

Conflict and Land Tenure in Rwanda

Shinichi Takeuchi*

Introduction

Problems that revolve around land tenure have been much discussed in the field of political science, as it exerts a strong influence on political systems. The relationship between land tenure and politics has long been the subject of numerous studies (Moore 1966), providing a theoretical background for land reform. In these arguments, it is generally assumed that the terms of land tenure are unlikely to change in the short term. Such an assumption is natural owing to the long historical processes in which the structure of land tenure has been formed.

However, we have also observed numerous political events that have caused the terms of land tenure to drastically change. The implementation of land reform policy is one such case. Following defeat in World War II, Japan saw a sudden change in its traditional land tenure system from a highly unequal system in which a small number of landlords possessed the majority of rural land, due to land reform policies led by the Allied Occupation forces. Although the structure of land tenure can strongly influence politics, the same can also be said for the influence of politics on land tenure.

Armed conflict is one such political event. Historically, victors of war occupy their opponent's land, sometimes expelling them as well. Recently, however, as the majority of global armed conflicts have shifted to internal disputes (Holsti, 1996), the effects on land tenure have become different and more complex, thus requiring careful observation and research. This problem deserves serious study, as it will necessarily influence the process of peace building and state-building, which are the most important challenges for many post-war African countries.

This paper deals specifically with the experience of Rwanda, where harsh civil war and genocide occurred in the 1990s. Despite the worldwide academic attention paid to the Rwandan civil war and genocide, research concerning the influence of these events on land tenure has been scarce. The lack of research is all the more regrettable because the impact of civil war on land tenure has been so enormous as to inevitably influence the Rwandan post-war political economy.

In order to fill this gap and to reflect on an appropriate policy agenda for the stabilization of land rights, this paper examines the recent changes of land tenure in Rwanda as well as provides a historical framework for the changes. With a historical perspective, we will be able to understand not only why such a drastic change occurred in Rwanda, but also what should be done in order to stabilize land rights.

In the following sections, the author first argues, from a macro point of view, how the Rwandan civil war has influenced and affected the land tenure system through the massive flux of refugees and returnees. The second section examines the nature, as well as subsequent

* JICA Research Institute.

changes, of land tenure through macro-level statistical data and micro-level data collected in the author's field survey. In the third section, the changes of the 1990s will be analyzed from a historical viewpoint. In conclusion, certain policy implications will be examined.

1. The Rwandan Civil War and its Impact on Land Tenure

In order to understand the impact of the Rwandan civil war on land tenure, the actors, causes, and developments of the war must be known. The main actors in the civil war were the Rwandan government--led by President J. Habyarimana, and the guerrillas, the Rwandan Patriotic Front (RPF). War broke out in October 1990 after the RPF invasion of the northern part of Rwanda.

The RPF had been organized in Uganda by Rwandan refugees whose parents had fled their homeland, due to waves of conflict and persecution that had took place around independence. The political turbulence (the so-called "social revolution"), which was ignited in 1959 in a collision between the supporters of the Tutsi-led UNAR party (Union Nationale Rwandaise) and those of the Hutu-led PARMEHUTU party (Parti du mouvement de l'émancipation hutu), quickly expanded throughout the country. The victory of the PARMEHUTU, assisted by colonial authorities, resulted in the overthrow of the existing political system dominated by Tutsi elites.¹ Consequently, as many as 200,000 to 300,000 UNAR supporters and their families, most of them Tutsi, were expelled from the country by the mid 1960s.² The core members of the RPF were the children of these refugees (Otunnu 2000).

Habyarimana, another main actor in the war, seized Rwandan political power in 1973, when he, then a minister of defense, carried out a coup d'état in order to topple G. Kayibanda, who was the leader of PARMEHUTU and the first president of Rwanda. Habyarimana, like Kayibanda, did not allow Tutsi refugees to repatriate. In addition, both made use of the one-party system in order to mobilize political and economic resources in highly personalized ways.³ While the Tutsi were systematically marginalized during the Kayibanda and Habyarimana regimes, being Hutu did not necessarily assure access to political power either, which has historically been monopolized by a small number of families and presidential

¹ For a detailed analysis of the social revolution, see Lemarchand (1970) and Reyntjens (1985). As for ethnicity (Tutsi, Hutu, Twa), there is not enough space to explain the history of ethnic formation in Rwanda (See Takeuchi 2000). Important in this discussion are the following three points: First, the Rwandan population is mainly composed of Tutsi and Hutu (the third group Twa is an extremely small group with less than one percent of the total population), in which the former is a minority (around 10 to 15 percent) and the latter is a majority (85 to 90 percent); Second, the Tutsi and the Hutu have a long history of coexistence, which is clearly shown by the fact that neither language nor religion can characterize their difference, and that they have always cohabitated the same land; Third, the distinction of and antagonism between the two groups strengthened during the colonial period; the outbreak of the revolution, which was the first-ever countrywide collision between the two groups, can be attributed to social transformations caused by colonial policy.

² Refugees statistics are referenced from Lemarchand (1970: 172), Lugan (1997: 436), Reyntjens (1985: 455) and Prunier (1995: 62).

³ For information regarding the political system of the Kayibanda regime, see Reyntjens (1985). Gasana (2002) and Munyarugerero (2003) are good primers to the politics of the Habyarimana era.

entourages. As a result, when the RPF invaded Rwanda in 1990, it was composed not only of the children of Tutsi refugees from the period of the social revolution, but also of Hutu elites who had been marginalized under the Habyarimana regime.

