

GENDER LAND RIGHTS AS FACTOR OF HOUSEHOLDS' SUSTAINABLE DEVELOPMENT IN RWANDA

Kagabika M. Boaz¹ Byamukama Eliab Mpora² Kagabika Gaju Florence³

¹Kigali Independent University ULK ²Kabale University ³ULK Polytechnic Institute (UPI)

kagabikab5@gmail.com,

Email: *kagabika.boaz@ulk.ac.rw¹ ebyamukamampora@kab.ac.ug² flora.gaju@gmail.com³

Abstract

This study was to analyse Gender Land Rights as Factor of Households' Sustainable Development in Rwanda. The emphasis was put on land tenure reform theories developed in Africa for securing women's land rights through policies and laws issued in order to find out whether women land titling is really applied and if they enable the women to play their effective socio-economic role for the households' sustainable development in Rwanda. The conclusion is that women's titling rooted in land reform through policies and laws in Rwanda present significant positive benefits such as improved well-being for women and their families, women having a greater say in household decisions, access to loans, and higher children's school enrollment especially girls, sustainable stability of marriage between couples, sustainable land management. However, some challenges such low level of education, cultural practises maintain women in subordination status vis-à-vis of their husbands and society in general. Thus, the study recommended to promoting awareness and education under all forms, in order to breakdown the cultural barriers avoiding women access to socio-economic capacity building for their real empowering.

Keywords: Gender, Land right; Household, Sustainable development, Rwanda

Introduction

Land is very important to mankind not only live but also perform all economic activities on it. Moreover, land supports the flora and fauna, ensuring life to innumerable species. Most of our basic needs and requirements like food, clothing and shelter are obtained from land especially when it comes to the rural poor who depend on agriculture for their livelihoods. While access to

this important economic resource that is the key to the progress of every human, some people's fate is more dependent on land than others'. Groups such as women, especially in developing countries, are the major actors of land utilisation. In this regard UN (1990) argues that in developing countries women are the ones who produce the crops, tend the cattle and collect water. It is reported that 70 percent of women in Africa work in agriculture labor force, and 60 to 80 percent of food are produced by women farmers in most developing countries (FAO, 2011). In Rwanda, women being important actors, recently all legal owners of land have been registered and required spouses to be registered as co-owners of joint property; this is aimed at contributing to the empowerment of women, among many other things (Abbott, Mugisha and Sapsford, 2018).

1. Background

Rwanda is landlocked and among the fourth smallest continental country on the African mainland after Gambia (11,300 km²), Eswatini (Swaziland, 17,364 km²) and Djibouti (23.200km²). It covers an area of 26,338 km². In Rwanda, land is an important issue due to two different characteristics i.e. Rwanda is one of the most densely populated countries in the world (416 people per km² (NISR, 2012) and agricultural country where over 85% of its working class citizens depend on agriculture, adds more pressure on land as the sole economic capital to the rural peasants since more than inhabitants 520 per km² on agricultural lands (Musahara, 2006 and REMA, 2019). The rapid population growth has led to land pressure and fragmentation and created severe environmental challenges by causing farmers to push into marginal lands, clear forests, and cultivate steep hillsides without proper soil and water. The current population of more than 12 million people where female represent 51,6% against 48.4% of male and is expected to be approximately 22 million in 2050 with an assumed population growth rate of nearly 2% (NISR, 2012 and REMA, 2019).

2. Problem statement

In Rwanda, rural women handle various activities such as household activities, education and child care, hygiene and environmental sanitation. As the rural woman, the urban woman combines the production costs in the formal sector or not, household chores, childbearing, education and child care.

All these activities put women in direct and regular contact with the environment. Through these activities, women play a crucial role in the management of land resources, forest and water. However, the means put at their disposal are not up to their onerous duties. Indeed, poverty is feminized, the majority of poor are women who are often homeless or living in inadequate housing and living in precarious conditions in which they struggle to survive without thinking of tomorrow or the Environmental Protection.

Land is becoming increasingly scarce in Rwanda due to high demographic pressure and women are the real actors for food security and sustainable development of households.

Meinzen-Dick (2013), affirmed that assets under women's control give women greater bargaining power and often contribute more to important welfare outcomes for the household, in children's education, for instance.

The question raised: land tenure for Rwandan women is it secured for empowering them as decision-makers in accordance with the Sustainable Development Goals (SDGs) particularly for gender equality (Goal 5)?

