

Women's Experiences of Land Conflicts in the Context of the Land Tenure Reform Program in Rwanda

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Abstract

Land is a highly important and contested resource in developing countries, and despite measures taken to ensure gender equality in land-ownership, women experience more land-related conflicts than men. The purpose of this paper is to explore women's experiences of land-related conflicts in the context of the Land Tenure Reform Program in Rwanda. Theoretically, a bargaining approach to land conflicts guides the understanding of the findings and their analysis. Empirical data are mainly collected from 480 women in the Musanze District, using survey interviews, semi-structured interviews and Focus Group Discussions. Findings indicate that only a small number of women reported having encountered land conflicts, which may be related to the culture of not exposing family issues to the public. Land conflicts that women face are mostly related to inheritance, polygamy and the daily management of land and its produce. Women reported that challenges such as lack of legal knowledge, as well as rejection of their claims by their husbands, families and community affect their willingness to pursue claims for their rights. The challenges that women are confronted with while claiming their rights are mainly influenced by the power structure that are based on male supremacy. Consequently, reforms aiming at strengthening women's land rights must be based on a good understanding of social and cultural norms.

Keywords: Women, land conflicts, land tenure reform, Rwanda

1. Introduction

In most developing countries, land is fundamental to the lives of poor rural people. It is a source of food, shelter, income and social identity (Agarwal, 1994; The International Fund for Agricultural Development – IFAD, 2012). Yet, many of these rural people lack secure land rights and women have less access to land than men do (The Food and Agriculture Organization-FAO, 2011; Place, 2009; The United States Agency for International Development-USAID, 2013). Although both national and international measures have been taken to ensure gender equality and some women do enjoy considerable land rights, gender inequalities remain and many women still face challenges in claiming their land rights (Agarwal, 1994; Joireman, 2006). In Rwanda, like in many other developing countries, land is a highly important and contested issue (Wyss, 2006) and women are more affected than men. The main reason behind this is that, customarily, women are not allowed to inherit land. Since 1994 the Government of Rwanda (GoR) has adopted policies and to improve gender equality in different sectors, including land ownership. The fundamental document in this regard is the Law on Matrimonial Regimes and Inheritance of 1999 (article 50 and 70), which introduced three major changes: it grants daughters the right to inherit land from their parents, it gives wives equal rights to matrimonial property, and it allows widows to inherit their deceased husbands' property. Other main documents include the National Land Policy of 2004, the Organic Land Law of 2005 (as modified in 2013) and the 2003 Constitution of Rwanda. These laws and policies are part of a Land Tenure Reform Program (LTRP).

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However, it is important to note that these laws and policies do not offer protection to women whose marriages are not registered¹ (Ayalew, Deininger & Goldstein, 2011; Brown & Uvuza, 2006; Daley, Dore-Weeks, & Umuhoza, 2010; Veldman & Lankhorst, 2011). The GoR's efforts in relation to land culminated in extensive nationwide of the Land Registration and Titling (LRT) Program a component of the LTRP. With this program, piloted in 2006 and fully implemented since 2009, a large majority of women have secured land titles either jointly with their husbands or independently (Gillingham & Buckle, 2014; Ministry of Natural Resources-MINIRENA, 2008). However, there is still a gap between owning land titles and the enjoyment of the benefits accruing from them. Some women are still involved in different kinds of land-related conflicts and face challenges related to the control and legitimacy of their land rights. The traditional belief that women cannot own land still holds and is engraved deep in the Rwandan mind-set. As a result, this affects the implementation of gender-sensitive land-related laws (Bayisenge, Höjer & Espling, 2014; Daley et al., 2010) As the LRT program is coming to the completion stage (MINIRENA, 2008), very few studies like those of Ayalew et al. (2011) and Rwanda Initiative for Sustainable Development (RISD, 2013) have evaluated its outcomes. So far, no study has exclusively focused on the effect of the LRT program on land-related conflicts particularly focusing on women as the target population; a gap that this paper is trying to fill. This paper is not an evaluation and does not cover the whole country. It aims to use the experiences from one district to highlight the challenges that women in that area are facing in order to discuss challenges that are likely to occur also in other parts of Rwanda, as well as in other countries in the region. The specific aim of the paper is to explore women's experiences of land-related conflicts in the context of the LRT program in Musanze District. In order to achieve this aim, the following research questions are formulated: (1) What kind of land related conflicts are faced by women? (2) What are the experiences of women with regard to land related conflicts? (3) What effect has the LRT program had on women's land related conflicts? (4) How have women's land related conflicts been handled?

2. Previous Research

In different developing countries in Asia, Africa and Latina America, rural women still face challenges when trying to benefit from their land rights (Agarwal, 1997; Davidson, 1988; Deere & León 2001; Deere & Doss, 2008; Joireman, 2006; USAID, 2013). Generally, conflicts related to land have increased due to factors such as changes in land use, increasing value of land, land formalization and global land-grabbing (Whitehead & Tsikata, 2003). For Agarwal (1994), poor people's and women's claims to use land become insecure as the availability land is being severely eroded due to factors such as increasing declines in both quantity and quality, privatization as well as population growth. In Rwanda, longstanding land-related conflicts have been linked to the misuse of customary land tenure systems that have in turn led to deterioration of land and have weakened the system's ability to cope with social, economic and political changes (Ayalew et al., 2011). In addition, population pressure, increased land scarcity and the slow expansion of non-agricultural income opportunities have led to persistent land disputes and land grabbing that have exacerbated inequality, landlessness, and social tensions (Ayalew et al., 2011; Brown & Uvuza 2006; RISD, 2013). Women have been more affected by these changes, as their land rights were traditionally weak (Yngstrom, 2002).

