

NATIONAL UNIVERSITY OF RWANDA
FACULTY OF ARTS, MEDIA AND SOCIAL SCIENCES
MASTER IN DEVELOPMENT STUDIES

Family based land conflicts and social economic development: A
case study of Karongi District

A thesis submitted in partial fulfillment of the
requirement for the Master Degree in
Development Studies

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Huye, June 2013

DECLARATION OF AUTHORSHIP

I Albert IRAMBESHYA, do hereby declare that the work contained in this thesis is entirely my own work, except where it is attributed to other authors or sources. This work has not been submitted for a degree in any other university.

Dated at Huye, on

Signature.....

APPROVAL

This research report is submitted for examination with my approval as a supervisor and is worth of the award of a masters degree in Development Studies by National University of Rwanda

Signature.....

Dr. Ezechiel SENTAMA

DEDICATION

To the Almighty God,

To my parents,

To my beloved wife and children,

To my sisters and brothers.

ACKNOWLEDGEMENT

Firstly, I am grateful to the Almighty God for his love and protection throughout my life.

I would like to give special thanks to my parents for the role they played in raising me since my formative years, helping me to create a vision for my future, and encouraging me to learn and supporting my education.

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Albert IRAMBESHYA

ABSTRACT

In all communities, conflicts are natural and inevitable; they are inherent to human being interactions. Family based land conflicts are among the most conflicts that result from the use of the scarce resource land.

Rwanda is not an exception to these conflicts. Family based land conflicts are exacerbated by the problem of population growth especially the sub-division of land for inheritances purposes. This makes family members quarrel in order to have a big part of land and their socio-economic development is undermined.

A study was conducted in Karongi District especially in Gishyita and Mubuga sectors in order to analyze the impact family based land conflicts may have on socio-economic development of family members.

The results of the study have revealed that the key salient family based land conflicts are those between parents and their children, between brothers and sisters, between husbands and wives as well as those between orphans and their relatives. Furthermore, the results revealed that the main causes of such conflicts are poverty, land scarcity, polygamy, ignorance of the law related to inheritance and succession, inheritance as well as the desire to satisfy selfish interest.

The results have proven that family based land conflicts have a negative impact on socio-economic development of family members. For the impact on economic development, such conflicts reduce family income, agricultural productivity as well as agricultural employment.

As regard to the impact on social development, family based land conflicts restrain the capacity of family members to access health care, shelter and education.

In addition to that, family based land conflicts lead very often to violence. Some cases of parricide, fratricide and infanticide have observed in Mubuga and Gishyita sectors. For that reason, some recommendations have been formulated in order to solve family based land conflicts in a peaceful way.

LIST OF ABBREVIATIONS

DRC: Democratic Republic of Congo

EDPRS: Economic Development Poverty Reduction Strategy

FAO: Food and Agriculture Organization

FARG: Fond d'Assistance aux Rescapés de Genocide

GNP: Gross National Product

MINIRENA: Ministry of Natural Resources

MINITERE: Ministry of Lands, Human resettlement and Environment Protection

NISR: National Institute of Statistics of Rwanda

NURC: National Unity and Reconciliation Commission

PDD: Plan de Développement du District

PED : Paix et Décentralisation

RPF : Rwanda Patriotic Front

UNDP : United Nations Development Program

UNEP: United Nations Environment Program

USAID: United States Agency for International Development

TABLE OF CONTENTS

DECLARATION OF AUTHORSHIP	i
APPROVAL	ii
DEDICATION.....	iii
ACKNOWLEDGEMENT	iv
ABSTRACT.....	v
LIST OF ABBREVIATIONS	vi
TABLE OF CONTENTS	vii
LIST OF TABLES	xi
LIST OF FIGURES	xii
CHAPTER I: GENERAL INTRODUCTION	1
1.1 Background of the study	1
1.2 Problem statement	3
1.3 Study rationale.....	5
1.4 Objectives of the study	6
1.5 Scope of the study	6
1.6 Organization of the study	7
CHAPTER II THEORETICAL FRAMEWORK	8
2.1 Conceptual clarification	8
2.1.1 Economic development	8
2.1.1.1 Economic development theories	9
2.1.2 Social development	10
2.1.3 Conflict.....	11
2.1.3.1 Typology of conflicts.....	12
2.1.3.1.1 Data conflicts.....	12
2.1.3.1.2 Interest conflicts	12
2.1.3.1.3 Values conflicts	13
2.1.3.1.4 Relationship conflicts.....	13
2.1.3.1.5 Structural conflicts	14
2.1.3.2 Levels of conflicts.....	14

2.1.3.3 Stages of the conflict.....	15
2.1.3.4 The nature of conflicts	16
2.1.3.5 Conflict resolution stages.....	17
2.1.4 Land.....	19
2.1.5 Land conflict.....	20
2.1.5.1 Understanding land conflict.....	20
2.1.5.2 Types of land conflict	21
2.1.5.3 Types of land conflicts in Rwanda.....	23
2.1.5.4 Causes of land conflict in general.....	24
2.1.5.4.1 Economically efficient land market as a cause of land conflict	24
2.1.5.4.2 Improper work of land market institution	24
2.1.5.4.3 Selfish individual interest.....	25
2.1.5.4.4 Psychological fears and desires resulting in emotional and material needs....	26
2.1.5.4.5 Institutional change	26
2.1.6 Causes of land conflicts in Rwanda.....	29
2.1.6.1 Land scarcity	30
2.1.6.2 Demographic causes	30
2.1.6.3 Poverty	30
2.1.6.4 Political turbulence	31
2.1.7 Tools for analyzing land conflict.....	31
2.1.7.1 Timeline tool for analyzing conflict	32
2.1.7.2 Conflict onion	33
2.1.7.3 Conflict tree	34
2.2 Impact of land conflicts on socio-economic development.....	35
2.3 Land Conflict and socio-economic development in Rwanda.....	37
2.3.1 Land conflict and social development in Rwanda.....	37
2.3.2 Land conflict and economic development in Rwanda	38
2.4 Description of the area of the study	39

2.4.1 Economy of the district	40
2.4.2 Land use in Karongi district	40
CHAPTER III. RESEARCH METHODOLOGY	42
3.1 Research design: a qualitative exploration.....	42
3.2 Research approach.....	43
3.3 Data collection methods	44
3.3.1 Interview.....	44
3.4 Population of the study.....	45
3.5 Sampling technique and sample size.....	45
3.6 Data analysis	46
3.7 Ethical considerations	46
CHAPTER IV: FAMILY BASED LAND CONFLICT AND SOCIO-ECONOMIC DEVELOPMENT OF HOUSEHOLDS.....	48
4.1 General characteristics of respondents	48
4.2 Family based land conflict existence in Karongi District.	49
4.3 Kind of family based land conflicts in Karongi	51
4.3.1 Land conflicts between parents and their children	52
4.3.1.1 Causes of land conflicts between parents and their children	53
4.3.2 Land conflicts between brothers and sisters	56
4.3.2.1 Causes of land conflicts between brothers and sisters	58
4.3.3 Land conflicts between husbands and wives.....	61
4.3.3.1 Causes of family based land conflicts between husbands and their wives	62
4.3.4 Land conflict between orphans of the 1994 genocide and their relatives	63
4.3.4.1 Cause of conflicts between orphans of the 1994 genocide and their relatives	65
4.4 Institutions for solving family based land conflicts in Karongi District	66
4.4.1 The role of family council in solving family based land conflicts	66
4.4.2 The role of Conciliators committees in solving family based land conflicts	67
4.5 Impact of family based land conflict on economic development of families in Karongi district.....	70
4.5.1 Impact of family based land conflicts on income.....	70
4.5.2 Impact of family based land conflict on agricultural productivity	72
4.5.3 Impact of land conflicts on agricultural employment.....	74
4.6 Impact of family based land conflicts on social development of families in Karongi district	74
4.6.1 Impact of family based land conflicts on shelter.....	75
4.6.2 Impact of family based land conflicts on health.....	75

4.6.3 Impact of family based land conflicts on education	76
4.7 Overall discussion	76
CHAPTER V. CONCLUSION AND RECOMMENDATIONS	80
5.1 Introduction	80
5.2 Summary of the findings	81
5.3 Recommendations	83
REFERENCE	85
ANNEXE : INTERVIEW GUIDE	91

LIST OF TABLES

Table 1: Timeline as a learning history.....	33
Table 2: Land use in Karongi District.....	41
Table 3: Distribution of informant by cell	46
Table 4: Characteristics of respondents based on their age and sex	48
Table 5: Respondents' level of education	49
Table 6: Cases of family based land conflicts treated by conciliators committees in Mubuga and Gishyita sectors from 2010 up to April 2013.	50
Table 7: Key family based land conflicts in Mubuga and Gishyita sectors	51
Table 8: Cases treated by ABUNZI in Mubuga and Gishyita sectors according to the sex of complainants	60
Table 9: Family based land conflicts appealed before the court during 2012.....	69

LIST OF FIGURES

Figure 1: Conflict stages 15

Figure 2: Conflict land interdependence causes..... 27

Figure 3: Conflict onion..... 34

Figure 4: Conflict tree of the case of illegal sale of state land..... 35

Figure 5: Map of land use in karongi District..... 41

Figure 6: Family based land conflicts, causes and effects 78

Figure 7: Conflict tree of family based land conflicts..... 79

CHAPTER I: GENERAL INTRODUCTION

1.1 Background of the study

In all communities, conflict is natural, inevitable, necessary, and normal; it is inherent to the human being interactions. The problem is not the existence of conflict but how we handle it, (Bernard, 1990:2).

According to Rocher, (1968:215) every society having different people whose interests diverge get into conflict at a certain time and the idea of having a society exempt from conflict is obviously a dream that we have to get rid. People in their community, in their social interaction, get into different kind of conflict. Among those conflicts, land conflicts are the most recurrent because land is one of the most fundamental resources to man's living conditions. Man's most valuable resource is land upon which his continued existence and progress depends on, (Dale et al., 1988:26). Competing demands over land can stimulate disagreements especially when the object contested for and the parties involved belong to different groups and have different interests, (Wehrman, 2008:16). These demands over natural resources often lead directly to conflict, (Huggins, 2002: 23). Prolonged conflict and disputes therefore have negative impact from a number of perspectives: economic, social, spatial as well as ecological development, (Hoffman, 2003:17).

This is because the vital importance of land issues to social and economic development in Africa is unquestionable. The fact that land is becoming an increasingly scarce resource in many parts of the continent, and also a more and more conflict ridden resource, has implied that issues related to land rights and family based land conflicts now range high on the policy agendas both in African countries and among international donors, (Urmilla, 2006:50). Land is of paramount importance to most people in the Africa. The importance of land is stressed by (Loode, 2006:17) in these words:

“Land is more than just land. It has cosmological significance; genealogies are written on the landscape. It also is a major point of independence. There is a political and moral economy attached to this, but also a real economy. This is where people grow their subsistence crops. This

is what allows them independence from more powerful, richer people. They have land and they hope that they will always have land”.

Disputes over land and land-related conflict are common throughout history, not just in the Africa but in most other human societies. Disputes arise whether the underlying land tenure system is based on legislation, as is common in Europe, or whether it is based on custom, as are many African land tenure systems, (Loode et al., 2006:17).

Many countries in the region have incorporated Western law and land registration systems to regulate government and freehold land. Generally disputes over these (often minor) areas of land can be handled by the introduced Western court system. It is the disputes over customary land and the areas where customary and other interests collide that have proven challenging for land courts and customary dispute resolvers alike, (Loode, et al., 2006:18). According to Urmilla, (2006:23), The fact that land is becoming an increasingly scarce resource in many parts of the continent, and also a more and more conflict ridden resource, has implied that issues related to land rights and land conflicts now range high on the policy agendas both in African countries and among international donors.

Rwanda is not an exception to land conflict; according to the report of USAID, (2008:13) disagreement over inheritance is the most common family based land related dispute in Rwanda due to unequal inheritance shares. For Huggins, (2002:11) unequal distribution of land has been a common cause of family based land conflict throughout much of the country’s history. Given the fact that land is the most important asset for rural households, its inheritance often brings about conflicts between right-holders, (Marara, and Takeuchi, 2011:1). This is because land pressure has been a severe problem in Rwanda, where over 90% of the population practices agriculture. Land pressure has resulted in declining overall agricultural production, but increasing production for individuals and groups with favorable land and resource access. Conflicts in Rwanda lie in most cases in competition to access and control scarce land. Even if land scarcity is not the ultimate or most important root cause of the Rwandan conflict; it is, however, a critical component of the complex and intertwined causal factors, (Bigagaza, et al., 2001:51).

1.2 Problem statement

Rwandan people have fought over land since the beginning of recorded history. Population growth and environmental stresses have exacerbated the perception of land as a dwindling resource, tightening the connection between land and violent conflict. Land is often a significant factor in widespread violence and is also a critical element in peace-building and economic reconstruction in post-conflict situations, (USAID, 2008:19).

Access to land is a topic of crucial importance in Rwanda. Issues relating to land management, land ownership patterns, and land administration, underpin rural agricultural production. Furthermore, soils in many areas are poor and there are widespread symptoms of environmental stress, especially in terms of decreasing soil fertility and soil erosion on upland slopes. This leads to conflict related to the use of the scarce resource, (Huggins and Musahara, 2005:12).

Family based land conflicts are among the most conflicts that result from the use of the scarce resource. In fact, land scarcity can provoke conflicts at the intra- and interfamily level, to such an extent that mutual trust in a family is extinguished, (Huggins and Musahara, 2005:13). Family based land conflicts involve land sharing or disagreement between family members and this increases intra-family dispute especially over inheritance, (Huggins and Musahara, 2005:7).

According to USAID, (2008:16), customary conflict mediators reported that about half of all the disputes being referred to them were over land, particularly over inheritance. Because of the sheer extent of land scarcity, many of these conflicts could not be resolved satisfactorily. And when these conflicts are not solved in a satisfactory manner they lead to the violent conflict such parricide, fratricide, etc.

In Rwanda, population growth exacerbate the problem of family based land conflict, this is because Rwanda is described as a country with severe population pressure and widespread dependence on limited resources for subsistence, (Homer, et al., 1995:250). According to Homer-Dixon, demand-induced scarcity in Rwanda resulted from overpopulation and supply-induced scarcity was caused by decline in soil fertility due to over-cultivation, degradation of watersheds and the depletion of forests, (Homer, et al., 1995: 251).

As a result of population pressure and the sub-division of farmland for inheritance purposes, as well as some outright sale of land, the average size of a family farm holding has reduced from 2 hectares in 1960, to 1.2 in 1984, and to just 0.7 ha in the early 1990s. In 2001, almost 60% of households had less than 0.5 ha. By 2020, the population is projected to rise to 16 million, which in theory will reduce the already tiny plot sizes by half, (Kairaba, 2002:4).