After the outbreak of war, the international community made efforts to secure a ceasefire and peace agreement, which came to fruition in August 1993 in the creation of the Arusha Peace Agreement, stipulating power sharing between the Habyarimana government, opposition parties, and the RPF. Ironically, however, the peace agreement exacerbated social tension in Rwanda because the core group of the Habyarimana regime opposed its implementation, thus intensifying ethnic instigation by insisting that the RPF was nothing but Tutsi and Tutsi were therefore enemies of the country. The subsequent assassination of president Habyarimana on 6 April 1994 then led to all-out genocide against the Tutsi, as well as against the Hutu supporters of the Arusha Peace Agreement. The ceasefire naturally collapsed and the reignited civil war continued for three months until the RPF gained a military victory, stopping the genocide and establishing a new political authority in July 1994.⁴

The Rwanda civil war resulted in multiple waves of refugees and internally displaced people. Approximately five waves can be distinguished: First, the RPF invasion can be considered an inflow of refugees from Uganda; Second, after war broke, persecution against the Tutsi became exacerbated as a result of their suspected support of guerrillas, which hastened their immigration for escape;⁵ Third, the victory of the RPF caused a tremendous outflow of refugees who were composed of an enormous number of ordinary Hutu people and the leaders of the defeated Habyarimana regime; the latter brought the former to refugee camps, threatening them by saying that the RPF would retaliate indiscriminately against the Hutu after taking power. In total, the outflow of refugees at the time was estimated to be more than 1,500,000 (Prunier 1995; Adelman 2003).

Fourth, in the same time period a huge number of returnees returned to Rwanda; they were refugees, composed mainly of Tutsi, who had fled from the country because of the “social revolution” but were later able to return thanks to the RPF victory. These so-called “old-case refugees” returned in numbers of up to 900,000 in 1994 (Office of United Nations Resident Coordinator for Rwanda, 2000: 2). Fifth, the last refugees to return were those who fled in 1994. This move was triggered by the outbreak of armed conflict in Eastern Zaire (in actuality the Democratic Republic of the Congo, hereafter DRC) in 1996.⁶ In the few months

⁴ For developments of the Rwandan civil war, see Prunier (1995), Jones (2001), and Melvern (2004).

⁵ For violations of human rights against the Tutsi after the outbreak of the civil war, see Association rwandaise pour la défense des droits de la personne et des libertés publiques (1992).

⁶ Rwandan refugees, who had fled the country due to the RPF victory, continued to stay in camps along the border of Eastern DRC. Being controlled by the political and military leaders of the Habyarimana government, the camps became the de facto military base of the former regime, and repeated military attacks followed on Rwandan territory. Though the RPF-led government appealed their security concerns to the international community, no concrete measures to deter the attacks were taken. Consequently, the RPF-led government collaborated with rebels in Eastern DRC to carry out military operations to wipe out armed elements of the refugee camps in October and November 1996. As a result of the attacks, ordinary people caught in the camps started returning to their homeland, thus creating the massive wave of new-case refugee returnees.

following November 1996, about 1,500,000 returnees had moved into Rwanda, and those who took refuge there during 1994 and 1996/97 were then called “new-case refugees.” While the old-case refugees were mainly composed of Tutsi, the new-case refugees represented the Hutu population, although there were exceptions.

These massive migrations had a tremendous impact on land tenure, although the impact differed from one region to another. The huge inflow of old-case refugees was concentrated in the eastern part of the country, which can be explained in two ways. Many old-case refugees had lived in Uganda and Tanzania, and for them Eastern Rwanda was the nearest and easiest place to return. Also, local authorities in Rwanda, when old-case refugees came back in 1994, guided them back not to their birthplaces but to vacant lands in the east, where population density was relatively low and most of the original inhabitants, new-case refugees who had gone to take refuge in neighboring countries, were absent. This decision was understandable on the grounds that Rwanda’s population density was generally very high,⁷ and that most property belonging to old-case refugees had already been distributed to other Hutu peasants (we will deal with this point later).

When new-case refugees returned to their country in large waves, they had to face the old-case refugee population, which had occupied their former properties (houses and land) since 1994. The Rwandan authorities ordered the houses to be returned to their former owners, but with the caveat that the land was to be divided between the two parties. In fact, the results of the field survey showed that several households that owned land had exactly the same acreage. It was in this radical way that old-case returnees acquired their land officially. In most cases, these official policies were carried out without significant resistance, mainly because the RPF-led government had been strong enough to enforce the measures.

Table 1. Land Use in Each Prefecture by Household (October 1989 – March 1990)
(ares)

	Butare	Kibungo	Average
Cultivated Area	51.01	99.99	62.11
Fallow & Pasturage	22.40	39.33	23.70
Cultivable Area	73.41	139.32	85.81
Woodlands	7.63	4.07	11.66
Non-Cultivable & Housing	2.73	5.57	3.19
Total Area	83.77	148.97	100.66

Source : République Rwandaise, Ministère de l’Agriculture et de l’Élevage [1992:46].