2.1 Gender Ideologies and Women's Land Rights in Rwanda

Rwanda is a patriarchal society in which men exercise powers over other members of the family (Adekunle, 2007). Gender roles in traditional Rwanda were arranged around a household's division of labor that allowed women significant autonomy in their roles as child bearers and food producers but preserved male authority over important decisions. Although a man might sometimes consult his wife before making decisions, such gestures were more a formality than a requirement (Uwineza, Pearson & Powley, 2009). Land ownership and inheritance laws were one of the main areas of restriction for women. Women's land rights in Rwanda have been regulated within a framework of gender roles and ideologies of male supremacy operating at various and interconnected levels of the society. Women had no land rights because land was inherited from father to son. Their land rights were highly tied to their relationships with their birth or marital families (Brown & Uvuza, 2006; Isaksson, 2011). Married women gained access to land through their husbands but only exercised usufruct rights (Daley et al., 2010; MINIRENA et al., 2007; Republic of Rwanda, 2004). Factors such as urbanization, colonization, independence, and modernization have influenced the social institutions and gender roles (Adekunle, 2007).

More importantly as a study by Uwineza et al. (2009) reported much of women's advancement seen today in Rwanda, seemed to have resulted from exceptional social and political factors in the post-conflict period. Similarly, Adekunle (2007) narrated that one of the major developments after the 1994 Tutsi genocide was the development of new roles and opportunities for women. During the genocide, many men were killed, or forced into exile. Consequently, the number of female headed-households increased. According to the National Gender Statistics Report (2013, p. 11) 33.6% of Rwanda's households were headed by women. Women's responsibilities have expanded, and women have become increasingly active in all aspects of Rwandan life and culture (Adekunle, 2007). They had to adapt to difficult conditions to sustain their families (Uwineza et al., 2009). The majority of these women (82%) were engaged in agriculture than men (61%) and depended on land for their survival (National Institute of Statistics of Rwanda, 2013). However, they did not have rights on land from which they deliver their livelihoods (Brown & Uvuza 2006). Furthermore, many women whose families have been vanished faced difficulties making claims to their family's land without husbands or other male relatives (Veldman & Lankhorst, 2011). To deal with this problematic situation, the GoR has initiated many strategic activities toward gender equality and promotion of women's rights. The new legal framework has brought radical changes, especially with regard to women's rights to land through inheritance. Yet, the theory/practice dilemma exists, and women still face challenges and have to fight harder to assert their rights (Bayisenge et al., 2014; USAID, 2008; Yngstrom, 2002).

2.2 Land Conflicts Resolution Process in Rwanda

As elsewhere in Africa, land rights in Rwanda, are mediated through multiple and interacting sets of formal and informal norms and institutions that many studies have referred to as 'Legal pluralism' (Ik Dahl et al., 2005; Meinzen-Dick & Pradhan, 2002; Rasavi, 2007; WB et al., 2009). In legal pluralism, individuals follow the process of 'forum shopping' in which disputants use different courts and other dispute-settlement fora and arguments grounded in either 'customary' or 'statutory' principles (Meinzen-Dick & Pradhan, 2002; Razavi, 2007; Sikor & Lund, 2009; Whitehead and Tsikata, 2003). Although these institutions of dispute handling have different bases of legitimacy, they are not separate. They operate instead in more interconnected ways. In Rwanda, the majority of land disputes are handled at the local level (Rwanda Women's Network, 2011; Veldman & Lankhorst, 2011). Most of the land conflicts are solved at the *inama y'umuryango* (family council or meeting), which is considered to be the first institution of land dispute resolution (USAID, 2008b). There are no strict regulations regarding the composition or the procedures of this customary law institution. The way the meetings are convened and led, meeting frequency, reasons for convening the meetings, the role given to women in the hearing, the interaction of family members, and the methods that families adopt to resolve disputes, all vary from family to family. In addition, the family council does not only resolve disputes related to land but also handles other kind of disputes that may arise within the family (Veldman & Lankhorst, 2011). When a family council fails to resolve a land dispute, the disputing parties bring the case to the local authorities. Firstly, the case is brought before the *umudugudu* (village) council. When this council fails to resolve the dispute, the case is brought before the executive secretary of the cell². Other officials at sector and district levels may also intervene whenever necessary (USAID, 2008a; Veldman & Lankhorst, 2011).

Across the country, the lowest level of state based institution with the responsibility of resolving disputes is that of the *abunzi* (mediation) committees. *Abunzi* literally means 'those who reconcile'. The purpose of this system is to settle disputes, reconcile conflicting parties and restore harmony, and the majority of cases are heard in public. It is only when the parties cannot be reconciled that the *abunzi* are required to apply the provision of land related laws. In this case they adopt an adversarial decision that becomes binding for the parties unless one of them submits the case to the Primary Court for review within 30 days (USAID, 2008b). The GoR established these *abunzi* committees in order to deal with all disputes before submission of the latter to the Primary Court (Takeuchi & Marara, 2009; Veldman & Lankhorst, 2011). The organization, jurisdiction, competence and functioning of the *abunzi* is governed by the 2010 Organic Law. In each cell and sector, 12 community members and three substitutes are elected and at least 30% of them must be women³. In practice, as in the family council, the scope for such interventions varies a lot; some *abunzi* leave more room for debate, while others exclude it completely (MINITERE et al., 2007). As stated in Articles 8 and 9 of the Organic Law of 2010, *abunzi* committees have jurisdiction over civil cases relating to land and other immovable assets with a value not exceeding 3,000,000 Rwandan Francs (RwF), as well as offences involving the removal of land boundaries, among other things. Disputes over land and other immovable assets with a value exceeding the amount above are directly submitted to the Primary Courts. The state institutions are enclosed in a conventional court system.

According to Article 67 of the 2008 Organic Law determining the Organization, Functioning and Jurisdiction of Courts, disputes related to land and livestock and their succession are handled at the level of the Primary Court and reach the Intermediate Court only in cases of appeal. Due to the fact that rural households own on average 0.72 hectares of land (with a value that is likely to be very far below 3 million RwF⁴), it is evident that few rural Rwandans will ever be involved in a land dispute that must be submitted to the Primary Court in the first instance, except in a case of appeal. Access to formal state courts is very limited and only a fraction of these cases move on to enter the formal court system (MINITERE et al., 2007; Veldman & Lankhorst, 2011). Looking closely at the process of resolving land conflicts, there is the challenge of gaining access to the formal courts on the one hand, and a dubious quality of justice rendered by the local institutions on the other. Although their nature varies considerably from place to place, customary institutions are often gender-biased in composition and orientation (WB et al., 2009). Compared to the formal courts, customary institutions may provide a more easily accessible (both geographically and economically) and speedier land conflict resolution process to rural women. These institutions may also enjoy greater social legitimacy (MINITERE et al., 2007; WB et al., 2009). Moreover, the fact that these local institutions are managed by members of their own community, who will generally know the parties, the witnesses, the disputed piece of land and the local practices, is often seen as a significant advantage (Veldman & Lankhorst, 2011). However, functionality and legitimacy do not automatically result in transparent and equitable governance (WB et al., 2009). There is also a lack of awareness and understanding of the new land laws and other laws that have a bearing on land disputes, both among men and women, and this challenges the work of resolving land conflicts (Bayisenge et al., 2014; Daley et al., 2010; RISD, 2013).