Several authors have asserted the link between land scarcity and family based land conflict in Rwanda. Among the most causes of family based land conflict, land scarcity is the most cause of conflict among family members, (Marara, and Takeuchi, 2011:5), Mukarubuga, (2002:11), a land system dominated by customary law which favors land portioning through father to son inheritance is a major cause of family based land conflict. Gasana, (1997:24), land portioning among family members is an important factor of the violent conflict in Rwanda; this is the result of complex interaction between demographic pressure, inequitable access to and shortage of land resources, and resource depletion and degradation.

Land is the most important asset for most Rwandans families and will remain important for many years to come. A common understanding imparted in many analyses of the Rwandan conflict is that population pressure leading to land scarcity was the ultimate cause of family related land conflict in Rwanda, (Marara and Takeuchi, 2011:8).

Family based land conflicts explode in families when there are some members who consider themselves rightly or wrongly to receive a small land or infertile land from their parents or from the members of their families. This can therefore lead to violence such as killing of one another or wounding family members.

Furthermore, polygamy is an exacerbating factor of family based land conflict, when half brothers influenced by their mothers have to share a small land of their farther, and some of them pretend to receive a big part while others refuse, (Mukarubuga, 2002:12). This affect the social relationship that characterize Rwandan families, because while family members get into family based land conflict their mutual help is called into question.

Historically, land pressure has been a severe cause of family based land conflict in Rwanda, where over 90% of the population practices agriculture. Land scarcity has resulted in declining overall agriculture production which pokes conflict over land among family members. (Bigagaza, et al., 2001: 55).

Karongi district is among the Rwandan districts experiencing family based land conflict due to land portioning among family members and the shortage of arable land all over the district area. Furthermore, expropriation of people living in the Lake Kivu shores for environment protection purpose has contributed to worsening the problem of land distribution among family members. This is because the shore of Kivu Lake in among the most fertile soil that is observed in Karongi district.

According to the report of PED (Paix et Decentralisation), family based land conflict are the most recurrent cases treated by the conciliators' committees. 64.3% of cases treated by conciliators committees were related to inheritance and these were not successfully solved at the grass roots level, (PED, 2009:17).

When family based land conflict are not solved at the grass roots level it take more time for concerned parties to have their land dispute be solved by ordinary courts. The time parties on conflict devoted to resolve their land related conflict affects their daily productivity and this has the implication on their social economic development. In fact, the time devoted to find a solution to family based land conflict could be used in other productive activities for the concerned family. Each family member attributes the loss he/she had experienced during the period of the trial to the other one, which impacts on the harmony and friendliness among family members.

In this regard, this research considers the case of Karongi district and endeavors to answer the following question:

How do family based land conflicts affect the socio-economic development of households?

1.3 Study rationale

Several researches have been done on land conflict, such as land dispute management in Rwanda, (USAID, 2008), the challenges of land scarcity and protracted social conflict in Rwanda, (Huggins and Musahara, 2005), natural resources scarcity and violence in Rwanda, (Gasana, 1997), conflict and land tenure in Rwanda, (Marara, 2011), conflict management and

mitigation land dispute management project, (USAID, 2008). In fact, land is one of the valuable sources of income of most households, (Kairaba, 2002:8), in most families land portioning generates quarrels among family members due to their unsatisfied desire of having access to sufficient land. This situation can thus have an impact on socio-economic development of family members as well as between families. However, less attention has been given to family based land conflicts and their socio-economic impact on family members. This issue needs much attention by researchers for a better understanding of this phenomenon and its effects on socio-economic development of family members.

1.4 Objectives of the study

The main objective of this research is to analyze the impact of family based land conflicts on socio-economic development. By considering the case of Karongi District, this study focuses on the following specific objectives are:

- To explore the salient key family based land conflicts;
- To identify the causes of these family based land conflict;
- To analyze the impact of these family based land conflict on the households' socio-economic development;
- To analyze how these family based land conflicts are dealt with in Karongi District.

1.5 Scope of the study

This research has not taken place throughout the country. Due to the limited financial resources and time, it was limited to Karongi District. This district has been chosen because according to the report of PED, (2009:23), it was ranked first in land related conflicts among all districts of Western Province. In this District, family based land conflicts are becoming more acute due to the displacement of people who used to live in the shore of Lake Kivu especially in Mubuga and Gishyita sectors.

1.6 Organization of the study

For purposes of analysis and easy comprehension of land conflict issues, this study is divided into five chapters. Each chapter deals with a series of relevant themes. Chapter one offers an introduction to the study. It provides information on the main themes of the study and justification for the research problem. The chapter two concerns theoretical framework, it provides definitions of the key concepts in the study and the relationships between these concepts. It also looks at the theoretical themes relevant to the study. The third chapter focuses on the methodological discussion of the study. It discusses and justifies the choice of methodology employed and describes data collection techniques, the population of the study and sampling technique as well as methods of data presentation and analysis.

The fourth chapter is for the presentation and analysis of empirical data focusing on effects of land conflict on the socio-economic development of the households in Karongi District. The fifth chapter makes a summary of the research findings and presents various suggestions as to how the land conflict can be resolved or managed successfully.

CHAPTER II THEORETICAL FRAMEWORK

This chapter comprises the conceptual clarification and theoretical issues underlying this study. It focuses mainly on concepts clarification and the relationship between them.

2.1 Conceptual clarification

The relevant concepts that have been described in this section are economic development, social development, conflict, land and land conflict.

2.1.1 Economic development

There is considerable disagreement over the meaning and measurement of economic development and what actually constitutes the “*true development*”, (Jaffee, 1998:3).

Economic development encompasses the following three major areas in the broadest sense

- Policies that government undertakes to meet broad economic objectives including inflation control, high employment and sustainable growth.
- Policies and programs to provide services including building highways, managing parks and providing medical access to the disadvantaged.
- A process that influences growth and restructuring of an economy in order to enhance the economic well being of a community. This includes programs explicitly directed at increase per capita income, improving the business climate through specific efforts, business finance, marketing, and improving the ability to produce an adequate and growing supply and goods and services. (<http://www.compete.org/nri/>, accessed on 16th May 2013).

The economic development is measured by the increase of GNP and the increase in real per capita income which goes hand in hand with the capacity of the people to afford price of goods and services on the market (purchasing power parity), the rise in overall wellbeing of the people, (Economic development is a sustained and secular improvement in the material well-being which is reflected in increase in goods and services).

In this research, economic development is understood as the process of increasing the ability of producing goods and services whereby the real per capita income increases over a long period of time and thus leads to the increase of the capacity of people to afford goods and services on the market.

2.1.1.1 Economic development theories

Three theories help in clarifying different contexts in which economic development is understood.

Classical theory: this theory portrays economic development as an internal process of changes that a typical developing country must undergo if it is to succeed in generating and sustaining a process of rapid economic growth. It emphasizes on the need for major new policies to eradicate poverty, to provide more diversified employment opportunities, and to reduce income inequalities, (http://www.aw-bc.com/info/todaro_smith/Chapter4.pdf) accessed on 8th May 2013.

Neoclassical theory: this theory views economic development as the beneficial of free market, open economies, and privatization of inefficient public enterprises. Failure to develop according to this theory, is not due to exploitive external and internal forces, rather it is primarily the result of too much government intervention and regulation of the economy.

To neoclassical economists, economic stagnation in developing countries was a by-product of poorly designed economic policies and excessive state interference in the economy. According to them, to achieve economic development, developing country governments had to eliminate market restrictions and limit government intervention, (http://www.aw-bc.com/info/todaro_smith/Chapter4.pdf) accessed on 8th May 2013.

Structuralist theory: this theory views economic development as structural change focusing on the sequential process through which the economic, industrial, and institutional structure of an underdeveloped economy is transformed over time to permit new industries to replace traditional agriculture as the engine of economic growth. It includes a mechanism by which underdeveloped economies transform their domestic economies from traditional subsistence agricultural base into a modern economy. A modern economy is defined as one in which most of the population is urban and the bulk of the country's output is the form of manufactured products or services.

Under this theory, the object of development is the structural transformation of underdeveloped economies so as to permit a process of self-sustained economic growth, (http://blogs.law.uiowa.edu/ebook/sites/default/files/Part_1_3_0.pdf) accessed on 8th May 2013.

We subscribe to the structural theory and maintain that structural changes over time may contribute to solving family based land conflicts and thus lead to economic development.

2.1.2 Social development

Social development can be understood through different theories such as human needs theory, and systemic theory.

Human needs theory: according to this theory, social development is the satisfaction of basic human needs through and for participation. The objectives to reduce poverty, unemployment, and social exclusion are emphasized with the recognition that special attention is needed in these areas to satisfy basic human needs and to ensure people's participation (Kumiko, 2003:7).

Systemic theory: according to systemic theory, social development is an open system subjected to influence from outside and may also influence that which is beyond its boundaries. Social development is thus a result of the relationship between subsystems which are inextricably linked for influencing the overall well being of the citizens. Social development is the extent to which there is functional differentiation among societal units; it refers to such things as the size of a society, the number and distinctiveness of its parts, the variety of specialized social roles that it incorporates, the number of distinct social personalities present, and the variety of mechanisms for organizing these into a coherent, functioning whole, (Potton and McMahon, 2006:3).

Social development has some indicators, while economic development focuses on the level of income per capita. Social development focuses on the level of poverty, employment, employment security, education, health, crime and civic participation. Sometimes, social development indicators lists have included information about the environment such as social waste recycling, beaches, public open spaces, the level of interplay of social structures, and fresh water consumption, Richard, (1988:34). All these indicators materialize the overall well being of the population.

In this research social development is understood in the sense given by human needs theory. It focuses on the satisfaction of social needs such as health, education and settlement.

2.1.3 Conflict

In order to understand family based land conflicts, it is better to have an idea on the concept of conflict in general. Conflict is defined as opposition, disagreement or incompatibility between two or more people or groups of people. It is usually based upon a difference over goals, objectives, or expectations between individuals or groups. Conflicts also occur when two or more people, or groups, compete over limited resources and/or perceived, or actual, incompatible goals, (Jeong, 2000:12). Agerback 1996, as cited in Bhattarai, (2004: 5), thinks that any dynamic human system is by nature a conflictive one, encompassing the play of opposing interests. He argues that the core point depends on the way in which it is managed. Therefore, conflict may be constructive or destructive if its process provides channels that promote dialogue, participation and negotiation or channels that block and do not meet basic needs, and then provoke resentments and destruction. Briefly, he is convinced that conflict as such is not a negative phenomenon on the whole; rather, it is our capacity to read and respond to conflict that makes a difference and helps to change the course of conflict, which determines the dynamics of conflict.

Conflict is viewed in different ways depending on whether one belongs to traditional, behaviorist or interactionist schools of thoughts.

The *traditionalist*, believes that *all* conflicts are destructive/bad and management's role is to get their out of the organization. The traditionalist, therefore, believes conflict should be eliminated.

The *behavioralist* seeks to rationalize the existence of conflict and accurately perceives conflict as **inevitable** in complex organizations or relationships. Thus, the behavioralist "accepts" it.

The *interactionist* views conflict as **absolutely necessary**, and encourages opposition. The interactionist view is to accept and encourage conflict.

This research subscribes to the behaviorist school of thought and maintains that a conflict is normal and inevitable ***neither bad nor good, wrong nor right***; what makes it good or bad is how it is transformed, constructively or destructively. The ultimate results of a conflict situation are determined by the feelings, beliefs, and values of those persons involved.

2.1.3.1 Typology of conflicts

In this study, the typology of conflicts is relevant in the way that it shows where family based land conflicts can be classified.

Conflicts are generally classified into relationship conflict, data conflict, interest conflict, structural conflict and value conflict. This typology is guided by the core elements of conflict. The idea supporting such classification is to begin to find out and to understand the root causes of a conflict in order to propose resolution strategies that will have a higher probability of success. In Moore's point of view (1996:17), conflicts are categorized into five types.

2.1.3.1.1 Data conflicts

Data conflicts arise when there is a lack or suspension of information or when information is differently interpreted. Data conflict may be illustrated by a case of a parent who is convinced that his or her child should be able to correctly read in French after primary school, but that it is not the case because the school has failed to provide appropriate instruction and follow-up to his or her child. However, the school has organized a selective test that has placed this child in a weak ability position, and this result has led the school teachers to believe that primary level performance is most unlikely. However, the parent believes, for a number of reasons, that the test results are invalid. Here data are differently interpreted, (Moore, 1996:18)

2.1.3.1.2 Interest conflicts

This type of conflict occurs when there are actual or perceived scarce resources. The interest may be based on physical property or tangible things such as money, on procedural questions such as the way of making decisions, or psychological issues such as erroneous emotions.

Moore's classification of interest conflict is also analyzed in other way by Jeong, (2000:63) who split it into:

- Resource conflict, which often occurs over a real or perceived scarcity of resources. This is the case of study where by family members get into conflict due to scarcity of the land resource to be shared among different family members.

- Psychological conflict caused or maintained by the psychological needs of humans; for example, the desire for power, control, autonomy, recognition or love. In practice, psychological conflicts are often difficult to identify or to detect and lead often to excessive psychoanalysis of others.

Family based land conflicts are classified into this category, because these conflicts occur when family members perceive divergence of interests over land occupation or land use.

2.1.3.1.3 Values conflicts

Values conflicts in this study may help to know whether family based land conflict are among this category. Normally conflicts over values erupt when people have different ways of life, deeply rooted goals or varying criteria on how to evaluate behaviors. As stressed by Moore, (1996:19), conflict over values may take place where the parties have perceived or actual incompatibilities in their belief systems.

When people are not able to balance their values against the values of others in the community or when they do not have a common understanding about which values must be considered, this may lead to conflict. The values of an individual with the community must be balanced with the values and needs of others, (Grace, J., 2010:3).

2.1.3.1.4 Relationship conflicts

Conflicts over relationships prosper in environments of strong emotions, stereotypes, poor communication and historic negative patterns. While Moore, (1996:19), includes historic patterns in relationship conflict, Lederach, (2003:41), distinguishes relationships from history and thus consider two different types of conflict: conflict over relationships that can arise over a relationship or over a communication style, and conflict over history that occasionally results from a history of parties.

Conflict based on history can be illustrated by the conflict that exists in many territories of the DRC between indigenous people and local governments regarding land, property, and the management of forests. Dictated by the aim of economic development and extraction of mineral resources, the government obliges indigenous people in many territories to move from their forest land to other areas allocated for them; however, focusing on their primitive right to land

and forests, indigenous people never accept leaving their natural environment. This conflict results often in permanent tension even escalating into violence.

