Land Policy Reform in Rwanda and Land Tenure Security for all Citizens: Provision and Recognition of Women’s Rights over Land

Ernest Uwayezu and Theodomir Mugiraneza
National University of Rwanda (NUR)
Centre for Geographic Information Systems and Remote Sensing (CGIS-NUR)

Outline

• Background to study
• Aim of research
• Data sources
• Results
• Conclusion and recommendations
Background to study

• In Rwanda, for many years ago, rights to land for women and female orphans had not been recognized.

• The main causes:
  - Inexistence of efficient land administration systems
  - Prevalence of traditional system of land tenure which did not favor women and female orphans.

Background to study (Cont.)

• Within customary systems of land tenure:
  - Widows and female orphans were deprived from the possession, use and control of land,
  - Land ownership was a prerogative of men,
  - Female descendants were excluded from inheritance of the family land
  - Land rights were transferred from father to son through inheritance process.
- A widow could not inherit her husband land if she was not legally married.
- Only her children could inherit their father land.
- A widow who had not given birth to any children was repudiated.
- Lands were grabbed by the relatives of the deceased husband.

Within statutory systems of land tenure:

- Land was registered in the name of husband even for legally married couples.
- Women did not have any control over land.
- A husband could sell his land without consent of his wife and the family should stay landless.
Background to study (Cont.)

• In 2004, the Government of Rwanda adopted a land policy reform,
• Aims of the reform:
  - Promoting an effective land administration system that ensures land tenure security for all Citizens,
  - Establishment of a legal environment that recognizes landholders’ rights without any gender discrimination,
  - Providing landholders the possibility for registering and transferring their rights over land.

Background to study (Cont.)

• A new land policy was enacted in 2004,
• An organic land law was passed out in 2005,
• Those two documents complement the national constitution (2003), the inheritance law (1999) on issues regarding the transfer of land rights
• They prescribe the respect and recognition of land rights for men, women, and heirs without any discrimination based on sex.
Background to study (Cont.)

• Some principles guiding access to land:
  - A legally married widow has rights to inherit the land of the diseased husband
  - Orphans, being female or male have equal rights to inherit their parents’ lands in case of death of both parents.
  - Children from illegally married couples: female as well male descendants have equal rights over their father land.

Aim of Research

• To assess if land policy reform undertaken by the Government of Rwanda, has contributed to land tenure security of socially marginalized people: widows and female orphans.

• To investigate whether rights of widows and female orphans on land are recognized, enforced and if their security of tenure is guaranteed.
Data sources
Field surveys: five districts

- Survey questionnaire and interview: 46 widows, 46 female orphans, and 46 old people
- Interviews: 38 local leaders and officers enrolled in land adjudication, land registration processes, and land management.
Results

• The new land policy and organic land law have been implemented.
• They help in solving claims related to land grabbing
• Leaders at different levels of government have assisted widows and female orphans in receiving back lands that they were evicted from.

Results

• From the year 2000 till 2010, local leaders received 452 claims from widows whose lands were grabbed,
• 82% of received claims were solved, and lands claimants received back their lands.
• 18% of the claims were still being processed during the survey.
Results

Number per sector of widows who claimed land rights from 2000 till October 2010

<table>
<thead>
<tr>
<th>Claims</th>
<th>Sector</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gakenke</td>
<td>Gihundwe</td>
<td>Kazo</td>
</tr>
<tr>
<td>Received claims</td>
<td>132</td>
<td>98</td>
<td>113</td>
</tr>
<tr>
<td>Solved claims</td>
<td>104</td>
<td>77</td>
<td>93</td>
</tr>
</tbody>
</table>

Results

- From 2000 till 2010, 954 claims related to land grabbing or unfair land sharing were received from female orphans
- More than 90% of claims were solved.
- 10% of claims were still in process during the survey period.
Results

Number per sector of female orphans who claimed land rights from 2000 till October 2010

<table>
<thead>
<tr>
<th>Type of claimant</th>
<th>Sector</th>
<th>Gakenke</th>
<th>Gihundwe</th>
<th>Kazo</th>
<th>Kibilizi</th>
<th>Rwerere</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Received</td>
<td>Solved</td>
<td>Received</td>
<td>Solved</td>
<td>Received</td>
<td>Solved</td>
</tr>
<tr>
<td>Land grabbing</td>
<td>104</td>
<td>90</td>
<td>56</td>
<td>44</td>
<td>97</td>
<td>83</td>
</tr>
<tr>
<td>Land sharing</td>
<td>121</td>
<td>121</td>
<td>97</td>
<td>95</td>
<td>104</td>
<td>104</td>
</tr>
<tr>
<td>Total</td>
<td>225</td>
<td>211</td>
<td>153</td>
<td>139</td>
<td>201</td>
<td>187</td>
</tr>
<tr>
<td>%</td>
<td>100%</td>
<td>94%</td>
<td>100%</td>
<td>91%</td>
<td>100%</td>
<td>93%</td>
</tr>
</tbody>
</table>

Results

- Rights on land for women and female orphans have received a considerable attention.
- Women heading household or widows, orphans participate in the process of land adjudication.
- As well as other land owners, widow and female orphans guide surveyors in land boundaries demarcation.
Results

- Land rights pertaining to widows, and orphans, being female or male are ascertained in similar way as rights of men.

- This is one of the ways the whole community recognizes lands rights of that category of landholders.

Results

- Land rights are registered on both husband and wife, for legally married couples.

- In case of the death of a husband, a widow continues to be the registered right holder of the land.
Conclusion and recommendations

• The land policy reform undertaken by the government of Rwanda has positively impacted the land tenure security for women and female orphans.

• Women and female orphans have been able to repossess and take control over their lands that they were deprived under the old and traditional system of land administration.

• Rwandan community recognizes the rights of women, female orphans over land.

• Widows have rights to inherit their husband’s land if they were legally married.

• Female orphans being descendants from a legal or illegal marriage have also the rights to inherit their parents’ land as well as the male orphans.
Conclusion and recommendations

• Some women and female orphans are not aware about laws and policy protecting them from land deprivation.

• They do not know the process for claiming or defending their interest in land.

• A sensitization about their rights over land is recommended.

Conclusion and recommendations

• A sensitization is also needed for the mediators who take part in solving conflict related to land ownership.

• Most of them do not know the current laws guiding the process of lands rights transfer.
Conclusion and recommendations

• Current legislations do not cover the rights of women married in a non-customary way.

• A widow who was illegally married does not have any rights over her husband property.

• Government should adopt laws clarifying the ways this matter can be handled.

Thank you