3. Theoretical framework: Feminist and Bargaining Approaches to Women's Land Conflicts

As a theoretical framework, this paper builds on both the feminist and bargaining approach that seem to be intertwined in trying to explain the process of women's land claims in this paper. Feminists argue that women are socially, economically, politically and legally subordinated and undervalued in most societies. The way men and women gain access to and control over the resources including land, is mediated by gender ideologies and relations, that are socially constructed and often gender biased (Agarwal, 1994b; Bayisenge, 2015; Levit and Verchick, 2006; Obeng-Odoom, 2012; Rao, 2007; Reddock, 2000; RISD, 2013). Looking at the bargaining approach, it is said that women and men's interests in land are both joint and separate (Razavi, 2007). The bargaining approach suggests that where different members have different, and possibly conflicting, preferences and interests, decision-making occurs through a process of bargaining and negotiation (Kabeer, 1997; Razavi, 2007). As Paydar (2012) argues, the bargaining approach situates women within the family where resources such as land are accessed by members of the family through a process of negotiation and where outcomes of this negotiation largely depend on the bargaining power of the members involved. Bargaining power is not equally distributed among members, but depends on their respective fall-back positions. In general, the fall-back positions of women are much weaker than those of men (Kabeer, 1997) which increases the likelihood of experiencing land conflicts.

Applying the two approaches to women's struggle over land rights leads to the necessity of conceptualising women's access to land in terms of social relations. In this paper the focus is placed more on how gender relations influence women's land claims within the larger framework of this set of social relations. Land is embedded in institutions within a society (Obeng-Odoom, 2012; RISD, 2013) and is both an economic resource and a set of relationships between people that are mediated by symbolic and material value (Agarwal, 1994; Rao, 2007; RISD, 2013). The power structures influence access to land and operate at multiple levels and within diverse institutional arenas (Rao, 2007; Razavi, 2003; RISD, 2013; WB et al., 2009). Although the household is a basic unit of society on which gender relations are played out and where individuals both cooperate and compete for resources, this paper goes beyond intra-household gender dynamics as gender relations that are expressed within the household, are reinforced and reshaped in different institutions (Kabeer, 1997; Narayan et al., 1999). Most of the land conflicts that involve women are reported to be intra-household. However, we agree with Agarwal (1997) that intra-household bargaining power is influenced by the person's bargaining power within the larger institutions outside the household circle. Considering women's land rights as being negotiated through multiple levels and within various institutions will help to present and analyse data from this study by not looking at women's land conflicts as only being influenced by relationships within their households but also considering these conflicts as embracing a broader context.

4. Methods

4.1 Settings

This study is part of a larger study carried out in Musanze district in November 2012-January 2013. Musanze district is one of 30 Districts composing Rwanda and is located in the Northern Province. As the general trend in Rwanda, the population in Musanze is young, rural and predominantly depending on subsistence agriculture for their livelihood (National Institute of Statistics of Rwanda (NISR-RPHC4, 2014). The main reason for choosing Musanze district was that it presented some challenges that could affect women's land rights compared to other districts⁵. Those challenges included high densely population, small land holdings, many landless people, as well as polygamy that is reported to be among the main challenges to women's land rights was found to be more common in that area (MINITERE et al., 2007). Consequently, building on experiences of women in a district with such challenges could be extra interesting in order to explore better the topic.

4.2 Data Collection Techniques and Process

This study is mainly an explorative integrating qualitative and quantitative methods (Bryman, 2012; Matthews & Ross, 2010; Padgett, 1998). Quantitative and qualitative data were collected at the same time. The intent of using mixed methods in this study was to learn about the magnitude of LTRP and women's land rights by using quantitative instruments as well as the perceived meanings generated by qualitative methods. Four research assistants helped in the collection of survey data while the author was mainly involved in qualitative data collection.

Quantitative Data: Selection of Households and Target Population

Quantitative data were collected through structured interviews with 480 women from agricultural households in the District of Musanze. Respondents were not fully randomly selected on one hand because there was no available dataset to allow a full random sampling but also in order to choose women from different background on the other hand. The target was women of at least 18 years old age. The other condition was to try to choose women from different economic, social and marital status with different age groups. The expectation was that including all these variables would diversify the experiences the respondents have with regards to their land rights. When more than one female person meeting this criteria were found in a household during the time of interview, the female spouse was automatically selected. Otherwise, the oldest among those who were present was selected.

Qualitative Data Collection

Qualitative data was collected in the same area as for the survey interviews. Semi-structured individual interviews with staff at different levels of administration⁶ and 5 women⁷ as well as Focus Group Discussions (FGD) with women members of associations⁸ were conducted. Participants in individual semi-structured interviews and FGD were purposively selected on the basis of their ability to provide information about the topic.

4.3 Analysis

Quantitative data: Results were analysed with SPSS using survey general responses mainly from 477 respondents who successfully completed the survey questionnaire. Some questions were only relevant for a subsection of the women and were analysed in accordance of this. For example, some analysis was carried out on 220/477 women who thought they might face challenges while claiming for their land rights (see note 10) or to 32/477 women who replied having met some kind of conflicts (see note 18 and 19).