2.1.3.1.5 Structural conflicts

Structural conflicts in this study contribute to understand how social structures such as families can into conflicts over land. These conflicts result from structural inequities in control, ownership, power, authority or geographic separation. They refer to situations prevailing in many African societies. For instance, there are structural inequities between men and women in detriment of women in terms of access to and control of power, property ownership, inheritance rights, access to education, etc., (Moore, 1996:20). In spite of this classification, it is important to underline that conflicts are often complex, and they may not always be about what they seem. Thus, these typologies are not exclusive; that is why, for instance, a divergence that seems to be about data may in reality have elements of relationship or values rooted within it. It is necessary to observe carefully to determine the true combination of elements involved.

In this context, family based land conflicts can be classified into this category, because of inequities between family members in terms of access to land.

2.1.3.2 Levels of conflicts

Conflict may emerge at different levels. On the one hand, it can occur at the macro, meso/mid-range or micro levels; on the other hand, it can take place at the intrapersonal, interpersonal, intergroup, inter-organizational levels, etc. The macro level may refer to the top level; for instance, the global level, the international level, the national or country level. The mid-range or meso level encompasses the intermediary level, while the micro level may refer to the grassroots level, (Paffenholz, 2004:14).

The intrapersonal conflict refers to actual or perceived pressures from incompatible goals or expectations in an individual while the interpersonal conflict occurs between two or more individuals who are in opposition to one another (e.g. a conflict within a married couple about adultery). Regarding the intergroup conflict, it takes place among members of different teams or groups; and the inter-organizational conflict may emerge in different contexts within organizations; for instance, it can occur in the competition and rivalry between firms operating in

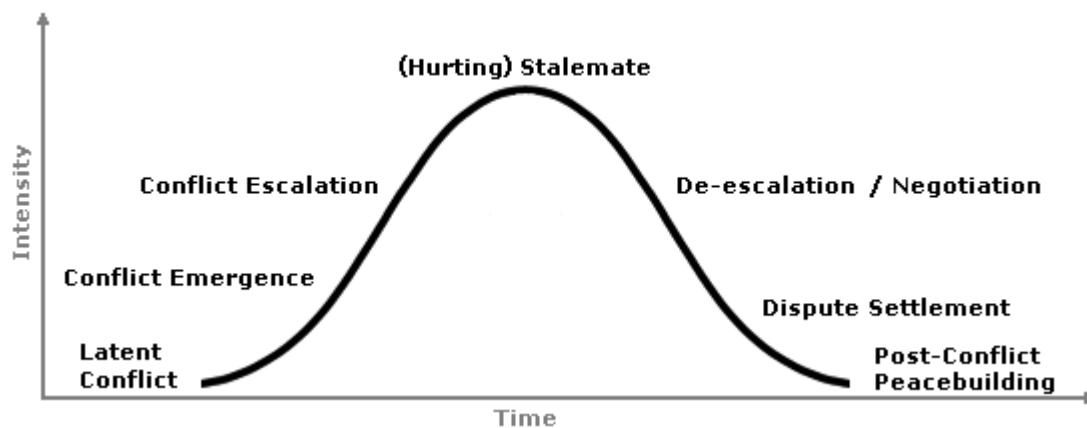
the same markets, or between government regulatory agencies and organizations subject to their surveillance, and so on, (McCuddy, 2003:32).

Family based land conflicts are at interpersonal level, where these conflicts oppose two or more members of the family over the appropriation of the land or its use.

2.1.3.3 Stages of the conflict

Most conflicts go through a series of nonlinear stages. These stages may also be applied to family based land conflict. These phases may be illustrated on the diagram below.

Figure 1: Conflict stages



Source: Brahm, E., *Conflict stages: Beyond intractability*, University of Colorado, 2003, p.2

At the latent stage there are deep value divergences or important injustices, which will potentially lead to an active conflict. Sometimes, tensions or grievances may persist over a long time without resulting in a manifest conflict. However, from the latent stage, a conflict can be transformed into an active one, leading to the eruption or emergence stage. When a conflict erupts, it can intensify and reach the escalation phase. Escalating conflicts can turn into a spiral with each side continually provoking the other to raise the stakes, culminating in the outbreak of direct violence and war, making the conflict more and more destructive.

Smoke (1978), as cited in Vayrynen, (2006:19), distinguishes between vertical escalation, which is characterized by an increase in the intensity of violence in terms of the amount of human and material destruction; and horizontal escalation, which expands the geographical and social domains of conflict and draws into the sphere of violence new people, communities, and states.

During the escalation stage, peacemaking efforts may be attempted to negotiate an end to conflict; these efforts can succeed, but also they can fail several times, dampening new attempts and creating mistrust, which makes the conflict continue. Escalation cannot be indefinite; at one moment it reaches a deadlock, and the parties get to a stalemate. They can sometimes reach that stage but neither party is willing to go back; sometimes the stalemate stage appears to be hurting, and it is not possible for a party to win at that specific moment. As a result, the conflict may go into the de-escalation stage, decreasing in intensity, (Brahm, 2003:2).

If parties look for resolution, they will go through the negotiation stage, searching for reciprocally advantageous pathways of resolving their conflict. A successful negotiation may avoid the re-escalation of conflict and open opportunities for a settlement stage to mark the end of the active conflict. For the consolidation of the resolution achieved, peace building and reconciliation are required to prevent the re-emergence of the conflict and to start to heal and rebuild relationships with the long-term goal of reconciling former opponents, (Brahm, 2003:3).

Alker, Gurr, and Rupesinghe (2001), as cited in Brahm, (2003:3), distinguish between six phases: the dispute stage, which may be equivalent to conflict emergence; the crisis stage corresponding to escalation; the limited violence stage; the massive violence stage, which is similar to escalation; the abatement stage, which corresponds to de-escalation; and the settlement stage.

Moreover, it is important to emphasize that the aforementioned stages of conflict are not linear; they experience evolution and obstacles toward resolution. After temporary stalemate or negotiation, escalation may restart; it can alternate also with de-escalation; negotiations may take place in the absence of a stalemate, and so forth. However, most conflicts pass through similar stages at least once in their history, (Brahm, 2003:4).

2.1.3.4 The nature of conflicts

In this research, it ought to talk about the nature of conflicts in order to be able to understand the nature family based land conflict may have. Regarding their nature, conflicts may be classified into violent and nonviolent conflict or into constructive and destructive conflicts. However, in the conflicts literature, most studies and available data are concentrated on violent conflicts,

particularly on wars. Thus, there is a lack of information and research on nonviolent conflicts. This lack of information leads many people to think that absence of violence means absence of conflict. This is a limited analysis; absence of violence does not automatically mean an absence of conflict because parties involved in conflict may pursue their incompatible interests without violence or coercion; conflict still exists between them but they do not use force against each other, (Heinz-Jürgen, 2006:15). It is thus important to emphasize that a conflict that escalates into violence has started from nonviolence and went through the process of manifestation. But it is difficult to discover a conflict without the existence of some visible signs that prove certain positional differences or interest opposition between parties. Conflicting situations may exist, yet at a latent stage where parties are not pursuing an overt strategy to achieve their goals, it is quite difficult to detect it without manifest indicators.

Conflict can be constructive/functional or destructive/dysfunctional; constructive conflicts are those that positively benefit individuals, groups, or organizations; they create opportunities for creativity, giving parties an occasion to address essential issues that are raised and an increase of information for decision-making by carefully considering and reconsidering their decisions, (McCuddy, 2003:32). In contrast, a destructive conflict works to the disadvantage of individuals, groups, or organizations. Then, instead of being an opportunity for positive change, it will be harmful to group cohesion; it will deflect energies, promote interpersonal hostilities and will generally create a negative environment.

2.1.3.5 Conflict resolution stages

Conflict resolution stages in this study may help to know about which stages a family based land conflict may pass through in order to be solved.

Depending on the degree of escalation, present eight strategies of conflict resolution are recommended, (Weherman, 2008:66).

Facilitation: the facilitator helps the parties come together, the parties still being able to solve the problem by themselves. Facilitation can be applied in a very early stage of pre-conflict to defuse the conflict in time and avoid escalation.

Moderation: the moderator helps the parties come together to clarify and settle minor differences, the parties still being able to solve the problem by themselves. Moderation can be applied in a pre-conflict situation to defuse the conflict in time and avoid escalation.

Consultation: the “tutor” accompanies the process, working on the deeply internalized perceptions, attitudes, intentions and behaviors of the parties in order to calm them. Consultation is yet another approach useful during the stage of pre-conflict to stop the conflict progressing toward becoming a full-blown crisis. It is more appropriate than simple moderation in a case where a latent conflict has manifested itself for a longer time and has already created prejudices and hostility.

Socio-therapeutic consultation: this special form of consultation focuses explicitly on destructive, dysfunctional or neurotic behavior due to psychological damages caused by former negative experiences in life. Socio-therapeutic consultation is extremely helpful if the parties involved have already lost face during the processes of peacemaking, peacekeeping and peace building, as it helps in the understanding of one own behavior as well as that of one’s opponent, and therefore creates understanding and a willingness to forgive one another.

Conciliation: this is a mixture of consultation and mediation. The conciliator helps the parties to negotiate while whenever necessary addressing internalized perceptions, attitudes, intentions and behaviors with the objective of reducing prejudices and hostility. Conciliation can be applied in pre-conflict and early conflict situations as long as the parties are able to talk to each other.

Mediation: Mediation, too, requires that the parties are willing to face each other and to find a compromise. The mediator follows a strict procedure, giving each party the opportunity to explain its perceptions and to express its feelings, forcing the other party to listen and finally moderating a discussion aimed at finding a solution with which both parties can live. Preferably, the moderator should not propose solutions but may lead the way towards them. At the end, a written contract is signed by all parties and the mediator seals the agreement. Mediation can be done in any situation as long as the parties are willing to find a compromise.

Arbitration: Arbitration follows strict rules too. Unlike the moderator, however, the arbitrator is expected to make direct suggestions on how to settle the conflict. He is more influential and powerful than moderators, tutors or mediators. He has decision-making authority. Therefore, arbitration can be used even at the peak of a conflict. What makes it different from adjudication is that the arbitrators are accepted and trusted by both parties. The arbitrator may be appointed by all conflicting parties or be a respected person traditionally responsible for dispute settlement.

Decision by a powerful authority (adjudication) should always remain the last resort, (Weherman, 2008:66-67).

2.1.4 Land

Land is primary input and factor of production which is not consumed but without which no production is possible. It is the resource that has no cost of production and, although its usage can be switched from a less to more profitable one, its supply cannot be increased. The term land includes all physical elements in the wealth of a nation bestowed by nature; such as climate, environment, fields, forests, minerals, mountains, lakes, streams, seas, and animals. As an asset, it includes anything on the ground (such as buildings, crops, fences, trees, water), above the ground (air and space rights), and under the ground (mineral rights), down to the center of the Earth. In accounting domain, land is referred to as a fixed asset account (not subject to depreciation due to its un-wasting nature) and is listed under the equipment, land, and plant subheading in a balance sheet. It is recorded at its purchase price plus legal and development costs (such as for surveying, draining, excavation, filling, and grading). Land held for investment is listed under investments; a real estate firm, however, may list it under inventory. See also land development and land improvement, (<http://www.businessdictionary.com/definition/land.html> accessed on 10 June 2013).

According to the Organic law n° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda, land is a surface area with biodiversity like humans, animals and different plants

and non biodiversity like rocks, buildings, various infrastructure, rivers, lakes as well as the sub soil and its atmosphere¹.

Land is both the basis of a group's cultural and existential integrity and its primary means to a secure future. Indeed, land is often seen as the basis of claims to citizenship. Ownership of land is what gives people a voice in local and national politics. A community's land also holds a special significance as the place where parents and ancestors are buried. As discussed in the previous section, such ties form a strong emotional bond between people and their land, (Cochran, 2005:14).

2.1.5 Land conflict

Land conflicts often have extensive negative effects on economic, social, spatial and ecological development. Land conflicts can have disastrous effects on individuals as well as on groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources. This section presents a broadened understanding of land conflict, causes of land conflict, its provides a number of tools with which to analyze land conflict as well as approaches for dealing with land conflict.

2.1.5.1 Understanding land conflict

It has been revealed that land-related conflict is prevalent in many regions of the world. Land conflicts are indeed a widespread phenomenon, and can occur at any time or place. Both need and greed can equally lead to them, and scarcity and increases in land value can make things worse (Besnier, 1990: 291). Land conflict is understood as a dispute that involves two or more parties who disagree over land use, land distribution as well as its symbolic and physical resources, (Loode, et al., 2006:14). Parties involved in land conflict may perceive their underlying cultural or material values and beliefs to be different. The origin of land conflict can lie in the social and political make-up and structures of the society.

¹ Article 2, paragraph 18, of Organic law n° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda.

Land conflict can also be defined as a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from 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. Land conflicts defined as such can be aggravated if the social positions of the parties involved differ greatly, (Wehrmann, 2008:9).

In our research, land conflict will be used as disagreement about management and use of land; dispute related competing claims to pull-over land, as well as compulsory acquisition and compensation of land.

In order to successfully resolve land conflicts, it is important to be aware of the many different types of land conflicts that exist. One difference is found in the identity of the actors involved, some of them being legitimated to act in the way they do, others not. Other differences are found in aspects of the land itself, whether the conflicts occur on state, private or commonly owned land. Still other differences result from the complexity of causes of the conflict, as well as how these influence and intensify one another. Finally, the dimension of a land conflict varies significantly which makes a major difference for its resolution. Understanding the specific nature of the land conflict under consideration is a vital step in its eventual resolution, (Wehrmann, 2008:25).

2.1.5.2 Types of land conflict

Disputes over land fall into four general categories. Within these categories, conflicts may be separated into different types and over sub-types. This system of classification builds upon the kind of land involved (state, private or common property), the specific object of the conflict as well as the legitimacy of actions and the level of violence used by the parties, (Mahaphonh, 2007:32).

A) Conflicts occurring on all types of property

These are conflict such as:

- Boundary conflicts;
- Inheritance conflicts;
- Ownership conflicts due to lack of land registration;

- Ownership conflicts between state and private/common/collective owners;
- Limited access to land due to discrimination by law, custom or practice;
- Illegal evictions by state officials acting without mandate;
- Market evictions and distortion of local land market/values;
- Disputes over the value of land;
- Conflicts between human/cultural and natural use (flora and fauna);

B) Special conflicts over private property

- Expropriation by the state without compensation;
- Sales of someone else's private property;
- Leasing/renting of someone else's private property;
- Illegitimate expropriations by banks;
- Conflicting claims in post-conflict situations;
- Illegal/improper uses of private land;
- Intra-family conflicts, especially in case of polygamy.

C) Special conflicts over common and collective property

- Competing uses/rights on common and collective land;
- Illegal/improper uses of common property;
- Unauthorized sales of common or collectively owned property;
- Disputes over the distribution of revenue from customary land.

