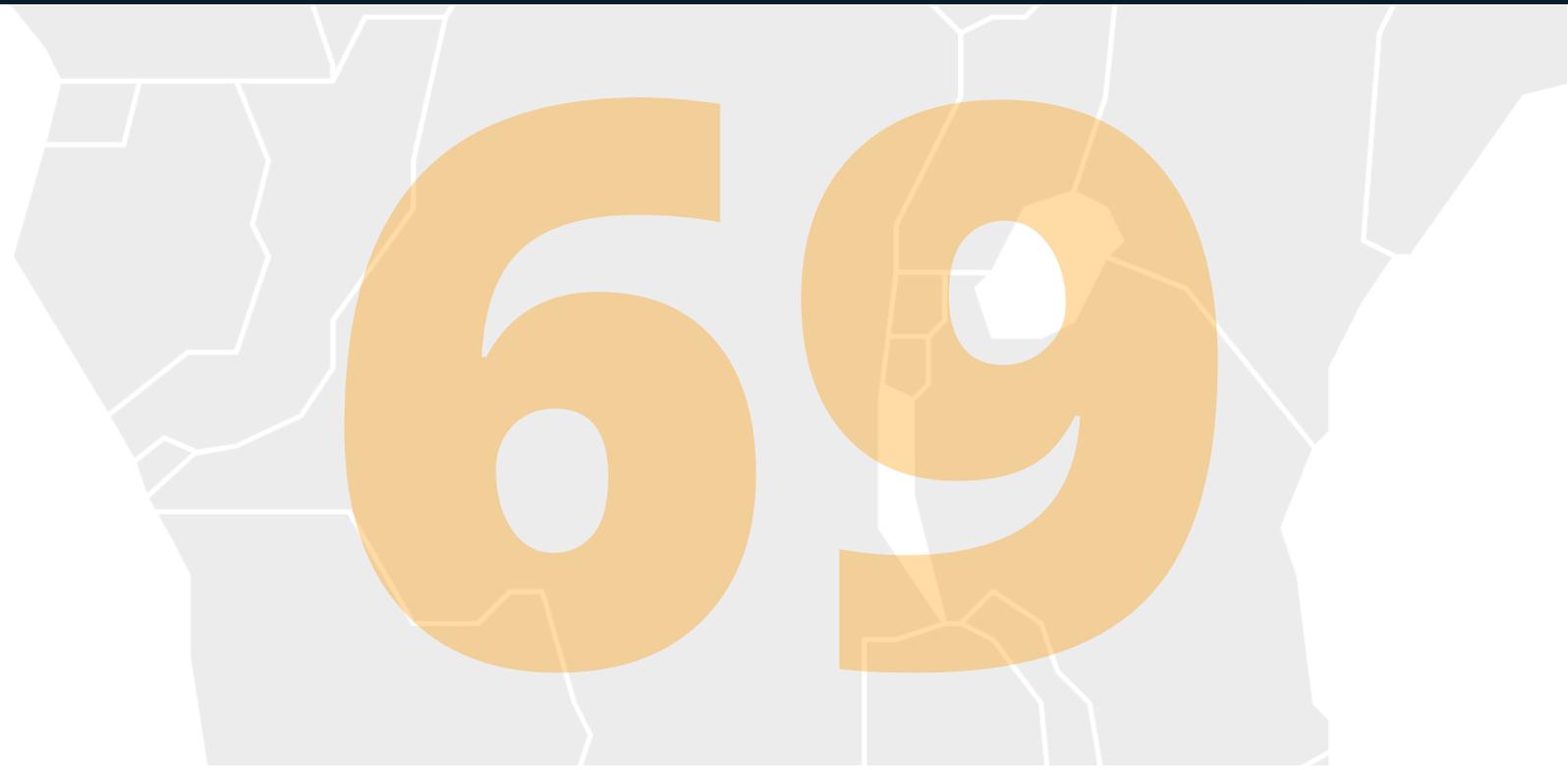


CASE STUDY

Eastern and Northern Provinces and City of Kigali, Rwanda



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RISD's intervention in pro-poor land policy implementation in Rwanda

This story shows the impact of a successful intervention by the Rwanda Initiative for Sustainable Development (RISD) in contributing to the implementation of pro-poor and equitable land policies in Rwanda. Through evidence-based awareness raising efforts, dialogue, advocacy and networking, RISD was able to influence policy implementation and promote the land rights of poor and vulnerable groups, especially women.