2. Structure of Land Tenure and Land Conflict

In the previous section, the political developments of the Rwandan civil war and the impact on the flow of refugees were discussed. This section examines their influence on land tenure. For this purpose, we will examine the state of land holdings before the civil war and

⁷ According to a 1991 census, the average population density of the country was as high as 300 inhabitants per square kilometer (République rwandaise, Service national de recensement 1991).

analyze the impact of the civil war from micro data taken in two different cells situated in the southern and eastern provinces, where the author conducted field surveys beginning in 1999.⁸

The general characteristics of land tenure in Rwanda are indicated in Table 1. The figures are based on national census data from 1990. Only two of the eleven then-prefectures are shown in Table 1⁹ because the survey areas were situated in these two prefectures (Butare and Kibungo). From this table, it can be understood that land holdings were generally very small (around 0.6 ha of cultivated land on national average) even before the civil war, and that properties in the southern part of the country (Butare) are much smaller than those in the eastern part (Kibungo).

The difference in land holdings is directly attributable to that of population density, which has been characterized mainly by geography and history. The Butare area, where one of two research site was based (Cell B), makes up a part of the historical core of the Rwandan kingdom. Due to the favorable climate for agriculture, its population density has always been high. Recently, however, population pressures have brought about land fragmentation, thus hindering agricultural production. In Eastern Rwanda, higher temperatures and a short rainfall have negatively affected its population density. In addition, the area of the second research site (Cell R) was originally situated inside of Akagera National Park, where human settlements had been implicitly allowed ever since the 1970s. Although the area had not been considered to be inside of the National Park anymore in the 1990s, the population has remained relatively low. Recent national census data confirmed the low population density of the prefecture, as did our research from Cells B and R.¹⁰

Table 2. Land holdings of canvassed households in Cell B and Cell R (1999-2003)

	Cell B	Cell R
Average exploited land (m ²)	4,719	10,200
Maximum	21,858	37,254
Minimum	0	0
Average standard deviation	4,401.3	5,229.9
Average Gini coefficient	0.47	0.33
Average owned land (m ²)	5,793	8,616
Maximum	40,892	37,254
Minimum	399	288
Average standard deviation	7,818.3	5,189.8
Average Gini coefficient	0.58	0.37

Source: Survey data.

Note: N=21 (Cell B), N=22 (Cell R).

⁸ The largest unit of Rwanda's local administration is made up of four provinces (Eastern, Western, Southern, and Northern) and Kigali City. Each province is composed of several districts, the second largest unit, each of which contains several sectors. A sector is composed of several cells, which make up the smallest administrative unit and contain at least one salaried official. The Rwandan local administration system has undergone consecutive reforms since 2000. In 2005, especially, each local administrative unit was merged and enlarged. Consequently, a new cell generally corresponds to a territory as large as a previous sector. Although there are smaller units, called *umudugudu*, under new cells, no salaried officials are staffed within them.

⁹ After the local administrative reforms of 2005 all prefectures were merged and replaced by four provinces.

¹⁰ According to the population census in 2002, the population density per square kilometer of Butare prefecture (where Cell B was located) was 386, while that of Umutara prefecture (where Cell R was located) was 100 (République rwandaise, Service national de recensement, 2003: 17).

Table 2 shows the characteristics of land tenure after the civil war. The data were collected from the same households as two actual cells (then referred to as “sectors”) during 1999 and 2003. From this table, two regional differences can be observed.¹¹ The first difference concerns the extent of land holdings. The average land holdings in Cell R are much larger than those in Cell B. The same characteristics could also be observed in the pre-war period: the average land holdings in the prefectures in the eastern parts of the country were larger than those in the south (Table 1). In Cell R, which is situated in the eastern province and was within a national park until the 1970s, land holdings were generally large.

The second characteristic has to do with the inequality of land holdings within the same region: Gini coefficients in Cell R are much smaller than those in Cell B in the case of both exploited and owned land. The difference in the Gini coefficient reflects, at least partly, on the results of land division, which was extensive in Cell R. Among canvassed households, both those who were required to divide their own land and those who had acquired their land were included.¹² Some of them therefore owned exactly the same amount of land. This transfer of lands made the Gini coefficient in Cell R much lower than in Cell B, where the influx of returnees was small and land division was relatively rare.

Even if land is abundant, land division policies are still undoubtedly a radical method devised to provide old-case refugees with land, especially in a country with a high population density like Rwanda. In fact, it can be dangerous in the sense that such a forcible measure could foster grievances among those targeted, not only against old-case refugees but also against the government. To date, however, strong resistance to land division has not been observed. This is a surprising fact, especially taking into account the importance of land for Rwandan farmers.

Two factors can be used to explain why the original inhabitants have accepted land division without strong resistance: First and foremost is the RPF military victory in the civil war. The core of the RPF was made up of second-generation old-case refugees in Uganda; the guerrillas received strong support from these old-case refugees during the war. Indeed, this is the reason the massive return of old-case refugees started as soon as the RPF won the war. The decision to divide land, which favored old-case refugee returnees to the detriment of the original inhabitants, was understood among the population as a clear link to the RPF military victory. A policy like this was in fact only possible in such a post-war situation, in which leaders of the former government, who had been exiled, killed, or arrested, lost all power in internal Rwandan politics.

Another important factor related to the RPF military victory is the composition of the local administration. Table 3 shows the characteristics of the local authorities from the periods of 1999 and 2002 in two canvassed former sectors, which correspond approximately to the

¹¹ Another point to be gleaned from Table 2 is the difference between owned and exploited land, which indicates the existence of land tenancy. We do not argue this point here. See Takeuchi and Marara (2007).

