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**COLLEGE OF ARTS AND SOCIAL SCIENCES  
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M.A. IN DEVELOPMENT STUDIES**

Analysis of the Correlations between Land Registration and Land  
Related Conflicts Management in Rural areas (2014-2018)

Case Study of MUSANZE District.

Thesis submitted in partial fulfilment of academic requirements for  
the award of the Master's Degree in Development Studies.

**Submitted by:** BUTUNGE NDAMIYABERA Pascal

**Student number:** PG112001181

**Supervisor:** Dr. KAMUZINZI MASENGESHO

**Huye, March 2020**

## DECLARATION

I, BUTUNGE NDAMIYABERA Pascal, do declare that this dissertation is my own work and acknowledge that it has never been submitted anywhere else for any other similar award at my university or institution of higher learning.

Signature: .....

BUTUNGE Ndamiyabera Pascal

Researcher

Date: .....

## **DEDICATION**

I dedicate this work to my family and all people who helped me to complete this work .

## **ACKNOWLEDGEMENTS**

I feel intellectually indebted to various individuals who participated in whatever way to bring this work at the end; I recognise the invaluable contribution and support that they accorded to me.

First of all, I would like to express my sincere gratitude to local leaders for supporting my research in their area. I am deeply thanks giving the respondents who managed to provide information to me. I so much appreciate their sacrificed in this research.

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May God bless you all.

**BUTUNGE Ndamiyabera Pascal**

## **ABSTRACT**

This study examines the correlations between Land registration and Land related conflicts Management in Rural areas with reference to Musanze District. Evidence from both developed and developing countries show that land registration have been a core problem among some families. The problem is more severe in less developed countries like Rwanda.

Land registrations have not been totally a source of family conflict despite their valuable contribution in the economic development of all nations across the globe. They are well recognized from their contribution to the socio-economic objectives of growth in good living conditions, product output, and in their function as seed beds of entrepreneurship.

This study aims to investigate the causes of the problem and what could be done to mitigate the problem. The primary objective of the study is to determine how to improve the living conditions of people and their wellbeing in Musanze District after land registration. The argument is that there are internal factors that cause some conflict based on land registration.

For this purpose, the questionnaire was administered to 255 respondents from four sectors of Musanze District. All together 255 questionnaires were administered and all of them questionnaires returned. The response rate was 81%. Six major SMEs internal factors which included; family problems murders to some families and other information related to land registration issues, were investigated to find out their impact on the population of Rwanda in general particularly the four sectors sampled of Musanze District. Quantitative data were analysed using a Statistical Package for Social Sciences (SPSS) with statistical tools including descriptive statistics, frequency distributions and Bouchard test. To this end, the study sought the perceptions of Musanze District on reasons why the land registration has caused so many conflicts among people. The study focused on three research questions as outlined in chapter one and other relevant sections of the study.

The major finding of this study is that there is a significant positive relationship between land registration and related conflicts management in rural areas (divorce, murder, fight, hatreds, and swindling).

On the basis of these findings, the study recommended that, as it has been noticed in Rwanda that there is conflicts based on the process of land registration, all local government level should be empowered in order to solve all conflicts based on land registration.

**Key words:** correlations, land registration and land related conflicts.

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## **ABBREVIATIONS AND ACCRONYMS**

- ADR:** Alternative dispute resolutions
- CAP:** Common Agricultural Policy
- CNF:** Conseil National des Femmes/ National Women Council
- CNJ :** Conseil National de la Jeunesse/ National Youth Council
- CNTB:** Commission Nationale des Terres et autres Biens
- DLB:** District Land Bureau
- DLO:** District Land Officer
- EU:** European Union
- FAQ:** Frequently asked questions
- FGD's:** Focus Group Discussions
- FIG:** International federation of surveyors
- GBV:** Gender Based Violence
- GDP:** Gross domestic product
- GOR:** Government of Rwanda
- GPS:** Global Positioning System
- ICA:** International Co-operative Alliance
- IFAD:** The international fund for agricultural and development
- LRA:** Land Registration Act
- LTSS:** Long Term Services and Supports
- MAJ:** Maison d'Accès à la Justice
- MINIJUST:** Ministry of Justice
- MINIRENA:** Ministry of natural resources of Rwanda
- NGO:** Non-governmental organization
- NISR:** National Institute of Statistics Rwanda
- NURC:** National Unity and Reconciliation Commission
- OSC:** One Stop Centre
- PHC:** Population and Housing Census
- SPSS:** Statistical Package for the Social Sciences
- UN:** United Nations
- UNDP:** United Nations development programme
- UNEP:** UN Environment
- UNHCR:** United Nations High Commissioner for

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## **CHAPTER ONE: GENERAL INTRODUCTION**

### **1.1 Background to the study**

In Rwanda for many years ago, women had no right to land according to traditional system. It is in 2004 that land policy in Rwanda, which favored then to get access to land. Therefore, the main goal was to give a right to all citizens to have the same opportunity to the land.

### **1.2 Statement of the problem**

Rwanda is a small and densely populated developing country located in the Great Lakes region of Africa. Its population is nowadays estimated around 10,515,973 people over 26,338 km<sup>2</sup>, meaning a density of more than 339 inhabitants per km<sup>2</sup> (NISR, 2012 4<sup>th</sup> PHC).

In addition and unfortunately, Rwanda does not have much natural resources: it has no oil, little precious metals and some minerals. The more significant but scarce natural resource it has is land. And the majority of Rwandese property is made up of small scale farmers who live in rural areas and depend on land as their means of production and survival. For them, land has an economic, political and symbolic value; which sometimes led to conflicts.

Land has been the central issue of the political economy in Rwanda since many years ago: Rwanda's traditional kingdom has been based on agriculture and livestock, and political leaders have continuously intervened in the distribution of land (Vansina, 2001). Referring to an agricultural survey conducted in 2008, 84% of the Rwandese are engaged in agriculture sector (NISR cited by Tackeuchi&Marara, 2011), the highest figure among 48 Sub-Saharan African countries according to World Bank (2008, World Development Indicators cited by Tackeuchi&Marara, 2011); and which results in high dependence of agriculture on Rwandan economy: about 40% of the gross domestic product (GDP) depends on agriculture (Garadi&Bakwatsa, 2005). Moreover, the same source indicated that arable land in Rwanda was counted for 48.6% of the total land area in 2007.

Land scarcity is nowadays a big problem in Rwanda. Demographic pressure decrease the size of land available to an estimated 0.5 ha per household; 28.9% of the population live on less than 0.2 ha; the majority of Rwandans access land through customary inheritance regimes which have resulted in fragmentation of plots to an extent where resulting parcel size is not economically viable (UNEP-UNDP,2006).

In addition to land scarcity in Rwanda due to demographic pressure in terms of population growth, over-cultivation and soil erosion (UNDP,2007), poor technology in exploiting it is another crucial issue : poor rural farmers, the majority of Rwandese, use traditional techniques in exploiting the marginal land on which they live and practice intensive farming.

In this context, land has been the most common cause of conflict in contemporary rural Rwanda at the extent to which it was one of the encouraging arguments to commit genocide in 1994: political leaders instigated the killings in rural areas by saying: “ If you participated in the killing, you will be remunerated with land” (Tackeuchi&Marara, 2011:120).

Considering seriously different land related problems, the Government of Rwanda has actively intervened in the land tenure by putting in place institutions, policies and laws to regulate land issues.

Problem which this study intended to solve was analyzing of the correlation between land registration and land related conflicts management in rural areas.

### **1.3 Objectives of the study**

#### **1.3.1 General objectives:**

The general objective of this study was to analyze the correlations between land registration and land related conflicts management in rural areas with Musanze district as a case study.

#### **1.3.2 Specific objectives**

To identify and analyze the challenges in land registration;

To identify and record the existence of land related disputes

To analyze gender aspects in relation to land related disputes

To propose the appropriate strategies to overcome the challenges identified in land registration.

### **1.4 Research questions**

This study seeks to respond to the main question: “What is the correlation between land registration and land related conflicts management in rural areas in Musanze District”?

In additional, to perform this task requires responding to the following specific questions:

- Does registering land contribute to reduce land related conflict?

- Does registering land facilitate territorial governance?

- What are the challenges faced in land registration and what are land related conflict?

- What are the link between registering land and people's wellbeing?

### **1.5 Research hypotheses**

H-1-The process of land registration does not reduce conflict based on it.

H-2-The registration of land facilitates territorial governance.

H-3-Land registration and people wellbeing have a relationship.

### **1.6 Purpose of the study**

The primary purpose of this study is to analyse the availability of land registration and related conflict management in Musanze District through an examination of the factors that determine the relationship between land registration and conflicts related to land management in rural area. The second purpose of this study is to empirically investigate the relationship between land registration and causes of conflicts in Musanze District in order to address the lack of adequate land registration staff in Musanze District. The ultimate aim of the study is to chart a way forward for land registration and related conflicts in Musanze District to provide adequate solutions to those conflicts relating to land registration within the said district.

### **1.7 Organization of the study**

This dissertation is organized into five chapters. Chapter one gives out the introduction of the dissertation by including the following elements: background information, problem statement, objectives, hypothesis, research questions, purpose of the study, and organization of the study. Chapter two discusses the Literature review. Chapter three presents the methodology. Chapter four presents and analyzes the findings in line with research questions and hypothesis. Finally, chapter five provides the conclusion and suggestions.

## **CHAPTER TWO: LITERATURE REVIEW**

### **2.0 Introduction**

The previous chapter explained the research problem and many literature reviews on the contribution of land registration in Rwanda specifically in Musanze District to promote rural development in rural area. This chapter will be based on foundation for the updated study by setting it with research theories, and other studies compared before and other related ideas. It furthermore details the literature review and theoretical framework related to the topic such as land, land registration, land dispute, land lease.

### **2.1 Definition of concepts**

**2.1.1 Land registration:** The International Federation of Surveyors (FIG) defines land registration as follows: “Land registration is the official recording of legally recognized interests in land and is usually part of a cadastral system. From a legal perspective a distinction can be made between deeds registration, where the documents filed in the registry are the evidence of title, and registration of title, in which the register itself serves as the primary evidence” FIG, 1991 The benefits brought about by instituting a system of land registration need to be viewed in context (Browder, Olin L., et al. 1989. *Basic Property Law*. 5th ed.)

**2.1.2 Land management:** According to Land Tenure Lexicon, Land management is the process by which the resources of land are put to good effect. It is a system of planning and management methods and techniques that aims to integrate ecological with social , economic and legal principles in the management of land for urban and rural development purposes to meet changing human needs, while simultaneously ensuring the long-term productive potential of natural resources and the maintenance of their environmental and cultural functions ( Dumanski, J. 1994. International Workshop on Sustainable Land Management for the 21st Century: Summary. Workshop Proceedings. Agricultural Institute of Canada, Ottawa, ON. 50 pp.. )

**2.1.3 Land conflict** can be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property right to land: the right to use the land, to transfer it and the right to compensation for it.

A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land (Wehrmann 2005).

**2.1.4 Land lease:** This is a written document confirming a person's rights to land, which is governed by written laws and delivered according to the law by competent authorities. It is called 'land lease' in the Rwandan context because land is for example in the case of agricultural use leased by the government to individuals for 99 years.

**2.1.5 Land Conflict management:** The practice of recognizing and dealing with disputes in a rational, balanced and effective way. Conflict management implemented within a business environment usually involves effective communication, problem resolving abilities and good negotiating skills to restore the focus to the company's overall goals

## **2.2 Discussion of existing literature on land management systems**

The processes of land registration in Europe have been done based on common view. This was done by the registry officer expert in property right and land registration. In Rwanda, land as asset of survival and production, it will always remain the basic foundation of the economy based on agriculture. From the social view, Rwandans are mostly attached to the land which is attached to their traditions (Rurangwa E; 2013).

Land tenure security in Rwanda as sub-Saharan Africa; gender promotion play a role of agriculture and food security. For livelihood, a great majority in rural area is depending on land and other natural resources. In 2003, the constitution of Rwanda states that both man and women have the equal right without discrimination therefore, women have the ability to purchase and hold a property (GOR Constitution 2003; GOR Constitution law 2005).

By the end of December 2012, land tenure is underway in the country, 10,3 million of parcels were already available and digitalized at 100% , 8,3 million of parcels were regularized in database and 7 million were titles approved and printed for distribution while 4 million leasehold collected by the owners of land. At that time 11,840 dispute were registered in the whole country. Meanwhile some challenges occurred in some circumstances such as land registration, in Islands where some people complain their own state, while the land law confirms their state. We also have the marshlands boundaries which are not specified due to rural women who are still in custom setting (opp cit) (Rurangwa E., 2013).

### **2.2.1 General background of Land Administration**

Land Administration is a process of implementing the policy of land management such as recording, determining and disseminating information about tenure, value, and use of land

management policies. It is also the activity of valuating land as a resource. It has both the economic and environmental perspective for sustainable development (UN/FIG 1999:52).

The system of land administration may have so many perspectives such as public land management, where there is a private registration and recording land property.

Furthermore, in country with colonial background, there is a system of a dual land administration which is normally operating in urban area mostly and former area occupied by colonial background as well as customary system.

Land law reform activities in support of modern land administration systems are becoming increasingly necessary to keep up with the trend toward market liberalization and the demand for stronger private property rights in land (Bruce 2006:3).<sup>10</sup>

The term land law administration can be finally wider range of systems which was established by the state to record rights in land to informal administered community.

### **2.2.2 Global critical issues on land management**

Around the world, land is often the most important production resource. Conflict over land use arises from unsecured access and property rights, overexploitation and unequal distribution.

One key challenge of rural development, therefore, is to establish fair and binding land use rights, since access to land represents a basis for income and food, particularly in rural areas. Moreover, legal certainty with respect to land resources is a key factor in stabilizing democratic structures and a fundamental prerequisite for economic development in the mainly poor informal urban and rural areas.

**Table 1: The issue of land management in different continents**

Continent	Land tenure
Africa	land registration is not certain and false information, although the accurate information in most countries it is not neutral, telling the land is implemented by people with customary tenure, therefore some lose their right.
Asia	The recognition of right to land is confirmed to non-forest land population in different countries. Indigenous people, who lived on their cultivated land for many years, then are also classified as forest where they never return nor to own it.
Europe	The land registration system in Europe have caused many problems because it was only there to identify problems not giving solutions. Many cases occurred to people who built on their own land and they have not been able to get right of their land.
Latin America and Caribbean	In Latin America and Caribbean, the land administration is based on informal system which is an issue to to development where the level of indigenous is increasing daily. It is the case where a family may have land, many years without having title of it.

**Source: World Bank. Report 2007**

### **2.2.3 Strengths and constraints of land administration**

Land registration has been having many constraints as well as strengths in different steps such as security of food, protecting environment management of climate.