PRINCIPAL ORGANISATIONS INVOLVED

Rwanda Initiative for Sustainable Development (RISD)

LandNet Rwanda Chapter

LOCATION

Rwanda - Research work in different districts within the Eastern and Northern Provinces and City of Kigali; Advocacy work at national level

TIMELINE

2011-2012

TARGET AUDIENCE

Policy makers and grassroots communities

KEYWORDS

Evidence-based awareness raising, dialogue, advocacy, women, networking

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GOOD PRACTICES

towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting people-centred land governance, as defined in the Antigua Declaration of the ILC Assembly of Members. Further information at www.landcoalition.org/what-we-do

This case study supports people-centred land governance as it contributes to:

- Commitment 1** Respect, protect and strengthen the land rights of women and men living in poverty
- Commitment 2** Ensure equitable land distribution and public investment that supports small-scale farming systems
- Commitment 4** Ensure gender justice in relation to land

Case description

Background issues

For years, Rwanda has been committed to fighting poverty and promoting peace and security, as exemplified through the initiation of development programmes geared towards these goals (RISD 2012). One of these programmes is the Land Tenure Regularisation Program (LTRP), which is intended to strengthen tenure security, promote investment in land and contribute to poverty reduction for about 75% Rwandans depending on land for their livelihood - over 90% of them women. In 1999 the Family Law was put in place followed by the Land Policy of 2004, the Organic Land Law of 2005 (amended in 2013) and various orders, rules and procedures. Despite the intention of developing pro-poor and gender sensitive legislation, major gaps were found with regards to land, women and rural people. At the peak of the implementation of the LTRP, it became apparent that three crucial issues compromised the land rights of rural people, disadvantaged women and less educated land-owners. These were identified and brought to the attention of the LTRP technical implementing agency - the Rwanda Natural Resources Authority (RNRA) - as well as to policy makers, local leadership and the Rwandan population.

The issues were the following. Firstly, the LTRP did not take small-scale landowners into account, by excluding from land tenure registration land that was less than 1 hectare. This affected over 75% of landowners, who contribute significantly to the country's food security. As a consequence, a large number of people would not have their land registered, would not get land titles, and would not have the opportunity to get bank loans with land as a collateral.

Secondly, the LTRP did not originally take women who were not legally married into account, by not including them on the land title. Only women who were legally married were recognised as legitimate tenure holders on a par with their male spouse, while women not legally married were automatically excluded as land was registered in the name of the man only. This was especially discriminative in cases where women had made a contribution in the acquisition of the land, as this contribution in terms of finances, time and labour was not recognised.

Thirdly, some landowners in rural areas owning less than 2 hectares of land for agriculture had land lease fees indicated on their land titles. However, the law exempted them from paying them. A study conducted in the 4 districts of Gasabo and Nyarugenge in the City of Kigali (CoK), Kayonza in the Eastern Province, and Musanze in the Northern Province, confirmed this and supported the claims of poor rural farmers who had little access to information on the LTRP and difficulty understanding the legal implications of the laws and procedures related to land. Addressing the issues above became a concern in terms of pro-poor land policy implementation.

Solution

In partnership with the LandNet Rwanda Chapter - a network of more than 35 civil society organisations working on land rights issues in Rwanda - RISD closely followed the implementation of the LTRP, raising awareness on land rights and highlighting gaps including those mentioned above. These were addressed through action-oriented research, evidence-based advocacy, dialogue, public awareness and networking interventions. Important results were achieved.

Firstly, through research, public awareness and advocacy efforts by RISD, registration of land under 1 hectare is now possible in Rwanda.

Secondly, in partnership with local media houses and through workshops and dialogue with government institutions, the issue of land not registered in the name of unmarried women was addressed. Today, women in legally unrecognised marriages can have land registered in their name together with the men they are staying with as “partners”, since only civil marriage is recognised in Rwanda.

