Roles in sociological field observations. *Social forces* 36 (3):217-223.
- Gollin, D, S Parente, and R Rogerson. 2002. The role of agriculture in development. *American Economic Review*:160-164.
- Gouldner, AW. 1970. *The coming crisis of western sociology: Basic books*.
- Government of Rwanda. 2002a. 'Poverty Reduction Strategy Paper'. Kigali: Ministry of Finance.
- . 2002b. '2020 Vision'. Kigali: Ministry of Finance and Economic Planning. Draft 3 (English version), November 2002.
- . 2004. 'National Land Policy'. Kigali: Ministry of Lands, Environment, Forestry, Water and Natural Resources. Draft, January 2004.
- . 2004a. 'Assessment of Rwanda's Land Registration, Land Information Management, Land Use Planning and Land Management Systems'. Kigali:Ministry of Lands, Environment, Forestry, Water and Natural Resources. —
- . 2005. 'Organic Law No. 08/2005 of 14/7/2005 Determining the Use and Management of Land in Rwanda'. Kigali, July 2005.
- . 2007. *Economic Development and Poverty Reduction Strategy 2008–2012*. Kigali: Ministry of Finance and Economic Planning. Preliminary draft, June
- . 2007a. 'Plan de Developpement du District de Bugesera 2008-2012.' Ministry of Local Government (MINALOC). Juin 2007.
- . 2007b. 'Plan de Developpement du District de Musanze 2008-2012.' Ministry of Local Government (MINALOC). Musanze, July 2007.
- . 2007c. 'Plan de Developpement du District de Rulindo 2008-2012.' Ministry of Local Government (MINALOC).
- Griffin, K. 1974. *The political economy of agrarian change: An essay on the green revolution*: Macmillan London.
- Griffiths, J. 1986. What is legal pluralism. *J. Legal Pluralism & Unofficial L.* 24:1. Harvard Law School, International Legal Studies, Report of the Director, 1954-1961. Cambridge, MA.

- Hatch, JA, and R Wisniewski. 1995. Life history and narrative: Questions, issues, and exemplary works. *Life history and narrative*:113-135.
- Haugerud, A. 1989. Land tenure and agrarian change in Kenya. *Africa: Journal of the International African Institute* 59 (1):61-90.
- Hazell, PBR, and S Haggblade. Rural-urban growth linkages in India.
- Hazell, PBR, and A Rell. 1983. Rural growth linkages: Household expenditure patterns in Malaysia and Nigeria: Int Food Policy Res Inst IFPRI.
- Hazell, PBR, C Ramsamy, and PK Aiyasamy. 1991. The Green Revolution reconsidered: The impact of high-yielding rice varieties in South India.
- Hirschman, AO. 1958. The strategy of economic development: Yale University Press New Haven, CT.
- Holbrooke, R. 1999. To end a war: Modern Library. New York.
- Homer-Dixon, TF. 1994. Environmental scarcities and violent conflict: evidence from cases. *International security* 19 (1):5-40.
- Hooker, MB. 1975. Legal pluralism: An introduction to colonial and neo-colonial laws: Clarendon Press.
- Huggins, C, H Musahara, PM Kamungi, JS Oketch, and K Vlassenroot. 2005. Conflict in the Great Lakes Region-how is it linked with land and migration? *ODI Natural Resource Perspectives* (96):4pp.
- Huggins, C, and B Ochieng. 2005. Paradigms, Processes and Practicalities of Land Reform in Post-Conflict Sub-Saharan Africa. *From the Ground Up: Land rights, conflict and peace in sub-Saharan Africa*.
- Huggins, C, and J Pottier. 2005. Land tenure, land reform and conflict in Sub-Saharan Africa: Towards a research agenda. ACTS (African Centre for Technology Studies) *From the Ground Up: Land Rights, Conflicts and Peace in Sub-Saharan Africa*:383-92.
- Huggins, C. 2010. Agricultural Policies and Local Grievances in Rural Rwanda. *Peace Review*. 21 (3): 296-303.
- Humphreys, M. 2005. Natural Resources, Conflict, and Conflict Resolution: Uncovering the Mechanisms. *Journal of Conflict Resolution* 49 (4):508.
- Iain, H. 2000. Qualitative research methods in human geography. Victoria: Oxford University Press.
- International Institute for the Environment and Development (IIED). 2006. Innovation in Securing Land Rights in Africa: Lessons from experience. In IIED Briefing Paper 2006. London, UK.