D) Special conflicts over state property

- Illegal/improper uses of state land
- Competing uses/rights on state property
- Land grabbing by high-ranking public officials
- Illegal sales of state land
- Illegal leases of state land (including concession land, forests, mines)
- Disputes over revenues from state land generated through lease, sale or transformation of its use
- Improper land privatization (e.g. unfair land distribution or titling), (Mahaphonh, 2007:32-33).

2.1.5.3 Types of land conflicts in Rwanda

Land conflicts in Rwanda are in different types, the most recurrent are inheritance conflicts, boundaries conflicts, conflict related to political changes, expropriation by state without compensation, unauthorized sale of common land, and sales of orphans' land.

- ***Inheritance conflicts***: inheritance is an official occasion to confirm an individual right to land, which constitutes the most important asset for the household in Rwanda. It is therefore, quite natural that disputes relating to this asset tend to occur with families at the time of inheritance especially in case of polygamist families, (Marara, 2011:6). It is in this category where family based land conflicts are classified.
- ***Conflict related to political changes***: Rwanda has a long history of state intervention in relation to land. In this context, political changes had tremendous impact on land tenure. The victory of RPF and subsequent massive return of old-case refugees brought about a number of land conflicts. Land sharing between old-case returnees and original inhabitants has caused many disputes over land, (Marara, 2011:9).
- ***Boundaries conflicts***: as land is becoming scarce, people tend to move the boundaries of their land and take the soil of their neighbors. This becomes a source of conflict between neighbors having bordering land, (MINERENA, 2008:72). Family based land conflicts can also be in this category especially when family members having bordering land tend to move the boundaries of their respective land.
- ***Conflicts related to expropriation by the State organs***: according to the law No18/2007 of 19/04/2007 related to expropriation, a government organ has responsibilities and powers conferred by law to carry out expropriation due to public interest on the condition that it gives to land owners a prior indemnity equivalent to the value of land and the activities performed thereon given to the expropriated person and calculated in consideration of market prices. This creates conflict between State organs and the population in the case the later is obliged to leave the land without receiving a prior indemnity or when they do not agree with the values given to their land and their assets.
- ***Unauthorized sale of common land conflicts***: these conflicts occur in the case a family member sales the land or a piece of land without the permission of family members, (MINERENA, 2008:70).

- ***Sale of orphans' land:*** The 1994 genocide has left a big number of orphans; most of them have been educated by their relatives. When the latter sold the land of the orphans, this created conflict when these orphans reached adulthood as a result of claiming for their land back, (Kairaba, 2002:15).

2.1.5.4 Causes of land conflict in general

There are several causes of land conflict, Anseeuw, (2010:17), talks about economically efficient land market as a cause of land conflict, improper work of land market institution, selfish individual interests, psychological fears and desires resulting in emotional and material needs, and institutional change.

2.1.5.4.1 Economically efficient land market as a cause of land conflict

Not even a perfect, economically efficient land market can prevent land conflicts as land market forces alone do not lead to socially and ecologically optimal land use patterns. This is because they tend to disregard the negative effects of environmental degradation (conversion of forests and agricultural land into construction land) and the impact on the poor of being pushed out of the land market by so-called market evictions what causes land conflict. Therefore, in addition to secured property rights, additional requirements for an ecologically and socially sustainable land market are required including: land management (land use planning, land use regulations, land consolidation, land readjustment and land banking), and ethical principles. Usually the institutions regulating the land market do not work properly, but even when they do, land conflicts still regularly occur, (Anseeuw, 2010:17).

2.1.5.4.2 Improper work of land market institution

Two main types of institutions can be distinguished: constitutive and regulatory institutions. Constitutive institutions are needed to enable an economically efficient land market to work, and include such fundamental elements as land rights, land registration and the rule of law. Regulatory institutions, on the other hand, provide the ingredients necessary to make the land market socially sustainable and environmentally sound such as land management and ethical principles. Supportive and complementary institutions such as land valuation and financial

mechanisms are no prerequisites for a sustainable land market, but facilitate land transfers and correspondingly can limit or even provoke land conflicts, as well.

In most developing countries and transitional economies, many constitutive and regulatory institutions have significant functional deficits. Land rights are most often characterized by fragmented or overlapping legislation or legal pluralism. This results in unclear property rights and consequently conflicts over land ownership. In addition, many land administration authorities are threatened by corruption. Therefore neither institutions constituting nor those regulating the land market make a substantial contribution to preventing land conflicts. Given their low salaries and an openness of the people working within these institutions to “motivation payments” they instead contribute to land conflicts.

For all institutions, the lack of implementation is the crucial point. Unclear or non-existent implementation guidelines and contradictory legislation worsen the situation. Political will is also very irregular and unclear. Generally, it can be concluded that imperfect constitutive land market institutions promote land ownership conflicts, while poor regulatory institutions are responsible for land ownership as well as land use conflicts, (Anseeuw, 2010:18).

2.1.5.4.3 Selfish individual interest

It needs to be stressed that the functional deficits of institutions are not the core reason for land conflicts; they merely facilitate them. Profit maximization by a multitude of actors is the driving force, manifested either by unjustly grabbing land or by excluding disadvantaged sections of the population from legally using land. Theoretically, these actors include all social gatekeepers. These are people who, because of their job, position and faction can manipulate the land market to their advantage. Notoriously low wages in the public sector contribute to corrupt behavior by social gatekeepers in the land sector. However, the decisive factor for these irregularities is the “normality of misbehavior”. Nepotism, corruption, and disregard for regulations are considered normal by the population. Social and religious values are of little relevance to everyday life; self-interest is paramount to public interest. This underlines the importance of ethical values and rule-of-law principles in preventing land conflicts. If individual profit maximization in the case of widespread absence of functioning institutions is the underlying reason for land ownership conflicts, then a capitalistic land market associated with increasing land prices can be seen as a facilitator, (Anseeuw, 2010:18-19).

2.1.5.4.4 Psychological fears and desires resulting in emotional and material needs

As with any egoistic behavior, taking advantage of functional deficits for the sake of reckless individual profit maximization is based on emotional and material needs, which again are a consequence of psychological fears and desires. Therefore, psychological phenomena form the basis of land conflicts. A typical psychological fear is the fear for one's existence. This fear can result in extreme emotional and material needs such as the need for shelter, the longing for survival and self-esteem in some cases resulting in a desire for power and a strong need for independence often resulting in the accumulation of wealth. It is primarily this combination of very strong emotional and material needs (seeking power and wealth) that allows people to either break rules (institutions) or profit from institutional shortcomings. Land conflict resolution should therefore look at the psychological fears and desires of those breaking the law or profiting from loopholes especially in those situations where illegal behavior is the rule rather than the exception. This is the case in many post-conflict countries where psychological fears and desires and the emotional and material needs these provoke in addition to those needs directly created by the conflict itself (e.g. loss of property due to forced displacement) are common phenomena influencing the entire society and its overall development, (Anseeuw, 2010:19).

2.1.5.4.5 Institutional change

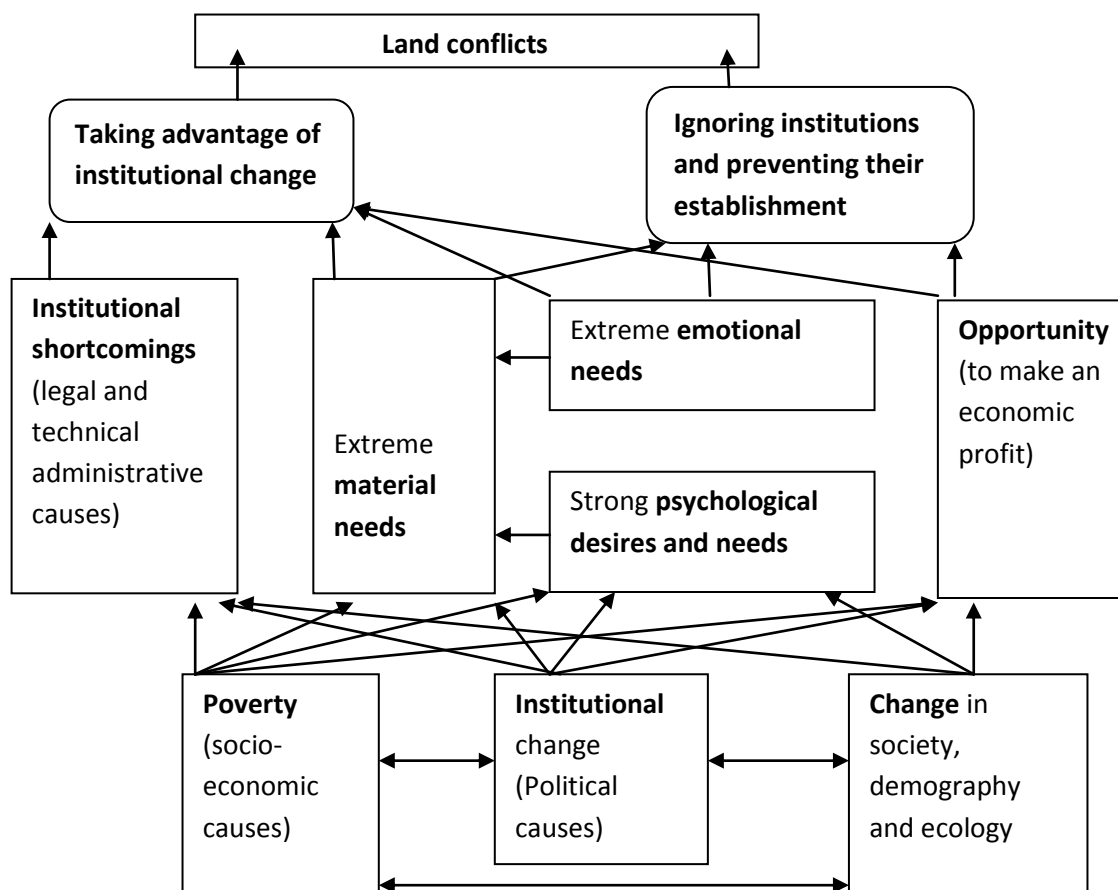
Moments or situations of institutional change are conflict prone and therefore tend to be phases of increased land conflict. While some forms of land conflict can occur under different and even stable institutional frame conditions (such as boundary or inheritance conflicts), others mainly arise during institutional change (for instance, conflicts due to privatization) or occur much more often and seriously during these times (such as market evictions). Some land conflicts are directly linked to the nature of the institutional change. Multiple sales due to legal pluralism for instance are typical for slow institutional changes that lead to the overlapping of two systems. Illegal sales of state land, on the other hand, are quite common in situations of either abrupt institutional change that are marked by a temporary absence of rules, (Anseeuw, 2010:20).

An institutional change causing a temporary institutional vacuum on the land market can generate fears, desires, needs, interests, attitudes and opportunities concerning land use and

ownership and, because these are no longer controlled, can easily lead to land conflicts. The figure below shows the interdependence of land conflicts causes.

This helps to understand how causes of land conflicts are interconnected and how one cause can give rise to other causes. Understanding the interdependence of land causes may help in the search of practical solutions.

Figure 2: Conflict land interdependence causes



Source: Wehrman, B., *Urban and Peri-urban land conflict in developing countries*, Marburg University, Berlin, 2005, p.31

Poverty, institutional change and other changes in society (including war and peace) influence each other and provoke strong psychological desires and fears (such as the fear for existence or desire to be loved). These result in extreme emotional and material needs such as the need for shelter, feelings of revenge, the longing for survival and self-esteem in some cases resulting in a

need for power and a strong need for independence often resulting in the accumulation of wealth. Given the institutional shortcomings resulting from institutional change and/or poverty, these emotional and material needs sometimes supported by sudden opportunities to reap economic profit that results in either taking advantage of institutional weaknesses, ignoring formal and/or informal institutions or in preventing their (re-)establishment, (Wehrman, 2005:32).

Looking at the causes of land conflict from a different analytical perspective, they can also be distinguished by political, economic, socio-economic, socio-cultural, demographic, legal or juridical, administrative, technical (land management), ecological and psychological causes. Political, economic, socio-economic, socio-cultural, demographic and ecological causes are part of the changing framework. Legal, administrative and technical causes are summarized under the institutional shortcomings, (Leckie, and Huggins, 2011:73).

- **Political causes:** these include change in the political and economic system, including nationalization or privatization of land, lack of political stability and continuity, lack of predictability, Introduction of (foreign, external) institutions that are not popularly accepted, war/post-war situation, including a high number of former (now unemployed) military, para-military, or guerrilla fighters all accustomed to the use of violence, political corruption, state capture and land grabbing, political (and economic) support for big farmers to the disadvantage of poorer peasants;
- **Economic causes:** these include evolution of land markets, increasing land prices, limited capital markets, poverty and poverty-related marginalization/exclusion, extremely unequal distribution of power and resources (including land), lack of microfinance options for the poor;
- **Socio-cultural causes:** destroyed or deteriorated traditional values and structures, rejection of formal institutions (new, foreign, external), low level of education and lack of information on institutions, and mechanisms of land markets, high potential for violence, abuse of power, strong mistrust, helplessness of those disadvantaged, unregistered land transactions, fraud by governmental administration and/or individuals, patronage-system or clientelism, strong hierarchical structure of society, heterogeneous society, weak sense of community or lack of identification with society as a whole;
- **Demographic causes:** strong population growth and rural exodus, new and returning refugees;

- **Legal and judicial causes:** legislative loopholes, contradictory legislation, legal pluralism, traditional land law without written records or clearly defined plot and village boundaries, formal law which is not sufficiently disseminated or known, limited or no access to law enforcement and jurisdiction by the poor or disadvantaged, insufficient establishment of rule-of-law-principles (e.g. lack of independent courts), insufficient implementation of legislation, Missing or inactive mechanisms for sanctions;
- **Administrative causes:** insufficient implementation of formal regulations, centralization (e.g. centralized land use planning), administrative corruption, insufficient control over state land, lack of communication, co-operation, and co-ordination within and between different government agencies as well as between public and private sector (if existent at all), lack of responsibility and accountability, limited access to land administration, especially for the poor and rural population (distance, illiteracy, costs etc.), insufficient information to the public, limited or nonexistent public participation, especially in land use planning and demarcation of concession land, insufficient staff and technical or financial equipment at public agencies, very low wages in the public sector, low qualifications of public employees, missing code of conduct, lack of transparency;
- **Technical causes:** missing or inaccurate surveying, Missing land register (e.g. destroyed) or one that does not meet modern requirements, Missing, outdated or only sporadic land use planning or planning not adapted to local condition, Insufficient provision of construction land, Missing housing programs;
- **Ecological causes:** erosion, drought and floods leading to urban migration, floods and storms in squatter settlements;
- **Psychological causes:** fear for one's existence, lack of self-esteem, loss of identity, collective suffering, and desire for revenge, thirst for power, (Leckie, and Huggins, 2011:73-74).