¹² Among 22 canvassed households in Cell R, whose data are shown in Table 2, eight households were old-case refugee returnees. Among 13 canvassed Hutu household heads, six had divided their properties to concede to old-case refugee returnees.

actual cells. The table shows that the leaders of the local administration were supplanted by Tutsi old-case refugee returnees and survivors.¹³ The make-up of the local authority changed drastically after the RPF victory. Throughout the one-party system of the Habyarimana and Kayibanda eras,¹⁴ only ardent party members could be nominated for positions in local authority. In effect, almost all of them were Hutu. After the 1994 RPF victory, however, Tutsi returnees and survivors saw themselves wield enormous power within local administrations. This change was quite a significant factor in providing the smooth implementation of land division policies: these eager supporters of the RPF strived to provide guidance for land division and to control, as well as to suppress, the discontent.

Table 3. Local authorities in two research sites (1999~March 2002)

	year of birth	sex	ethnicity	note
actual "Cell R"				
Sector-chief	1955	M	Tutsi	old-case Returnees
Cell-chief 1	1949	M	Tutsi	old-case Returnees
Cell-chief 2	1960	M	Tutsi	Survivor
Cell-chief 3	1947	M	Tutsi	old-case Returnees
Cell-chief 4	1963	M	Tutsi	old-case Returnees
actual "Cell B"				
Sector-chief	1970	M	Tutsi	Survivor
Cell-chief 1	1943	M	Hutu	
Cell-chief 2	1957	M	Tutsi	Survivor
Cell-chief 3	1963	M	Hutu	
Cell-chief 4	1971	M	Hutu	

Source: Survey Data.

Note: In this table, Sector and Cell chiefs concern with administration units before the reform in 2005.

Today, the division of land has become a *fait accompli*. It is rare to see land division contested or challenged officially by the original inhabitants. This can be confirmed by data on *Abunzi*, a village-level justice system that has been in effect since 2007.¹⁵ *Abunzi* literally means "reconciliation committee," and they have been established in each cell and are composed of nine elected cell members. Minor offenses and conflicts within a cell are to be

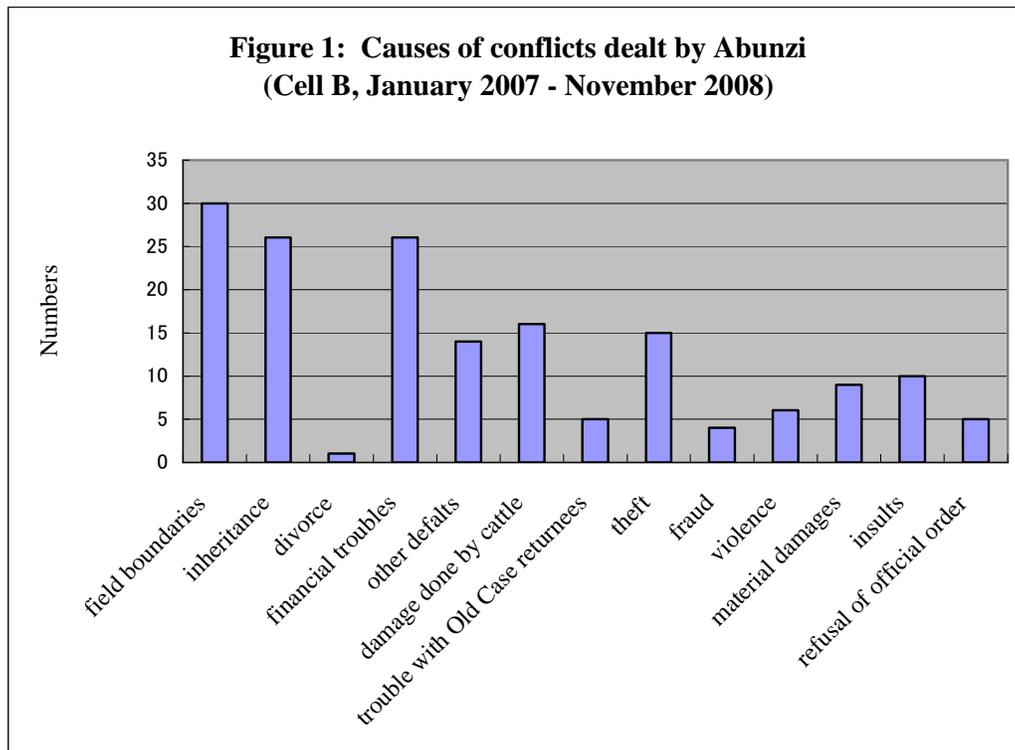
¹³ The Tutsis, who had managed to survive the slaughter of 1994, are called, "Survivors."

¹⁴ Although Rwanda had a multi-party system at the time of independence, the PRAMEHUTU became the *de facto* only legal party in the mid 1960s, monopolizing all seats of the national as well as local parliaments. Habyarimana, after having taken power in a coup d'état in 1973, established his own party (Mouvement Révolutionnaire National pour le Développement, or MRND) and stipulated a *de jure* one-party system in the 1978 constitution. He re-introduced a multi-party system in 1991, but the composition of local authorities did not change rapidly, except in regions where oppositional parties (especially Mouvement Démocratique Républicain, which was mainly a Hutu party) had a strong influence. In any case, the Tutsi had been politically marginalized in post-colonial Rwanda until the RPF victory.

¹⁵ This system is based on Organic Law no.31/2006 of 14/08/2006 on Organisation, Jurisdiction, Competence, and Functioning of the Mediation Committee.

mediated by *Abunzi*. If the mediation is not accepted by the litigants, the case is sent to a local tribunal.