- Jackson, S. 1998. Telling stories: Memory, narrative and experience in feminist research and theory. *Standpoints and differences: Essays in the practice of feminist psychology*:45-65.
- Jefremovas, V. 1997. Contested Identities: Power and the Fictions of Ethnicity, Ethnography and History in Rwanda. *Anthropologica* 39:91-104.
- Johnston, BF, and JW Mellor. 1961. The role of agriculture in economic development. *The American Economic Review*:566-593.
- Joireman, SF. 2002. Inherited legal systems and effective rule of law: Africa and the colonial legacy. *The Journal of Modern African Studies* 39 (04):571-596.
- Jones, L. 2000. The evolution of property use in Rwanda. *Refugee Survey Quarterly* 19 (3):130-150.

- Jones, WO. 1980. Agricultural trade within Tropical Africa: Historical background. *Agricultural Development in Africa: Issues of public policy*:10-45.
- Kangasniemi, J. 1999. People and bananas on steep slopes: Agricultural intensification and food security under demographic pressure and environmental degradation in Rwanda.
- Kearns, R. 2005: Knowing Seeing? Undertaking Observational Research. In I. Hay (ed.) *Qualitative Research Methods in Human Geography* 2nd ed. Oxford University Press, Victoria, pp. 192-220.
- Kitchin, R. and N. J. Tate, 2000: *Conducting research in human geography: theory methodology and practice*. Prentice Hall, Harlow.
- Koehn, P. 1983. State land allocation and class formation in Nigeria. *The Journal of Modern African Studies* 21 (3):461-481.
- Konz, P. 1969. Legal Development in Developing Countries. *Am. Sociology Int'l L. Proc.* 63:91.
- Krause, K, and O Jutersonke. 2005. Peace, Security and Development in Post-Conflict Environments. *Security Dialogue* 36 (4):447.
- Kuba, R, and C Lentz. 2006. *Land and the politics of belonging in West Africa*: Brill Academic Pub.
- Landal, R. 1970 Reorientation in Rwanda. *African Affairs* Vol. 69 (275): 141-154.
- Le Billon, P. 2001. The political ecology of war: natural resources and armed conflicts. *Political Geography* 20 (5):561-584.
- Lewis, LA, and L Berry. 1988. African environments and resources.
- Lewis, WA. 1954. Economic development with unlimited supplies of labour. *Manchester School of Economic and social studies* 22 (2):139-191.
- Limb, M, and C Dwyer. 2001. *Qualitative methodologies for geographers: issues and debates*: A Hodder Arnold Publication.
- Liversage, H. 2003. Overview of Rwanda's Land Policy and Land Law and Key Challenges for Implementation in Rwanda: MINITERE/DFID.
- Lobel, O. 2006. Paradox of Extralegal Activism: Critical Legal Consciousness and Transformative Politics, *The. Harvard Law Review* 120:937.
- Lund, C. 1993. Waiting for the rural code: perspectives on a land tenure reform in Niger. *Issues Paper-Drylands Programme, International Institute for Environment and Development (United Kingdom)*.
- . 2000. African land tenure: questioning basic assumptions: IIED.
- Maganga, FP. 2003. The interplay between formal and informal systems of managing resource conflicts: some evidence from south-western Tanzania. *Securing land rights in Africa*:51-70.
- Mamdani, M. 1996. *Citizen and subject: Contemporary Africa and the legacy of late colonialism*: Princeton Univ Pr.
- Massell, G.(1968)" Law as an Instrument of Revolutionary Change in a Traditional Milieu: The Case of Soviet Central Asia,". *Law and Society Review* 2:179.
- Massell, GJ. 1967. Law as an Instrument of Revolutionary Change in a Traditional Milieu-The Case of Soviet Central Asia. *Law & Soc'y Rev.* 2:179.
- Maxwell, D, and K Wiebe. 1998. Land tenure and food security: a review of concepts, evidence, and methods. LTC Research Paper 129.

- McAuslan, P. 1998. Making Law Work: Restructuring Land Relations in Africa. *Development and Change* 29 (3):525-552.
- . 2005. Legal pluralism as a policy option: Is it desirable? Is it doable. CAPRI Policy Briefs: “Land rights for African development: From knowledge to action.” Edited by Esther Mwangi. Available online at: [www. capri. cgiar.org/pdf/brief_land-04. pdf](http://www.capri.cgiar.org/pdf/brief_land-04.pdf).