The paper aims at analysing Rwandan land policy and laws issued in order to find out whether they are really applied and if they enable the women to play their effective socio-economic role in land management in connection with theories of African land reform for households' sustainable development.

3. Literature

This section is undertaken under two aspects namely theories of land tenure reform and empirical studies related to women land rights.

Land reform theories

In Africa, a certain numbers of theories have been developed in which land reform policies are rooted that are very important to explain African land tenure evolution and land management rights. The characteristics for each theory are exposed in Table 1 below.

Table 1. Land reform theories

Theory	Characteristics
Conservative	Preservation of customary tenure Broadly African view of land Traditional leaders prominent in land administration
Democratic adaptation	Respecting and clarifying existing, legitimate land rights Improving gender equity, accountability and democracy Building on existing customary practices
Hybrid adaptation	Combination of statutory and customary arrangements Participatory approach: communities decide which rights are recorded
Incremental adaptation	Titles are a long-term objective Extra-legal, off-register practices recognised as legitimate Spontaneous titling according to need
Incremental replacement	Titles are the desired end state Customary tenure provides sufficient tenure security Legal recognition of customary tenure and adjudication practices
Evolutionary replacement	Land rights spontaneously evolve towards individualisation Titles are required for tenure security
Collective replacement	Nationalisation of all land/collective farming villages Equitable distribution of resources and services Democratisation of traditional leadership Improved productivity and self-reliance
Systematic titling	Titles are required for tenure security Titling leads to economic development Customary tenure must be replaced

Source: Hull; Babalola and Whittal (2019)

The above theories can be summarised in three schools of land tenure reform ranging from the conservative theory that seeks to preserve customary law and tenure, to the replacement theory that seeks to do away with existing customary practices and replace them with formal, registered property rights. Between both extremes theories lies a third school: the adaptation theories that seeks to promote a more balanced approach to land reform sensitive to context-specific needs. But some thinkers have drawn attention that imposition of inappropriate theory may result in land reform that is unsuccessful. In this regard Clark and Luwaya (2019) therefore advised to scrutinise carefully the theory underpinning the development of laws and policies.

Empirical studies

Many studies conducted throughout much of the developing world show that women have less access, control, and ownership of this key asset, and their land rights are less secure. This hinders not only the development of themselves but also the development of the whole family as well as the one of the country.

Besides, it is agreed that when people have ownership, are responsible, motivated and committed to work hard and protect carefully their properties. In this spirit when women are land owners, they play more important role in land management.

According to Chaby, Frick and Hergeson (2016) there are particular concerns about safeguarding and promoting the role of women in natural resources management, which must be considered by overall efforts to strengthen governance. In the same context, Herrick and Tanya (2019) argue that women, especially in developing nations, have much to gain from the increased productivity of restored lands, and in addition to their labour, often have knowledge that can be used to increase the success of restoration projects. Horan (2013) ascertained that when women own the land they till, families tend to be better fed, better educated and healthier, research suggests. Daughters tend to marry at an older age and wives tend to suffer less incidents of domestic violence. Babies are born with higher birth weights. Food security and economic development increase.

Table 2. State of gender landholding in developing regions

Regions	Women agricultural labour force %	Women landholders %
Sub-Saharan	48.7	15
Asia (excluding Japan)	42	11
Latin America	20	18
Middle & North Africa	40	5

Source: USAID Statistics (2016)

Given that women constitute the majority of the agricultural workforce and many do not own land, many countries now enshrine gender equality in their constitutions and have laws guaranteeing equal land rights for men and women. National governments, international development agencies, and NGOs are increasingly taking action to secure women's rights in land redistribution and land registration programs; previously, these programmes were often biased in favour of men.

Salcedo-La Viña, (2020) illustrated that in Ethiopia, land policy has required the joint titling of household landholdings in the Oromia, Amhara, and the Southern Nations, with a requirement to include photographs of both spouses. In Tanzania, women's land certification jumped from 0 to 49.4 percent in the villages where USAID's Mobile Application to Secure Tenure (MAST) was deployed (USAID, 2016). In Indonesia, as part of recovery efforts following the earthquake and tsunami that devastated the province of Aceh in 2004, the government initiated a joint land titling programme that issued land certificates in the name of both husband and wife or brother and sister as equal owners (Salcedo-La Viña, 2020). Most of these land rights interventions receive significant donor funding. In Tajikistan, a Feed the Future project is supporting land policy reforms and legal aid clinics that focus on strengthening women's property rights and restructuring farms to develop a robust market in land use rights. In Kosovo, USAID is supporting judicial and policy reforms that strengthen women's property rights-including inheritance rights and is supporting public information and awareness campaigns and legal aid programs to help women understand and exercise their rights (USAID, 2016). In Bolivian the number of land titles has been issued to women under the land law (Ley No. 1715, Servicio Nacional de Reforma Agraria) (Salcedo-La Viña, 2020).