Thirdly, the results of the study showing that land owners in rural areas with less than 2 hectares of agricultural land, had to pay land lease fees on their land titles were presented in a workshop with CSOs, the RNRA, local authorities and community representatives. As a consequence, land titles were recalled and changed.

Activities

Networking and advocacy

The civil society organised two national land dialogue meetings. The first two-day meeting with the title “Bridging the gap in land related issues in Rwanda: Civil society perspective” was held from the 17th to the 18th of June 2010. The meeting was organised in partnership with the Rwanda Natural Resources Authority (RNRA) and the Office of the Ombudsman. In attendance were government representatives, civil society, local leaders, members of academia and grassroots community members, especially from the 4 districts of Gasabo, Nyarugenge, Kayonza and Musanze. Presentations,

discussions and testimonies upheld the findings of the assessment made, and recommended further engagement of the civil society in monitoring the implementation of the LTRP and giving feedback on the findings. Sustained awareness campaigns to help the grassroots population understand the LTRP procedures and provisions were also recommended. The meeting resulted in a declaration, which was presented to policy makers through the RNRA for their consideration. As part of the outcome of the meeting, land of less than 1 hectare was registered in the names of rural farmers, and women could register land in their name as partners of the men they lived with, even if they were not legally married, as long as community members confirmed the two were actually living together.

The second meeting was a LandNet Rwanda Chapter consultative meeting on land lease and property taxation held on the 9th and 10th of February 2012. This meeting was held particularly to discuss the issue of land lease fees, which according to grassroots organisations, affected all land titles, irrespective of what the land was registered for. Theoretically, land registered for agriculture in rural areas was supposed to be exempt from lease payment. However, the first land title documents indicated a certain amount of fees for all. The declaration from this meeting stated:

"The government of Rwanda together with LandNet Rwanda Chapter should put in place effective mechanisms to raise public awareness and to ensure adequate information for the population with regards to property taxation and land lease fees. This should include wide public awareness campaigns on the importance of land lease and property taxation, capacity building of relevant actors in understanding relevant legal provisions, as well as constant monitoring of the process through documentation and research" (LandNet Rwanda Chapter Consultative Meeting on Land Lease and Property Taxation, February 2012, Umubano Hotel - Kigali).

As a result of this meeting all landowners who had grievances about lease fees were requested to hand over their titles to the Cell¹ offices, which would submit them to the land registrar for correction. This was put into effect, and community members later received their corrected land titles with lease exemptions where they were due.

Public information and awareness (PIA)

Drawing from RISD's experience in community engagement and participation to create awareness on land rights and dispute resolution mechanisms, the organisation employed a number of public awareness tools to encourage communities and ensure that information on the LTRP reached the grassroots, especially women in rural areas who have limited access to information. PIA messages focused on the LTRP procedures and were derived through discussions with community members and presented through a variety of channels.

1. Community theatres, through which community members acted out role-plays on land issues and challenges, were used to explain different LTRP provisions, focusing on the responsibility of policy implementers on the one hand and land owners on the other hand. Community theatres made information easy, as they brought into perspective community contexts in a figurative manner. They were also key in enhancing the community's understanding of the importance of paying lease fees

¹ Cells are the smallest local government administrative structures in Rwanda - made of a number of villages.

and the need for both partners within a couple to have equal rights to land. These were performed at the community level to ensure that information reached the grassroots population.

2. School drawing competitions were another channel that proved to be an effective way of educating students on land issues and tenable solutions for land related disputes. The use of school competitions as a public information and awareness tool proved to be effective because students gave feedback to their parents, thereby assisting RISD in their effort of reaching a wider audience.
3. Print and electronic media and radio talk shows were also an important tool, as through it the grassroots population could have direct contact with policy makers and implementers, asking and receiving responses on the spot.
4. Community meetings at the village level were widely used to explain the LTRP to the grassroots population. These were attended by local leaders and RNRA officials, who were responsible for the technical implementation of the LTRP. During these meetings community members had the opportunity to ask questions in person and receive immediate responses.
5. The toll free line was made available to communities in the areas where RISD was operating, even though, over the years, the tool expanded to receive calls from across the whole country. The line proved to be a useful PIA tool through which the community could ask and receive responses promptly. The toll free line has to a great extent helped women, who would otherwise remain silent about their issues, to open up. It is a tool that RISD continues to use.