2.1.6 Causes of land conflicts in Rwanda

The causes of land conflicts in Rwanda are mainly land scarcity, political turbulence, poverty, demographic causes, and culture barriers.

2.1.6.1 Land scarcity

Land scarcity is a cause of land conflict in Rwanda, population pressures and inheritance practices have resulted in increasing fragmentation of land parcels. Government is convinced that land fragmentation is inefficient and leaves households with holdings that are too small to support them. Parcel sizes nationwide currently vary from 0.06 ha in Northern Province to 0.025 in Western Province to 0.7- 1.0 ha in Eastern Province. Households routinely hold more than one parcel giving an average total land holding of 0.75 ha or more scattered over five or six land parcels, (MINIRENA, 2010:12).

2.1.6.2 Demographic causes

Population pressure is an important factor contributing to land conflict in Rwanda. It is well known that Rwanda is the most densely populated country in Africa. Land portioning is a source of many land dispute due to the fact that there is insufficient land to meet the needs of the growing population. If the current trend continues, agricultural conditions in Rwanda will worsen. Already, agriculture is encroaching into protected areas and other ecologically sensitive areas. Based on current population growth and patterns of land use, it is estimated that 82% of all land holdings will be less than one hectare or smaller by 2015. An estimated 38% of all holdings will be smaller than 0.275 hectares, (Bigagaza, 2001:19).

As a result of population pressure and the sub-division of farmland for inheritance purposes, as well as some outright sale of land, the average size of a family farm holding has reduced from 2 hectares in 1960, to 1.2 in 1984, and to just 0.7 ha in the early 1990s. In 2001, almost 60% of households had less than 0.5 ha. By 2020, the population is projected to rise to 16 million, which in theory will reduce the already tiny plot sizes by half, (Kairaba, 2002:9). As people will compete to share a meaningless land, land related conflicts will be exacerbated.

2.1.6.3 Poverty

Rwanda is amongst the most underdeveloped nations of the world. According to Human Development Report of the UNDP, it ranks 164th on the list of 174 countries in terms of human development index and other socio-economic indicators. Poverty is widespread in Rwanda. In 1998 about 65.3% of the population was estimated to live below the poverty line. In 2000, about

58.9% of the population was estimated to live under poverty line; this rate of poverty was 56.7% in 2005, while in 2011 it was about 44.9%, (NISR, 2012).

Despite the remarkable decrease of poverty over the last ten years, rampant poverty remains a potential source of land conflict among people. Land is the most important assets for production and livelihood of Rwandan. It is not surprising that the loss of land sweep along poverty amongst households, and thus leads to land related conflicts, (Kairaba, 2002:12).

Poverty is the origin of land related conflicts; it makes people to commit crimes in order to take their land what leads to a cycle of violence in the society. It should be remembered that the 1994 Rwandan genocide was pushed and amplified by among other things, the will of genocide criminals to monopolize and take over properties belonging to victims whom they were jealous. Therefore, fighting against poverty is one of essential conditions of reducing conflicts and hence unity and reconciliation of Rwandans, (NURC, 2008: 131).

2.1.6.4 Political turbulence

Political reasons, such as the return of old-case refugees, long refugee absences, and/or arrest based on the suspicion of genocidal crime, and payment for Gacaca where many old-case returnees came in and acquired land, political factors have become the main causes of land conflicts.

From the social and cultural viewpoint, Rwandans are very attached to their land. It is believed that a major driving interest of all previous regimes in Rwanda, starting with the colonizers, was being in control of the main resource of the country, the land. Further, it is observed that, the political economy of land in Rwanda contributed to socio-political tensions, leading to the 1994 genocide, due to the effects of resource capture by elite groups and landlessness in the economic collapse prior to 1994 genocide, in the context of structural land scarcity. This argument is strongly qualified by the fact that, during all waves of conflict in Rwanda, leading to the genocide, population was mobilized to kill neighbors with a promise of taking over the land of the dead, (Kairaba, 2002:10).

2.1.7 Tools for analyzing land conflict

A first step in land conflict resolution is a thorough analysis of the conflict. It is necessary to have a clear and deep understanding of the special characteristics of the particular conflict, the

causes of the conflict and the actors involved (including their positions, attitudes, behavior, interests, needs and motivations), as well as their relations with each other. Depending on the complexity of the conflict, frame conditions and the historical development of the conflict may have to be identified as well, (Fisher et al., 2000:61). Tools that are going to be discussed in this section are timeline, conflict onion, as well as conflict tree. In this research, conflict tree will be used in order to analyze the causes and effects of family based land conflict on socio-economic development of households.

2.1.7.1 Timeline tool for analyzing conflict

In principle, a timeline is a very simple tool. It is a graphic or a table that shows events plotted against time. It lists dates (years, months or days, depending on the scale) and depicts events in chronological order. In this case, you can use timelines to show the history of a conflict. In a conflict, groups of people often have completely different experiences and perceptions: they see and understand the conflict in quite distinct ways. They often have different histories. People on opposing sides of the conflict may note or emphasize different events, describe them differently, and attach contrasting emotions to them, (Adebayo, 1999:137).

Timeline based on the problem of illegal acquisition of state land in peri-urban areas of African countries.

Table 1: Timeline as a learning history

Year	General event	Event as experienced by governments	Events as experienced by Peri-urban dwellers	comments
1960s	Peri-urban experiences: industrialization, mechanization of agriculture, urbanization and improved transportation	Application of government laws	There are fewer jobs in agriculture but new urban jobs. We move to the cities and settle on unused available land as our fore-fathers did when they needed land	Nobody considers that the economic changes leading to migration result in a need for additional urban shelter.
1970s	Many migrants to the city cannot find formal housing. The government invests in infrastructure. Financial crisis.	Too many inhabitants place unmanageable burdens on our cities.	The government should have provided land or housing calling us to the cities but not providing this.	Problem: workers are wanted but no land is provided for them. Too many are coming at the same time.
1980s	The government is weak in regard to urban control	Migrants illegally build on state land. They should buy or lease land	The government isn't providing our settlements with proper infrastructure	There are contradictory expectations
1990s	Unplanned settlement stretch over a big area	Illegal settlements on state land have to be stopped	We are being illegally evicted without compensation	Both sides consider the other to be acting illegally

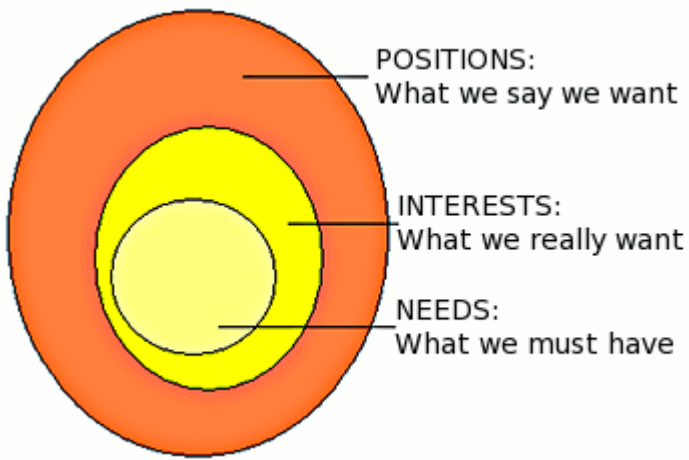
Source: Adebayo, A., *Comprehending and mastering African conflicts: the search for sustainable peace and good governance*, Zed Books, London, 1999, p.137

Once the details of a conflict's development over time are known, its different stages can be identified. This allows the current degree of intensity of a conflict to be determined, perhaps showing that it is just before escalation so that urgent actions are needed.

2.1.7.2 Conflict onion

It is based on the analogy of an onion and its layers. The outer layer contains the position that is taken publically, for all to see and hear. Underlying these are the interests what parties want to achieve from a particular situation. Finally, at the core are the most important needs they require to be satisfied. It is useful to carry out this Onion analysis for each of the parties involved. More information about the actors can be found by completing or "peeling" the conflict onion identifying their positions, interests and needs, as well as their desires and fears, (Fishier, et al., (2000:64).

Figure 3: Conflict onion



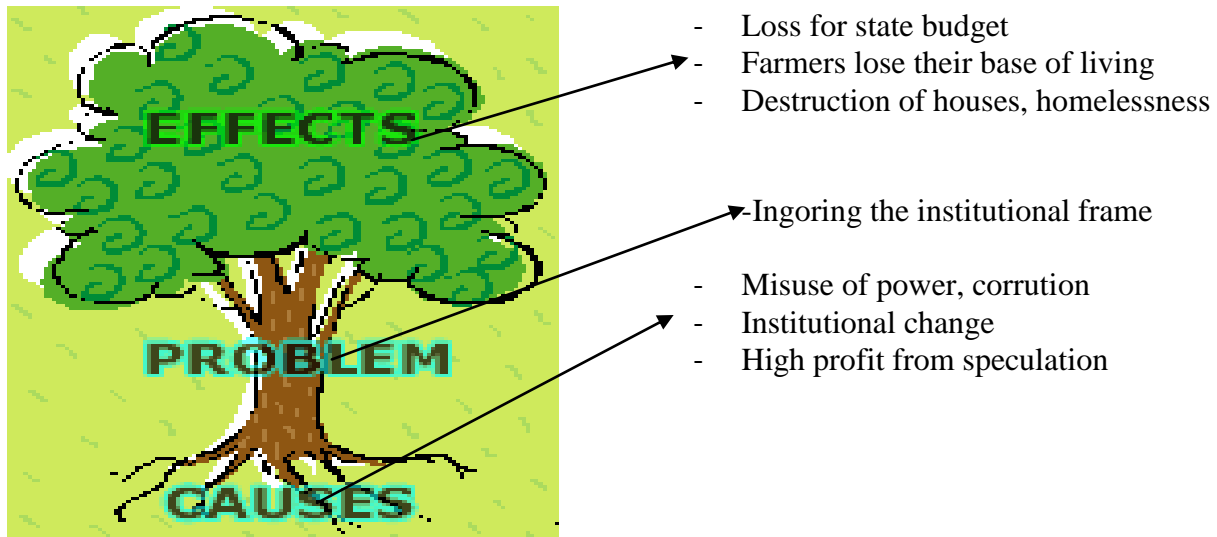
Source: Wehrmann, B., *Land conflict: A practical guide to dealing with land disputes*, Eschborn, München, 2008, p.52

Once the interests, needs, desires, and fears of the parties involved in the conflict have been identified, it becomes easier to find ways out of the conflict. Someone who wants money or status does not necessarily need this particular piece of land, or indeed any land at all. His desires and needs may be met in other ways. However, someone whose existence is in danger because he has nothing other than this piece of land definitely needs land, although not necessarily this exact piece, so long as the alternative is located in an acceptable location (e.g. at an acceptable distance from formal or informal job opportunities). But if emotional needs are involved and people are especially attached to a given piece of land because it has special meaning for them, this must be taken into account.

2.1.7.3 Conflict tree

Conflict tree is a tool that raises awareness of the core problem, the deeper causes of the conflict as well as its current and possible additional consequences. It can therefore be used to support decision-making, by identifying the most urgent or most relevant causes to be addressed. The conflict tree does not provide additional information but it does help to reflect what additional causes might be at the root of the conflict, (Wehrmann, 2008:56).

Figure 4: Conflict tree of the case of illegal sale of state land.



Source: Wehrmann, B., *Land conflict: A practical guide to dealing with land disputes*, Eschborn, München, 2008, p.56

The conflict tree (figure 3) illustrates the key causes of the conflict: peace and the reintroduction of d an increase in land values. A major political or economic transition always creates institutional change and this means that there are temporarily loopholes in the institutional frame. Many issues have not yet been tackled and other rules are not yet known by the majority of people. In addition, while there is greed in any society, here it finds fertile ground to grow in the unequal distribution of power. The combination of openness for illicit practices, a weak institutional frame and the opportunity to make high profits from speculation results in a large-scale disregard for rules and regulations. The core problem therefore is to be found in this willful disregard for the institutional frame. Possible consequences of the conflict are economic, socioeconomic and ecological ones depending on how it is solved.

2.2 Impact of land conflicts on socio-economic development

The impact of land-related violence on socio-economic development can often be traced back to historical grievances related to land distribution in a context characterized by incomplete transformation. Where groups perceiving themselves as despoiled manage to articulate their

demands, either through political organization or under the leadership of a political entrepreneur, violent conflicts tend to crystallize long-standing historical grievances. Where land conflicts occur, they may have adverse consequences, both for peace and development, and either when they have not been solved in a constructive way, (Nicolas, et al., 2004:25).

Long lasting land conflicts affect agricultural growth and thus the socio-economic development of the country and make it vulnerable to the shocks from the environment. Land conflicts make agriculture not sustainable. An agricultural system can only be considered sustainable when it both satisfies producers' needs and preserves the natural resources for this generation and those that follow. When there are land conflicts, the possibility of the agriculture to satisfy the needs of the present and future generations are absent and the land is exposed on erosion and soil degradation. This leads to the inability of generating jobs in agriculture sector, hinders social inclusion and thus reduces the productive potential of family agriculture. The result of that is poverty and poor living conditions of the people, (UNEP, 2006:6).

Indeed, intergeneration land conflicts constitute a major hindrance to socio-economic development. Land conflicts in rural areas a major cause of rural urban migration of the youth in search for social and economic opportunities. This increases the rate of unemployment in many cities which exacerbates the level of poverty. The long lasting poverty of unemployed youth tends to result in different forms of violence which lay a ground for political instrumentation, (Nicolas, et al., 2004:25).

Furthermore, land conflicts may affect socio-economic development of the population as they modify the opportunities to access the most vulnerable factor of production. Very often, conflicts resulting in the process of excluding some groups from their land; endanger access to livelihood and puts land at the heart of future violent strife.

Displacement of the population due to land related conflicts, turns home land into an object of violent conflicts between groups with competing claims over its use and occupation of the same land. Cush conflicts are sometimes recurrent as in the case of pastoralists in Sub-Sahara Africa. This is one of the factors contributing to poverty and underdevelopment of this region because land conflicts slow down the production of goods and services and hinders future opportunities for investments necessary for boosting socio-economic development of this region, (Nicolas, et al., 2004:27).

2.3 Land Conflict and socio-economic development in Rwanda

Land conflicts in Rwanda have attracted particular attention because they have both economic and political causes. Rwanda is a tiny and densely populated country, where the great majority of the population, (87.1%) work in agriculture, while only 13% of urban population are employed in trade and service, (NIYONZIMA, 2009:37).