Qualitative data: After qualitative data collection, the audio-recorded data were transcribed verbatim. Though, transcribing data is an arduous, slow and very time-consuming task, the author chose to do it herself, due to the great benefits of formalizing the researcher with the data (Barun & Clarke, 2006; Negel, 2008). Not all translated material was translated into English. Only sections needed to be incorporated to the presentation and discussion were translated. In the translation process some concepts have been kept in their source language Kinyarwanda, accompanied with their back-translations in English, to avoid the risk of losing their meaning though translation. Thematic analysis was used to analyse qualitative data. Findings were organized around themes identified through the review of the literature and relevant theoretical perspectives, together with the new themes emerged through the data collection process. Presentation of the findings was done by concurrently integrating and comparing information from the two databases to determine if there was convergence, differences, or some combination in order to have an integrated interpretation of the overall results (Padgett, 1998; Creswell, 2009). For ethical reasons, wherever possible, the names of associations and participants have been disguised to ensure anonymity.

In the following sections, respondents were used when referring to participants in the survey while participants were kept either in semi-structured individual interviews or FGDs. Some time 'women in the study' was used to refer to both participants in the survey and FGDs all together.

5. Results

5.1 Land Related Conflicts among Women in the Study Area

According to the findings of the study, nine out of ten of the respondents reported that they had not experienced land related conflicts⁹. Thus, the data indicated that there were not many conflicts among the respondents. Although the majority of women reported not having experienced land conflicts, we asked them to choose on a predetermined list of challenges¹⁰, those they perceive can prevent them from claiming their land rights. Immediately more than half of the respondents (52.4%) said that nothing could stop them from asserting their land rights, and 47.4% said that they might face some challenges. A small number (7/477) of the respondents presented other causes, such as lack of land certificates, illness, advanced age, size of the land parcel, and poverty. Table 1 below presents a summary of the challenges, as expressed by the respondents who thought that some challenges might constrain their willingness to claim their rights. Challenges are presented according to the respondents' ranking, and they were allowed to choose more than one challenge at the same time, making 'n' greater than 'N'.

Table 2: Challenges Preventing Women Claiming Land Rights (N=220)

Challenges	n.	%
Lack of knowledge	199	90.5
Inability to present my case	95	43.2
Lack of assistance	32	14.5
Lack of time	20	9.1
Fear of different types		
Fear of physical violence	38	17.3
Fear of community disapproval	25	11.4
Fear of my husband	17	7.7
Fear of in-laws	16	7.3
Fear of my birth family	7	3.2

Source: Author's own survey

Among those that said they might face challenges while claiming their rights, lack of knowledge was the main challenge cited by nearly nine out of ten respondents, followed by the inability to present their case. This inability can also be related to the lack of knowledge. Thirdly, almost half of the respondents presented different kinds of fear; fear of physical violence, fear of community disapproval, fear of their husbands, fear of in-laws and fear of their birth families. These different types of fear involve the force of culture and local norms that sometimes act more powerfully than written formal gender-sensitive laws. Consequently, women's claims lack social legitimization (see further in concluding discussion). Lack of assistance was cited by one out of seven respondents, while lack of time was cited by one out of every 10 respondents. During FGDs in all sectors, participants talked about reluctance in reporting a case as soon as they encounter land related conflicts. They said that because of the many different challenges, they may keep quiet the first, the second and third time, they find that their land rights have been violated, thinking that everything would be alright, but when the situation deteriorates they would prefer to report the case. The occurrence of land conflicts was checked against other variables to identify possible relationships. The findings are presented in the following bivariate table.

Table 3: Occurrence of Land-Related Conflicts and its Correlates among the Respondents

Characteristic	Yes		No		Total		Sig./p.
	n.	%	n.	%	n.	%	
Occurrence of conflicts¹¹	32	6.7	445	93.3	477	100.0	
Education							
No primary school	24	7.3	303	92.7	327	100.0	0.416
Primary school	8	5.3	142	94.7	150	100.0	
Age							
Young (18-35)	13	5.8	210	94.2	223	100.0	0.351
Adult (36-65)	18	8.3	199	91.7	217	100.0	
Old (66 +)	1	2.7	36	97.3	37	100.0	
Marital status							
Married	13	4.3	288	95.7	301	100.0	0.006**
Single	19	10.8	157	89.2	176	100.0	
Joint title							
Yes	10	4.0	243	96.0	253	100.0	0.011*
No	22	9.8	202	90.2	224	100.0	
Location							
Volcanoes area	24	8.7	253	91.3	277	100.0	0.045*
Bugarura area	8	4.0	192	96.0	200	100.0	
Knowledge about land-related laws							
Yes	4	4.9	78	95.1	82	100.0	0.467
No	28	7.1	367	92.9	395	100.0	

Statistical significance at *p 0.01<0.05, **p 0.001<0.01, ***p <0.001

Source: Own study

Considering marital status, the statistically significant results showed that conflicts seemed to be higher among non-married respondents. Other variables, such as having a joint title and location were found to give significant results. Those who had joint titles experienced fewer conflicts compared to those who did not. In addition, for some reasons that need further exploration, conflicts were higher in the volcanic areas compared to the Bugarura area. Education, age, religion and being active in leadership and public activities were also examined but none of these were found to give significant results. It would have been expected that people with knowledge would have been involved in more conflicts, as they would be expected to fight for their rights, but it seems that conflicts depend on more than knowledge and education factors, as the following quote of one the coordinators of *CNF* shows. When my husband died, conflicts immediately arose with my in-laws, who wanted to take all the land, although I was a registered wife, with children, and hence have all the rights to the matrimonial property. They did not care that I was one of the coordinators of women in the sector and knew all the laws that protect me. *Twaraburanye ngeze aho ndarambirwa pe ndabireka* (I defended my case in the courts, then became tired and gave up). Since my children have grown up they are the ones who have continued to go there. They are still appearing in the courts now. This quote suggests that land conflicts may go beyond knowledge and awareness about the laws, because even women who are aware of their rights are not spared from non-recognition of their land rights.