It has been also a tool of preventing land conflict in many countries as well as initiating development. Therefore, the demand of land in so many countries have been increasing , but on the other hand the supply was reduced, therefore the management of land created many conflicts and violence of these conflicts, therefore, the process of acquisition of land should be negotiable. It has been a process where the demand of land increases, while there is a scarcity of land which is fixed, and by the end it produces the conflicts (Friis et al 2010: 1)

He further more said that most of land is leased or bought by companies in Africa and many other continents. State actors and private investors from developed countries and newly industrialized countries capture huge agricultural areas – generally with access to ample

water – in developing countries through purchase or long-term leases to grow food, agro-fuel or other cash crops for export.

### **2.2.3.1 Strengths**

#### **Land Administration**

A land administration system may include processes to manage public land, record and register private interests in land, assess land value and determine tax, define land use, and support the process of development application and approval.

Land administration goes beyond the implementation of legal, cost efficient cadastral and land registration systems to the set of services that make the land tenure system within a country relevant and operational;

Records and recognition are the basis of land tenure security and are interdependent with the social, cultural, and economic conditions of the respective social groups. Over time, needs evolve, and institutions, both customary and formal, must be adaptive;

The legal, institutional, and technical elements needed to ensure that property rights are well defined, enforceable, and transferable at low cost vary substantially.

Information on establishment and maintenance costs is extremely relevant with respect to the affordability and sustainability of registry systems.

### **2.2.3.2 Constraints**

The way of acquiring land legally, goes over land administration, the land tenure system depends on cadastral and land tenure in the country. For more security of land tenure, there have to be a land recorder and recognition. Progressively, the social, culture as well as economic needs are condition of the perspective group who want to acquire land tenure. The property rights are well enforceable, defend and transferable at law vary sustainability with respect to the sustainability and affordability systems of land registration.

#### **❖ Urbanization**

The urbanization of land has been made with the agricultural production with new structure of urban land which has large space required.

For instance, 1,2 million of ha was reserved to agricultural and was taken to production every year in sub developing countries caused by the expansion of built areas ( Lambin et al, 2003 p10)

#### ❖ Land leasing or land grab

By leasing land, it was a way in which there have been a high demographic of the population, this have been due to many different investors from different areas such as China, India and others. Smaller and Mann (2009) say that most Asian inverters in agricultural is done in order to promote food production and development as well as the energy increasing.

In many countries such as China, India and others, the population is too high but their land is so limited and the industrialization as well as urbanization is increasing day after another.

In this regard, land scarcity will have a serious impact on development up on sense countries which can affect many countries Africa included.

#### ❖ Demography

There have been a big change and much impact on land due to the demography which affected the living condition of people. From 1987 to 2007 at least 34% was measured by the population rate. Furthermore, the estimation was increased from approximately 6.8 billion of the total population in 2010 to 9.2 billion in 2050 (Friis et al. 2010). It mean that, the amount of land per person have decreasingly goes down from 7.9ha in 1900 to approximately 2ha in 2005, the prediction for can reach 1.6ha in next 2050 (Gitay et al.2007).

### **2.3 Related case studies of land management**

#### **2.3.1 Registration of Land in Cambodia**

In Cambodia's law, the the whole land was belonging to the national Government or the king, therefore people are acquitting the land progressively by the time they possess the land at that time they get a right of possession in order to be recognized. Furthermore the land should not be cultivated or acquainted for three years continuously, therefore, the possessor lost its right, this was applied before colonization of French people before colonization in 1998; Lim, Voan (1998) Land Regime in Cambodia, Annex II.

#### **2.3.2 Land registration in England and Wales**

Land registration in England and Wales is embarking on a new voyage reforms proposed by act 2002 of land registration (LRA 2002). The aim of the act was to implement the truly and honest way of land registration in transparence. The documentation containing the origin its consultative was the land registration for the timely first century which was published in 1998 and it provided a forum for high debate in this area therefore the land registration in England and Wales was based on advanced technology area, which had the purpose of remedying the difference between people, and limitation accompanied with the amending the legislation.

The government has the task to register the land technologically, in order to promote the wellbeing of citizen and to promote their development.

### **2.3.3 Land registration in Burundi**

#### Political achievements

At the end of 2005, there has been a reform taken in the land administration.

#### 1. Mediation of land conflicts involving returnees

One the conflict in this country is based on returnees and internal displaced people who don't want to share the land. Due to 1993 conflicts many Burundians fled their country and their land was occupied by the local administration. Due to the civil war of 1976 allowed the occupied land to own them temporarily. At the end of 1977, one year later, the new decree of land said that those have being occupying land for more than 30 years were allowed to get the ownership. Thus this created many conflicts between returnees who fled the country and left their own land and the citizens who occupied the land later. Therefore the government of Burundi created a commission in charge of dispute on land between returnees and new occupers of land, the commission itself is called dispute resolution and repatriation of land. In 2002 there have been a "*commission National terre et autres bien*", Nationale commission of land and other commodities which was implemented in all Burundian provinces to the local local instances, the said commission was initially formed by local leaders, judicial officials and religious representatives. So many conflicts were solved through that commission.

#### 2. Decentralization of land management

Despite the problems of land faced by the government of Burundi, therefore the way of registering land in easiest way is as follows as they are disconnected to social realities in that country. Thus the land registration is obviously done in main cities only, where an officer hake to make a survey on boundaries of the land and the registration is done at the capital of the country which was Bujumbura. Most of citizen in country side in terms of making land boundaries they use mostly stones and others at their premises for their cadastral services.

### 3. Local court system

Although the justice ministry hasn't been involved in reform, it also helped to solve land issues, comparatively to other African countries; it has almost 150 local magistrates in total where most of conflicts relate to land conflict.

### 4. Shortcomings

Besides the already mentioned weakness of the Burundian policy, there are some general shortcomings with regard to the coordination and the viability of three initiatives such as:

- Lack of coordination; in fact the major components of Burundi's policies are distributed in stakeholders without any coordination.
- Absence of the process of participative in land registration, the citizen does not participate in the process of registration.

In this regard, not only the highest level which do not participate, but also the participation of local citizens and lower level is too low which affects the beneficiaries of initiatives in rural areas. Furthermore the vulnerable groups are not sufficient which affects them. Some related cases were officially detected where a woman had never had the same right as a man on the point of land sharing and land administration where a man has always been considered as ahead of the family. The current situation is that the government of Burundi does not recognize the inheritance process of the women; furthermore ladies, child is not inherited like young boy into their families. The last group marginalized Batwa where they have never participated in land registration where they have always been considered as nomads who always immigrate from one place to another without stability. The nowadays situation is that the Batwa population are not recognized legally nor protection as well as their land. Today, the local government do not take care of vulnerable groups who do not have a land for surviving and developing their own families Kohlagen; *D (210), Vers un nouveau code foncier au Burundi*. In S. Naryse, F Raynntyens, and S. Vandergiste (eds.), *L'Afrique des grands Lacs, Annuaire 2009-2010, Paris: L'harmattan; P.87-94*.

### **2.3.4 Land management in Rwanda**

Land in Rwanda is a key factor of production, making its proper management a requirement for sustainable development. Due to increasing demand of land for settlement both urban and rural residential settlements as the result of high increase in population growth in Rwanda, given the actual development and mismanagement of lands it has affected and will continue to affect agricultural, grazing, forestry, wildlife, tourism and land resources available if no appropriate measures taken. To address the identified key issues in land use management within a development-oriented approach poses challenges to all stakeholders and requires integrative solutions across the policy, socioeconomic, and environment sectors.

#### **2.3.4.1 Historical background**

Since the pre-colonial period the state of Rwanda had a strong leadership and was characterized by separation of powers. The King ruled together with the governors and local leaders. As far as the main resources were land and livestock, there were chiefs in charge of land (abatware b'ubutaka) and chiefs in charge of livestock (abatware b'umukenke). The chiefs solved issues related to their respective areas of responsibilities. However, the king as an overall leader had ultimate rights on land management as mentioned in "Le système des relations sociales dans le Rwanda ancien" by Jacques J Maquet. The head of family was allowed to exploit the land both for agriculture and livestock. Across different phases of administration in Rwanda notably the pre-colonial, the colonial, after independency and after liberation in 1994 the land tenure system kept changing depending on socio economic and political context

#### **2.3.4.2 Land tenure system in pre-colonial Rwanda**

According to the national land Policy (2004), the land tenure system in pre-colonial Rwanda was characterized by the collective ownership of land, where there was complementarity between agriculture and livestock hence families were grouped in lineages and inherited land from their ancestors. The ownership of land was based on the using of land and the way of increasing its productivity (agriculture and livestock). We have many type of land tenure such as:

Ubukonde, this was held by the clan leader, who was to clear firstly the land, he would own enough space to resettle his people know as *abaturage be*. He should get the land through the king's acquisition.

*Inkungu*: It is a process where the custom itself enabling the local authority to own the land.

*Gukeba*: This was done by king where he used to offer a land to any of his citizens or one of his chiefs who are ruling a given region of his territory.

### **2.3.4.3 Land tenure system during the colonial period**

The reign of Belgium have played a big role in destroying Rwanda society (National land Policy 2004). It was formed by the traditional trilogy based on land, livestock and security of the country. Therefore it was transformed in centralized administration where all rules and regulations were taken into the highest level. The 1926 reform was to review the way in which land management is working, it was a way in which a chief he was himself allowed to acquit the land, therefore the land management in Rwanda was characterized by the land importance traditionally. This was concerning the cities as well as foreigners who are working in Rwanda. In middle of 20<sup>th</sup> century the administration of Rwanda adopted the system of working together in community service. It was in 1959 that the land tenure has been a factor of real conflict between families. During this period most of citizen fled the country based on land administration and land related conflict in Rwanda.

### **2.3.5 Land dispute**

A land dispute occurs when two separate entities feel like then both have a legal claim to a piece of property.

#### **2.3.5.1 Land disputes in Rwanda**

Land related cases existed in Rwanda since time immemorial just like anywhere else in the world. The Government of Rwanda identified land disputes as “[...] the greatest negative factor hindering sustainable peace”. More than 80% of the cases that came before a prefect were concerned with land (GOR 2001). Other Institutions like the Unity and Reconciliation Mission and the Office of the Ombudsman report the same amount of land conflicts (Musahara 2006). Daconto et al. (2011) show that this is also true on the local level. Their research indicates that 80% of conflicts at village level in Kinigi Sector of Musanze District are land related. The same number is also confirmed by Gasarasi&Musahara 2005 (cited by Musahara 2006), who found that more than 80% of all disputes in the rural Districts of Kibungo are related to land. Takeuchi &Marara (2011) conclude that ‘[...] land is the most common cause of conflict in rural Rwanda’. The National Unity and Reconciliation Commission (NURC) showed in 2001 that the majority of the Rwandan population sees land issues as a main obstacle for sustainable peace (cited by Musahara 2006).

There is a wide range of complex conflict constellations. Nevertheless, these can be categorized to different types of conflict. Since the categorization is to a certain degree artificial, it has to be clear, that the different causes of conflicts are often closely connected (Takeuchi & Marara 2011, 123).

A literature review shows that the causes of conflicts vary from region to region. But the most often mentioned type of conflict can be described as intra-family or inheritance conflict. Carpano (2011, 14) for example cites a UNOPS/IFAD report which states that disputes are mostly connected to inheritance. Research conducted by Daconto et al. (2011, 15) shows the same. The first of the two main types of conflicts that Takeuchi & Marara (2011, 123) identified, is also about family and inheritance. Gasarasi & Musahara 2005 (cited by Musahara 2006, 12) identify family disputes as a main type of conflict and Gasarasi 2005 (cited by Musahara 2006, 13) shows that polygamy is the main cause of land conflicts in his research. Musahara & Huggins (2005) describe an increase of family/inheritance conflicts. The cause of intra-family disputes can be explained due to complex family structures. These are often connected to polygamy, unofficial marriages, divorces and the death of spouses or parents (Daconto et al. 2011, 15; Takeuchi & Marara 2011, 124).

A big factor according to Takeuchi & Marara (2011, 123) is connected to the political change since the genocide in 1994. This refers especially to the waves of refugees that came back to Rwanda since the RPF gained power. These conflicts can be divided into a) conflicts that occur because of land sharing between returnees and inhabitants and b) the claim of rights of returnees over their land that they inhabited at the time of their escape. The high risk of this conflict type is that it could lead to ethnic tensions because the returnees are mostly Tutsis while the inhabitants are mostly Hutus. It still has to be clear that the reality is not that simple (Takeuchi & Marara 2011, 127-131).

Another important type of conflict is land grabbing and expropriation, sometimes connected to imidugudu projects (Daconto et al. 2011, 15). In the latter context the absence or insufficient compensation seems to be an issue while land grabbing is often conducted by powerful people for the reason of land speculation (Musahara & Huggins 2005, Pottier 2006, 511). Musahara (2006, 12-13) concludes different papers and shows that this type of conflict is occurring very often.

Minor types of conflict seem to be boundary disputes, the selling of land to more than one buyer, disputes over land lease contracts, different land users with conflicting land uses and others (Carpano 2011, 14; Daconto et al. 2011, 15).

In 2006 a local system of conflict mediation was introduced in Rwanda. Local mediation committees called 'Abunzi' were established. The members are voluntary selected local inhabitants that work at Sector and Cell level. The idea of this local conflict resolution mechanism is to prevent that too many civil or criminal cases go to local courts (Takeuchi & Marara 2011). Takeuchi & Marara (2011) describe the authority of the Abunzi as '[...] not very strong' but it seems like the weakness of Abunzi is not only about their authority. Research indicates that they also suffer from insufficient capacity. Uwayezu & Mugiraneza (2011) show that the Abunzi in Rwandan Districts do not have sufficient knowledge about the current land and inheritance laws. The level of satisfaction with the handling of land related disputes on the local level is according to Daconto et al. (2011) low as well. Especially women seem to be more dissatisfied. Concrete reasons for the lack of satisfaction are for example the bribing of the Abunzi in favor of rich people, a lack of knowledge about family rights and a lack of avenues where the rights of unofficial married women or women in polygamous relationships could be addressed (Daconto et al. 2011).

### **Analysis of land dispute in Rwanda**

Conflicts over land have increased in Rwanda because of the ambiguity of land rights. Recently, as the price of land has risen, disputes over land ownership have occurred among the people and villages. And there is a trend of land dispute escalating into violence.

#### Causes of land dispute (Conflicts)

The examples above illustrate several important problems in managing land in Rwanda.