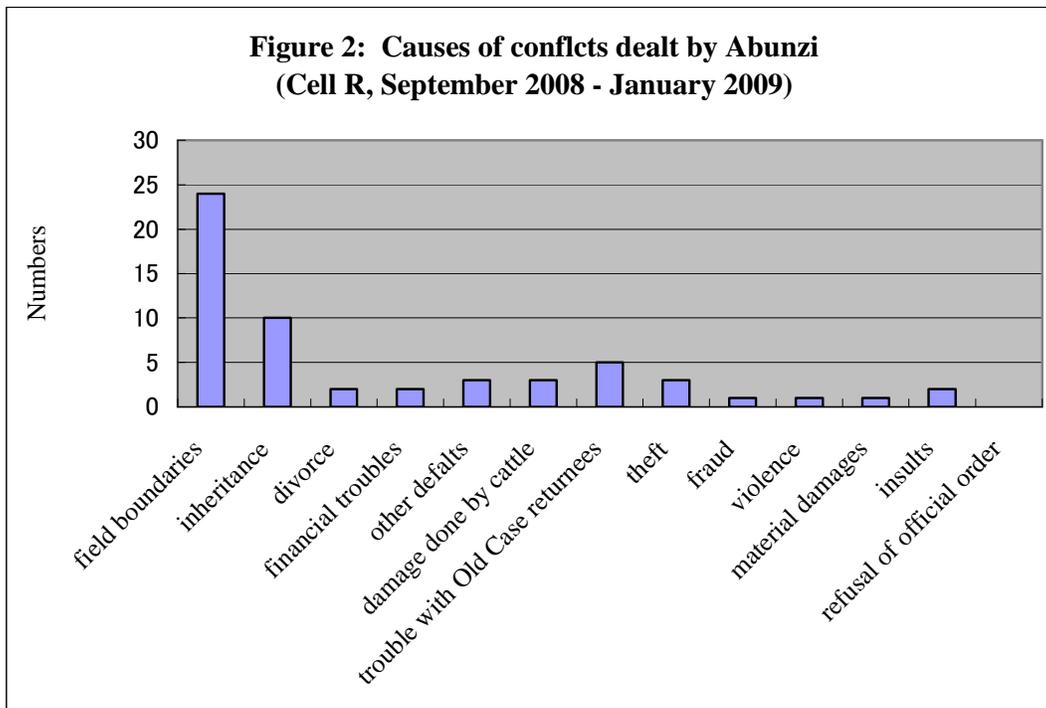
Figures 1 and 2 show causes of conflict dealt with by *Abunzi* in two canvassed cells. From these two figures, we can see the main causes of conflict at the local level. In view of this paper’s theme, three points in particular deserve mention. First, problems concerning land are the most numerous cause of conflict, and they are classified as “fields boundaries,” “inheritance,” and “troubles with old-case returnees.” This is understandable, as cultivable land is the most important kind of property for ordinary peasants in Rwanda.



Source: Survey Data.

Note 1. “Field boundaries” refers to troubles regarding field borders. They range from suits against an act of pulling out trees for boundaries to conflicts regarding to whom fields belong. “Inheritance” means conflicts among family members. Many of them are concerned with the allocation of properties such as lands and houses. “Financial troubles” refer to civil disputes concerning money: typical cases are the refusal to render a debt or to pay money for purchased goods. “Other defaults” means various types of non-fulfillment of contract, which includes a suit against a man who sold a pig that he had been asked to keep, and a suit against a man who refused to render fields that he had borrowed. Cases of “trouble with old-case returnees” are explained in the paper. “Refusal of official order” means a refusal to implement decisions of a tribunal.

Note 2. The number of cases examined was 127. The cases were classified according to cause of conflict by the author. Some cases are classified into two categories: for example “field boundaries” and “inheritance,” or “theft” and “insult.” The total number of cases classified was 167.



Source: Survey Data.

Note: The number of cases examined was 39. The number is much smaller than that for Cell B, because the period for collecting the data was much shorter. Some cases were classified in two categories, thus making total number of cases 57.

Second, local conflicts have broken out, in many cases, within families. In fact, cases classified as “field boundaries” often overlap with “inheritance.” These two causes are often inseparable because problems arise when a land inheritance is contested within the family. Familial relationships were often so complicated that conflicts had to be brought to *Abunzi*.¹⁶

Third, the number of cases concerning land division with old-case refugee returnees was therefore relatively small: five in each cell. In examining each case, we found that all judgments were followed up with official guidance about the division of land between returnees and the actual landowners. The guidance was as follows: 1) if the actual owner does not live on the site claimed by an old-case refugee returnee, and if he possesses land elsewhere, the entirety of the claimed land should be given to the returnee; 2) if the actual owner lives on the site of the claimed land, and if he possesses land elsewhere, the claimed land should be given to the returnee, except the house and its surroundings; 3) if the actual owner lives on the site of the claimed land, and if he has no land elsewhere, the land should be equally divided between both parties.¹⁷ The equivalent division of land between original

¹⁶ The following is an example from Cell R: PT, who was the daughter of a divorced woman, claimed her right to family land. While she and her mother left Cell R after the divorce, PT’s father was dead and his land was sold to a third party, NT. PT sued NT for the rights to the land, which he had bought. *Abunzi* called for the land to be divided between the two parties, to which both parties accepted.