5.2 Women's Stories About the Grounds For Land-Related Conflicts and the Effects of LRT Program

A small number of the respondents (7%)¹² say they themselves have had land conflicts and 15%¹³ say that they know people who have been involved in such conflicts. These percentages are drawn from all 477 respondents. The grounds for conflicts among the respondents themselves and among their friends/ colleagues/ relatives are almost the same. However, it emerged that when women talked about their own conflicts, they did not mention many cases related to conflicts between themselves and their husbands. It was only when they were asked to talk about their friends, colleagues and relatives that these cases were mentioned. Although there are few cases of conflicts reported among the respondents and FGD participants, it is important to listen to the stories told around conflicts to see what can be learnt from them.

Conflicts Related to Inheritance

Respondents in the survey and participants in FGDs reported that conflicts were mostly related to inheritance and land sharing. They said that such conflicts occur especially when the family of a deceased husband wants to keep all of the land and leave the widow with empty hands. Other cases were mentioned where their brothers refused to share land with them or sell their inherited plots. Furthermore, they cited cases where they quarrelled over land with aunts, uncles, and stepfathers. Nine out of ten of the respondents asserted that LRT program has generally reduced the number of conflicts related to inheritance. Both respondents and FGD participants explained that such conflicts had decreased especially because the successors are now known and their names are officially registered. Many pending conflicts, in which families have previously denied land to their daughters, have been resolved. However, there were women in the study who were sceptical about the effect of decreasing conflicts through LRT program. They reported that LRT program had solved some conflicts but also that this had been done so quickly and no one knows if the conflicts will not arise again. Some argued that this program has increased conflicts, as new conflicts are emerging. Two respondents in the survey¹⁴ said as follows: *Bazamarana ahubwo cyane cyane mu gihe cyo kugabana. Cyera umukobwa ntiyazunguraga none dore* (They will exterminate each other, especially during the time of sharing land. Traditionally girls were not allowed to inherit and now see). *Njye mbona iyi gahunda yarasembuye abantu. Benshi bararwanira ubutaka kandi siko byari bimeze kera* (I see that this program has incited people. Many are fighting for land, and this was not the case before). Similarly, FGD participants from cooperative C in Muko sector said that before the new legal framework gave equal rights to both girls and boys, men and women, land conflicts involving women were not so common because there were no laws giving women rights to claim land. One of the participants from this FGD narrated:

Umugore yaragendaga aho bamuhaye agafata aho amahoro agahinda ariko ubu niba bamuhaye gato arakanga kuko amategeko amurengeza (Before these laws, the woman would be happy with whatever size of land parcel she was given, but now when she gets a piece that is smaller, compared to what her brothers' get, she declines it as there are laws supporting her claim). Furthermore, the staff in charge of gender and social affairs in Musanze district also commented that this program has made women feel secure, as a wife receives 50% of the matrimonial land. Nonetheless, for the extended family, it has raised a number of conflicts, especially when the family members used to work jointly on the land but during registration they were required to decide the name of whom it must be registered to. As reported in the introduction, through the new legal framework girls have the same rights to their parents' property as their brothers and registered married couples have equal rights to matrimonial property, including land. Therefore, according to the FGD participants, some men do not feel threatened or unjustly treated when they have to share their parents land with their sisters, because they expect to be compensated by the land they would get from their wives through marriage. Consequently, as women from cooperative A in Nyange sector narrated, there are women who are mistreated because they do not bring land when they get married. One of these women further argued: a man tells his wife to go to her family to get land and the wife does not know how to go there when her parents are still alive. When she does not go, conflicts arise in the household. Worse still, some parents do not have any land to give to their children.

Land conflicts related to polygamy

Nearly three in four of all women in the study considered polygamy to be one of the main causes of land conflicts. Although, polygamy is outlawed in Rwanda, nearly one in seven of the respondents are engaged in polygamous relationships. Due to the fact that polygamy is legally not accepted in Rwanda, there is a likelihood that the number of women living in polygamous marriages may have been underestimated, as women may hide their polygamous status. The participants in FGDs reported that *ubuharike* (formal forms of polygamy or de jure polygamy) are decreasing and giving rise to *ubushoreke* (new forms of polygamy or de facto polygamy) that they consider to be more dangerous to women. Polygamy becomes an issue especially in the fact that it complicates the inheritance process and the sharing of limited available land among members of a large family. Women in the study narrated that conflicts arise among co-wives and their children especially when the husband dies, or when the husband favours one woman at the expense of others¹⁵.

Land Conflicts Related to Plot Boundaries

There were also a few types of conflicts related to boundary encroachment between neighbours reported by the respondents and participants in both FGD and semi-structured interviews. According to them, plot boundaries have been very clearly demarcated. They explained that conflicts related to boundaries have decreased because now everyone knows her/his plot limits. According to the participants in FGDs, a very good thing was that the LRT exercises were conducted publicly in front of the owners, neighbours, and local leaders. In most cases it was the owners themselves who showed the borders of their plots. Therefore, it would be hard for someone to deny something that had been done in public. One of the women in the FGD in Busogo sector said: Single mothers used to have regular cases related to boundary encroachment because people said *'uriya ni umugore aribana ntawe uzamurengera reka tujye kumutwarira ubutaka ntazi ibyimbibi ariko ubu ntibikibaho kuko umurima w'umuntu na metero biragaragara ku byangombwa by'ubutaka'* (she is a woman who lives alone, and nobody will defend her. Let us grab part of her land. However, today it is no longer possible as even one meter of one's land is clearly shown on the land certificate). It is important to mention that, a number of respondents and participants mentioned their concerns about taxation. They said that they do not understand why they are told to pay taxes on the land they consider to be their own. One of the agronomists interviewed, reported that some challenges related to boundaries have generated problems connected to taxes, depending on how people have defined the borders of their plots during the demarcation process. He narrated: It happened that a person registered his house and put it together with different plots surrounding it as one plot in order not to pay 1,000 RwF¹⁶ for each plot. What came out was that a computer recognized that as one parcel, which increases the size of the land to be taxed. The second case was when a father surrounded by his sons decided to put together their parcels in order to pay 1,000 RwF, as if it was one parcel. They did not know the implications that this might have later. The situations described in the quotes above have raised conflicts related both to taxation and to ownership. Family members who put their parcels together in order to save money then found that the land certificate was issued to one person, which brought conflicts because each of them wanted to have his/her own certificate. In addition, taxes also increased as the size of the land increased.