- Inconsistent decision by different levels of institutions
- lack of solid legal documents to prove ownership, possession, distribution, which leads to evictions without compensation even if the parties have possessed the land for a long time.
- Clash of the claims based on the land law versus the customary law of the possession.
- Lack of standards to recognize past land use.
- Insufficient dispute resolution systems, driving Rwanda to take matters into their own hands.

In Rwanda we have an exhaustive list of causes of conflicts relating to land registration.

As conflicts related to land dispute, our respondents said:

*"Ku bagabo bafite abagore benshi, kwandikisha ubutaka byatezaga ingaruka z'amakimbirane hagati y'abana hagati y'abo cyangwa hagati y'umugabo n'abagore kuko umutungo wandikwaga ku mugabo n'umugore w'isezerano; ikindi, hagiye hagaragara ubwicanyi hagati yabana n'ababyeyi babo bapfa ubutaka, harinaho byagize ingaruka*

*kumiryango iyo ababyeyi batasezeranye, kuko umutungo wandikwaga ku mugabo wenyine.”  
Urugero, taliki ya 28/2/2020 umubyeyi witwa Karangwa Joseph (60years) wo mu Murenge  
wa Kimonyi, Akagari ka Birira, Umudugudu wa Rurembo yakubise umwana we witwa  
Niyonzima Janvier (25years) agafuni amuziza kwari kumusaba ikibanza kandi yari  
yaramuhaye ikindi akakigurisha”*

It means that, for those who are polygamy, there was land conflicts related to heritage because only the legal wife was inherited, they furthermore said that some children killed their parents because they wanted to get their own land, by the end, our respondents said that, the process of land registration have been one of family conflicts in case which both men and women were living together illegally, and the men wants to own the land himself. A concrete example was given to a father who cut his son who was requesting him a property of land.

### **2.3.5.2 Land disputes resolution in Rwanda**

Land use disputes using of key conflict resolution skills with How to Resolve Land Use Legal Solutions. It is important to seek resolution not vent frustration and forget about them. This legal solutions advice is aimed primarily at resolving disputes between individuals, small groups and organizations. Most people lack effective negotiation skills and do not have knowledge about laws and legal system. When serious disputes occur, the first thought is to sue to get justice. However, there are legal solutions which may provide justice without high attorney fees, court costs with less emotional stress. <http://landuseadr.com/adr.html>

ADR, known as Alternative Dispute Resolution has a long history within the U.S. and International community. ADR encompasses dispute resolution options such as mediation, arbitration, ombudsman and paralegal. ADR Dispute Resolution was introduced in 1887 when the United States Government passed the Interstate Commerce Act. The Act set up procedure for voluntary submission of labor disputes for arbitration. Between 1899 and 1907, League of Nations conducted meetings on use of ADR alternative dispute resolution and adopted arbitration as an international dispute resolution practice. In 1925, the U.S. Congress passed Federal Arbitration Act which governs arbitration of contractual disputes involving commerce.

The recorded history of dispute resolution travels back to ancient times. Over thousands of years, meditation evolved into a standard legal practice. Indian scriptures called 'tantras'

mentioned meditated techniques 5000 years ago. Land Use Legal Solutions are comprised of many resolution options such as negotiation, facilitation, mediation conciliation, arbitration, ombudsman, paralegal, and litigation. To understand how to resolve disputes, we will start with how disputes originate. Disputes start out as simple annoyances, gripes or complaints before turning into serious conflict. Most businesses and individuals overlook early warnings signs.

People avoid conflict until it becomes a crisis. Learn more about ADR Frequently Asked Questions Conflict Resolution FAQ Land Use Negotiation and Facilitation Solutions Many Land Use disputes can be resolved by simply talking in open discussion or by seeking professional negotiation and facilitation assistance. Parties talk and work out their differences. A dispute specialist can intervene as a facilitator to help exchange information, clarify facts and suggest resolution solutions. Land Use Conciliation Mediation Solutions When Land Use disputes cannot be resolved in discussion, parties can engage in a formal mediated hearing.

Land Use Conciliation Mediation involves a certified mediator who conducts a neutral meeting with parties. The Mediator goal is to amicably resolve conflict through voluntary efforts. Conciliation Mediator uses persuasion and people skills to facilitate dialogue. When voluntary compromise is not forthcoming, the Land Use Mediator utilizes their experience and expertise to suggest possible settlement solutions. Both conciliation and mediation allows parties to maintain civil relationships and offer the greatest opportunity for mutual resolution. Find Land Use Conciliation Mediator Search Mediator Directory Land Use Arbitration Solutions if mediated intervention did not produce a mutual settlement agreement. Arbitration is a dispute resolution process which is more adversarial than mediation.

Land Use Arbitration is similar to a court proceeding but less formal and less costly. Arbitration Clauses are found in many business and consumer contracts. The arbitration clause usually assigns an arbitration organization to handle the dispute, along with limits of financial damages and costs of the arbitration including the fees and expenses of the arbitrators and administrative costs. The important item to understand is Arbitration is a final step in obtaining legal settlement. If arbitration parties are unhappy with the arbitration hearing, they are prohibited from filing a civil lawsuit. The arbitration award is final.

Like a courtroom case, arbitration sessions may include representation by attorneys with pre-hearing discovery, subpoena witnesses to testify, examination of witnesses and the

presentation of law precedents. After each party presents their case and evidence, the neutral Land Use Arbitrator renders decision called an Arbitration Award. The Arbitrator decision (arbitration award) is final. Arbitration parties have to follow the Arbitration Award and cannot file court lawsuit on the same case. Whereas in mediation and conciliation, if a dispute resolution is not voluntary reached, the parties maintain options for arbitration and lawsuit litigation.

When an Arbitration Clause does not exist, parties can voluntary select Arbitration as a method to settle their conflict or dispute. Some parties select Arbitration as is similar to a courtroom cases. Land Use Arbitration is preferable when cases involve punitive damages, high compensatory amounts. Lawyers and attorneys on both sides can present in behalf of their clients. Arbitration Awards are enforceable in court.

Arbitration sessions are generally confidential and not available to the public. Find Land Use Arbitrator Search Arbitrator Directory Before Filing a Land Use Lawsuit When intervention programs do not provide mutual resolution, traditional civil law litigation may be the best legal action especially when punitive damages are sought. Land Use lawsuit is an ultimate legal settlement for individuals and businesses who feel they have been wronged. Land Use Lawsuit is the civil litigation procedure, in which a law case is filed by an attorney within a court jurisdiction to seek justice.

Never file a Land Use lawsuit without an experienced litigation attorney specializing in your issues or business area. Land Use lawsuits can take months to schedule, drag out for years before a court judgment is reached. Besides financial cost in attorney litigation fees, courtroom costs, and administrative expenses, there is the emotional stress in personal relationships, along with consequences in personal health. Prior to filing lawsuit litigation case involving Land Use issue, it is advisable to have litigation consultation with several litigation attorneys to seek their law advice and evaluation of your Land Use case. Find a litigation attorney who you believe can win your cases with attorney fees within your budget.

The cost of an attorney can vary substantially. Different attorneys charge different rates. Some types of cases are more costly to litigate than others. Many attorneys take certain types of civil lawsuits on a "contingency fee" basis. With some contingent agreements, the attorney does their fee unless they recover money for you. Please know they are administrative and courtroom legal costs involved in litigation. Unless your contingent agreement state otherwise, you will be required to repay those costs even if you lose. You should begin by

educating yourself with the law books and other self-help legal resources found in website links. <http://landuseadr.com/adr.html>

Therefore, our respondents said that the process of land registration has promoted the legal wedding in order to facilitate women to have right to their family land, they furthermore said that all of them had the equal right to their land.

My theoretical framework

After making an analysis up on land registration in different countries such as Cambodia, England and Wales, Burundi and elsewhere, and after making relevant causes of conflicts in land registration, in Rwanda there have been several problems with land management practices (first) the officials failed to records the land distribution arrangement. Second, there have been problem with the implementation of the land registration system, specifically in land transaction. Land registration started in 2005 based on the instruction on land use and management policy and it set out the requirements for acquisition ownership through possession of land.

### **Conclusion**

The way of registering land differs by country to another according to the rules applicable in the country.

## **CHAPTER THREE: RESEARCH METHODOLOGY**

### **3.0 Introduction**

This chapter describes the methods applied in researching in this thesis. The case study approach has been chosen to investigate perceptions concerning and operations in the land registration and conflicts management in Musanze District. The sampling procedure is described, followed by the means of data collection. Methods of data analysis and the limitation of the research are focused. Finally, the framework of this research is introduced.

According to Welman, et al (2005), research methodology refers to research methods and techniques considered in the study and it explains the logic behind in selecting them. Therefore, research methodology discusses methods, tools and techniques employed to gather, record, analyze and interpret information to achieve the objectives of the study and explaining rationale for using them. Therefore our research will focus on four sectors sampled of Musanze District which are: Cyuve, Nyange, Muko and Gataraga

Research designs fall under two broad categories, qualitative and quantitative research. The choice of research design centres on the nature of the research, the setting, the possible limitations and the underlying paradigm that informs the research project. The researcher should choose a design that will provide relevant information on the research questions and complete the job most efficiently.

Hair, et al. (2007) writes that when hypotheses are developed, the researcher typically relies on a quantitative approach. Since the research involved testing of hypotheses, consequently the research adopted the quantitative approach to investigate why land registration and land related conflict management in rural area do not get adequate measures in Musanze and to empirically test hypotheses regarding the land registration determinants. The main feature of quantitative research is the heavy reliance on numbers and mathematical tools of data analysis to arrive at findings or conclusions.

The study was approached from the perspective of a valid research design through definition of the study population and sample design, the incorporation of suitable measuring instrument and reliable techniques for data analysis. The study concentrated on major land registration and related conflicts in rural areas. The population of the study comprised headquarter of Musanze District plus the evaluation of land registration and related conflicts

takes place at the District of Musanze this is the reason why the survey took place at the District and other four sampled sectors said above.

Data gathering instrument that was found appropriate for this study was through a questionnaire. For this purpose, the questionnaire was administered to 255 respondents of Gataraga, Muko, Cyuve and Nyange of Musanze District.

Quantitative data analysis was done using the Statistical Package for Social Sciences (SPSS) version 19 for windows. Statistical tools used included descriptive statistics, frequency distributions, nonparametric tests using chi-square method and scale. The qualitative data from the open-end question were analysed by classifying data, extracting themes, identifying patterns, tallying and quantifying responses and making generalization out of these patterns.

### **3.1 Justification of the Methodology**

This chapter takes the foundations introduced in chapter three and illustrates how they will impact upon the choice of a methodology for carrying out research in social sciences. Initially we focus on the range and scope of predominantly qualitative methodologies and their position in relation to the positivist/interpretive continuum we have described in the recent chapters and how this impacts upon how research is carried out and analyzed. The chapter then considers the characteristics and value of qualitative methodologies for research in this domain. The range and scope of research methods is vast (Tesch 1990). This is not diminished when focusing only on qualitative methodologies. Indeed, many positivist (quantitative) methodologies can be used qualitatively. In considering the range and scope of qualitative methodologies, it is useful to consider both the characteristics and purpose of these methodologies.

### **3.2 Description of the study area**

The District of Musanze, located in the northern province of Rwanda is formed by 15 different sectors which are Busogo, Cyuve, Gacaca, Gashaki, Gataraga, Kimonyi, Kinigi, Muhoza, Muko, Musanze, Nkotsi, Nyange, Remera, Rwaza, and Shingiro. Its population is estimated around 368,267 people over 530.4 km<sup>2</sup>, meaning a density of more than 694 inhabitants per km<sup>2</sup> (NISR, 2012 4<sup>th</sup> PHC).

In our study we are going to focus on the following sectors: Cyuve, Gataraga, Nyange, and Muko. Two cells in each sector were chosen as a sample. This amount was chosen because this is the least amount of Cells that was identified in Sector. For Sectors with more than 2

Cells, they were chosen because they have a highest number of land related disputes. According to the District Land Bureau (DLB), Cyuve sector was considered as the sector with least cells (2), because 4 Cells which are Kabeza, Buruba, Rwebeya and Bukinanyana are located in urban area.

The identification of Sectors and cells was done with consultation with mediator, the department of Good Governance at District level and Secretariat of M.A.J (Maison d'Accès à la Justice) which is the department of the Ministry of Justice (MINIJUST).

**Table 2: Work areas of the research**

Region	District	Sector	Number of Cells	Number of Cells (Study)	Name of Cells
Northern Province	Musanze	CYUVE	6	2	Migeshi-Cyanya
		GATARAGA	4	2	Rubindi-Murago
		MUKO	4	2	Cyivugiza-Cyogo
		NYANGE	5	2	Kamwumba-Cyivugiza
TOTAL			19	8	

**Source:** Primary data, July 2014 .

### 3.3 Delimitations of the study

It is important to recognize the inherent limitations of the scope and the approach of the study. The land registration can be addressed from many different perspectives; this study only aimed to provide a durable solution to conflicts relating to land registration in rural area. The present study did not investigate why those conflicts were not solved previously by the local governance.

In addition to, the impact of external factors such as shortage of land, high rate of population and others were not considered. Though this study makes a unique and significant

contribution to the body of land registration and related conflict management in rural areas focussing on Musanze District specifically in sectors said above. Therefore, our study will be delimitates as follows:

In space delimitation: It will gather in sampled in four sectors of research in Musanze District.

Time delimitation: Our work will be delimited timely from 2014 to 2018, it has been chosen because it is the real time of land registration in Rwanda.

Domain delimitation: The topic will be contextually localized in the domain environment and Sustainable development.

### **3.4 The population sample**

The study concentrated on Analysis of the correlation between land Registration and land related conflicts management specifically in Musanze District. The population sample of the study comprised of four sectors of Musanze District is 255 as following:

- The Population sampled in Cyuve Sector is 61 with 45 males and 16 females;
- The Population sampled in Gataraga sector is 66 with 51 males and 15 females;
- Muko Sector have 65 with 51 males and 14 females
- And Nyange Sector which have 59 with 44 males and 15 females.
- At District level, 4 individuals were sampled with 2 males and 2 females

Data gathering instrument that was found appropriate for this study was through a questionnaire.

Quantitative data analysis was done using the Statistical Package for Social Sciences (SPSS) version 19 for windows. Statistical tools used included descriptive statistics, frequency distributions, method and scale reliability analysis. The qualitative data from the open-end question were analyzed by classifying data, extracting themes, identifying patterns, tallying and quantifying responses and making generalization out of these patterns.

This technique of sampling refers to selecting a small amount of something which shows you, or which can be tested to show you what the rest is or should be like (RWIGAMBA, 2000). The financial constraints do not allow us to make an interview to the whole population. Hence, we have preferred to choose amongst a small number called a sample.