4. Research Methodology

For addressing the objectives generated and questions raised above, the researcher used a research design built on explanatory research. Therefore, the researcher exploited secondary data collected from published materials such as magazine and newspaper articles, conference proceedings, books, reports, and peer-reviewed journal articles related to land tenure reform systems development.

Given the qualitative character of this study, explanatory approach was used to clarify the study theories and to back the foundation and background of the study based on legitimate land rights improving gender equity, accountability and democracy building on evolutionary reforms of land tenures in Rwanda.

5. Study Findings in connection with land theories tenure reform

Conservative theory

In Rwanda as in many other African countries during pre-colonial period, land tenure system was characterized by the collective ownership, administered using customary laws under the sole king responsibility for the interest of all the Rwandans. This system promoted economic production and was a factor of stabilisation and harmony in production social relationships. Families were grouped in lineages, and these were in turn grouped in clans. Each clan had a chief. Clans were spread all over the national territory in different proportions according to regions. Land ownership relationships were thus based on free land use and on the complementarity of the modes of production (Government of Rwanda/ GoR, 2004). Two main types of land tenure were recognized viz “Ubukonde” or clan rights held by the chief of the clan who was not woman and “Igikingi “or right to grassing land granted by the king or one of his assistants known as “Umutware w’umukenke” (chief of pasture) was not neither woman. The land owner (umukonde) could grant access to these lands to someone and receiving in turn as payment labour or a portion of the harvest. Under ibikingi system, land was distributed to warriors or other individuals who gained the respect of the community. As women could not participate actively in war, in hunting, grassing activities or in public life their chances of being assigned land were very low; hence they had only usufruct rights to their husbands’ land (Andre, 1998).

Hybrid adaptation theory

German colonization that started right after the end of the 19th century and lasted till 1916, introduced statutory land law in land tenure system in which king’s authority over land was recognised but the first Catholic and Protestant missions bought land and became land owners. In 1926, Belgian colonization introduced deep changes in the management of the country by dividing the country into chieftainships and abolished the system by which a chief could own several land properties in different parts of the country, that characterised his importance in the country’s hierarchy. By decree of 24/01/43, missions owned land concerning free transfers and concessions of land to scientific and religious associations as well as to parastatals, urban districts, as well as trading and business centres (GoR, 2004).

Evolutionary replacement Theory

At independence in 1962, the land tenure system compared to the colonial period, has not changed much. As a matter of fact, 90% of the country's arable land is still governed by customary law. The statutory land law was still applied to a small number of persons and religious congregations. It was applied more often in urban areas and business communities. But two scenarios happened viz in first Republic, through the 'Communal law/district' of 23/1/63, the protection of rights relating to registered land under the customary law became the responsibility of the commune/district ; however, in second Republic the provisions of this law were virtually nullified by decree No. 09/76 of 04/03/76 concerning the purchase and sale of land customary rights, or the right of soil use, authorised individuals to purchase and sell customary land after application to the competent authorities, and subject to retaining at least 2 ha of land. The buyer was also requested to justify that he did not have land property equal to at least 2 ha. Ever since, the Government recognized only the right of ownership based on land registration and became, therefore, the eminent land owner (GoR, 2004).

Collective Replacement Theory

After the 1994 genocide, the Government of National Unity enforced the Arusha Peace Accords of 1993 in accordance with its Articles 2, 3 and 4 of the Protocol stated that " the repatriated persons, the Government of Rwanda should release all unoccupied land as identified by the Repatriation Commission" in order to resettle 1959 refugees who were expected to return and every returnee is free to settle in any area of his/her choice in the country, as long as he/she does not infringe on somebody else's rights". Consequently, the refugees have the right to repossess their properties upon their return. However, it was also agreed that "with a view to promoting social harmony and national reconciliation, refugees who fled the country over 10 years ago should not reclaim their properties which have been occupied by other individuals. To compensate them, the Government will give them land and assist them to resettle" (GoR, 2004).