- Meinzen-Dick, RS, R Pradhan, International Food Policy Research Institute, CGIAR Systemwide Program on Collective Action, and Property Rights. 2002. Legal pluralism and dynamic property rights: CGIAR Systemwide Program on Collective Action and Property Rights, International Food Policy Research Institute.
- Mellor, JW, and J Williams. 1970. *The economics of agricultural development*: Cornell University Press Ithaca, NY.
- . 1976. *The new economics of growth: A strategy for India and the developing world*: Cornell University Press.
- Merillat, HCL. 1966. *Law and developing countries*. American Society of International Law.
- Merry, SE. 1988. Legal pluralism. *Law & Soc'y Rev.* 22:869.
- Migot-Adholla, S, P Hazell, B Blarel, and F Place. 1991. *Indigenous Land Rights Systems in Sub-Saharan Africa: A Constraint on Productivity?* World Bank.
- National Land Tenure Regularization Programme (NLTRP). 2007. Phase 1 of the Land Reform Process for Rwanda: Development of a Strategic Road Map. Kigali, November.
- Moore, Sally Falk. 1998. Changing African land tenure: Reflections on the incapacities of the state. *The European Journal of Development Research* 10 (2):33 - 49.
- Moore, SF. 1972. Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study. *Law & Society Review* 7:719.
- Morgan, WB. 1969. 9 Peasant agriculture in tropical Africa. *Environment and land use in Africa*:241.
- Musahara, H. 2002. *Land and Poverty In Rwanda*. Paper for Land Net Rwanda. Kigali.
- . 2006. *Improving Tenure Security For The Rural Poor*. LEP Working Paper #7. Food and Agriculture Organization of the United Nations.
- Musahara, H, and C Huggins. 2005. Land reform, land scarcity and post-conflict reconstruction: A case study of Rwanda. *From the Ground Up: Land rights, conflict and peace in sub-Saharan Africa*:269–346.
- Musembi, CN. 2007. De Soto and land relations in rural Africa: breathing life into dead theories about property rights. *Third World Quarterly* 28 (8):1457-1478.
- Nast, H. 1994. Opening remarks on Women in the Field. *The Professional Geographer* 46 (1):54-66.
- Newbury, C. 1995. Background to genocide: Rwanda. *Issue: A Journal of Opinion*:12-17.
- . 1998. Ethnicity and the Politics of History in Rwanda. *Africa Today* 45 (1):7-24.
- Newbury, C, and H Baldwin. 2000. *Aftermath: Women in Postgenocide Rwanda*. Centre for Development Information and Evaluation, US Agency for International Development Working, Paper.

- Newbury, C, and D Newbury. 1999. A catholic mass in Kigali: Contested Views of the Genocide and Ethnicity in Rwanda. *Canadian Journal of African Studies/Revue Canadienne des Etudes Africaines* 33 (2):292-328.
- Ngau, HEEP. Rural-urban relations, household income diversification and agricultural productivity. *Development and Change* 22 (3):519-545.
- Nizeyimana, E, and TJ Bicki. 1992. Soil and soil-landscape relationships in the north central region of Rwanda, East-Central Africa. *Soil Science* 153 (3):225.
- Nyhart, JD. 1964. The role of law and economic development.
- Ohlsson, L. 1999. Environment, Scarcity, and Conflict: A study of Malthusian concerns: Department of Peace and Development Research Institutionen för freds-och utvecklingsforskning.
- Olson, JM. Farming Systems of Rwanda: Echoes of Historic Divisions Reflected in Current Land use. Michigan State University, Lansing MI.
- . 1995. Behind the recent tragedy in Rwanda. *GeoJournal* 35 (2):217-222.
- Palmer, R. 2000. Recent experiences of civil society participation in land policy planning in Rwanda and Malawi.
- Palmer, R, LP Adviser, and AO GB. 1999. Report on the Workshop on Land Use and Villagisation in Rwanda. Technical report, Oxfam GB.
- Patton, MQ. 1987. How to use qualitative methods in evaluation: Sage Publications. Newbury Park, CA.
- Percival, V, and T Homer-Dixon. 1996. Environmental scarcity and violent conflict: The case of Rwanda. *The Journal of Environment & Development* 5 (3):270.
- Peters, PE. 2004. Inequality and social conflict over land in Africa. *Journal of Agrarian Change* 4 (3): 269-314.