In its simplest form sampling is a process undertaken by a researcher of identifying and selecting a group of individuals who participate in the supply of data. Coldwell and Herbs (2004) define sampling as an act, process or technique of selecting a representative part of the

population for the purpose of determining parameters or characteristics of the whole population. Sekaram (2003) concurs with that by describing sampling as a process of selecting a number of elements (a sample) from the population so that a study of the sample and understanding of its properties or characteristics would make it possible to generalize properties or characteristics to the population elements. The purpose of sampling is to make generalizations about the whole population using data observed from the sample.

There are many reasons for using a sample rather than collecting data from the entire population or making a census. Census is an account of all the elements of the population. A sample for this study will be drawn from abunzi, women, and youth of the four sampled sectors of Musanze District in Rwanda. The compelling reasons for sampling include (i) lower cost, (ii) greater accuracy of results, (iii) greater speed of data collection, and (iv) availability of population elements (Cooper and Schindler, 2011).

Coming back to our topic, the four sectors selected have got a sample of 108,204, who are working in different sites. Young people with the age falling between 28 and 50 years old are distributed in all those different sites. The process of selecting sample was done according to the formula given by Luc Alballery of the University of Louvain (Belgium) quoted by Nzabandora (2004). The author argues that a sample made of 10% of the total is allowed for achieving quantitative research in social sciences. As we selected 255 people, the number that is upper 130, we assert that the research results keep their value and validity.

For this purpose, the questionnaire was administered to 255 respondents from four sectors. All together 255 questionnaires were administered and 255 questionnaires returned. To determine a sample, Bouchard (1986) states that, when the population being investigated is less than or equal to one million people, it is made to match a sample of 96 individuals with margin error of 10%. Four sectors are made up with 108,204 (all population) but, 255 are sampled.

$$\text{FORMULA: } N = \frac{N \times n}{N + n} = \frac{108,204 \times 255}{108,204 + 255} = 255 .$$

N= shows the whole number of population or 108,204

Nc= the sampling corrected.

No= a number of population sampled which is equal to 255.

This means that, the total size of the sample in 255 to whom the questionnaire was distributed, these respondents was selected randomly.

### **3.5 Data collection tools and sample size**

The process involved a combination of several data collection tools with an aim of maximizing data control, validity and reliability.

Validity has been described as a mechanism which ensures that the process implemented to collect data has collected the intended data successfully (Wellman and Kruger, 2001).

Validity is an indication of how sound your research is. More specifically, validity applies to both the design and the methods of your research. Validity in data collection means that your findings truly represent the phenomenon you are claiming to measure. Chao-Ying Joanne Peng & Daniel J. Mueller

According to Bobbie (1995), validity refers to the extent to which an empirical measure adequately reflects the real meaning of the subject under investigation.

Four tools were used for data collection and these included; documentation, semi structured questionnaires, interviews, and focus group discussions. Here is the table which shows the number of respondents sampled by sector:

**Table 3: Number of responds per category**

Interview and Focus Group Discussions	Number of responds per Sector and District Level														
	1. FGD		CYUVE		GATARAGA		MUKO		NYANGE		DISTRICT LEVEL		TOTAL		
	M	F	M	F	M	F	M	F	M	F	M	F	T		
Mixed FGD	9	3	16	3	16	3	12	3	0	0	53	12	65		
Women FGD	0	10	0	9	0	8	0	9	0	0	0	36	36		
Men FGD	15	0	10	0	12	0	13	0	0	0	50	0	50		
Youth FGD	9	1	13	1	11	1	7	1	2	2	42	6	48		
Mediators(Abunzi)	12	2	12	2	12	2	12	2	0	0	48	8	56		
<b>Total</b>	<b>45</b>	<b>16</b>	<b>51</b>	<b>15</b>	<b>51</b>	<b>14</b>	<b>44</b>	<b>15</b>	<b>2</b>	<b>2</b>	<b>193</b>	<b>62</b>	<b>255</b>		
<b>2. INTERVIEWS</b>															
Director of OSC									1		1		1		
Director of Good Governance									1		1		1		
CNF		1		1		1		1		1	0	5	5		
CNJ		1	1		1			1	1		3	2	5		
Cells Executives Secretary	1	1	2	0	1	1	2	0			6	2	8		
Court									1		1		1		
MAJ									1		1		1		
Land Bureau Officer	1		1		1		1		0	0	4		4		
<b>Total</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>17</b>	<b>9</b>	<b>26</b>		

Source: Primary data 2015

The table below shows that, in four Sectors said above in which our total sampled population was 255, we sampled 193 men and 62 women in our total population.

### 3.5.1 Observation

Zikmund and Babin (2010) describe observation as a systematic process of recording actual behaviour of people, objects, and events as they happen without questioning or communication with them. Primary data can be obtained by human beings or machines as observers. Researchers using this method of data collection can either and record information while watching events take place or use tracking system such as checkout scanners, this method was used in Musanze District to observe different activities in land related issues.

This section describes the actual data collection. For this purpose, the questionnaire was administered to 255 respondents from sampled sectors. All together 255 questionnaires were administered, the researcher collected data between May and July of 2014. The

questionnaires were distributed. Respondents were grouped according to their age, their career, ability.

### **3.5.2 Documentation**

This technique refers to check with written documents containing information relating to the research topic. The information is found in documents such as books, articles, dissertations, etc. (DUSHIMIMANA, 2004). The following technique has been more useful in our research up on the population of sampled sectors in Musanze District by asking them questions and giving immediately answers relating to our research

This tool entailed consultation of disputes records at Cell and Sector levels to identify and record all land related cases filed in Abunzi books and other books relating to our work.

### **3.5.3 Semi structured questionnaire**

This instrument was used to collect quantitative and qualitative data related to;

Socio-demographic characteristics of respondents

Land rights

Land related disputes and resolution processes

Gender aspects in relation to land rights

The questionnaire was administered to two different groups: The first target group was people that have registered land related disputes. Specifically some persons with a pending land related dispute, identified at Sector and Cell level through the dispute documentation out of Abunzi books, were targeted. The second target group was persons with unregistered disputes that were identified during Focus Group Discussions in the two identified Cells per Sector.

### **3.5.4 Interview and interview schedule**

Helmust (1990:38) cited by Uwera (2004:24) defines an interview as a face to face, conversation between an interviewer and an interviewed conducted for the purpose of obtaining information, interviews involves face to face situations or telephones, contacts, which the researcher orally solicits respondents.

According to Eldridge (1979:17), interview schedule is a conversation in which the researcher tries to get information from interviewee. An interview schedule has been used in case which the respondent, a responded who does not have time to complete the questionnaire or claims not to understand the questions. The questions will be read

to respondent and answers recorded. The interview schedule will enable the researcher to probe in order to get in depth responses and good quality data. This technique is useful since it is flexible to use. It is appropriate in studying, attitude, values, belief, and motives of the respondent.

The interview was done on 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> July 2015 with 26 respondents

#### **3.5.4.1 In-depth interviews**

In-Depth-Interviews were used to collect qualitative data from identified key informants who included:

- The Director of One Stop Center Unity ,
- The Director of Good Governance Unity,
- Cells Executives Secretaries in Cells
- Land Bureau Officers in 4 Sectors in which we have conducted our research ,
- Access to Justice Office (MAJ) and an officer of Primary Court
- Advocacy groups (Women Council and Youth Council )

The choice of these individuals was based on the fact that they work closely with the community and often receive and handle land related disputes.

Overall 26 In-Depth-Interviews were conducted at District, Sector and Cell level.

#### **3.5.4.2 Focus Group Discussions (FGDs)**

Focus Group Discussions are useful to get a lot of information within a short time period. The result is a broad range of views on the according topic and not necessarily a group consensus (Mack et al. 2005).

With this tool two different groups at Sector and Cell level were targeted: The first group consists out of advocacy groups that deal with land related disputes: The Women's Council and the Youth Council.

The focus Group Discussions and key informants interviews showed that land reform reduces family conflicts related to land. However, the FGD of youth advocacy (CNJ) show that there is a challenge to the family in the case of land sharing, the law doesn't allow to divide land less than a hectare in size. According law N° 43/2013 of 16/06/2013 " Law governing land in Rwanda" especially in its article 30 paragraph 2: " It is prohibited to subdivide plots of land reserved for agriculture and animal resources if the result of such subdivision leads to parcels of land of less than a hectare in size for each of them".

They continue to say that it is not easy to co-own and use the same land in same way when you are in the extended family which has less than one hectare of land. They said again that

in this common situation where everyone is asked to live in habitat grouped known as “umudugudu”; when a ground of someone is chosen as “umudugudu”, each member of that village owned a plot to build his house; he must give the same size of plot in compensation. Those disparate portions of land are not easy to manage it in the manner of co-ownership.

They repeated once more that the children born from the illegal marriage, mainly from the man who has more than one wife, the co-ownership of the same land may be the cause of conflict.

The Women FGD highlighted that the man as head of family, still uses the produces from the land of family as he understands. They repeat again that the land policy is beneficial, but it needs to be more sensitized. The violence in family still resist although there is a law of prevention and punishment of Gender Based Violence “law N°2008 of 10<sup>th</sup> September 2008”. And the constitution (art 26 of the constitution of Republic of Rwanda of June 2003) saying equality between married couple which is the only marriage recognized.

The second group consists out of mediation groups that are responsible for land related disputes: the Abunzi and the Land Committee. The two groups were separated to minimize the risk that some people might not speak out in front of the other group. At Sector level one Focus Group Discussion was planned for each of these groups. Within each of the two selected Cells, one Focus Group Discussion for each of the two target groups was conducted as well.

### **3.6 Analysis of findings**

The quantitative findings from the Abunzi book documentation and the questionnaires were analyzed through the use of SPSS. Before the analysis could start, the data was cleared. Errors from the data entry phase were corrected by checking the logic of different answers. All open questions from the questionnaire were categorized manually.

Due to the use of codes, memos and variables, the software enables to analyze, compare and categorize huge amounts of qualitative data.

## **Conclusion**

This chapter has attempted to introduce the study conducted to investigate factors determining the conflicts occur in land registration in Musanze District. The background of the study has been provided and the research problem defined. The three research questions as well as objectives that the study anticipates to achieve have been elaborated. Critical constraints and study boundaries were delineated.

In addition, the chapter examined the research objectives, the research hypotheses, and the significance of the research. Furthermore, the chapter highlighted the research methodology, the definitions of terms, the limitations of the study and the layout of the study.

The next chapter reviews the literature on the information asymmetry theoretical framework and examines the relevant experimental evidence regarding land registration internal factors that can lead to conflicts management in rural areas.

## **CHAPTER FOUR: DATA ANALYSIS, INTERPRETATION AND DISCUSSION**

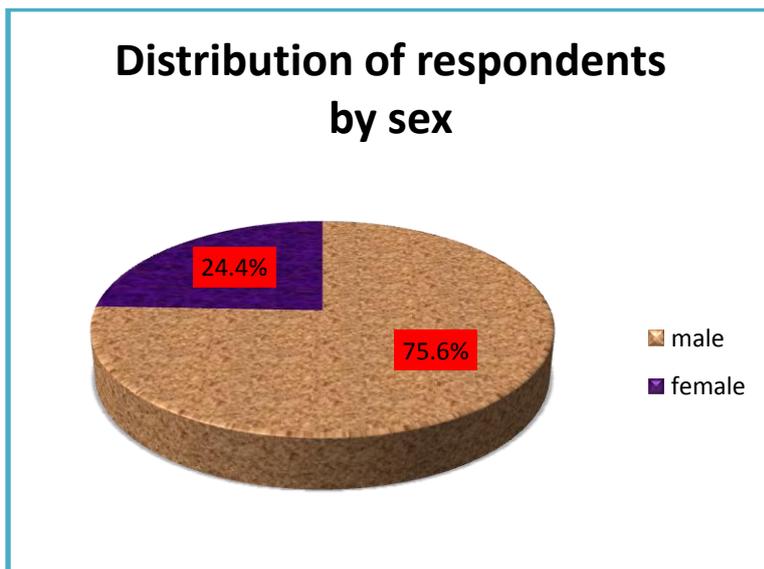
### **4.1 Data Analysis, Interpretation**

#### **4.1.1 Introduction**

Chapter three presented aspects of the research methodology including the research design, the sampling method, data collection and data analysis methods that were used for this study. This chapter presents analyses and makes interpretation of data collected through the questionnaires completed by respondents in four Sectors of Musanze District. The purpose of the chapter is to summarize, present and interpret that data that were collected to investigate why land registration and related problems in Musanze District.

Data presentation and analysis were carried out in respect of the six sections of the questionnaire of which five sections relate to the four research questions raised in chapter one. One section is on respondents' demographic data. To easy reference, the research questions are matched with corresponding sections of the questionnaire in the table below.

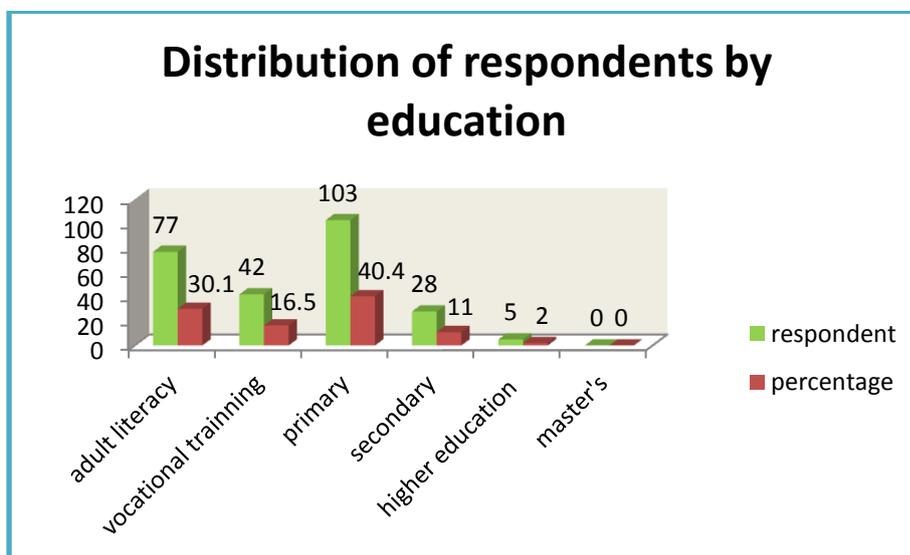
**Figure 1: Distribution of respondent by sex**



**Source:** primary data fieldwork done in June 2014

The sex of respondents was considered to analyze gender issues related to land disputes. The survey results show that there is significant difference between male and female respondents; 75.6% respondents were male and 24.4% were female.