This cannot go without saying that the massacres and the Genocide of April-July 1994 decimated over one million lives and led also to the displacement of millions of people leaving behind many widows and orphans.

Democratic adaptation theory towards Systematic titling theory

Due to these sad events that left behind many widows' heads of households, led the Government of Rwanda to proceed to land tenure reform laws in order to deal with land issues, resolve disputes, improve family livelihoods, and develop the country in general. These laws drew specific attention to women's land rights (Cangelosi and Pallas, 2014) because before the 1999 Law, women had no ownership of the household's property and did not inherit it, although they might manage it in the interests of dependent children (Abbott, Mugisha and Sapsford, 2018). The Rwanda Family Code (1988) was revised in 2008 to meet the principle of gender equality. The Inheritance and Marital Property Law (N° 22/99), which granted equal rights to women and men in terms of succession, entered into force in 1999. The Constitution of Rwanda, adopted in 2003, established under Article 185 the Gender Monitoring Office (GMO) to monitor the compliance of policies, programmes and projects with fundamental principles of gender equality, along with state budgets, international agreements, and issues such as gender-based violence (GBV) and injustice (GoR, 2019). The National Land Policy and the Organic Land Law, introduced in 2004 and 2005 respectively, included clear provisions with a mandate for gender equality in land rights and set out a context in which all land should be registered and rights gained under different means of access to land should be considered equal (Cangelosi and Pallas, 2014). This new body of land policy and law is currently in the process of being implemented. Law N° 43/2013 of 16/06/2013 Governing Land in Rwanda: the same as inheritance, Land reform in Rwanda supported women and men to have equal rights and enjoyment over their land properties. From this, both men and women have land titles registered on their names and this have facilitated especially women to access loans from financial institutions and engage in income generating activities (GoR, 2019). In its Article 4 of Law No. 43/2013 of 16/06/2013, it is clearly stipulated that all forms of discrimination, such as that based on sex or origin, in relation to access to land and the enjoyment of real rights shall be prohibited. The right to land for a man and a woman lawfully married shall depend on the matrimonial regime they opted for (GoR, 2013). Henceforth, rights for married women are enforced as part of the registration (See Annex 1). Figure 1 illustrates especially the land ownership between married couples