Land has been the central issue of the political economy in Rwanda for centuries; since at least the 17th century, Rwanda's traditional kingdom has been based on intensified agriculture, and political leaders have continuously intervened in the distribution of land. This state of intervention, and repeated violent conflicts, has politicized Rwandan land tenure.

2.3.1 Land conflict and social development in Rwanda

In this context, frequent outbreaks of land conflict in Rwandan rural society have attracted attention and are considered to be an alarming sign because the political turmoil caused by the civil war, in addition to the presence of land scarcity, has brought about considerable tension and confusion with regard to land tenure and thus affected social development of Rwandan community. Land has been the most common cause of conflict in contemporary rural Rwanda. It is well known that during the genocide in 1994, political leaders instigated the killings in rural areas by saying, "If you participated in the killing, you will be remunerated by the land", (Marara, and Takeuchi, 2011:2).

This has seriously affected the satisfaction of basic needs of the citizens and the social cohesion of Rwandan and thus increased the suspicion and hatred among Rwandans.

Rwanda has seen the emergence of a particular state-society relationship, in which macro-level political changes strongly affect micro-level land distribution. The current Rwandan Government has made efforts in elucidating land conflict by adopting some land related policies. In addition to the land allocation policy for old-case returnees, the government implemented a series of policies related to the land itself, aiming for its effective and efficient use. Especially important, among other policies, was the stipulation of two laws that were deeply concerned with land: the inheritance law in 1999 (Law No. 22/1999) and the land law in 2005 (Law No. 18/2005). The two laws ensured equal rights of land inheritance for women, who did not have this right in the

context of customary law. The stipulation of these laws provided women with a legal basis for claiming their land rights, thus causing an increase in family based land conflicts.

2.3.2 Land conflict and economic development in Rwanda

Rwanda is a small, land-locked country in the Central Africa region. The surface area of the country is approximately 2.6 million hectares, but only 52% of this area is arable. Land is regarded as the most important asset for most Rwandans and it is generally viewed that all Rwandans have the right to own and use land. Therefore, excessive partitioning of agricultural plots among family members is considered a serious cause of conflicts thus a problem for a sustained economic development, (MINIRENA, 2001:21).

Agriculture is the primary occupation for Rwanda's rural population and the main household economic activity. Access to land is a topic of crucial importance in Rwanda. The role of land, however, is crucial to understanding conflict dynamics in Rwanda. Land conflict among Rwandans has led to the decline of agricultural productivity and thus contributes to the retardation of economic development.

Land scarcity, exacerbated by inequitable distribution of land, has also been described as one of the proximate causes of the violence. It has been well-documented that during the genocide, extremist politicians urged people to kill Tutsi and moderate Hutu in order to gain access to their land. In some cases, those who led the killings were rewarded with land by politicians. All these people who were about to get killed had land and at times cows. And somebody had to get those lands and those cows after their owners were dead. In a poor and increasingly overpopulated country these were not negligible incentives. This description emphasizes the link between 'structural' factors and economic factors: the lure of land would have been lessened if land had been more readily available, or if more off-farm opportunities had been available, (Marara, 2011:17).

Land conflict has a socio-economic the impact on household welfare, because it results in lost opportunities in terms of economic growth and human development. Land conflict in Rwanda is likely to have significant effects on the poverty status of households due to the fact that land is an important asset for household production.

In fact, land conflict sweeps the decline in fertility reduces the per capita income, and the initial impact of such a decline is to reduce the standards of living of households. This is because a

main category of people who take part in the economic development of the country depend on agriculture which is the main source of income for more than 90% of Rwandans. Conflicts over land reduce significantly the involvement of the population in farming activities which reduces labor productivity, (Uwayezu, et al., 2011:7).

As the Government of Rwanda has embarked its long term objectives for economic development and poverty reduction in its vision 2020 and its Economic Development and Poverty Reduction Strategy, its economic development is extremely important because the bottom line for an economy is its ability to satisfy human wants; and the most successful economy is the one that provides its citizens with highest levels of welfare or the one that improves their welfare at the most rapid rate. Therefore, land conflict can have serious consequences for domestic stability, which in turn can slow down or reverse the economic development, thus further widening the poverty rate, (MINITERE, 2004:14).

In Rwanda, the most crucial sector of the economy is agriculture. This is the sector in which most of the people in Rwanda live and in which its productivity contribute is necessary not only to increase the living standards of the people but also to provide the agricultural surplus required to finance increase manufacturing activities, (Kairaba, 2011:32). Quite the reverse when people are quarreling about land which is the most factor of production, this reduces the standards of living enjoyed by individuals in the area.

2.4 Description of the area of the study

The research will be conducted in Karongi district. It one of the seven districts that compose Western Province. It is bordered in the North by Rustiro and Ngororero Districts, in the South by Nyamasheke District, in East by Muhanga and Ruhango Districts while in the West it is bordered by The Democratic Republic of Congo (DRC). Karongi district comprises 13 administrative Sectors, 88 Cells and 538 Villages. Karongi district has a population of 279.135 persons of whom 156.324 are women and 122.811 are men living on an area of 993 km². The district counts 59.450 households implying an average of five persons per family. The population density is 281/km², (PDD, 2007:17).

The relief of the district is hilly with some hills that are drenched by many rivers of which some flow out into Nile river while others flow out into Congo river. The altitude varies between 1400m at the shores of Kivu Lake and 2800m at the top of mount Karongi.

2.4.1 Economy of the district

The economy of the district is essentially based on agriculture and breeding that are practiced in a traditional manner. People produce beans, Irish potatoes, wheat, bananas, sorghum, cassava, peas, maize and soya. Serious problems facing food production are linked to poor soil fertility due to soil acidity, land fragmentation and unexploited land. The district produces also coffee in the shores of Kivu Lake and tea in the mountains of Gisovu. It possesses one tea factory in Gisovu sector and seven coffee washing stations that are considered as catalytic for development in the district, (PDD, 2007:18).

The district has presents some potentialities that are likely to improve the socio-economic situation of the population. These include the lake water favorable for shipping, the existence of methane gas in sufficient quantity and the presence of many islands within the lake that have exceptional and attractive beauty what offer to the district a rich tourist potential.

2.4.2 Land use in Karongi district

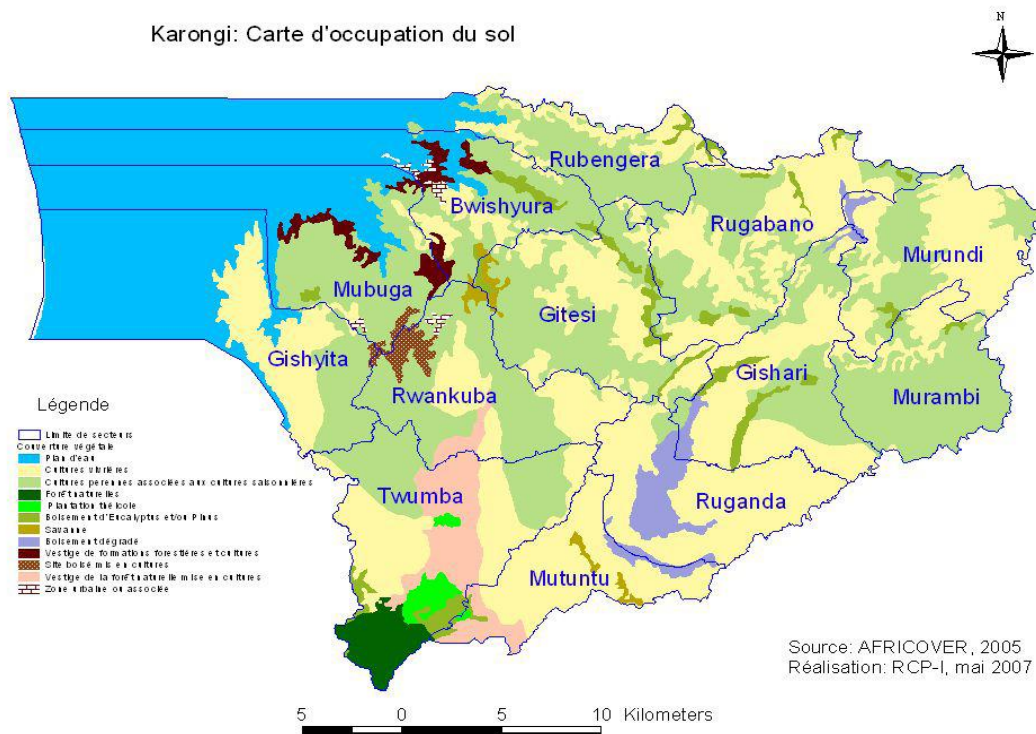
Land use in Karongi District is a function of land occupancy. Indeed in Karongi district, apart from the area covered by the Lake, (21% of the total area of the district), we observe the following categories of land use: land covered by shrub plantation undifferentiated with natural vegetation, land covered by combination of shrub plantation and seasonal herbaceous, land covered with shrub plantation undifferentiated with natural vegetation, land covered by tea plantation, land covered by a combination of forest plantation and seasonal herbaceous, land covered by scattered forest plantation, land covered by urban zone, land covered by savannah, land covered by forest plantation, land covered by natural forest, seasonal herbaceous mixed with natural vegetation. The table below shows percentages of land use in Karongi District.

Table 2: Land use in Karongi District

No	Constituent	Area in ha	%
1	Combinaison de herbacées + plantation d'arbustes	34568	34.8%
2	Combinaison de plantation d'arbustes et herbacées saisonnières	33188	33.5%
3	Plantation d'arbustes non différenciée avec la végétation naturelle	2820	2.8%
4	Plantation de thé	510	0.5%
5	Combinaison de plantation forestière et herbacées saisonnières	1070	1.1%
6	Plantation forestière éparse	1865	1.9%
7	Zone urbaine	230	0.2%
8	Savane	455	0.5%
9	Forêt naturelle	1156	1.2%
10	Plantation forestière	2354	2.4%
11	Herbacées saisonnières mélangées avec la végétation naturelle	568	0.6%
12	Lac Kivu	20413	21.6%
	Total	99197	100

Source: MINITERE, *Profile environnemental du District de Karongi*, Kigali, 2007, p.26

Land use in Karongi district is also represented on the map below.

Figure 5: Map of land use in karongi District

CHAPTER III. RESEARCH METHODOLOGY

This chapter emphasizes on the methodology that was used in this research. It describes the research design, the selection of respondents or informants, the techniques for data collection, and the strategies for data analysis.

3.1 Research design: a qualitative exploration

A research design is a plan, structure and strategy of investigation so conceived as to obtain answers to research question or problems. The plan is the complete scheme or program of the research. It includes an outline of what the investigator has to do, (Smith, 1995:79). A research design is a blueprint or detailed plan for how a research study is to be completed. It is an arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure.

The field research has been conducted in Karongi District especially in sectors bordering Kivu Lake where the problem of family based land conflict is more acute due to the displacement of the population from the shores of the Lake. These sectors are Gishyita and Mubuga.

The empirical research has required investigation on family based land conflict phenomenon and its impact on socio economic development of the households. It was focused on opinions, behavior and experience from the informants.

The qualitative approach relying on data gathering techniques such as interview, field note and document analysis is used in this research. The decision of using qualitative approach in this research was influenced by the fact that this approach permits a considerable amount of flexibility, (Arisunta, 2010:48). Grinnell, (1987:47), points out that qualitative data with its emphasis on people's lived experience is fundamentally well suited for locating the meanings of people, place of events, processes and structures of their lives. This approach is well suitable for this research in order to gather data about lived experience of the people about family based land conflict as well as extracting the meaning and understanding of the phenomenon of family based land conflict and its impact on socio-economic development of the population.

Relevant data both primary and secondary, concerning the location of family based land conflict, the parties involved, the conflict resolution process have been collected from executive secretaries of cells, members of conciliators committees as well as from residents of Mubuga and Gisyita sectors involved in family based land conflict.

Documents and relevant materials were also obtained from the main library of national University of Rwanda, Rwanda Library Service and from Karongi District.

3.2 Research approach

The qualitative approach is used in this research because it seeks to gather opinions and perceptions of respondents about the impact of family based land conflicts on socio-economic development. Unlike its quantitative opposite, the qualitative method avoids or downplays statistical techniques and mechanics of the kinds of quantitative methods used in, say survey research or epidemiology, (Silverman, 2005: 6). Consequently, Martyn Hammersley has identified a common set of preferences shared by qualitative researchers. These include analysis of words and images rather than numbers, observation rather than experiment, meaning rather than behavior and hypothesis-generating research rather than hypothesis testing, (Silverman 2006: 56).

Hoepfl, (1997:17) describes qualitative research approach as any kind of research that produces findings not arrived at by means of statistical procedure or other means of quantification. He further clarified that some of the data could be quantifiable but the analysis is qualitative. The choice of this approach rather than quantitative was motivated by the fact that it is insufficient to rely on quantitative survey and statistics to understand human affairs. It is thus important to attempt to delve deep into the subjective qualities that govern human behavior in order to understand family based land conflict, and its effect on socio-economic development through qualitative information rather than through analysis of official figures of growth patterns, which, in any case, will either be difficult to come by or unreliable. More so, in the social sciences, statistical quantitative statements are subject to different interpretations and may sometimes be used for political spin. Qualitative data have been collected on the fieldwork which has involved selected members of households and selected officials of the Karongi District in order to gather their opinions, perceptions and views on the effect of family based land conflict on socio-economic development of households in of Karongi District.

3.3 Data collection methods

In selecting a method of data collection, the socioeconomic-demographic characteristics of the study population play an important role. It is helpful to know the study population's interests in, and attitudes towards, participation in the study, (Ranjit, 2005:119). In this research, data collection method that has been used is interview.

3.3.1 Interview

Interviews are face to face meeting between the interviewer and the interviewee (Smith, 1995:18). Interview is a commonly used method of collecting information from people. In many walks of life, they collect information through different forms of interactions with others. The semi-structured interviews are those organized around areas of particular interest, while still allowing considerable flexibility in scope and depth (Neumann, 2000:112).

In this research, in-depth interviews have been used. It is a repeated face to face encounter between the researcher and informants directed towards understanding informants' perspectives on their lives, experiences, or situations as expressed in their own words, (Taylor and Bogdan, 1988:77). Semi-structured interviews have been used as the principal data gathering techniques for this study. Interview guide has been used to allow participants to engage in a process of exchanging information and experiences. This technique has been useful for the data gathering process from respondents who experienced family based land conflict, because it allowed for an open interview that enabled the subject to speak freely. Furthermore, interviewing process was very flexible in the way that the interviewer had the freedom to formulate questions as they came to mind around the issue being investigated.