**Figure 2: Distribution of respondent by Education**

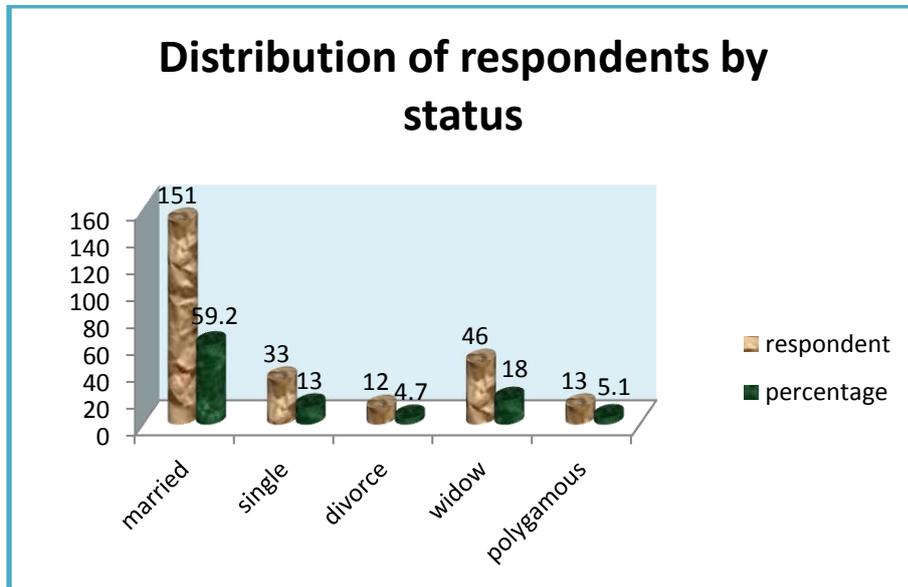


**Source:** primary data fieldwork done in June 2014

The survey result indicates that 30.1% are adult literacy, otherwise they know only to read and to write; 16.5% of the respondents are not educated beyond vocational training level,

40.4% of respondents absolved primary education, 11% with secondary education level, only 2% have reached higher education and none of them have studied master program.

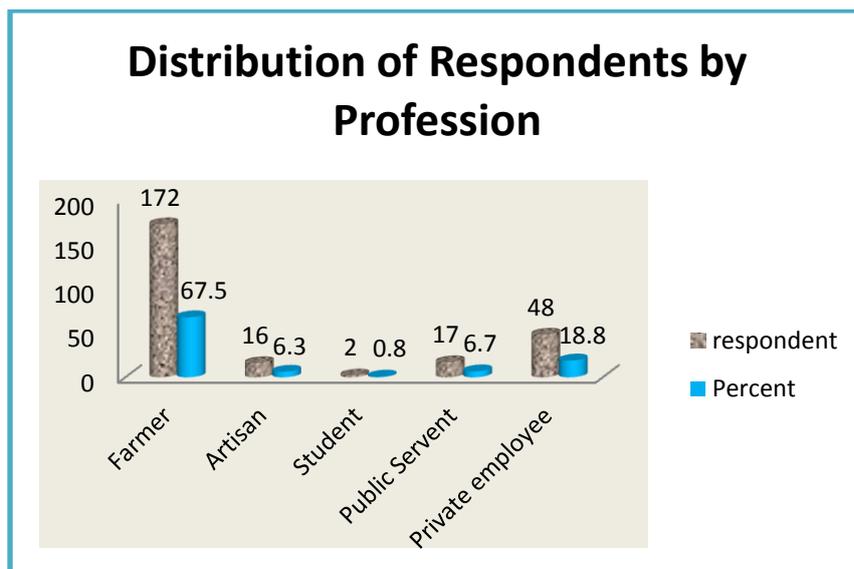
**Figure 3: Distribution of respondent by Status**



**Source: Primary data fieldwork done in June 2014**

The majority of respondent were married who represented 59.2% However single respondent are representing 13%, divorced are representing 12(4.7%) of our respondents, widow are 18% and polygamous for 5.1%.

**Figure 4: Distribution of respondent by profession**

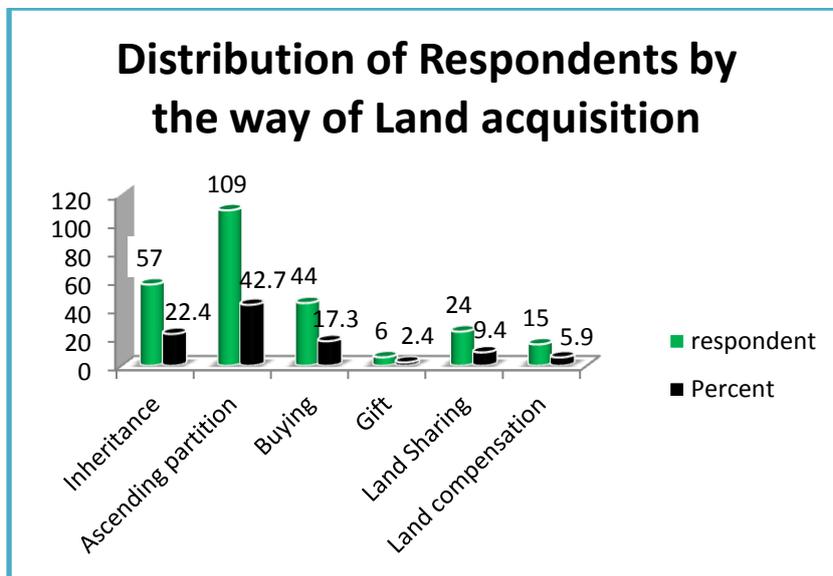


**Source: Primary data fieldwork done in June 2014**

Over the 255 focus group discussion were conducted, out of these 67.5% were farmers, 16 respondents were doing artisan represent 6.3%, 2 respondent were students who represent 0.8%, 17 respondent from 255 represent 6.7% were public servant, and 18.8% were private employee. The study shows that land is still a very important but scarce resource in Rwanda. About 67.5% of the respondents are farmers but 84.7% of the respondents say that they have less than 1ha of land.

The majority of land disputes come from farmers (67.5%). Land is the main source for farmers to maintain their livelihoods and therefore is a main source of conflict.

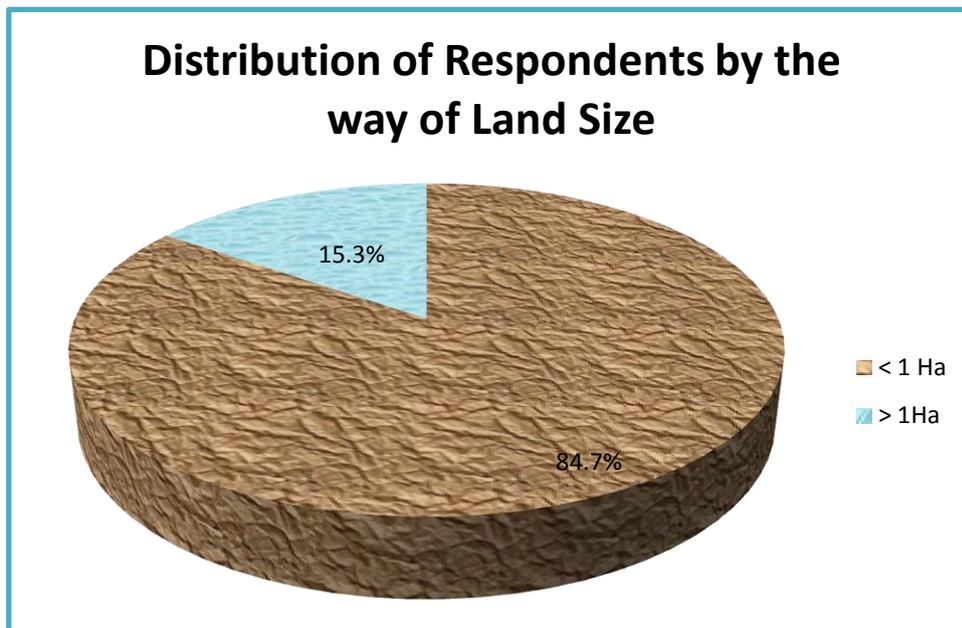
**Figure 5: Distribution of respondent by the way of land acquisition**



**Source:** Primary data fieldwork done in June 2014

The survey results in link with the modes of land acquisition. Ascending element which represents 42.7% plays a vital role in land acquisition, inheritance represent 22.4%. As indicated in the table land buying as the way of acquisition of land represent 17.3% and some of them who represent 2.4% they acquired land by gift. Others who represent 9.4% were acquiring by sharing and 5.6% were acquiring land by compensation.

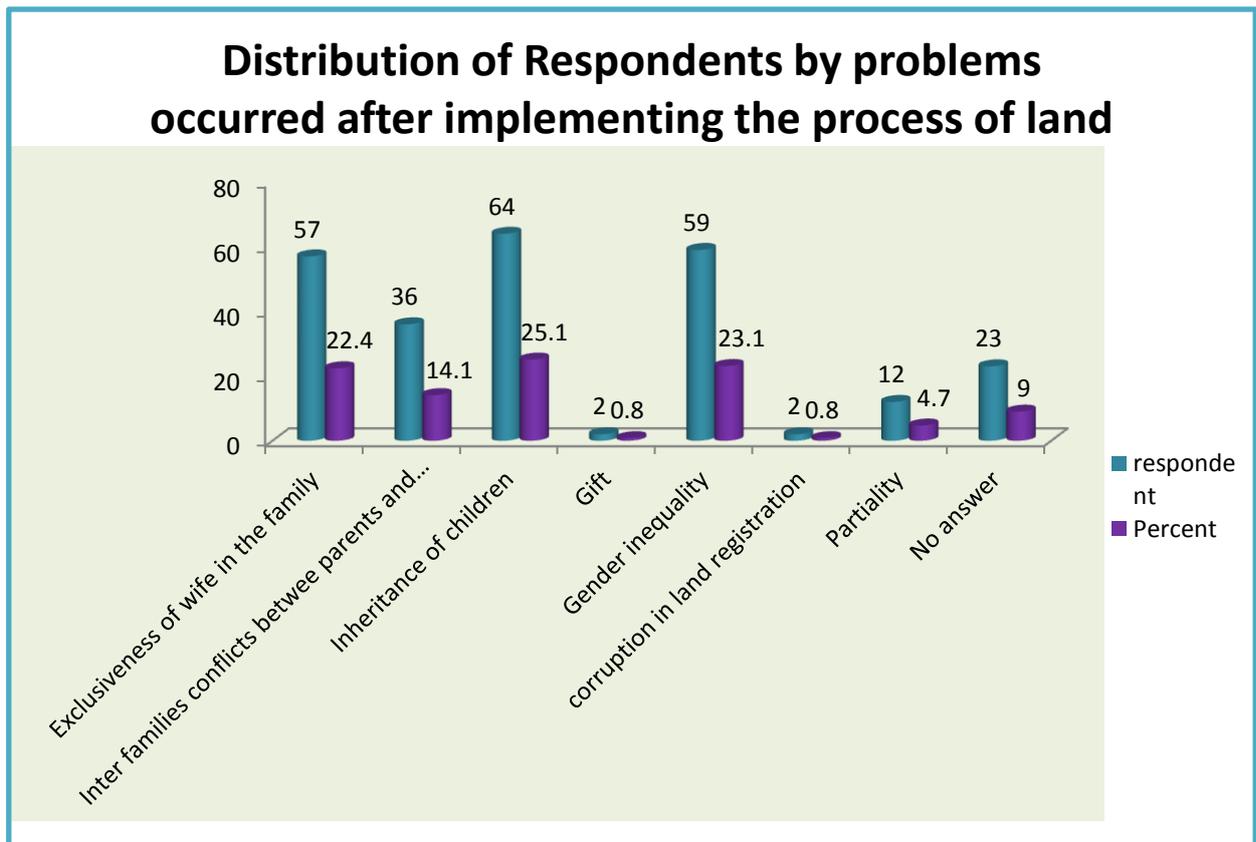
*Figure 6: Distribution of respondent by land size*



**Source:** Primary data fieldwork done in June 2014

As indicated on figure below, respondent at 84.7% have a land less than one hecter. While those who represent 15.3% have a land more than one hecter. They continuously said that they have a land but most of them have less than 1Ha.

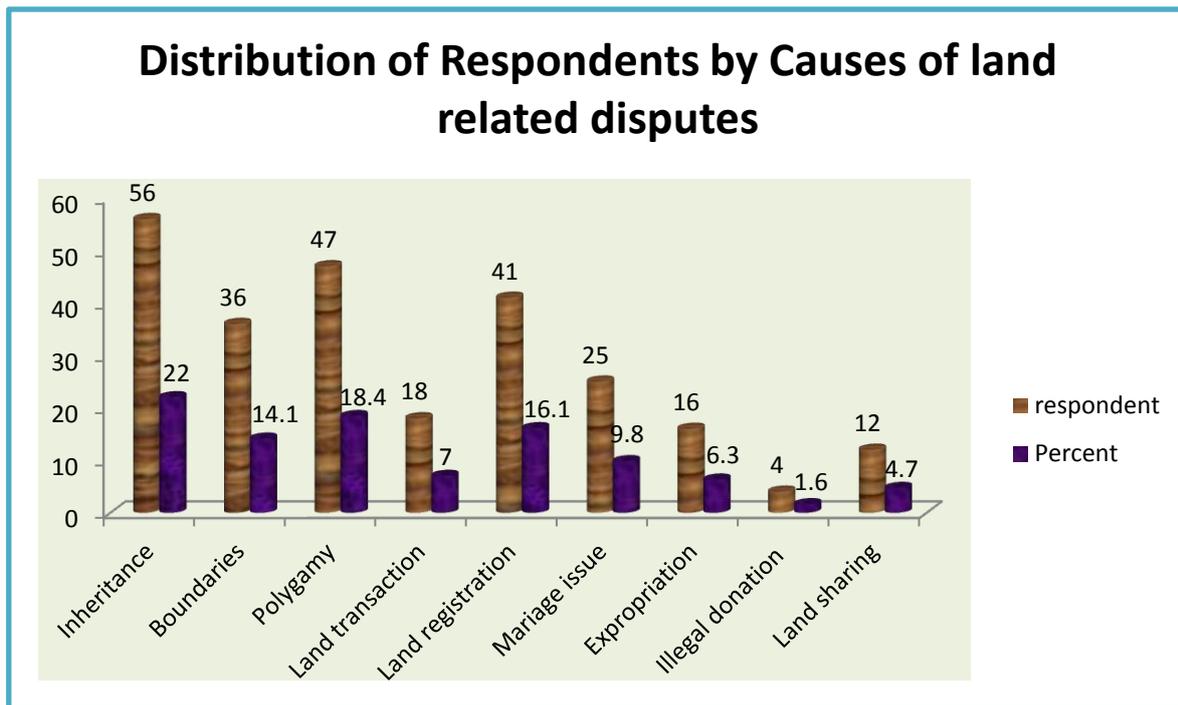
**Figure 7: Distribution of respondent according to the problem related to land registration**



**Source:** Primary data fieldwork done in June 2014

64 respondents who represent 25.1% confirmed that land registration problems are mostly based on inheritance of children in their families when their parents produce many, 22.4% of them said that wives are excluded in all activities and it creates conflicts, 14.1% said that land registration problems are based on inter-family conflicts, 23.1% of respondents said that land registration conflicts focus on gender inequality, while 0.8% of them said that land registration problems are mostly staff corruption, and 4.7% of them said that they are based on favoritism or partiality, 0.8% confirmed us that the main land registration issues are based on gift, and 9% of them did not give any answer about our question.