Importance of the case for people-centred land governance

This case study is about the formulation of gender-sensitive land policies, laws and institutional frameworks that guarantee fair and equitable conditions for women and rural people. It is important for people-centred land governance because of the following reasons.

- The recognition of the right for unmarried women to register land in their name. There was an advancement in the acknowledgement of the dignity of women, irrespectively of their marital status, which extends to their capacity and full right to be owners of land.
- The change in the law with regards to the registration of land belonging to small-scale farmers, and the progress in establishing a more equitable system of land governance, which does not penalise those who own less and favours those who own more. Not being able to register land in their name would pose a major threat to farmers' economic stability, social status and rights to land. The legal system formerly in place would de facto favour larger scale farmers, who were financially more equipped to own land. As a consequence, instead of poverty decreasing, the gap among social classes would widen. The reversal of this law was a step forward in the implementation of human rights.

Changes

Baseline

Before RISD's intervention, small-scale landowners (owning less than 1 hectare) could not register land in their name. Women who were not legally married could not have land registered in their name either. Another issue was that land lease fees were tied to the land titles of landowners owning less than 2 hectares, a matter which the land owners themselves were unaware of due to their lack of knowledge of the laws. As a consequence, a violation of the rights of small-scale landowners was in place. Rectifying it entailed addressing social and economic gaps in the country to ensure fair and equal access to land and livelihoods for all farmers.

Achievements

As well as achieving the change of 3,000 land titles in favour of vulnerable groups, RISD's intervention succeeded in raising public awareness and bringing the attention of the LTRP to the issue of small-scale landowners and their inability to register lands in their name. Furthermore, it raised awareness amongst the farmers, who became agents of their own empowerment by learning about their rights.

The following are some of RISD's achievements. RISD

- Ensured that farmers' customs were respected and built on trusted mediation mechanisms, which were already in use
- Helped people to communicate their discontent and problems, which could have potentially escalated into conflict, had they remained unresolved
- Supported decisions made during the LTRP by facilitating understanding and raising awareness
- Helped to ensure the success of reforms by making the positive outcomes known, while mitigating risks
- Developed a thematic database on different land related issues, especially land related conflict
- Shared information from its experience with different relevant stakeholders, in order to influence land related legal frameworks in Rwanda
- Promoted the establishment of strategic partnerships between civil society and the government
- Entered into MoUs with institutions such as MINIJUST (the Ministry of Justice), RNRA, and the Office of the Ombudsman as a way of guiding activities that impact grassroots communities.

RISD's involvement in the LTRP was important in the prevention of the escalation of land conflicts, which occurred during and after the land registration process. Anchored on tenets of mediation and advocacy, RISD's engagement with the community helped to clarify legal options to land holders amid conflicting and multiple claims to plots. It also

helped to shed light on issues on which there was a lack of knowledge, as a result of inadequate awareness of land rights among the general population.

Land related conflicts reported to the Abunzi Mediation² Committees² were increasing steadily as the implementation of the LTRP advanced. RISD established a conflict database to record the conflicts, and regularly update emerging new cases. The new cases were reported during community meetings by local leaders and citizens. RISD field officers in the ten project districts also played an active role in the collection of data on land related disputes. Additionally, the toll free telephone line 1516 set up by RISD, proved to be an effective means of reporting information on events taking place on the ground. Under the RISD programme, the 'Abunzi' were trained to better understand land-related legal provisions, as well as the changes after the land reform process.