¹⁷ Interview conducted with a Sector chief in Cell B on 16 August 2002. This policy is well known throughout the country.

inhabitants and old-case refugee returnees widely carried out in Cell R was considered a third-case scenario of guidance. All *Abunzi* judgments regarding “troubles with old-case returnees” were followed the guidance without exception.

Even if all of the judgments passed down by *Abunzi* followed official directions in both of the canvassed cells, the people’s perception of land division with returnees was divided. On the one hand, many of those we interviewed in Cell B, including some local authorities and *Abunzi* members, expressed concern over land division with old-case refugee returnees. Although they tended to stay in the eastern part of Rwanda, regardless of their origins, some of them returned to their homelands where their families had lived before the “social revolution”. In Cell B as well, several old-case refugees came back and began to press for land division after 1994. Their lands, however, had been occupied by other inhabitants who had immigrated to the cell in the 1960s, and they had acquired plots with the permission of local authorities at that time. It was clear that land division with old-case refugee returnees would make it very difficult for them to survive, as their plots were too small to divide.

On the other hand, in Cell R, such anxiety was not expressed as explicitly as in Cell B. Local authorities declared that the division of land had already been settled, and that the people had accepted the outcome. Although this may be nothing more than an official statement, even ordinary inhabitants tended not to express such concerns. One reason for this was the timing: while land division was still in progress in Cell B, it had already been accomplished in Cell R when the new-case refugee returnees returned in large waves between 1996 and 1997. Time has played a large part in lessening the feelings of resentment. In addition, as was shown in the previous section, land is relatively abundant in Cell R. This fact seems to have made a big difference in making land division more acceptable. While the number of inhabitants who were affected by land division, as well as the scale of land divided, are clearly greater in Cell R than in Cell B, resistance tends to be less explicit.

3. Politicization of Land: A Historical Background

The RPF victory in the civil war and the subsequent mass return of old-case refugees brought about drastic changes in land tenure in a short period, especially in the eastern part of the country. This could be interpreted as a move to provide resources for supporters of the newly established government, but at the same time it could also be seen as an inevitable obligation to care for those who had long been prevented from returning to their homeland. However, this was undoubtedly a significant event, in which political factors decisively affected land holdings. In Rwandan modern history, however, land holdings have always been affected by political factors. In other words, land has been continuously politicized in Rwanda.

As has been shown in previous sections, the Rwandan civil war in the 1990s was closely linked to the “social revolution”, and it was the second generation of old-case refugees that formed the core of the guerrilla organization. The war of the 1990s and the war of the 1960s are therefore connected through these old-case refugees.

In the same way that the civil war of the 1990s caused the subsequent division of land, the social revolution had brought about arbitrary distribution of land in the 1960s. After the mass outflow of old-case refugees, vast lands without owners were left behind and then confiscated by local authorities, who were at the same time acting as the leaders of the PARMEHUTU party. These local authorities, especially the Bourgmestres (Chiefs of Commune),¹⁸ wielded enough official power to distribute the confiscated lands after the social revolution (André & Lavigne-Delville 1998, 161).

In Cell B, we observed several households that had acquired lands on the authority of the Commune after independence. Two examples are as follows:

1. LR, a Hutu male, was born in 1934 in the southern part of Rwanda, near the Burundi border. He moved to Cell B in 1961 and has lived there ever since. When he had first moved into the area, the Bourgmestre authorized him to occupy a plot of land. He even purchased a land certificate for 50 Rwanda Francs (Frw). However, the parcel that the local authorities had given him previously belonged to a Tutsi family who had fled in 1959. When the family returned to Kibingo in 2000, they asked LR to give the land back to them. Having resided in Cell B for so long, LR could no longer claim any land in his birthplace. He finally decided to divide his land, giving half of it back to the old-case refugee returnees. In 2003 his property consisted of a field of 0.11 ha and a small parcel of woodlands (0.24 ha), which he cultivated to feed his family.¹⁹
2. NP, a Hutu male born in 1934, came to this Cell in 1943 with his mother. He acquired a parcel of land in 1961 when NZ assumed the office of Bourgmestre and BI was sector chief (*Conseiller*). In assisting Bourgmestre, BI exerted influence on the distribution of land. NP was a friend of BI, thus allowing him to acquire some land. The lands he received had originally belonged to RM and GT, both of whom were Tutsi sub-chiefs and had fled the country due to the “social revolution”. NP paid 400 Frw in 1961 for a land certificate.²⁰

These two examples show that local authorities had redistributed land to those in need. In addition, the second case indicates that this process might have been neither fair nor transparent, as friends of authorities received privileges in the process of land redistribution. The redistribution of land previously owned by old-case refugees was frequently carried out in areas like central and southern Rwanda, where the scarcity of land had already been a problem and beneficiaries were often non-land owning immigrants. The result was an official redistribution of land through the local administration, complete with issued certificates. After the RPF victory however, their land ownership was jeopardized by the demands of old-case refugee returnees.

¹⁸ A “commune” was a unit of local administration, which was established at the time of independence after having abolished the lowest unit of administration in the colonial period, “sub-chiefdom.” In 2001, they were reorganized into “districts” due to administrative reform.

¹⁹ Interview and field measurement conducted in August 2000.

²⁰ Interview on 17 October 2005.