Conflicts Related to Daily Control Over Land and its Produce among the Spouses

According to custom, the man is the head of the household and he is the one who is supposed to have the last word about the use and management of the household's resources, including land. As the women in the study reported, the perceptions about the supremacy of a husband in the household decision-making still holds and conflicts arise when husbands want to make the sole decision about the use of the produce. Furthermore, conflicts arise when husbands attempt to sell and lease out land without their wives' consent or simply refuse to give land to their wives when they separate. According to women in this study, there have been remarkable positive changes in household decision-making mostly with regard to important decisions such as selling, buying, or leasing joint land, as no husband is now able to take such decisions without the consent of his wife. However, with regard to the daily management of land, nothing much has changed (Bayisenge, forthcoming) Challenges to women's control over land and its produce become worse when the wife is not officially married. The woman might be threatened with being sent away anytime and her rights in the household are very much at risk, such as the following case from semi-structured individual interviews illustrates.

Betty is a 19 year old young unofficially married woman. When we visited her during the interview she said that she had been seriously beaten by her husband, to the extent that she was taken to the health centre. The coordinator of *CNF* told us about the case before and we decided to visit her. In Rwanda the required minimum age for the registration of marriage is 21. Betty was engaged in marriage before the required age because she was pregnant. The couple now have a two-year old child together. Their main occupation is agriculture. They do not have any land registered in their names. Where they live and the land they farm belong to her parents-in-law. Her husband has full management of the harvest and sells some whenever he wants and he rarely gives money to Betty in order to buy what she needs or deems necessary for the household. Her husband has been occasionally beating her since they started living together and threatening to send her away. It happened that by the time we visited her for interview the beatings had intensified. The cause of the incidence was that they had harvested potatoes and Betty sold some. After selling the potatoes her husband asked her to give him the money and Betty refused, as she wanted to pay her weekly contribution to the association¹⁷ as well as health insurance. When she refused they quarrelled and then her husband started violently beating her. When the husband saw that his wife was not able to stand up and was seriously suffering, he locked her inside the house, took the child, and left.

When a neighbour passed by, she heard someone crying out inside the house and went to inform the authorities. Local leaders came and helped Betty to get to the health centre but her husband did not show up. After leaving the health centre Betty stayed alone at home. She was still suffering and was there alone with nobody to help her. Her husband came back the day before we visited her, but when we arrived he was not around. Betty narrated that her relationship with her in-laws were not good either. The proof was that although they lived nearby, nobody came to see her when she was suffering and her husband was not there. Both FGD participants from cooperative D in Kinigi and cooperative B in Busogo said that there are men who want to control all the harvest, as they like, without asking the opinion of their wives. They further argued that some men were naturally like that and their wives knew it and accepted it, *ubuzima bugakomeza* (life continues). One of the FGD participants from Busogo narrated: There are cases where the couple harvests, for example, 2 tons of Irish potatoes and the husband sells them and gives the wife very little money, or nothing at all. When the woman claims, the husband will tell her, you did not bring any land from your father, so there is no reason to claim more than that. Similarly, one of the coordinators of CNF said that for minor decisions, like managing the harvest from the field, there has not been much change, because greedy men remain as they were before land registration. Women may tell you that they till, plant seeds and harvest, but do not make any decision on how to use the harvest. However, the majority of the FGD participants reported that, although there has not been much change in decision-making regarding the use and management of the harvest, the fact of having their names on the certificates has positively changed something in the way decisions regarding the use and management of land and its produce are taken. The certificate serves as a safeguard against potential mismanagement of land by the husband. The FGD participants also recognized that not all families had problems in managing their harvest. They asserted that in many families, husbands and wives do negotiate before taking any decision regarding the use of their land and its produce. Yet, there were some few cases where men continued to manage the joint matrimonial land on their own despite the registration of marriage, as Agnes's case below illustrates.

Agnes is a 34-year-old woman in an officially registered marriage. She has four children: two boys and two girls. She lived relatively decently with her husband. She mentioned that they had what was necessary to take care of their children. They had about 17 plots of land, a shop, etc. However, although they jointly owned what was needed to live healthily and happily, they always quarrelled over the use and management of their property, to the extent that Agnes raised a claim in the courts in order to be divorced. The situation deteriorated when her husband started to have extra marital affairs with mistresses. He has five children from three different concubines. He gave some plots to his concubines, as well as to other people, without Agnes's consent. Agnes narrated, 'One day I saw people farming our plot and when I asked them they replied that it was my husband who gave them that plot.' She continued, 'Lastly I met a neighbour and he told me, *'Agnes we umurima wawe warandumbiye'* (Agnes, your plot did not yield good harvest) and I was so shocked.' She further narrated, 'The other day, I went to buy peas in the market and people asked me why I was buying peas while I have plenty of full-grown peas in my field. They did not know that others farmed those plots. When I reached home, I asked my husband what was going on and he said that he had let those plots to people.' According to women in the study, a number of conflicts also occurred often between women especially female heading households and their in-laws. LTRP has helped to put an end to some of those conflicts. One of the members of cooperative F in Remera narrated.

After my second child was born, my husband went to Kigali to look for a job. After he left, my father-in-law sold our coffee plantation. When my husband heard about it he came back and cancelled the transaction and then my father-in-law gave back the money to the buyer. After that, my husband went back to Kigali. However, conflicts with my in-laws continued. My brother in-law also wanted to have this land in his name. I continued to farm the land and my father-in-law came and farmed a part of it at the same time, pretending that it was his land too. But, since LTRP started the problem has been solved and the land has been registered in my name and my husband's. It is clear from the above-mentioned case that a final solution was found through the LTRP. However, even before the LTR program the in-laws did not fully succeed in taking advantage of the absence of the husband, as he came back and tried to protect his wife's and family's interests. Lastly, participants in FGDs also mentioned that there were conflicts arising between children and their parents. They presented the case of children who wanted to inherit land after the death of their father, while their mother was still alive.

5.3 Land Conflicts Resolution Process

Respondents were asked where they first reported their conflict cases and who solved the conflicts. The answers are presented in table 3.