In depth interviews have involved face-to face repeated interaction between the researcher and the selected officials of Gishyita and Mubuga sectors especially executives secretaries of cells and the representative of conciliators committees in order seek to understand the latter's opinion and perceptions about family based land conflicts and their impact on socio-economic development of households. Interviews have also been used to gather information from family members who experienced family based land conflict. Because of repeated contacts and hence

extended length of time spent with an informant, it was assumed that the rapport between informant and the researcher has been enhanced and that the corresponding understanding and confidence between the two has led to in depth and accurate information.

3.4 Population of the study

The targeted population of this study is people experiencing family based land conflicts residents of Mubuga and Gisshyita sectors. A population is all members of any well-defined class of people, events, or objects about which the generalisation is made, (Williamson, 1987:70). The total population of this study is 335 inhabitants of whom 154 live in Mubuga sector while 181 live in Gisyita sector; among them a sample has been drawn to represent the whole population. Households experiencing family based land conflicts have been identified based on the records held by executive secretaries of cells in Mubuga and Gishyita sectors, who are at the same time secretaries of conciliators committees in their respective administrative entities.

3.5 Sampling technique and sample size

Due to fact that land is a key element in households' asset, information on land-related conflicts is very sensitive and therefore unlikely to be divulged immediately to enumerators unfamiliar with the community, the researcher opts for convenience sampling.

Convenience sampling is a type of non probability sampling in which people are sampled simply because they are "convenient" sources of data for researchers. A convenience sample is a sample where the participants are selected, in part or in whole, based on the convenience of the researcher (i.e., availability or accessibility). Convenience sample is made up of people who are easy to reach, (Stevens, 1996:118). Convenience sample is simply one in which the researcher uses any subjects that are available to participate in the research study.

Therefore, the sample has been chosen as follows, 10 representatives of ABUNZI and 10 executives secretaries in 10 cells of of Mubuga and Gishyita sectors, because these individuals deals with the problems of the population in their daily duties especially family based land conflicts. And then 21 individuals experiencing family based land conflicts, who were willing to be interviewed, the total sample 41 individuals. These people were attained based on their list

and address provided by executive secretaries of cell. Some of them were met at their domicile while others were met at their cells' office in the audience of ABUNZI on Sunday days. The table below shows the distribution of selected informants in each cell.

Table 3: Distribution of informant by cell

MUBUGA Sector				GISHYITA sector				
Informant Cell	Abunzi	Ex, Sec	People	Informant Cell	Abunzi	Ex.Sec	People	Total
Ryaruhanga	1	1	1	Musasa	1	1	2	7
Murangara	1	1	3	Cyanya	1	1	2	9
Nyagatovu	1	1	3	Kigarama	1	1	3	10
Kagabiro	1	1	2	Ngoma	1	1	2	8
				Munanira	1	1	2	4
				Buhoro	1	1	1	3
Total	4	4	9	Total	6	6	12	41

Source: Author's elaboration, May 2013.

3.6 Data analysis

The process of data analysis involves structuring and bringing logical order to the vast volume of data collected. The data was first transcribed verbatim from the tape recordings onto a computer. The researcher analyzed data using a coding process. According to Neumann (2000:86) coding is the process of organizing the material into 'chunks' before bringing meaning to those 'chunks'. It involves organizing text data into categories and labeling those categories with a term, a term often based in the actual language of the participant called an in vivo term (Cresswell, 2003:51). The researcher used the coding to generate a number of themes. These themes are the ones that appear as major findings in the study and appear under separate headings in the findings section.

3.7 Ethical considerations

Strydom, (1998: 24), defines ethics as a set of moral principle which is suggested by an individual or group, is subsequently widely accepted, and which offers rules and behavioral expectations about the most correct conduct towards experimental subjects and respondents. This study has not to expose respondents to any harm be, it physical, emotional or psychological. The researcher had explained to the respondents what the research was all about, and how it could benefit them and other people. This study required that participants exposed issues that they

might consider extremely private. Recognizing that such revelations might have far reaching implications for the participants, the principles of voluntary participation and informed consent has been implemented during identification of interviewees and their recruitment to the study. To ensure no harm to the participants the study adhered to the principles of confidentiality and anonymity.

CHAPTER IV: FAMILY BASED LAND CONFLICT AND SOCIO-ECONOMIC DEVELOPMENT OF HOUSEHOLDS

This chapter presents the findings of the research as well as their analysis and interpretation of data. Where necessary, aids such as tables and graphs are used to elucidate the meaning of the data presented. The findings presented in tables and figures are further explained to equip the reader with a clear picture and understanding of the phenomenon under analysis. This chapter focuses much on the key findings that are important in the understanding of the impact of family based land conflicts on socio-economic development of households.

4.1 General characteristics of respondents

Characteristics of respondents were based on sex, age, and level of education. The table below gives the characteristics of respondents based on age and sex.

Age and sex of respondents are relevant for this study because they help to know which sex of respondents is more affected by family based land conflicts and their groups of age.

Table 4: Characteristics of respondents based on their age and sex

Sex Age group	F	M	Total	%
21-30	8	6	14	34.1%
31-40	11	5	16	39.1%
41-50	3	2	5	12.2%
51 and above	2	4	6	14.6%
Total	24	17	41	100%
%	58.5%	41.5%	100%	

Source: Author's elaboration, May 2013

As indicated in the table above, the majority of respondents are in age group of 31 and 40 years old. Among this group, female are greater than males. This is because female of this age group are married and are those who have been refused their rights on family land. Furthermore, the age group of 21 and 30 years is represented by 34.1%. This is because this category is composed by young people who experience family based land conflicts because with their parent or with their brother. Furthermore, young people experiencing family based land conflict are those who do not have land because their land have been taken or sold by their family members when they

were under age. While the age groups of 41 to 50 years and that of 50 years and above, are less represented. This is because these age groups are composed by parents who are in conflicts with their children.

It ought to point out that female are more represented than men, 58.5% are females while 41.5% are males. This means that women are victims of inequality as regard to family land sharing in their respective families. After analyzing the sex and age of respondents, it is important to analyze the respondents' level of education. The table below gives more details.

Table 5: Respondents' level of education

Level of education	frequency	%
None	13	31.7%,
Primary	15	36.6%
Secondary	11	26.8%
University	2	4.9%
Total	41	100%

Source: Author's elaboration, May 2013.

As indicated in this table, the majority of respondents has a primary level of education, this sit a say 36.6% of respondents, while 31.7% of respondents have no level of education, this means that education has a great role in the occurrence of family based land conflicts. In fact, educated family members understand easily each other about land sharing than those who are not educated. As the level of education increases, the occurrence of family based land conflicts decreases.

4.2 Family based land conflict existence in Karongi District

Land is most important asset for production and livelihoods, and it is the foundation of the household economy. Thus Rwandans are very attached to their land and the competition for the control of this valuable resource generates land related conflict, mostly family based land conflicts, (Kairaba, 2002:5).

As regard to Karongi District, family based land conflicts are very common, especially in Mubuga and Gishyita sector. Most of existing land dispute in Karongi communities are within inter and intra family. According to the representative of conciliator committee in Ngoma cell,

Gisyita sector, family based land conflicts are the most frequent cases that are treated by the conciliator committee in this cell.

This idea is corroborated by the executive secretary of the same cell, who is the secretary of the conciliator committee, in these words: *“Land is central element to the livelihoods of the great majority of the population who mainly depend on it, and for that reason it is more and more becoming a potential source of conflict among the people and especially among family members who need the part of the family land on their own”*.

When conducting a series of interviews during the field research in Mubuga and Gishyita sectors, a big number of interviewees have confirmed the existence of family based land conflicts in their respective areas. This is also confirmed by the report of conciliators committees in each sell of Mubuga and Gishyita sectors as it is indicated in the table below.

Table 6: Cases of family based land conflicts treated by conciliators committees in Mubuga and Gishyita sectors from 2010 up to April 2013.

Mubuga sector					Gishyita sector				
Cases/year Cell	2010	2011	2012	2013	Case/year Cell	2010	2011	2012	2013
Ryaruhanga	24	27	33	19	Musasa	19	26	24	17
Murangara	18	19	24	21	Cyanya	21	28	33	22
Nyagatovu	21	25	31	16	Kigarama	18	23	35	14
Kagabiro	27	31	37	21	Ngoma	36	41	49	38
					Munanira	27	36	42	21
					Buhoro	22	34	40	23
Total	90	102	125	77		143	188	223	135

Source: Office of in charge of civil status and notary in Mubuga and Gishyita sectors, May, 2013.

When observing data in this table, one may realizes that family based land conflicts have been increasing year by year. This is because the portioning of land among family members in a big number generates land related conflict. Furthermore, the awareness of women about their rights on land has contributed to increase family based land conflicts cases treated by conciliators committees in both sectors. This makes family based land conflict being overwhelmingly predominant among the Abunzi cases.

In the interview with in charge of notary and civil status in Mubuga sector, he said; *“family base land conflicts increase every day, this is because land is the source of income for the majority of*

the population in Mubuga sector who live on land as their main livelihood, family based land conflicts are observed when it comes times for inherit especially when land is scarce and everyone wants to inherit larger parcels”.

In the interview with the executive secretary of Munanira cell, in Gishyita sector, he said that; *“Family based land conflict is a recurrent phenomenon in the sector. Very often a number of people are received on the sector office, introducing their petition about conflict over land with their members. Furthermore, some cases of family based land conflicts are sometimes treated in families and the cases that are brought before the conciliators committees or before the in charge of civil status and notary are those that are not treated in family”.* He added.

All this testifies the existence of land conflict in Karongi district especially in Mubuga and Gishyita sector.

After realizing the existence of family based land conflict in Karongi district, it ought to talk about kind of family based conflicts in this district. More details in the following section.

4.3 Kind of family based land conflicts in Karongi

Family based land conflicts are in different kind, but the study findings have indicated the key family based land conflicts. The table below shows key family different kinds in Gishyita and Mubuga sectors.

Table 7: Key family based land conflicts in Mubuga and Gishyita sectors

Mubuga sector	Gishyita sector
- land conflict between parent and their children	- Family based land conflict between parent and their children
- land conflict between brothers and sisters	- Family based land conflict between brothers and sisters
- land conflicts between husbands and wives	- land conflicts between husbands and wives
- land conflicts between orphans and their relatives	- land conflicts between orphans and their relatives

Source: Author’s elaboration, May 2013.

4.3.1 Land conflicts between parents and their children

Land conflicts between parents and their children are the most likely to occur among family members. This happens especially at the time of dividing land between siblings. In the interview with the president of conciliators committee “Abunzi” in the Ryaruhanga cell, Mubuga sector, she confirmed the existence of land conflicts between parents and their children in these words: *“land conflicts between parents and their children are very frequent in this cell. When parents give land to their children, some of the latter start claiming arguing that they receive a small part of land compared to their brothers and this creates conflicts between parents and their children”*.

As the size of the family increases the land becomes scarce, and this creates land related conflicts when it comes to divide a small land between family members. Niyonzima, (2009:108) corroborates this idea by saying that the increasing population dominated by farming livelihoods ultimately accentuates the pressure on land. This becomes acute in families with big size but having a small size of land. Under the pretext of land scarcity some parents refuse to give land to their daughters; this creates land related conflict between them. A woman met in Ngoma cell, Gishyita sector, testifies that in these words:

“I am one girl in my family; my father has given land to his six sons when they were married, but he didn’t give me any part of land. When I asked him my part of land, he told me that, at the time of my marriage, he has paid a lot of money for what I brought to my husband, and this is why he cannot give me any part of land. It is for that reason I have brought my case to conciliators”.

Nowadays, girls are entitled to have the land in the same way as boys, contrary to what was provided by the customary law; this is provided by the law No22/99 of 12/11/1999 supplementing book one of the civil code and institute part five regarding matrimonial regimes, liberalities and succession. Article 43 of this law stipulates the following: *“All children, without distinction between girls and boys, alive or where deceased, before parents or their descendants, excluding those banished due to misconduct or ingratitude, have a right to the partition made by their ascendants”*.

Based on the aforementioned law, women have seen their rights to family land strengthened; that is why there is an increasing number of land conflict cases brought to the ABUNZI by women, who consequently endorsed their claims for their own lands. With the application of this law, the

patrilineal character of Rwandan society, in which only sons have rights to acquire family land from their fathers, will no longer exist.

Conflicts between parents and their children also arise when the child claims to have more land than what is given to him by the parents. This is confirmed by an informant in Kigarama cell, Gishyita sector as follows:

“I am the fourth boy in my family, my elder brothers have received a fertile land when they were married, but when asked my father to give me a land where I could build my house and cultivate, he gave me a small infertile land that could produce nothing. This is unacceptable and I need a good land like that given to my elders”.

Another case of disagreement about land between a parent and his son is that of man found in Nyagatovu cell, Mubuga sector, who explained his case in these words:

“I am one of the six children of my parents; and I am the only who has not been to school. My father has given a good land to my brother because they are rich. But unfortunately he gave me a small and useless land because I am poor. I cannot accept this because; those who received a good land have become rich due to cows I was keeping while they were at school. And these cows contributed a lot in paying their school fees. So I cannot tolerate being treated like that”.

This kind of conflicts is motivated by selfish interests driven by the desire of having a big land which is a sign of wealth.

4.3.1.1 Causes of land conflicts between parents and their children

The results of the field research have revealed that the causes of land conflicts between parents and their children are: poverty, land scarcity, and ignorance of the law related to succession.

Poverty

Poverty occurs when human beings live in a state of deprivation due to meager income or lack of access to basic human needs. Poverty becomes a source of conflicts when parents are in situation where they cannot meet their basic needs fair to lose the part of their land by giving it to their children. Because when they do so, they fail into misery. This was confirmed by an informant met in Ryaruhanga cell, in Mubuga sector. He reported the following:

“My land does not produce enough to feed my family; unfortunately my son is asking me his own land. There is no way to portion my land which is not even enough to feed the family. He has to go in town to look for a job and then he can be able to buy his own land”.

As the majority of Rwandan relies on agriculture for their subsistence, land has become a main resource of income and livelihood. Not owning the land means being in poverty, this makes family members to quarrel over the land. This is the view of the executive secretary in Murangara cell, Gishyita sector, who said the following:

“Poverty generates conflicts between parents and their children, especially when the parents are not willing to give land to their children arguing that they are poor. They do this while their children bear in their mind that the land they have to receive from their parents can help them to increase their living conditions”.

In fact, individuals become aggressive when there are obstacles perceived and real to their success in life. As land is considered as a factor of success in life of children from poor families, not having it makes them aggressive towards their parents. In addition to that, poor parents tend to think that their children cannot ask them the land, when this happens; conflicts begin because these parents fail to portion their land which constitutes their main source of subsistence. This situation frustrates children from poor families.

As indicated by Kairaba, (2002:12), poverty is one of the causes of land conflicts in Rwanda; it is also a cause of land conflicts in Karongi district.