Evidence

RISD (2012). *The impact of land lease fee on landowners: Rwanda case study*
<http://risdrwanda.org/spip.php?article172>

Lessons learned

Lessons for civil society

It is important that the civil society maintains a strong research capacity and data credibility and reliability, which is key to pro-poor policy influencing. RISD's interventions in the LTRP established strong linkages between land resource management and dispute mediation, laws governing property and justice, and various government and civil society organisations that work in the areas of land, dispute mediation and justice. From this, RISD was able to draw data and expand its networks. It also learned early on that in order to contribute to land management in Rwanda in a way that promotes sustainable peace and economic development, the traditional separation between the land and justice sectors in both government and civil society organisations had to be overcome.

Furthermore, RISD learned that the best mediators are community members who understand the cultural contexts from which disputes arise. However, land reform programmes like the LTRP often place pressure on communities by introducing national laws and economic programmes on top of complex domestic disputes. In this case it was prudent for non-state actors to bridge the gap between the LTRP and the communities that were directly impacted by the land reforms. RISD identified the 'Abunzi' and local leaders as well situated for such interventions.

² A Mediation Committee at the Cell and Sector levels comprises seven residents of the Cell and seven of the Sector. The Abunzi are persons of integrity who are well known for their mediation skills. They are elected by the Cell and Sector Council respectively. They cannot be members of staff of local administrative entities or judicial organs. They are in charge for a renewable term of office of five years.

Lessons for policy makers

Land is a key livelihood resource for Rwandans. Any decision taken in relation to land management, use and administration in the framework of a land reform in the country needs to take on a participatory and consultative approach as this impacts directly on sustainable peace building and development in the country.

Putting these lessons into practice was not easy work. RISD had to firstly convince policy makers, especially those working in the land and justice sectors, that land was a justice issue. Secondly, it had to convince members of the LTRP, MINIJUST, the civil society, and the international community that there existed a link between land management and dispute mediation. Once the 'Abunzi' system was identified as an alternative dispute resolution mechanism, RISD had to work to overcome the existing limitations of the system. To achieve this, RISD provided documentation materials, storage containers, mediation training manuals and simplified booklets on land related laws and mediation skills to 'Abunzi' Committees in ten districts. The interventions required careful coordination among various stakeholders in government, civil society, and the general public.

Challenges

There were challenges in collecting data on the number of land titles with exempted lease fees. It was difficult to gather up-to-date information due to the fact that the land titling process was on-going at the time of data collection, and some titles had been "picked" by their owners at the time of collection. Land titles being "picked" means that during the land registration process land titles were printed and sent to the Cell offices for owners to "pick". This made it difficult to identify the total amount of titles with exempted lease fees as some of them had already been "picked" by community members. This issue was addressed by making an assessment among the community members who had picked their titles, in order to establish which ones included land leases that could have been exempted.

The assessments also faced problems on two fronts. On one hand, local leaders felt that if they did not encourage community members to pick land lease titles and pay lease fees, this could be considered a weakness on their side. On the other hand, community members feared the assessment was a way to identify those who had not paid lease fees. Awareness was raised among the community through community leaders to counteract these misconceptions.

Follow-up

Land policies are still being implemented. Currently, RISD is engaged in monitoring the implementation of the LTRP. Specifically, the area of land dispute management was identified as a core area requiring attention. Through other projects RISD is researching land dispute mediation processes and raising awareness of citizens on their land rights. Recently, in 2013, RISD focused on the different perceptions of land and the LTRP by the RNRA and citizens.

Supporting material

References and further reading

LandNet Rwanda Chapter (2012). *LandNet Rwanda Chapter Consultative Meeting on Land Lease and Property Taxation. 9th-10th February 2012 at Umubano Hotel, Kigali. Declaration from the Meeting*

http://www.risdrwanda.org/IMG/pdf/Declaration_of_the_LanNet_Consultative_Meeting_1_.pdf

LandNet, RISD and GIZ (2012). *The Impact of Land Lease Fee on Landowners: Rwanda Case Study*

http://www.risdrwanda.org/IMG/pdf/THE_IMPACT_OF_LAND_LEASE_FEE_ON_LANDOWNERS.pdf

Photos, videos

RISD Photo Gallery <http://risdrwanda.org/spip.php?rubrique7>

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ILC is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The shared goal of ILC's 207 members is to realise land governance for and with people at country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land.

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