Table 4: First Report of Conflicts¹⁸ and their Solution¹⁹

	First report (N=32)		Solution of conflicts (N=27)	
	n.	%	n.	%
Family council	13	40.6	6	22.2
Village leaders	5	15.6	2	7.4
Cell leaders	5	15.6	5	18.5
Abunzi	5	15.6	4	14.8
Courts of law	3	9.4	9	33.3
Others	1	3.1	1	3.7
Total	32	100.0	27	100.0

Source: Author's study

Findings show that 32 out of 477 respondents have had conflict cases and almost half of these cases have been firstly reported to the family council. Five cases were respectively reported to village leaders, cell leaders and *abunzi*, while three cases were first reported to courts of law. One person firstly reported to her mother. Regarding the motivation of their first choice, those who first reported to the family council thought that their conflicts could be easily solved there. They considered their problem as family issue and thought that the family members were the ones who knew the reality of the case and were in a better position to resolve it. One of the respondents said, 'As they are the ones who have shared this land, they should also be the ones to solve problems related to that sharing.' However, there were respondents who were reluctant to report to the family council because they considered the family council to be corrupt and did not expect a fair trial at that level. Women from cooperative D in Kinigi sector said that many conflicts were resolved at the cell level, as it was harder to get a fair trial at family and village levels because of corruption. One of them said: *Mu mudugudu, umukuru w' umudugudu aribwira ati ni mvuga ko uriya mugabo ari umunyamafuti ntazansomya ugasanga baraguffitse* (The leader of the village would say, if I report that this man is wrong, he will no longer buy me some beer. For that reason, I have to resolve the conflict in his favour). Other respondents explained that their first choice was motivated by trust, distance, and type of conflict and provision of the law about the procedure to follow. One respondent said that it was the wish of her father. For the 32 cases of land conflicts that had been reported, respondents said that 27 of the cases had been resolved. Slightly more than half of respondents whose cases were resolved were very satisfied with the outcome, 37% were satisfied and 7.4% were not satisfied. Although very few cases were reported to courts of law in the first instance, the courts finally resolved nearly a third of the cases. In second place came the family council, and then cell leaders, followed by *abunzi*, while the leaders of the village came in last place.

6. Concluding Discussion

The aim of this paper was to explore women's experiences of land-related conflicts in the context of LRTP in the District of Musanze in the Northern Province. Findings have shown that a small number of women in the study have been involved in land related conflicts. When asking women about the effects of LRT program on land conflicts, some of them considered that it has reduced the number of conflicts of different kinds, while others seemed to be sceptical about its possibilities to reduce conflicts. They agreed that some of the conflicts have been resolved, but also added that new ones are emerging. These results are consistent with findings by RISD (2013) reporting that despite its well-planned implementation, LRT has not reduced disputes over land. Reflecting on this answer, it is important to mention that because of the implementation of the new laws and policies there are new situations, and new conflicts are created. Many women see that they now have opportunities that they did not have before and some men believe that the rights they previously considered mainly as their own are being eroded. However, this seems to be contradictory with the small number of conflicts identified among the women in the study. One possible explanation for the limited number of conflicts may be that LRT has achieved one of its objectives; to reduce land related conflicts (Republic of Rwanda 2004). Agreeing with other studies such as the ones by Jackson (2003) and Walker (2003), the second possible explanation may be the fact that women do not always report land conflict cases due to lack of awareness about the laws, significant social costs, or fear of abandonment by their husbands and families.

Evidence for this was that the number of women who reported having known other women who had been involved in land conflicts was twice as high as the number of women who said they themselves had been involved in such conflicts. Culturally revealing family problems in public is frowned upon. The proverb 'don't wash your dirty linen in public' has great value in the Rwandan culture. Especially for women, this would expose them to some risk, such as social exclusion, stigma or abandonment by their husbands, families and the community at large (Uwineza et al., 2009; Veldman & Lankhorts 2011). In the case of Rwanda, the situation becomes even worse for non-registered wives, who are more reluctant to speak out than others because their rights are not protected by formal laws. Another way of interpreting the small number of conflict cases among the respondents, may be that land related conflicts do not seem to be mainly related to the issuance of land certificates per se. As previous research highlight, land conflicts are embedded in social, political and economic institutions (Agarwal, 1994; Obeng-Odoom, 2012; RISD, 2013). The grounds for land conflicts that women encountered have both structural (scarcity, limited size) and relational (inheritance, polygamy, border encroachment; daily management of land and its produce) grounds and are interconnected and influence each other. Gradually decreasing size of land deteriorates land related relations in families, as well as in communities at large. Furthermore, sharing land, for example, among members of a larger polygamous family, leads to further fragmentation of land and hence to conflicts. Although the LRT program may have had a positive impact on conflicts related to plot borders, there is no likelihood that the bulk of conflicts related to inheritance and land sharing, especially in larger families like those involved in polygamous relationships, will decrease. Today, the problem may be dormant but some fundamental questions remain: what will happen to subsequent land sharing in the case of the death of the husband, separation, abandonment²⁰ or the death of the parents? How will a wife practically share land with her children/or her in-laws if she has not born children and her husband dies, and she wishes to remarry outside her husband's lineage? How will children whose names are recorded as heirs in the registries practically share the land left by their parents, especially when this land is very small? These are some of the problematic issues that are likely to cause land conflicts despite land title registration.

Referring to the bargaining approach that guided the understanding of the findings and their analysis in this paper, women's land claims through land conflict resolution institutions largely depend on their bargaining power. The findings revealed that women have weaker bargaining positions compared to men, as their bargaining power is affected by factors, such as lack of knowledge, lack of confidence, and lack of financial means. Importantly, most of the time women's bargaining processes lack social legitimacy and are characterised by the fear of disapproval by their husbands, families and the community. When closely looking at different types of fear that women from the study at hand think may limit the willingness to claim their land rights, it come out clearly that these types of fear involve the force of culture and local norms that sometimes act more powerfully than written formal gender-sensitive laws. Weaker bargaining power among women may be related to the higher number of conflict cases among non-married respondents compared to married women. Similarly, those who have joint titles with their husbands experience fewer conflicts compared to those who do not. This could be explained by the fact that when a woman is married and living with her husband, she is somehow protected. When they separate or the husband dies, everyone wants to take advantage of the situation, as the woman is vulnerable and exposed without protection. In Rwanda, conflicts are solved through a legal pluralistic system. This system allows for forum shopping, where women may rely on local conflict resolution institutions and different courts in order to claim their land rights. All disputants are required to first make their land claim to the family council and few cases reach the formal courts. Findings showed that although the majority of women who encountered conflicts had first reported to the family council, a large number of conflicts had been resolved in formal courts. Many women in the study revealed that they did not easily accept the decisions taken, especially by the lowest-level local institutions, family and village, because they considered these institutions to be corrupt and did not expect a fair trial from them. These women may be right to some extent because although the nature of conflict resolution institutions varies considerably from place to place, they are often gender biased, especially the customary ones.