In fact, the arbitral seizure of land by political leaders has a long history. In the pre-colonial period, the kingdom of Rwanda established a centralized administrative structure. The land tenure system in the kingdom was composed of two major elements: *isambu-igikingi* and *ubukonde*. Put simply, the former was a landlord system, in which peasants had to provide their pastoral chiefs with tributes and sometimes labor forces (called *uburetwa*). The latter was family land, which had been owned collectively by the family that had originally cultivated the land.²¹ In the center of the kingdom, *isambu-igikingi* had been the most prevalent. This meant that considerable land was possessed by Tutsi pastoral chiefs, to whom peasants²² were obliged to pay tributes and provide labor services (Vidal 1969; 1974). In this political system, peasants always faced possible expulsion by pastoral chiefs from their land.

In the colonial period, the land rights of peasants became further endangered. Although problems related to land during the colonial period are too complicated to describe in detail in this paper, conflict over land intensified due to several factors such as population growth, the commercialization of agriculture, and political change following colonization.²³ Under such circumstances, peasants often faced serious risk of expulsion from their lands due to the arbitral decisions of chiefs or through other conflicts with them.

In short, Rwanda has a long history of politicization of land: those who held political power often intervened and appropriated land for their own purposes. Both cases of land redistribution by the administration after the 1960s social revolution and the division of land after the RPF victory are clearly in line with this tradition. In addition, against the backdrop of this tradition, people were mobilized during the genocide of 1994. When the author interviewed suspects of the genocide and asked about their motivation for participating,²⁴ they often explained that land had been implicitly promised by politicians: it was assumed that if they killed and expelled the Tutsis, their land would be given to them.

Concluding Remarks and Policy Implications

This paper has shown that, first, the structure of Rwandan land tenure experienced a drastic change after the civil war of the 1990s, and second, such politically motivated changes in land tenure have followed a long historical trajectory since the pre-colonial period. In

²¹ For information regarding the traditional Rwandan land tenure system, see Reisdorff (1952), Maquet & Naigiziki (1957), Adriaenssens (1962), André & Lavigne Delville (1998).

²² Peasants who provided tributes were generally Hutu. It is, however, important to emphasize that Tutsi also paid tributes. Three reasons should be mentioned to this point: First, in principle, everybody except the king should pay tributes, which were to be concentrated at the top of the kingdom; Second, there were poor Tutsis who did not possess enough cattle and were obliged to pay tribute to their chiefs (d'Hertefeldt 1971); Third, the ethnic boundary between Tutsi and Hutu was generally so ambiguous in the pre-colonial period that the ethnic identity of tribute providers should not be limited to one category (Newbury 1988). As for labor services (*uburetwa*), providers were limited to Hutu peasants (Vansina 2001).

²³ The Belgian administration reform that was launched in the 1920s had the important effect in simplifying the administrative structure and in reducing the number of local administrators. In this way, the reform granted strong political power to the newly selected chiefs and sub-chiefs. This often caused an increase in competition for land among chiefs and ex-chiefs. For information regarding land conflict in the colonial period, see Reisdorff (1952) and Adriaenssens (1962).

²⁴ The author conducted interviews with nearly 50 suspects in the genocide at three prisons (Butare, Nsinda, Byumba) in Rwanda in 2003.

Rwanda, individual land rights have always been at the mercy of political powers. Land ownership, consequently, has been strongly influenced by macro-politics. The actual land tenure system is assured by the legitimacy of the RPF, the winner of the civil war and the controller of the government. Governmental guidelines for land division for old-case refugee returnees have been well observed, not necessarily because people were satisfied with them, but rather because disobedience is regarded as politically dangerous. The actual land holdings, therefore, could be contested, challenged, and even revised if the legitimacy of the RPF was questioned. In other words, Rwandan land rights remain closely linked to macro-level politics.

A vicious cycle between unstable land rights and unstable politics is no doubt undesirable. What is important now is to gradually stabilize actual land rights by balancing the discontent of old-case and new-case refugee returnees. Toward this end, political measures are necessary at both the micro and macro level.

At the micro level, it is crucial for the government to acquire legitimacy and gain the trust of those who have divided their lands for old-case refugee returnees. For this purpose, land-related policies should include pro-poor characteristics, with special attention paid to those who are vulnerable in rural areas. In the Rwandan context, significant numbers of nearly landless peasants deserve attention because they have been most affected from land division. Policies created with the purpose of taking care of them and providing them with a social safety net may be effective in changing their perception of the government. One such policy could be seen recently in the Eastern province, where huge ranches possessed by military officers were divided and distributed among peasants who had previously only had access to small plots of land.²⁵ Such actions help to ameliorate the general perception of the government and enhance its legitimacy in rural societies.

At the macro level, the government must make efforts to open up the political sphere: an inclusive democracy will help to stabilize land rights in the long run. Political exclusion and conflict have been directly linked and repeated throughout Rwandan history. Before independence, a small group of Tutsi chiefs monopolized political and economic power, which consequently caused the social revolution at the end of the colonial period. After independence, Tutsi refugees were not permitted to return home, thus resulting in the outbreak of civil war in the 1990s. Both conflicts, which brought about drastic changes in land tenure, are rooted in political exclusion closely related to ethnicity. In fact, the Rwandan government has tried to gradually open up the political sphere, even if it has often been criticized as oppressive. Such efforts should be enhanced. As Rwandan history clearly shows, it is impossible to suppress opposition indefinitely. Integrating opposing parties into the political order is the most effective means of achieving long-term stability.