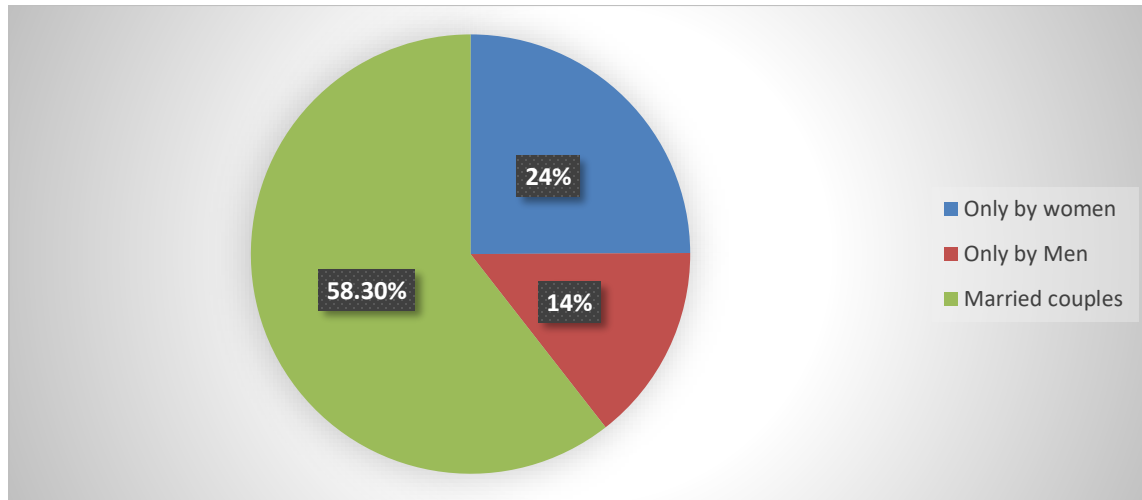


Figure 1: Men and Women Ownership in Rwanda

Source: GoR (2019): State of Gender Equality in Rwanda

It is in this regards UNHABITAT, IFAD and GLTN (2012) argued that Rwanda is the only country in Sub-Saharan Africa that has succeeded in formalising and documenting individual land tenure on such a comprehensive scale. In addition, GoR (2019) stated that in Rwanda, women's access to land tremendously contributed to their control over productive resources and access to loans using land titles as collaterals since land contributed to 38% of women's access to credit. Furthermore, a survey conducted by the World Bank (2019) to assess whether the Land Tenure Regularisation Programme (TRP) has impacted most direct, and most evidently successful in promoting gender equality. It has been found that the gender benefits are clear. Overall, except few who denied, men entirely welcome the new-found rights and voices of their wives, that women are exercising their rights in mostly constructive ways, and are often more responsible, farsighted managers of their families' land assets than their husbands. Even if the case of Rwanda cannot be exactly similar to other countries, however results from USAID (2016) displayed that in Nepal, 37 percent (37%) of women who owned land had the final say on a household decision, compared to 20 percent of women who did not own land and in Ethiopia, a household land certification programme led to a 44 percent increase in the likelihood of a wife deciding which crops to grow on lands under her control. In the vein, the participants to the World Bank survey ascertained that land titling has had a significant impact on women's perceived tenure security and peace of mind with regard to their

economic and social security in the household and the community. Because the ability of men to ignore or deceive women with regard to land ownership, use and disposal has been significantly curtailed. Women are still not equal partners in this regard, but their position has been greatly strengthened. Single, divorced, widowed and some married women may still face obstacles and be disadvantaged in some of their dealing with men and their community context, but all these groups are in a significantly stronger position than before the LTRP was implemented.

Regarding inheritance, informants across the country confirmed that inheritance practise has changed significantly as now it is possible to register the transfer of land rights to women through inheritance or succession either to daughters during the life of the parents or to children and widows after the death of title holders. Women are well aware of these changes, but they are also concerned that their inheritance and other land rights are not yet equivalent in practice to those of men. Participants to the study also confirmed that Land titles are also seen as a key feature of social empowerment for women. Partly due to legal requirements, but also because of cultural shifts in a rapidly changing society, women play an increasing role in community affairs although again they have yet to reach effective equivalence with their male counterparts. Overall, these changes have had a significant impact on title holders in general. Cultural shifts are also observed in parents' awareness for schooling their girls as shown in Figure 2.

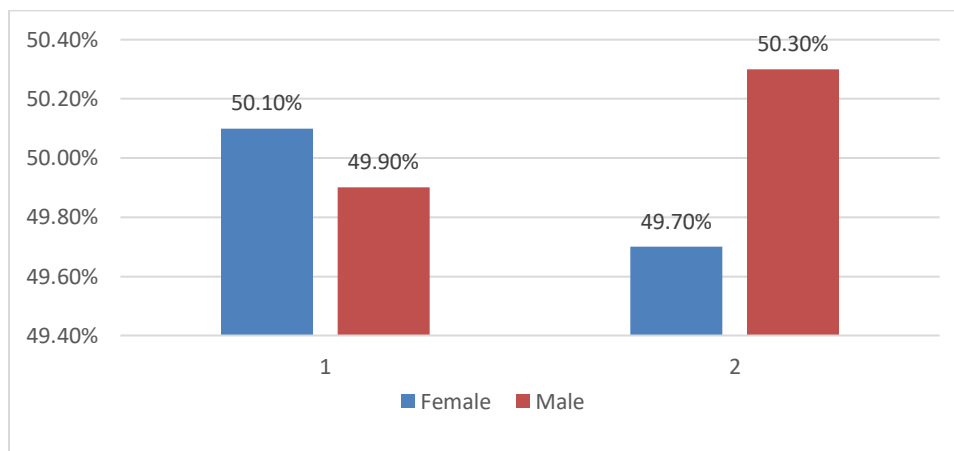


Figure 2: Numbers of enrolled Students at primary Education in 2017 (1) and 2018 (2)

Source: GoR (2019): State of Equality in Rwanda

As observed on figure 2, the number of girls and boys enrolled in primary education stands almost equal which indicates that parents now equally value the education for both girls and boys, contrary to the decades before where the community less valued girls' education. This empowers the future generations to equally realize their full potentials and contribute to the country's social economic development (GoR, 2019).