**Figure 8: Respondent distribution according to their land dispute**



**Source:** Primary data fieldwork done in June 2014

Many of the reasons that are causing land related disputes are related to customary rights and behavior. Only 55 respondents who represent 22% confirmed that, most of causes of disputes are based on inheritance, while 14.1% of respondents said that, causes of dispute relating to land focus on boundaries of their land, 18.4% said that, causes of dispute are mostly polygamy, 7% of respondent said that, the causes of dispute is land transaction and 9.8% of respondents said that the cause of land dispute is based on marriage issue. 4.7% confirmed us that the cause of dispute is land sharing. No respondent talked about land renting and ascending as causes of land dispute. 1.6% said that the cause of dispute is illegal donation and 6.3% of respondent confirmed that the cause of dispute is land compensation. Government programs seem to cause disputes as well Land registration (16.1%), land sharing (4.7 %) and land compensation (6.3%) is causing land related disputes. For the better understanding of the graph, the following table explains the different categories and provides quotations that help to understand the different categories.

**Table 4: Explanation and examples for categories of land related disputes**

Category	Explanation	Example
Inheritance	It is the practice of passing on property, titles, debts, rights and obligations upon the death of an individual. The refusal to give or share the inheritance with other family members is a common dispute.	‘Our father gave inheritance to my brothers and sisters but he refused to give inheritance to me.’ (Muko Sector, 10.12.2015)
Land transaction	This category involves the buying and selling a plot of land with one of the parties not agreeing on the deal afterwards. In many cases the land transaction was conducted without the knowledge of other family members that also have a right to the land.	‘I bought land in 1973 from someone and I have the sale documents. Seven children of the land seller signed on it but now they want to deprive me of it.’ (Nyange Sector, 20.11.2015)
Polygamy	Polygamy is a marriage which includes more than two partners. When a man is married to more than one wife at a time, the relationship is called polygamy. In Rwanda there is either an official and several unofficial wives or only unofficial wives. Most often children out of these relationships or the unofficial wives face difficulties in the access to land of the husband.	‘My father had many wives. His wives and his children deprived me and my brothers of our father's lands. We want to have our rights on our father's lands.’ (Gataraga Sector, 12.11.2015)
Boundaries	This refers to the lines of demarcation between adjoining parcels of land. The parcels of land may be of the same or different ownership, but were distinguished at one time in the history of their descent by separate legal descriptions. Most usually these disputes occur because one of the parties is extending the boundaries or people do in general not agree on them.	‘The cousin of my husband came and removed natural boundaries from my land and took it.’ (Gataraga Sector, 12.11.2015)

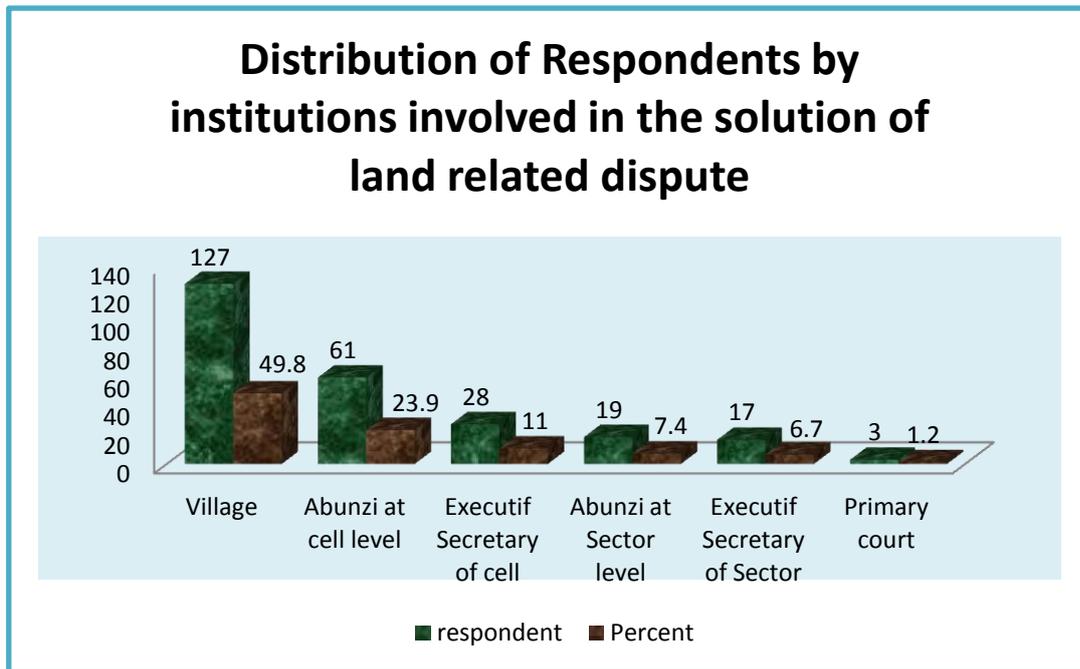
Land registration	It generally describes systems by which matters concerning ownership, possession or other rights in land can be recorded usually with a government agency to provide evidence of title, facilitate transactions and to prevent unlawful disposal. Disputes can be caused by this when someone registers a piece of land without consulting other parties that also dispute to have a right on it, e.g. within families when a family member registers the family land on his/her name without considering other family members.	‘My brother registered all of our land on himself but we had shared it before.’ (Cyuve Sector, 13.11.2015)
Marriage issues	It refers to problems related to illegal marriage and legal marriages. In the case of illegal marriages it is usually difficult for the wives to gain access to the husbands land after his death or a divorce. This even happens in the case of legal marriages. Polygamy marriages are excluded in this category.	‘I was married to someone, but only in church. He chased me away and got married to a new woman. He is refusing to give me something, even the land we used together.’ (Cyuve Sector, 13.11.2015)
Land sharing	This is the sharing of land between two or several people. In the case of this survey, it is the land sharing between returnees from 1994 and other Rwandans living in Rwanda before 1994 that is causing disputes.	‘Since 2002 the government has shared my land to eight people.’ (Nyange Sector, 20.11.2015))
Land compensation	Land compensation is an amount of money that is given to individuals in case of expropriation by State institutions. In case the compensation is not paid or is delayed, it is leading to a dispute.	‘I have disputes with Musanze District that built a school through my forest without any compensation.’ (Muko Sector, 10.12.2015)
Illegal donation	A donation is an act by which a person transfers to another by gratuitous act a patrimonial right. In the context of the study,	‘The land was given to my father as a gift and he gave me that land as inheritance.

	<p>it is taken like not legalized donations including those related to customs. We cite as an example the cow or other gifts that are given to a person who has buried his grandfather or his grandmother (Inkuracyobo in Kinyarwanda). In most of these cases another person with a perceived right to that land does not agree on the donation.</p>	<p>Now the donor wants to have it back.’ (Cyuve Sector, 13.11.2015)</p>
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**Source:** Primary data

The nature of disputes was also analyzed by sex. While in most cases men report specific dispute sources more often than women (inheritance, land transaction, absence, land sharing land registration, land renting and multiple disputes), some of the dispute sources are equally distributed between men and women (boundaries and ascending partition). Women seem to have more problems with causes like polygamy, marriage issues and illegal donations since they dispute these disputes more often. Due to the new land rights for women that were officially recognized during the land reform within the new land laws, it was expected that women claim their newly gained land rights for inheritance more often. It seems to be more realistic that women in some cases don't talk about their disputes because of social pressure and other reasons. Considering this, it is more likely that a certain number of unreported disputes exists, especially concerning women's land rights.

**Figure 9: Respondent distribution by institutions involved in the solution of land related dispute**



**Source:** Primary data field work done in June 2014

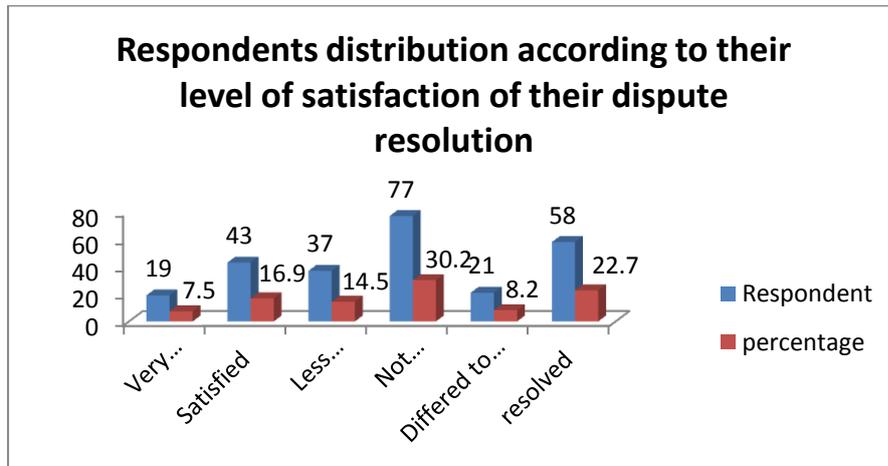
Respondents who represent 52.54% said that abunzi are the main to solve their dispute, while 7.05% of respondents told us that their disputes are solved at the village level, 4.31 percent said that their dispute are solved at the level of cell. 28.23% of respondents said that abunzi at the sector level are completely involved in their solutions, 5.88% of respondent confirmed that their disputes are solved by the sector level while 1.96 of respondents confirmed that some disputes are solved by primary court. This is an alarming indicator revealing that Abunzi committees have proven limited capacity to solve submitted disputes by their complexity and their own limited ability that requires not only the good will they serve but also other important skills due to capacity buildings.

The numerous causes of land disputes involve many parameters that require deep judicial knowledge among all local leaders and Abunzi who get involved in solving those disputes. Without the correct knowledge, a fair and just mediation of these land disputes is impossible. Some of the dispute causes are clearly linked with family law, others to succession, donation and liberties, women and children rights, urbanization and land management, etc. Training on the specific laws and according paragraphs will help to contribute to the effectiveness of the Rwandan land reform.

The results show on the one hand that the respondents prefer to solve their disputes at the local level. Most of them start at the village level or have only approached one local institution so far.

Only few of the cases go up to a Primary Court and if they do so, they go through the local levels first. A gap in regards to this is that the Primary Court is often directly visited after the Abunzi Sector level or the Abunzi at Cell level. Institutions like MAJ that could solve disputes before they are reported to the Primary Court need to be strengthened to keep the number of cases low that go up to this high level directly from Cell or Sector level. The District level needs to be considered as well. This reveals a knowledge gap of the local population about the institutions that could be approached before handing a case over to the Primary Court.

**Figure 10: Respondents distribution according to their level of satisfaction of their dispute resolution.**



**Source:** Primary data (field work done in June 2014)

In consideration of this point, the aim was to analyze the level at which the population are satisfied with the process of their disputes resolution. The levels were rated in accordance with the individual respondent's feeling of satisfaction ranging from very satisfied to instances where some did not know how to rate their feelings yet others opted to remain silent.

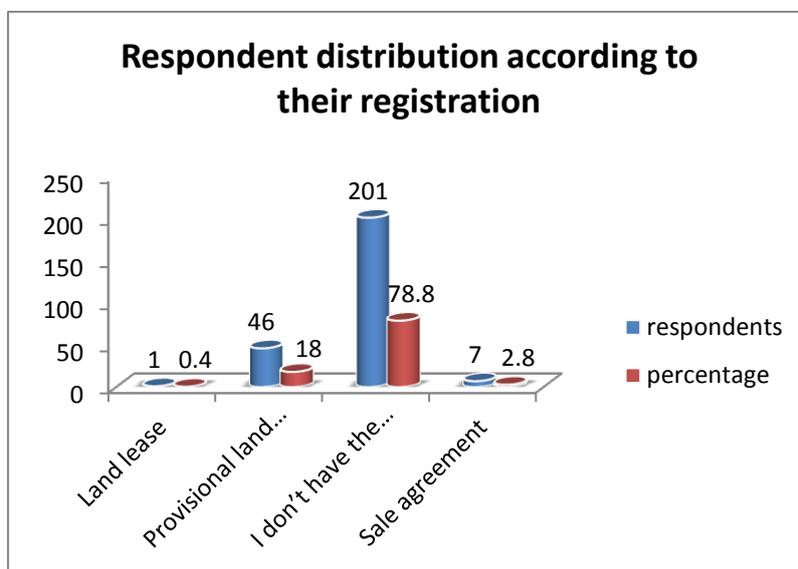
77 of respondents out of 255 who represent 30.19% said that they are not satisfied and their issues are always pending, 7.45% of respondents said that they are satisfied by the way their issues are solved, 16.86% of respondents are satisfied 14.05% are less satisfied, 8.23% of respondents said that their disputes are deferred to court and 58 of them who represent 22.74% their disputes are solved.

The outcome of the assessment indicated that the majority of the respondents were not satisfied (30.2%) with the way in which their disputes were handled. This result seems obvious since the sample consists out of people with pending land disputes. This proves that pending cases are a risk to the implementation of the LTRP. If people are unsatisfied with the way their dispute was handled, they might be disappointed and not supportive to the whole land reform process.

In order to get a deeper understanding of the expressed feelings, respondents were prompted about what could have been the basis for their different levels of satisfaction. The graph below shows different opinions held by respondents

Referring to the answers of the respondents, the results show that most of the people are not satisfied because of the performance of the Abunzi. Most of the mentioned reasons fall in this category (Delay/waiting, unjust process, corruption/interest of institutions, carelessness of institutions, the decision is not implemented; ignorance of evidences and/or witnesses, the dispute was not (yet) resolved). Other factors relate more to the disputing parties mainly the absence of one of the disputing parties and even the change of resolving institutions which is mostly because of the appealing of one of the disputing parties. The fact that people spend a lot of money on the case is usually related to transport costs or court fees. A response that could be expected is that people are not satisfied if certain decisions were not in the interest of the claimant.