- Pieterse, JN. 2001. Development theory: deconstructions/reconstructions: Sage.
- Pile, S. 1991. Practising interpretative geography. *Transactions of the Institute of British Geographers* 16 (4):458-469.
- Pinckney, TC, and PK Kimuyu. Land Tenure Reform in East Africa: Good, Bad or Unimportant? *Journal of African Economies* 3 (1):1-28.
- Pistor, K. 2002. The standardization of law and its effect on developing economies. *The American Journal of Comparative Law* 50 (1):97-130.
- Place, F, and P Hazell. 1993. Productivity effects of indigenous land tenure systems in sub-Saharan Africa. *American Journal of Agricultural Economics* 75 (1):10-19.
- Platteau, JP. 1996. The evolutionary theory of land rights as applied to sub-Saharan Africa: A critical assessment. *Development and Change* 27 (1):29-86.
- Plummer, K. 1995. Telling sexual stories: Power, change, and social worlds: Routledge.
- Posen, B. 1993. The Security Dilemma and Ethnic Conflict. *Survival* 35 (1):27-47.
- Pospisil, LJ. 1971. Anthropology of law: a comparative theory. HRAF Press.
- Pottier, J. 2005. 'Customary Land Tenure' in Sub-Saharan Africa Today: Meanings and Contexts. From the Group Up: Land Rights, Conflict and Peace in Sub-Saharan Africa, Nairobi and Pretoria, ACTS and ISS:66-75.
- Pottier, J. 2006. Land Reform for Peace? Rwanda's 2005 Land Law in Context. *Journal of Agrarian Change* 6 (4):509-537.
- Prebisch, R. 1959. International Trade and Payments in an Era of Coexistence: Commercial Policy in the Underdeveloped Countries. *American Economic Review* 49 (2):251-273.

- Proehl, PO, and HJ Richardson III. 1970. Crossroads for Law in Africa. *UCLA Law Review*. 18:219.
- Prunier, G. (1997). *The Rwanda crisis: History of a Genocide*, Columbia University Press. New York.
- Reno, W. 2000. Clandestine Economies, Violence and States in Africa. *Journal of International Affairs*, Columbia University. 53 (2):433-460.
- Reyntjens, F. 2004. Rwanda, ten years on: from genocide to dictatorship. *African Affairs* 103 (411):177.
- . 2006. Post-1994 Politics in Rwanda: problematising liberation and democratisation. *Third World Quarterly* 27 (6):1103-1117.
- Rocheleau, D, and D Edmunds. 1997. Women, men and trees: Gender, power and property in forest and agrarian landscapes. *World Development* 25 (8):1351-1371.
- Rose, G. 1993. *Feminism and geography: The limits of geographical knowledge*: Univ of Minnesota Pr.
- . 1997. Situating knowledges: positionality, reflexivities and other tactics. *Progress in Human Geography* 21 (3):305.
- Rose, LL. 2005. Orphans' Land Rights in Post-War Rwanda: The Problem of Guardianship. *Development and Change* 36 (5):911-936.
- Rostow, WW. 1959. The stages of economic growth. *The Economic History Review* 12 (1):1-16.
- Rwanda, PG. *Villagisation: The Human Insecurity of Dwindling Land Entitlements*.
- Sachs, W. 1991. *The development dictionary: A guide to knowledge as power*: Zed books London, New Jersey.
- Sagashya, D, and English C. 2009. *Designing and Establishing a Land Administration System for Rwanda: Technical and Economic Analysis*.
http://www.fig.net/pub/fig_wb_2009/papers/sys/sys_2_english_sagashya.pdf (last accessed 4 of June 2010).
- Schlager, E, and E Ostrom. 1992. Property-Rights Regimes and Natural Resources: A Conceptual Analysis. *Land Economics* 68 (3):249-262.
- Scott, RE. 2000. The limits of behavioral theories of law and social norms. *Virginia Law Review*:1603-1647.
- Scott, S. Vietnam decollectivizes: land, property, and institutional change at the interface.
- Seidman, RB. 1972. Law and Development: A General Model. *Law & Society Review* 6 (3):311-342.
- Sen, A. 1999. *Development as freedom*: Oxford University Press.
- Shipton, P, and M Goheen. 1992. Introduction. *Understanding African Land-Holding: Power, Wealth, and Meaning*. Africa:307-325.
- Simon, WH. 2004. Solving Problems vs. Claiming Rights: The Pragmatist Challenge to Legal Liberalism. *Wm and Mary L. Rev.* 46:127-2153.