Once Again participants enrolled to world Bank survey stated that the land titling's rights offered to women are considered as evidence at community level that there are points to a significant, enhancement of women's bargaining power within the household that leads to sustainable stability of marriage between couples. However, as revealed by informants, the broader impacts of the legislative, policy and trends currently transforming Rwandan society are therefore difficult to disentangle from the broader evolution of gender relations. One significant unintended impact is that some men are now reluctant to marry formally, because they would be officially required to share land rights with their wives.

Concerning land management, USAID (2026) emphasised that in Rwanda, women with formalized land rights were 19 percent more likely to engage in soil conservation, compared to 10 percent among men and that in rural Benin, women were historically less likely than men to invest in soil fertility by leaving their land fallow, but this gender gap disappeared in communities where female-headed households mapped and documented their parcel boundaries.

All in all, The United Nations Sustainable Development Goals (SDGs), via the U.S. Government and USAID, helped to support as part of the 2030 Agenda for Sustainable Development, targets where women's land and property rights are important to ending poverty (target 1.4), achieving food security (target 2.3), and ensuring gender equality (target 5.a) by 2030.

Conclusion and Recommendations

From different land tenure reforms and policies theories, titling land rights to Rwandan women presents significant evidence of the benefits. As seen, these benefits include improved well-being for women and their families, women having a greater say in household decisions, access to loans, and higher children's school enrollment especially girls, sustainable stability of marriage between couples, sustainable land management, all in all, the households' sustainable development.

Although women are well aware of these positive changes in land titling, however, they are also concerned that their inheritance and other land rights are not yet equivalent in practise to those of men due to patriarchal culture still in practise latently in Rwandan society, low level of education especially in rural areas that limit women's capacities and put them in subordinated position. In this regard, Salcedo-La Viña (2020) warned that but while getting land registered in a woman's name is important, evidence demonstrates that focusing on titling alone whether individually or at the household level may not necessarily lead to greater tenure security for women. So, there is urgent need of awareness and education, breaking down cultural barriers of women, their socio-economic capacity building for their real empowering.

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Annex: Land Registration Certificate

URWEGO RW'UMUBITSI W'IMPAPUROMPAMO Z'UBUTAKA



UPI: 5/07/06/03/1347

AMASEZERANO Y' UBUKODE BURAMBYE No. 1347/BUG/MUS

HAKURIKIJWE Itegeko Ngenga N° 08/2005 rigena imikoreshereze n'imirungire y'Ubutaka mu Rwanda n'Iteka rya Minisitiri N° 001/2008 ryo kuwa 01/04/2008 rigena ibyubahirizwa n'ibikorikizwa mu gukodesha ubutaka

HAGATI YA Repubulika y'u Rwanda, ihagarariwe n'Umubitsi w'Impapurompamo (ari we wiswe Umukode mu ngingo zikurikira) ku ruhanda rumwe:

NA: umuntu cyangwa abantu bakurikira (Wiswe cyangwa biswe Ukodesha mu ngingo zikurikira) ku rundi ruhande:

Amazina y'Ukodesha cyangwa y'Abakodesha	Nomero z'ibibaranga	Imigabane
1. UWITONZE EPHREM	1197380069090027	50%
2. NYIRABAGESERA JOSEPHINE	1197270071128078	50%
3.		
4.		
5.		
6.		
7.		
8.		

Aderesi bahisemo kubarizwaho:

Ubahagarariye: UWITONZE EPHREM
 Igihugu: RWANDA
 Intara: Eastern
 Akarere: BUGESERA

Umurenge: Musenyi
 Akagali: Nyagihunika
 Umudugudu: Rushubi

BUMVIKANYE IBI BIKURIKIRA:

Ingingo ya 1:
 Ibyerekeye uburenganzira bw'ubukode bw'igihe cy'imyaka 20 ku butaka burangwa n'ibi bikurikira:

Intara: EASTERN
 Akarere: BUGESERA
 Umurenge: MUSENYI
 Akagali: NYAGIHUNIKA
 Umudugudu: RWANKERI

Nomero y'ikibanza: 1347
 Ubuso: 2,242sqm
 Igihe buzatangirira: 26-Jan-2012
 Igihe buzarangirira: 26-Jan-2032
 icyo ubutaka bugenewe gukoreshewa: Guturako (Ubutaka bw'abantu ku giti cyabo)

As observed, on land registration certificate, land titling is shared between both man and woman.