**Figure 11: Respondent distribution according to their registration**

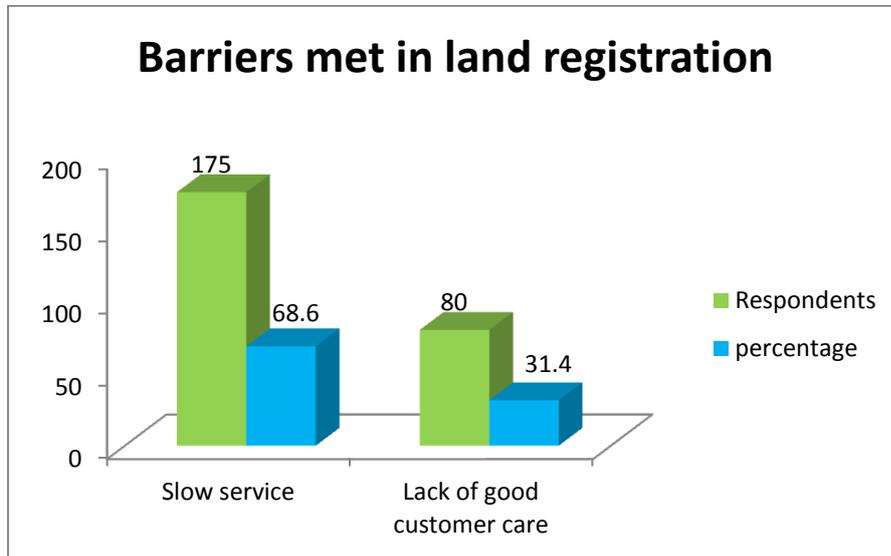


**Source:** Primary data field work done in June 2014

A high number of respondents who represent 78.8% confirmed us that they don't have their documents of land renting. They furthermore said that they missed money to pay for land renting per year. 0.4% said that they have only a land lease and 18% of respondents confirmed to have a provisional land registration document because they don't have to pay the permanent document 2.8% of respondents have only a sale agreement. This issue could have two sources: It could be caused by the authorities that don't deliver the titles in a timely manner or it could be caused by disputants that don't collect their already issued titles as for example mentioned by the Deputy Director General responsible for lands and mapping at

RNRA in The New Times Rwanda on 15th of October 2012 (‘Millions of land titles undisputed’).

**Figure 12: Barriers met in land registration**



**Source:** Primary data (field work done in June 2014)

Our respondents who represent 68.6% confirmed that the most barriers they have in order to get their documents is a service which goes slowly. One of them said, maze icyumweru nza hano gushaka icyemezo cy’ubutaka, ariko ntacyo ndabona.[He said that he has been there for a week, but he did not find his land document].

He continued, told us that, the most solution is to improve their way of working and giving a good customer care to the population.

The same respondent said, there have been some mistakes committed such as, names were not well written of their appropriate documents, plots were not well mentioned on their appropriate land owners, and others. In order to solve them, it will be corrected step by step because it is a new system in our country. 31.4 of our respondent said that the most barriers they have in land registration is the bad customer care. They continued to say that the customer care of land registration does not go well because you can spend there more than three hours and no body what you are looking for.

#### **4.1.2 The relationship between land registration and people’s wellbeing**

There is a relationship between people wellbeing and land registration (one of our respondents said) he said, mu gihe cyakera nta byangombwa by’ubutaka twagiraga,

ntawajyaga muri banki ngo atange ingwate y'ubutaka, ariko ubu tubutangaho ingwate, baduhamagarira gukora imishinga, Banki zikatuguriza, tukitez'imbere. [He said, previously, we hadn't an opportunity to take the loan in bank in order to develop ourselves, but today, we get money from the bank after gagging our land, the real relationship between land registration and people's wellbeing is that, after registering their land, they had been accessible to the bank for credit in order to develop themselves].

## **4.2 Discussion of data**

The purpose of this chapter is to critically discuss the findings of the previous chapter in relation to the literature reviewed for this study. The overall objective is therefore to bring the findings into the context of the existing knowledge with regard to the availability of land registration in Musanze District. The availability of land registration is of paramount important for their survival and productivity. This chapter discusses the data with respect to four research questions that were generated in chapter one. The discussion is mainly centered on these research questions. To easy reference, the research questions to which each section refers is stated at the beginning of the section.

The research questions are repeated below for the reader's convenience:

Does registering land contribute to reducing land related conflict?

Does registering land facilitate territorial governance?

What are the links between registering land and people's wellbeing?

Does land registration in Musanze reduce conflict?

This section discussed findings in respect of percentage of land registration receive compared to what goes to the District of Musanze.

The generality of the respondents (70%) get less that 30% of total of land registration that go to the process of conflicts resolution. It was found that land registration get a small portion of land registration in Musanze District.

The review of the literature showed that land registration get larger proportion in rural areas focusing on Musanze District.

The finding was also supported by ICA, Rwanda (2009), which compared to land registration and people's wellbeing with and large firms. The ICA findings show that land registration findings are least favorable access to land registration, the latter are most favorable. The report indicated that land registration only about 1% of married and 3% and 10-12% for married, 25 for divorced and 33%. The proportion of to which include the relationship

between land registration and people's wellbeing, it is evidently from this report that it is very low.

Global discussion finds the same phenomenon, furthermore, Beck, Demirgüç-Kunt and Maksimovic (2005) affirms the above findings that, only abunzi have a big role of solving problems relating to dispute who represent 52.54%.

What are factors that determine the availability of institution involved in land dispute?

The objective of this section is to present the findings and discussion of the land registration internal factors that consider important for evaluating solution dispute. Six institutions were identified as key institutions to solve disputes related to land registration, village level 7.05%, abunzi level, 52.54% and ethical behavior. This question was asked to find out the importance attached to the above institutions.

The study found that the most important level was Abunzi at all levels who represent 52.54%

## **Conclusion**

This chapter presented analyzed and interpreted data that was collected from the field through the use of the questionnaires. Questionnaires were administered to 255 respondents from land registration in Musanze District. The respondents from one sector, with a response rate of 81%. The demographic variables were presented, analyzed and interpreted with the help of figures and tables. In addition, the chapter examined the importance attached to land registration in Musanze District internal factors during the period of land registration. Furthermore, the chapter presented, analyzed and made interpretation of data regarding the relationship between people's wellbeing and land registration in Musanze District. The results indicated that there is a positive significant relationship between land registration and people's wellbeing.

Finally, chapter presented data on recommendations made by respondents to improve land registration process in Rwanda. The next chapter will examine the discussion of the major findings that emerged from this chapter in relationship to the existing literature on land registration.

## **CHAPTER FIVE: GENERAL CONCLUSION AND RECOMMENDATIONS**

### **5.1 General Conclusion**

In drawing the conclusion, much attention was drawn to the purpose of the study and research findings derived from the research questions that were stated earlier in the introduction based on land registration. Our research said that the origin of land registration issues in rural areas are mostly based on earlier problems such as demographic density based on shifting of people from external and inner regions towards Rwanda, inheritance, polygamy and others. Land registration issues have the origin based on a new government programme of settling people together in order to supply development to them, sharing process in order to reduce poverty. As many advantages and disadvantages based on low living conditions, lack of money, job, others.

In order to attend the purpose to the research and collecting our data, we have obviously proceeded by methods and data collection instruments. Statistics method: which has been used to describe the research area in order to get some social realities relating to land registration related issues. It has also been used to collect our data qualitatively according to respondents' information through the tables which gave us exactly the frequencies and percentages of respondents from the size of sampling.

Comparative method: it has served us to compare situation of land before registration and after registration in the research, their previous situation comparatively to the present situation point of living conditions and wellbeing.

Historic method, it has been used in the research to search the origin and process of land registration until now we looked the starting of land registration ideas.

Except methods we have used many data collection instruments, the most important are the following:

Questionnaire, which has been used to make an analysis of all information useful to the research in order to harvest the information about youth issues in rural areas related to land registration.

Sampling technique, it has allowed us to confirm the hypothesis, attending the realities, evidence relating to the hypothesis.

Observation, it has been used to clarify , to make us in contact with rural population in sampled sectors, talking to them and getting their answers , by the end clarifying the most purpose of the research it has helped me to observe properly , by my eyes the situation in Musanze District, living conditions by sector and others...

Entertainment, which consisted of making a statement with respondents, collaborating , making your ideas and feed –back this, in order to have a same point of view.

## **5.2 Recommendations**

### **5.2.1 to the Government of Rwanda**

- We so thank much effort done by the government to decentralize the service of land management from District level to the sector level, but still much need to be done because one staff of land registration at Sector level is overloaded (he/she is in charge of land, infrastructure, urbanization, water and sanitation );
- Promote off farm activities in both rural and urban area. There is an urgent need to evolve a workable strategy to promote non-farm activities, based on realistic projections, rather than an overly optimistic model, because of the large number of people who may become landless in the near future;
- Monitor and evaluate the implementation of the law related to land registration in order to identify the challenges encountered in its implementation;
- Continue the campaign on birth control. The pressure resulting from population growth is also one of the serious threats to land as a natural resource and needs to be dealt with;
- Through the National Land Center, continuous to support, supervise and coordinate all activities related to land administration and land use management;
- Reinforce Capacity building programs for the mediator committees on various laws, conflict management, and conflict transformation.

### **5.2.2 to the Local Government**

- We furthermore recommend Abunzi to play the role of mediating people than proposing punishment to them for promoting a climate peace among people;
- Sensitize population to register they land and help them to overcome the obstacle they met;

### **5.3 Perspectives of the Research**

Based on financial limitation, our study has not ended all potentialities in the research about Analysis of the correlations between land registration and land related conflicts management in rural areas, that's why we'd kindly request all researchers about the topic below to make a perfect analysis about it in order to clarify deeply problems which are facing rural area and related conflicts and their resolutions.

## REFERENCES

### 1. BOOKS

Babette Wehrmann (2008). *Land Conflicts, a practical guide to dealing with land disputes*, Eschborn

Bruce, J. et al. (2006). *Land Law Reform: Achieving Development Policy Objectives*. Law Justice and Development series. Washington, DC: World Bank

Friis, C. & Reenberg, A. (2010). *Land grab in Africa: Emerging land system drivers in a teleconnected world*. Copenhagen

Rebeca Leonard and Judy Longbottom(2000), *Land Tenure Lexicon*, International Institute for Environment Development, London

Vansina, J. (2001). *Le Rwanda ancien. Le royaume nyiginya*. Paris : Karthala.

### 2. JOURNALS

Carpano, F. (2011): *Strengthening Women's Access to Land into IFAD projects: The Rwanda Experience*.

Cotula, L. N. D. & Vermeulen, S. (2009): *Fuelling exclusion? The biofuels boom and poor people's access to land*. London.

Daconto, G., Ikirezi, M., Nduwimana, Y., Nsengimana, E. & I. Nshimiyimana (2011): *Finding from public dialogue before the land tenure regularization process*. (EEGL – Enterprise Environment and equity in the Virunga landscape of the great lakes).

Dumanski, J. 1994. *International workshop on sustainable land management for the 21<sup>st</sup> century*. Agricultural Institute of Canada, Ottawa

FAO (1995b). *Planning for Sustainable Use of Land Resources: Towards a New Approach*. Rome. Land and Water Bulletin 2

FAO /UNEP (1996). *Our Land Our Future*. Rome.

Garadi, A. & Twesigye – Bakwatsa, C.(2005). *Poverty- Environment Indicators and Policy Options for Possible Intervention under the PRSP*. Kigali: Republic of Rwanda/UNDP.

Kohlagen,D.(2010), *vers un nouveau code foncier au Burundi?* In S.Maryse,F.Rayntjens,&S.Vandegiste(Eds.), *L'afrique des grands lacs*. Annuaire 2009-2010, Paris: L'harmattan,

Lambin, E. F.; Geist, H. J. & Lepers, E. (2003): *Dynamics of land-use and land-cover change in tropical regions*. Annual Review of Environment and Resources,

Lim, Voan (1998) Land Regime in Cambodia, Annex II

Powelson, J. P. (1988). *The Story of Land: A World History of Land Tenure and Agrarian Reform*. Cambridge, Massachusetts: Lincoln Institute of Land Policy

Musahara, H. & C. Huggins (2005): Land reform, land scarcity and post-conflict reconstruction: A case study of Rwanda

Musanze District 2013 : Plan de Développement du District 2013-2017

Huggins, C. & J. Clover (eds.) (2005): Land Rights, Conflict and Peace in Sub-Saharan Africa

Pottier, J. (2006): Land Reform for Peace? Rwanda's 2005 Land Law in Context. In: Journal of Agrarian Change (2006), Vol. 6, No. 4.

Rurangwa E. (2002), *Perspective of Land Reform in Rwanda, FIG XXII International Congress Washington, D.C. USA, April 19-26 2002*

Rurangwa, E. (2004): Land Administration Developments in Rwanda. November 2004

Tackeuchi, S. & Marara, J. (2011). Features of land conflicts in post-civil war Rwanda. Published in African Study Monographs journal. Supplementary Issue №.42 2011. The Center for African Area Studies, Kyoto University (Japan).

UNDP (2007), Human Development Report, 2007

UNEP & UNDP (2006). Environmental Sustainability in Rwanda's Economic Development and Poverty Eradication Strategies: Towards Mainstreaming Environment in The EDPRS

Uwayezu, E. & T. Mugiraneza (2011): Land Policy Reform in Rwanda and Land Tenure Security for all Citizens: Provision and Recognition of Women's Rights over Land. (=Gender Issues in Land Administration, Paper No. 4914). Contribution to the 'FIG Working Week 2011, Bridging the Gap between Cultures', Marrakech, Morocco, 18-22 May 2011.

### **3. Government documents**

National Institute of Statistics of Rwanda (2015): *Fourth Population and Housing, Rwanda 2012*, Kigali

Government of Rwanda (GoR) (2003): *Constitution*

Government of Rwanda (GoR) (2004): *National Land Policy. (Ministry of Lands, Environment, Forests, Water and Mines).*

Government of Rwanda (GoR) (2005), *Organic Land Law 2005.*

Government of Rwanda (GoR) (2001): *Brookings Initiative in Rwanda: Land and Human Settlements.* (Ministry for Lands, Human Resettlement & Environmental Protection).