- Sjaastad, E, and DW Bromley. 1997. Indigenous land rights in Sub-Saharan Africa: Appropriation, security and investment demand. *World Development* 25 (4):549-562.
- Skelton, T. 2001. Cross-cultural research: issues of power, positionality and éracéí. *Qualitative Methodologies for Geographers, Issues and Debates*. Oxford University Press, New York. 43 (3):118-122.

- Smith, MG. 1969. Some developments in the analytic framework of pluralism. *Pluralism in Africa*:415-458.
- Steiner, KG. 1998. Using farmers' knowledge of soils in making research results more relevant to field practice: Experiences from Rwanda. *Agriculture, Ecosystems and Environment* 69 (3):191-200.
- Suliman, M. 1999. *Ecology, politics and violent conflict*: Zed Books New York.
- Suliman, M, SE und Frieden, and Institute for African Alternatives. 1999. *Ecology, politics and violent conflict*: Zed Books New York.
- Summers, LH, and LH Pritchett. 1993. The structural-adjustment debate. *The American Economic Review* 83 (2):383-389.
- Swift, J. 1991. Local Customary Institutions as the Basis for Natural Resource Management among Boran Pastoralists in Northern Kenya. *IDS Bulletin* 22 (4):34-37.
- Thomson, SM. *On Bringing in Ordinary People: Policy Suggestions from Post-Genocide Rwanda*.
- Tiemessen, A. (2005). "Post-genocide Rwanda and villagization: The human insecurity of dwindling land entitlements." Global IDP Project: IDMC.
- Tiffen, M, M Mortimore, and F Gichuki. 1994. *More people, less erosion: environmental recovery in Kenya*: Wiley Chichester.
- Timmer, PC, and C FAO. 1997. *Food security strategies: the Asian experience*.
- Tinker, I. 1990. *Persistent inequalities: Women and world development*: Oxford University Press.
- Tipps, DC. 1973. Modernization theory and the comparative study of societies: A critical perspective. *Comparative Studies in Society and History* 15 (2):199-226.
- Toulmin, C. 2006. *Securing land rights for the poor in Africa: Key to growth, peace, and sustainable development*. High Level Commission on Legal Empowerment of the Poor., New York. http://www.undp.org/legalempowerment/pdf/Africa_land_2.pdf.
- Toulmin, C, and J Quan. 2000. *Evolving Land Rights, Policy and Tenure in Africa: 2000-IIED*, DFID.
- Trubek, DM, and M Galanter. 1974. Scholars in self-estrangement: some reflections on the crisis in law and development studies in the United States. *Wis. L. Rev.*:1062.
- Trubek, DM, and A Santos. 2006. *The new law and economic development: a critical appraisal*: Cambridge University Press.
- Unruh, JD. 2001. Postwar Land Dispute Resolution: Land Tenure and The Peace Process in Mozambique. *International Journal On World Peace*. 18 (3):3-30.
- . 2002. Poverty and property rights in the developing world: not as simple as we would like. *Land Use Policy* 19 (4):275-276.
- . 2003. Land tenure and legal pluralism in the peace process. *Peace & Change* 28 (3):352-377.
- . 2006. Land Tenure and the "Evidence Landscape" in Developing Countries. *Annals of the Association of American Geographers*. Vol. 96 (4) pp. 754-772.
- Uvin, P. 2001. Difficult choices in the new post-conflict agenda: the international community in Rwanda after the genocide. *Third World Quarterly* 22 (2):177-189.

- Van Huyweghen, S. 1999. The Urgency of Land and Agrarian Reform in Rwanda. *African Affairs*. Vol. 98: 353-372
- Wanyeki, LM. 2003. Women and land in Africa: culture, religion and realizing women's rights: distributed in the USA exclusively by Palgrave.
- Westing, AH. 1989. The environmental component of comprehensive security. *Security Dialogue* 20:129-134.
- Wily, LA. 2000. Land Tenure Reform and the Balance of Power in Eastern and Southern Africa. *Natural Resource Perspectives* 58.
- Winchester, HPM. 2000. Qualitative research and its place in human geography. *Qualitative research methods in human geography*:1-21.
- Yngstrom, I. 2002. Women, wives and land rights in Africa: Situating gender beyond the household in the debate over land policy and changing tenure systems. *Oxford Development Studies* 30 (1):21-40.