²⁵ These ranches, which were originally a part of the National Park, had been repossessed by the RPF officers after the civil war, and had often caused troubles with the inhabitants; damage to crops caused by cattle was an especially serious problem. Local inhabitants generally appreciated the dismantlement and redistribution of these ranches. (Interview in Cell R in January 2009. See also, *New Times*, 31st January 2008, “Kagame winds up land re-distribution launch,” as well as *Economist Intelligence Unit*, Country Report: May 1st 2008, “The political scene: The president oversees land redistribution under new law.”)

References

- Adelman, Howard. 2003. The Use and Abuse of Refugees in Zaire. In *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, eds. Stephen John Stedman and Fred Tanner, 95-134. Washington D.C.: Brookings Institution Press.
- Adriaenssens, J. 1962. *Le droit foncier au Rwanda*, mimeo.
- André, Catherine & Philippe Lavigne Delville. 1998. Changements fonciers et dynamiques agraires: le Rwanda, 1900-1990. In *Quelles politiques foncières pour l'Afrique rurale? - Réconcilier pratiques, légitimité et légalité*, dir. Philippe Lavigne Delville. Paris: Kartala.
- Association rwandaise pour la défense des droits de la personne et des libertés publiques. 1992. *Rapport sur les droits de l'homme au Rwanda: septembre 1991–septembre 1992*, Kigali: ADL.
- d'Hertefeldt, Marcel. 1971. *Les clans du Rwanda ancien; Elements d'ethnosociologie et d'ethnohistoire*. Tervuren: Musée Royal de l'Afrique Centrale.
- Gasana James K. 2002. *Rwanda: Du parti-Etat à l'Etat-garnison*. Paris: L'Harmattan.
- Holsti, Kalevi, J. 1996. *The State, War, and the State of War*, Cambridge: Cambridge University Press.
- Jones, Bruce D. 2001. *Peacemaking in Rwanda: The Dynamics of Failure*, Boulder: Lynne Rienner Publishers.
- Lemarchand, René. 1970. *Rwanda and Brundi*. London: Pall Mall Press.
- Lugan, Bernard. 1997. *Histoire du Rwanda: De la préhistoire à nos jours*. Courtry: Bartillat.
- Maquet, Jacques J. & Saverio Naigiziki. 1957. Les droits fonciers dans le Ruanda ancien. *Zaire*, Vol.XI-4: 339-359.
- Melvern, Linda. 2004. *Conspiracy to Murder: The Rwandan Genocide*. London: Verso.
- Moore, Barrington. 1966. *Social origins of dictatorship and democracy; lord and peasant in the making of the modern world*. Boston: Beacon Press.
- Munyarugerero, François-Xavier. 2003. *Reseaux, Pouvoirs, Oppositions: La compétition politique au Rwanda*. Paris: L'Harmattan.
- Newbury, Catharine. 1988. *The Cohesion of Oppression: Clientship and Ethnicity in Rwanda, 1860-1960*. New York: Columbia University Press.
- Office of United Nations Resident Coordinator for Rwanda. 2000. *Common Country Assessment Papers, No.3 (Resettlement & Reintegration)*. Kigali.

- Otunnu, Ogenga. 2000. Rwandese Refugees and Immigrants in Uganda. In *The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire* (Paperback Edition), eds. Adelman, Howard and Astri Suhrke, 3-29. New Brunswick: Transaction Publishers.
- Prunier, Gerard. 1995. *The Rwanda Crisis, 1959-1994; History of a Genocide*. London: Hurst & Company.
- Reisdorff, I. 1952. *Enquêtes foncières au Ruanda*, mimeo.
- République rwandaise, Ministère de l'agriculture et de l'élevage. 1992. *Enquête nationale agricole 1990: Production, superficie, rendement, élevage et leur évolution 1984-1990*. Kigali.
- République rwandaise, Service national de recensement. 1991. *Recensement général de la population et de l'habitat au 15 août 1991*. Kigali.
- . 2003. *Recensement général de la population et de l'habitat, Rwanda: 16-30 août 2002*. Kigali.
- Reyntjens, Filip. 1985. *Pouvoir et droit au Rwanda; Droit public et évolution politique, 1916-1973*. Tervuren: Musée Royal de l'Afrique Centrale.
- Takeuchi, Shinichi. 2000. Hutu and Tutsi: A Note on Group Formation in Pre-colonial Rwanda. In *Conflict and Ethnicity in Central Africa*, ed. Didier Goyvaerts, 177-208. ILCAA, Tokyo University of Foreign Studies.
- Takeuchi, Shinichi and Jean Marara. 2007. Regional Differences Regarding Land Tenancy in Rural Rwanda, With Special Reference to Sharecropping in a Coffee Production Area. *African Study Monographs*. Supplementary Issue 35: 111-138.
- Vansina, Jan. 2001. *Le Rwanda ancien: Le royaume nyiginya*. Paris: Karthala.
- Vidal, Claudine. 1969. "Le Rwanda des anthropologues ou le fétichisme de la vache." In Les relations personnelles de subordination dans les sociétés interlacustres de l'Afrique centrale, Roger Botte, Francine Dreyfus, Marc Le Pape & Claudine Vidal. *Cahiers d'études africaines* 35: 384-401.
- . 1974. Economie de la société féodale rwandaise. *Cahiers d'études africaines* 53: 52-74.

Newspapers, Journals

Economist Intelligence Unit
The New Times