### **4. ELECTRONIC SOURCES**

- Boyce, C & Neale, P. Conducting In\_Depth\_Interviews for evaluation input, May 2006 available from [www.2pathfinder.org/site/Docserver/m-e-tool-series-indeph-interview](http://www.2pathfinder.org/site/Docserver/m-e-tool-series-indeph-interview)
- Zikmund and Babin (2010), Business research Method, available from [http:// Researchgate.net/publication 225083519](http://Researchgate.net/publication/225083519), Business-Research-Method
- What is land dispute available from [www.wisgeek.com/what-is-a-land-dispute](http://www.wisgeek.com/what-is-a-land-dispute).
- Land Conflicts, a practical guide to dealing with land disputes available from [www.commddev.org>pdf>publication](http://www.commddev.org/pdf/publication)
- Alternative Dispute resolution in land use Disputes available from [www.landuseadr.com/adr](http://www.landuseadr.com/adr).
- Environment and natural Resources, agriculture and Livestock in Rwanda available from [www.minirena.gov.rw/](http://www.minirena.gov.rw/)
- Farm Land use consolidation in Rwanda available from [www.minagri.gov.rw](http://www.minagri.gov.rw)
- The New Times Rwanda on 15th of October 2012

## APPENDICES

### Appendix 1: Questionnaire

**N.B:** This questionnaire is not used neither for the government purpose nor for any governmental institution, but for Academic purpose.

#### I. IDENTIFICATION

**Sex:** F,  M

**Age:**

#### Education:

Adult literacy,  Vocational Training,  Primary,  Secondary,  Higher Education

#### Marital status:

Single,  Married,  Divorced,  Widow,  Polygamous

#### Profession:

Farmer,  Artisan,  Student,  Public servant,  Private employee

#### II. QUESTIONNAIRE

Q1: Do you have a land?

Yes,  No

Q2: How did you find that land? (mode of land acquisition)

Inheritance,  Ascending partition,  Buying,  Gift,  Land sharing,  Land compensation

Q3: Which size has your land?

<1Ha,  >1Ha

Q4. What are problems occurred after implementing the process of land registration?

- Exclusiveness of wife in the family by her husband.
- Inter families conflicts between parents and children when they produced more .
- Inheritance of children in families.
- Gender inequality based on female and male.
- Corruption in land registration to staffs in charge
- Fanatism.

Q5. Briefly, tell us what you gained in your land after registration process.

Q6: Which are the causes of land related dispute?

*Inheritance*,  *Boundaries*,  *Polygamy*,  *land transaction*,  *land registration*,

*Marriage issues*,  *land sharing*,  *Land renting*,  *ascending partition*,  *Illegal donation*,

*Expropriation*,

Q7: What are the categories of disputing parties?

*Intra-family*,  *Inter-family*,  *external*,

Q8: What are the institutions involved in the solution of land related dispute?

*Village*,  *Abunzi at Cell level*,  *Executive secretary of Cell*,  *Abunzi at sector level*,

*Executive Secretary of Sector*,  *Primary court*,

Q9: What is the level of satisfaction of the population with dispute resolution processes?

*Very satisfied*,  *satisfied*,  *less satisfied*,  *not satisfied*,

Q10: How Abunzi committees perform in addressing dispute submitted to them?

*Resolved*,  *Pending*,  *Referred to court*

Q11: If your land is registered, which documents did you find after land registration?

*Land lease*,  *Provisional land registration document*,  *I don't have the document (yet)*,

*Sale agreement*

Q12: Have you the knowledge on land related laws?

I don't know any land related laws,  I know Family law,  I know Organic land law

Q13: Which barriers do you meet in land registration? Tell us your own point of view to overcome them.

Q14: According to you, is it a relationship between land registration and people's wellbeing?

Yes,  No,

Q15: Support your idea with three elements:

Q16. Has there been a mistake?

Q17: What steps should go into correcting this mistake?

Q18: Are any of the parties to the dispute entitled to an indemnity whether or not the register has been rectified?

## Appendix 2: Questionnaire (Kinyarwanda Version)

**N.B:** IBI BIBAZO NIBYO KUDUFASHA MU BUSHAKASHATSI

### I.UMWIRONDORO

Igitsina:

Gore,  Gabo

Imyakay'amavuko:

Amashuri yize:

Gusoma no kwandika,  imyuga,  Abanza,  Ayisumbuye,  Amakuru/Kaminuza

Irangamimerere:

Ingaragu,  Arubatse,  Yatandukanye nuwo bashakanye,  Umupfakazi  Afite abagore benshi

Umwugaakora:

Umuhinzi,  Umunyabukorikori,  Umunyeshuri,  Umukozi wa Leta,  Arikorera

### II.SUBIZA IBI BIBAZO UVIVURA AHO UBONA ARI NGOMBWA

Q1: Mufite ubutaka?

Yego,  Oya

Q2: Mwabubonye mute?

Umurage,  Kugabana mu muryango,  Kugura,  Impano,  Gusaranganya ubutaka,   
Ingurane

Q3: Ubutaka bungana iki?

<1Ha,  >1Ha,

Q4: Mwandikishije ubutaka? Yego,  Oya

Q5: Niba ari Oya, nizihe mpamvu zabiteye?

Harimo amakimbirane,  Ntabwo narimpari bandika ubutaka,  Nabuze amafaranga yo kwishyura,  Ntabwo namenye akamaro ko kwandikisha ubutaka.

Q6: Ni izihe mpamvu zateje ayo makimbirane?

Izungura,  Imbibi,  Ubuharike,  Guhinduza,  Kwandikisha ubutaka,

Uburyo abantu bashakanye,  Isaranganya,  Kwatisha,  Kugabana mu muryango

Impano z'uburiganya,  Ingurane

Q7: Amakimbirane mu butaka agaragara muri ibi byiciro:

Hagati mu muryango,  Hagati y'imiryango,  Hirya y'imiryango

Q8: Ni izihe nzego zigira uruhare mu gukemura amakimbirane ajyanye n'ubutaka?

Mudugudu,  Abunzi ku Kagari,  Gitifu w'Akagari,  Abunzi ku rwego rw'Umurenge,

Gitifu ku Murenge,  Urukiko rw'Ibanze.

Q9: Abaturagebakira bate ikemurwary'ayamakimbiraneashingiye ku ubutaka?

Bishimye cyane  Bishimye  Bishimye buhoro,  Batishimye

Q10: What is the dispute status of respondents (How Abunzi committees perform in addressing dispute submitted to them)?

byarakemutse,  biracyakurikiranwa,  byoherejwe mu rukiko

Q11: Niba ari Yego, nikihe cyemezo mwahawe(mufite) nyuma yo kwandikisha ubutaka?

Ubukode bw'ubutaka,  icyemezo cy'agateganyo,  Ntacyemezo ndabona

icyemezo cy'ubugure

Q12: Ese hari amategeko muzi ku butaka?

Nta tegeko na rimwe nzi,  Nzi itegeko ry'umuryango  Nzi itegeko Ngenga ry'ubutaka

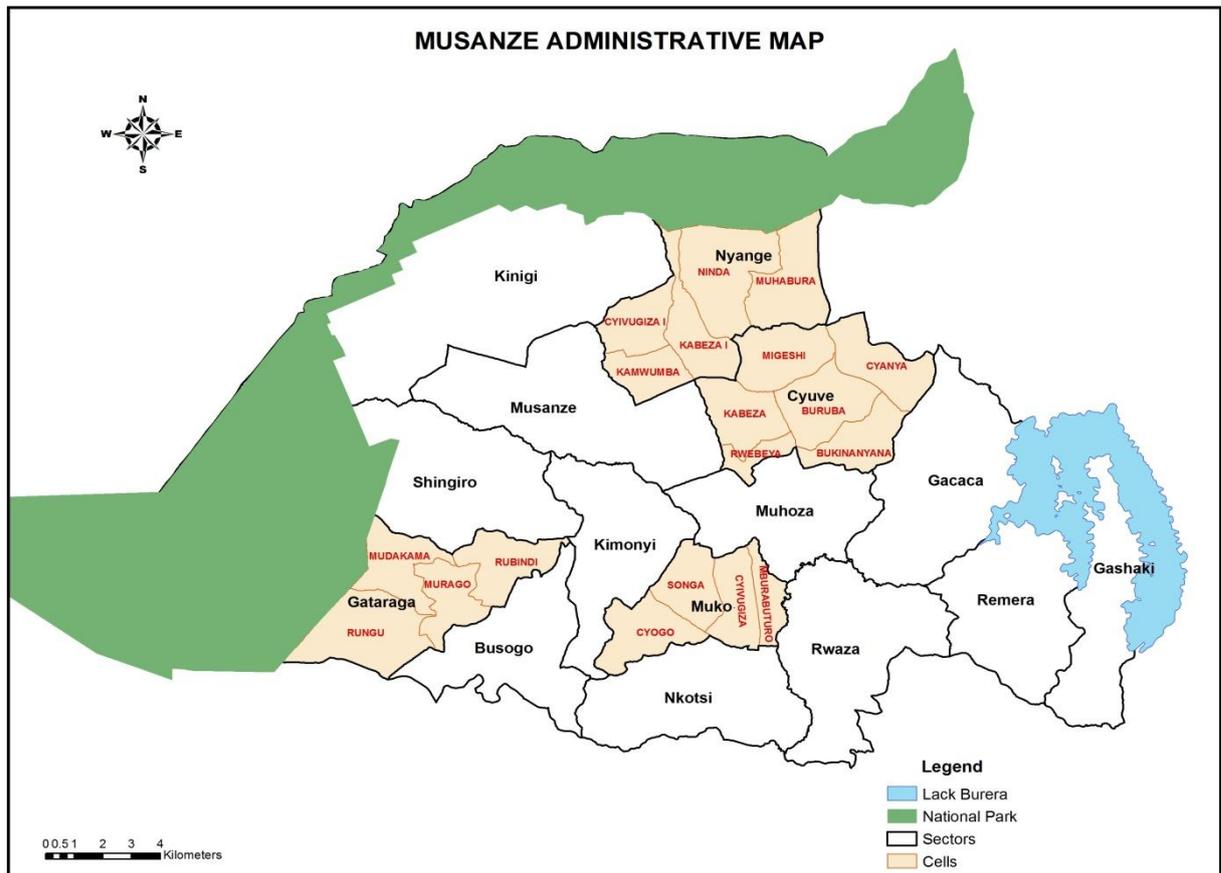
Q13: Ese murabona hari amasanira hagati y'igikorwa cyo kwandikisha ubutaka n'imibereho myiza y'umuturage?

Yego,  Oya

Q14: Duhe ingingo eshatu zishyigikira icyo gitekerezo cyawe.

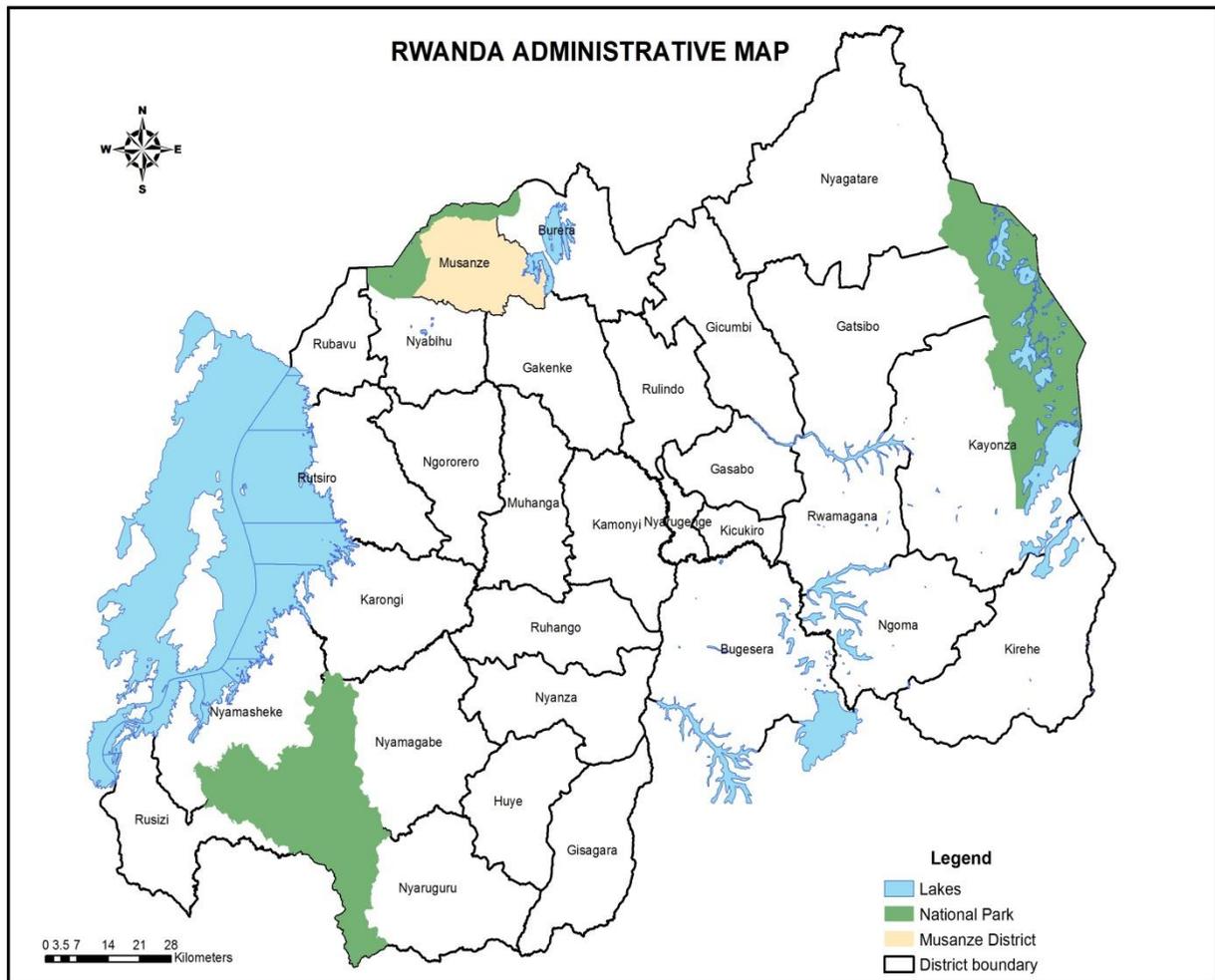
Q15: Ni izihe mbogamizi mwahuye nazo mu gikorwa cyo kwandikisha ubutaka? Kuri mwe, murumva hakorw'iki kugira ngo izo mbogamizi ziveho?

**Appendix 3: Study Area: Musanze District (Cyuve, Gataraga, Muko and Nyange Sectors)**



**Source:** Plan de Développement du District de Musanze (2012-2016)

## Appendix 4: Localization of Musanze District



Source: [www.nsr.gov.rw](http://www.nsr.gov.rw)

**Appendix 5: Photo of Nyirambangutse Margueritte (84 Years Old) with her family at District One Stop Center for land transaction**



**Source:** Photo taken by the researcher in May 2015

**Appendix 6: Photo Mediators (Abunzi) of Muko Sector**



**Source:** Photo taken by the researcher in August 2015