What can we learn from the findings?

The findings in this study confirm the contested nature and social embeddedness of land rights, as reported by other studies (FAO, 2011; Place, 2009). Women are more affected than men by contestations over land as most often both customary and statutory systems/laws do discriminate against them (Joireman, 2006; WB et al., 2009).

Though the Rwandan government has multiplied the efforts to strengthen women's land rights since the last decade by taking strategic actions, including the elaboration of land policies and laws (Daley et al., 2010; McAuslan, 2010), the findings show that women are still involved in land conflicts and still face challenges while claiming their rights. Gender relations that are strongly entrenched in social and cultural norms based on male supremacy influence these challenges. These norms often act more powerfully than formal laws in everyday life. Consequently, the process of implementing new laws and policies that affect social relations will always be challenging and changes proposed by policies may be very difficult to translate into action. To Musanze District specifically and to Rwanda at large, the implication of the findings is that, building on a good understanding of social and cultural norms and their positive aspect could be a precondition for success of any laws and policies touching and regulating social relations. These laws and policies should gradually be integrated into the specific, complex, and diverse realities of local people, rather than just being imported from completely different contexts (Mwasa, 2011). The ideas about women's rights and gender equality are mostly not coming from rural Rwandans' everyday lives and local people may have difficulties in accepting them to facilitate their implementation. Rwandan policymakers should continue to see how to adapt new laws to the local context and implement them slowly rather than pushing them on to people. Gender-sensitive aspects of customary system that respect and appreciate the promotion of women's rights should be recognised in order to generate support for new legislation (Uwineza et al., 2009). The design and elaboration of gender-sensitive policies and laws may be a start, but they are not a guarantee for bringing changes to the lives of women as other studies found (Korang-Okrah & Haight, 2014; McAuslan, 2010; WB et al., 2009). Gradual integration of formal laws and policies should go hand in hand with continuous sensitization among the local level policy implementers through public education and awareness programmes about women's rights and gender equality in general (McAuslan, 2010). This could be one way of gradually increasing the acceptance of the new policies as well as increasing the knowledge of these implementers (who are the channels of these new policies to people) about what difficulties that may arise while trying to implement them.

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Notes

¹ The constitution of Rwanda Article 26 and other important laws recognize only civil registered monogamous marriages.

² (According to the Organic Law n° 29/2005 of 31/12/2005 determining the administrative entities, the Republic of Rwanda is divided into 4 Provinces (Intara), and the City of Kigali, 30 Districts (Uturere), 416 Sectors (Imirenge), 2,015 Cells (Utugari) and 14,575 Villages (Imidigudu), (MINALOC, 2013).

³ The Rwandan Constitution requires that at least 30% of all positions in decision-making organs be guaranteed to women. See also Article 4 of Organic Law of 2010 on organization, jurisdiction, competence and functioning of the mediation committee

⁴ Around USD 4,450 or €3,200

⁵ During March-October 2006 the Government of Rwanda and its partners carried out an extensive preparatory study of LTRP. One cell was chosen in the following four trial districts Karongi, Gasabo, Kirehe, and Musanze. A central objective of this pilot

study was to establish baseline information about local land tenure practices in Rwanda, to enable the LTRP to be implemented in a way that builds on existing practices wherever possible in order to enhance its social legitimacy, (MINITERE 2007, p.36).

⁶ Key informants composed of policy implementers at national and local level including staff from district land bureau and national land center; staff in charge of gender and social affairs at district level; agronomists, land officers, and coordinators of National Women's Council (*Conseil National des Femmes, CNF*) at sector level.

⁷ A number individual semi-structured interviews were conducted with women on the ground that these women have specific stories and experiences to share.

⁸ Every sector has a number of associations doing different kind of activities. Some are composed of both men and women but the majority of them are solely for women.

⁹ The question was: Have you personally encountered some conflicts related to land? 1=Yes, 2=No

¹⁰ The question was only put to women who think they may face challenges: What challenges you think you would face while claiming your land rights? (Multiple answers are allowed); (1= Lack of knowledge, 2= Fear of in-laws, 3= Fear of my family of birth, 4= Fear of my husband, 5= Fear of community disapproval, 6= Fear of physical violence, 7= Lack of assistance, 8= Lack of time, 9= Inability to present my case, 10=Other, specify)

¹¹ See note no 9

¹² Refer to Note no 9

¹³ The question was: Have you known a female relative, a friend of neighbour who has encountered land conflicts?

¹⁴ These are the answers to question no 108 asking survey respondents to explain their selected answer to closed question no 107 formulated as follows: Has the land registration and certification had any effect on the number of inheritance conflicts in your community? 1=Less conflicts 2=No difference 3=More conflicts

¹⁵ For a more comprehensive discussion and analysis on polygamy and its relation to the women's claim for land see Bayisenge, forthcoming. 'Does the law work in their favour? The complexity of land rights of women living in polygamous relationships in Rwanda'.

¹⁶ Registration fee of 1,000 RwF was required for each issued land title.

¹⁷ Betty is a member of an association where each member contributes 500 RwF per week.

¹⁸ The question was: To whom were the conflicts first reported?

¹⁹ The question was: If the conflict has been resolved, who resolved it?

²⁰ Article 70, from paragraph one to nine of the 1999 succession law specifies how the succession of spouses married under the regime of community of property shall be carried out