Poverty is not the only cause of land conflicts between parents and their children but also land scarcity is one of the main causes of such kind of conflicts.

Land scarcity

The results of the field research have revealed that there is acute problem of land scarcity and declining soil fertility. Increasing land scarcity implies a decrease of economic opportunities. This is one of the causes of family based land conflicts between parents and their children. In the interview with the representative of ABUNZI in Musasa cell, Gishyita sector, he confirmed that land scarcity is a cause of family based land conflicts in these terms:

“The size of the most families increases overnight, while the land remains the same. This creates conflicts when family members have to share a small land. Each family member tends to have a big part than the others”.

This idea is also supported by the executive secretary of Cyanya cell, in Gishyita sector, in these terms: *“Land is a source of conflicts between parents and their children because people have a tendency of having many children without having a sufficient land for them. So it is difficult to divide a small land among a big number of children. This creates problem when children are unhappy with the land they receive from their parents”.* He added:

“If people will continue to bas on agricultural activities as the main source of income for their livelihood, land will always be scarce and a source of conflict, especially when it comes time to portion it among sibilings”.

In the interview with the executive secretary of Buhoro cell in Gishyita sector, he reported the following:

“The increased family size which is not in the same proportion of the family land, contributes to the scarcity of the land, what generates land related conflicts when it comes to portion that land among family members who urgently need to have land on their own”.

This issue of land scarcity is only not observed in Buhoro cell, but all others cells that constitute the case study. The president of “ABUNZI” in Nayagatovu cell, Mubuga sector, has confirmed this statement in these terms:

“The fact that land is scarce is a dominant issue in the whole sector of Mubuga. This is because every day children born, but the land where all these children have to live does not extend. This is a cause of conflict because when the family land is very small, it is very difficult to divide it between all family members”.

This confirms what MINIRENA highlights previously that land scarcity is a cause of conflict especially land fragmentation which leaves households with holdings too small to support them.

In fact, land scarcity becomes a source of conflict because those who need land increase overnight while the land remains constant and most of the time degraded by soil erosion.

Ignorance of the law related to succession

The first one and most important was law no 22/99 of 12/11/1999 on Matrimonial Regimes, Liberalities and Successions or the “Inheritance Law”, in particular Article 50 providing that all

children recognized by civil law, male and female, would inherit property without any discrimination. This ignorance of this law by some parents constitutes a source of conflicts between them and their female children. As mentioned above, in the case of woman met in Ngoma cell, Gishyita sector, who has been refused the land by her parents simply because they have paid a lot for marrying her and consequently she had to claim the land in her husband's family.

This testifies that some parents ignore the aforementioned law and this creates conflicts between them and their children who are aware about this law and the rights it confers to them.

4.3.2 Land conflicts between brothers and sisters

Land conflict between brothers and sisters is another kind of land conflict observed in Karongi District, especially in Gishyita and Mubuga sectors. This was confirmed by an interviewee met in the session of conciliators at the Kagabiro cell in Mubuga sector in these words:

“I am in conflict with my stepmother and her sons, who had refused to divide lands with me. My stepmother and her three sons insisted that I cannot have a right to inheritance because they say that I am not a member of their family even if other family members endorse my affiliation with the family, my stepmother and her sons intransigently have refused my right to land. I have brought my case to the conciliators committee of this cell, but unfortunately my stepmother and her sons do not respond to the notification of conciliation so that they can discuss about my case. The conciliators recommend me to bring my case before the court”.

Another case of land conflict between brothers is observed in Munaira cell, Gishyita sector, an informant testifies that in these terms:

“When my father died 2012, a young boy came at home saying that he is the son of my brother and for that reason he needed the land as his part of the succession. I and my brothers did not accept that because the land we have has been bought by our father after he has combined his effort with our mother and us. So we cannot accept to give land to someone who did not contribute anymore to the acquisition of it. This case is at ABUNZI, and we are ready to defend interests”.

According to Marara et al., (2011:8) land conflicts between brothers and sisters is a complex issue, and determining family membership is difficult because it is deeply related to resource allocation. Interests tend to be in strong opposition among the concerned family members.

Land conflict between brothers and sisters becomes very complicated when some of them share completely the family land in the absence of one of their brother. This is the case of an ex-combatant in Kagabiro cell, who came from exile in January 2013. He expressed his anxiety in these terms:

“I came from DRC in January this year, after accomplish my training on civic education in Mutobo peace academy, I joined my family. Unfortunately, I found that my brothers have shared out all the land belonging to my family, at the death of my parents without leaving me any land even small. When I asked them my part of land they told me that they supposed I was died and nowadays they have installed on the land houses and planted different crops especially coffee and banana plantation. As we cannot reach on a consensual decision about how I can get land, I have brought my case to conciliators in order to have my case be solved”.

Land related conflict between brothers and sisters are often so complicated that they had to be brought to “ABUNZI” or to the court in case the latter cannot give a suitable solution to the case.

In the interview with the executive secretary of Kagabiro cell, in Mubuga sector, he said that:

“Land conflicts between brothers and sisters are so complex in this cell. , problems tend to be complicated by intricate family relations, caused, in particular by diverse and complex forms of conjugality such as polygamy, unofficial marriage, and changes of spouses due to divorce or death. Although the definition of right-holders to the land is indispensable in order to settle disputes among families, but it is not often easy”.

In fact, access to land and land tenure security are at the heart of all rural societies and agricultural economies; controlling it and using it are critical dimensions of rural livelihoods, and determine rural wealth and rural poverty. Land is not simply an economic resource; it is an important factor in the formation of social and cultural identity. That is why everyone is striving to own his/her part of family land what lead to conflicts among family members.

4.3.2.1 Causes of land conflicts between brothers and sisters

The results of the research have revealed that the causes of land conflicts between brothers and sisters are inheritance and land scarcity and polygamy and misunderstanding of the law related to inheritance and succession.

Inheritance

According to Niyonzima, (2009:173) inheritance is the predominant mode of land acquisition for most Rwandans. This becomes a source of conflict when brothers and sisters do not reach an agreement about how to share family land. Conflicts occur when land is scarce and everyone wants to inherit larger parcels and exclude others. This is the case of a young man in Buhoro cell, Gishyita sector, who reported the following:

“My father had two wives (my mother and my stepmother), my mother passed away earlier when I was a small child. I grew up at my grandmother. After the death of my father in 2009, I asked my part of land to my half brothers; they refused and said that I had no rights to land because I was not grown up in the family, and in addition to that my mother was not a legal wife”.

Inheritance is a cause of land conflict in Karongi district, because some family members tend to monopolize family land in the detriment of the others. This creates conflicts because those who are refused land become frustrated and seek to own the family land at any cost because his considers him/herself being evicted.

Land scarcity

Land scarcity is another cause of conflict between brothers and sisters, because when the land to share is small, everyone wants to have a big part than others. As each family members wants to have his/her part of land, it becomes so complicated to divide the family land among them. Self interest motives make them to quarrel about family land portioning. Some land portioning is done with any respect to the law that stipulated that *“In respect of public interest and in a bid to improve rural land productivity, it is prohibited to reduce the parcel of land reserved for agriculture of one or less than a hectare²”.*

² Article 20 of the organic law n° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda.

Due to land scarcity, each family member wishes to own his/her part of family land even small it can be.

When a family member is refused land by his brothers in the case that one of family members refused to accept the land he received and consider himself as being evicted by family members or parents. Due to the selfish interest, each member wants to monopolize the family land and this generates land related conflict among family members.

Misunderstanding of the law

The government of Rwanda has put in place various legal provisions in an effort to promote equal land rights for both women and men. The first one and most important was law no 22/99 of 12/11/1999 on Matrimonial Regimes, Liberalities and Successions, in particular Article 50 providing that all children recognized by civil law, male and female, would inherit property without any discrimination. But unfortunately, some people of Karongi district do not understand this law. The case of a man interviewed in Murangara cell, in Mubuga sector testifies how people do not understand the aforementioned law. The interviewee expressed his idea in these terms:

“My sister is now demanding family property share since our parents are dead, yet she is married when a girl is married, she should have no right to claim any property rights from her parent”.

When asked why a girl has no right to claim land from her parents, he added that:

“A girl when she is married has to claim the land in the family of her husband and not from her parents because the latter spend much on the material she brings to her husband”.

This shows how people do not understand the right of every child to the property of his or her parents. Normally the law stipulates that all children of the *cujus* in accordance with civil law inherit in equal parts³.

This view is based on customary system under which traditionally women in Rwanda did not own land but used it or held it in trust of their male children. Girls too did not have inheritance rights to the family land. Before the adoption of the law on succession and inheritance, customary system was at play under which it was like ‘taboo’ for a woman to own land, or even to feel that she has a say on her family’s land.

³ Article 50 of the Law No 22/99 of 12/11/1999 to supplement Book I of the Civil Code and to institute Part Five regarding matrimonial regimes, liberalities and succession.

However, good awareness of women about their land rights has increased cases of family based land conflict by treated by ABUNZI in both Mubuga and Gishyita sectors. The table below shows land related conflicts cases treated by ABUNZI according to the sex of complainants in 2012.

Table 8: Cases treated by ABUNZI in Mubuga and Gishyita sectors according to the sex of complainants

Mubuga sector					Gishyita sector						
Cases/sex Cell	Sex		Total	% (M)	% (F)	Case/sex Cell	Sex		Total	% (M)	% (F)
	M	F					M	F			
Ryaruhanga	14	19	33	42.4%	57.6%	Musasa	13	11	24	54.2%	45.8%
Murangara	11	13	24	45.8%	54.2%	Cyanya	15	18	33	45.5%	54.5%
Nyagatovu	17	14	31	54.8%	45.2%	Kigarama	16	19	35	45.7%	54.3%
Kagabiro	16	21	37	42.2%	56.8%	Ngoma	23	26	49	46.9%	53.1%
						Munanira	22	20	42	53.4%	47.6%
						Buhoro	17	23	40	42.5%	57.5%
Total	58	67	125	46.4%	53.6%		106	117	223	47.5%	52.5%

Source: Author's elaboration, May 2013.

As indicated in the table above, the number of cases introduced before ABUNZI by women in both sectors Mubuga and Gishyita is greater than the number of cases introduced by men. This is to say 53.6% of family based land conflicts cases treated by ABUNZI in Mubuga sector are introduced by women, while 46.4% are introduced by men. For Gishyita sector, 52.5% of all family based land conflicts treated by ABUNZI are introduced by women while 46.4% are introduced by men.

This shows that women are being aware of their land rights, and when their family members do not accept share the family land with them, they introduce their cases before ABUNZI in order to be restored in their land. The awareness of women about their land rights is due to the commitment of Rwandan government which is engaged in fighting inequality; and to the sensitization of women about their rights by local leaders and women's associations.

Furthermore, the increase of cases introduced by women before ABUNZI is due to the fact that there still exist inequalities between women and men in relation to land and property rights.

Mainly because of the persistence existence of inherent patriarchal structures that do not allow women to have equal land rights with men, despite the law that provides that a girl has a right to inherit from both her parents.

After holding a review on causes of family based land conflicts between brothers and sisters, it ought to talk about land conflicts between husbands and their wives.

4.3.3 Land conflicts between husbands and wives

These conflicts occur when a husband is polygamist and wants to take the land belonging to the legal wife in order to be given to the concubine wife and in most cases, the legal wife does not accept to give in her land to the second wife. The polygamist families exist despite the law stipulating that, “only civil and monogamist marriage is recognized by the law”⁴.

In the field research at Buhore cell, in Gishyita sector, an interviewee said the follow:

“I was married to my husband 21 years ago, when I gave him three daughters, he left me and takes another wife pretending that I did not give him a boy. When his second wife gave him a boy, he wanted to take the land I used to cultivate to her second wife, what I refused. And when he found me cultivating that land he beat me to death and wondered me on the left arm. When I took my case to the conciliators, the latter ordered him to leave that land to me because I am legally married and that land is the only one I have to cultivate for feeding my children”.

This case of this woman of Buhore sector, is quite the same as that of a woman of Murangara cell, in Mubuga sector. She explained her case as follows:

“My husband and his second wife came and start cultivating my land unwittingly, when I came to be aware of that, I went in that land and start cultivating the remaining part. Surprisingly my husband and his second wife come and met me in that land and beat me seriously, that is why I have brought my case to “Abunzi” so that they can restore me in my rights”.

The prevalence of conflict between husbands and wives in Karongi district has been also confirmed by the president of conciliators committee in Cyanya cell, in Gishyita sector in these words:

⁴ Article 169 of the Law No 42/88 of 27 October 1988 related to preliminary title and book one of Civil Code.

“Family based land conflicts between husbands and their wives are observed in this cell. This is due to the fact some men do not respect the law and marry more than one wife. And in these circumstances, they tend to take land of the first wife to the second wife and this creates conflicts between husbands and their wives and even between these women sharing one husband”.

This view was also supported by the executive secretary of Kigarama cell in Gishyita sector who explained that polygamy and illegal cohabitation are at the core of land conflicts between husbands and their wives.

To have this kind of conflict reduced, local leaders have to sensitize people about the law that advocates for monogamic marriage and its advantages.

It ought to be said that land conflicts between husbands and their wives also occur when the husband wants to sell the land without the consent of his wife. This makes the husband to harass his wife until she accepts to give her consent. In this regard, women have to know that the law provides that: *“Any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over the land”*⁵.

Since the adoption of this law, women have to be confident because they own land at the same level as their husbands and the latter cannot sell it without their approval. So they have to refuse any kind of injustice in this regard.

4.3.3.1 Causes of family based land conflicts between husbands and their wives

The results of the research have revealed that causes of family based land conflicts between husbands and their wives are polygamy and land scarcity.

Polygamy

Polygamy is a situation where one man has more than one wife. This is a cause of family based land conflict because descendants of a polygamist father do not agree on how to share among themselves their father’s land. This statement was confirmed by the executive secretary of Ryaruhanga cell in Mubuga sector. He said:

⁵ Article 4 of the Law No 08/2005 of 14/07/2005 determining the use and management of Land in Rwanda.

“Wives from a polygamist husband always quarrel about land sharing. This is because the 1st wife wants to monopolize the land for her children as she is the legal wife and tend to exclude the second wife. It is where the husband intervenes to protect her second wife. And this creates serious family based land conflict among them”.

Conflicts between husbands and their wives occur also when a polygamist husband bought a land and gives it to her second wife only. This is the case in Munanira cell, Gishyita sector. A woman met in that cell has confirmed that in these terms:

“My husband convinced me to sell the two cows that were at home, after having received the money he bought a land in the name of the second wife. I cannot tolerate to have that land being given to someone who did not contribute for it. That is why I come to ABUNZI tin order to have my case solved”

This shows how polygamy is a serious cause of family based land conflict between husbands and their wives especially when husbands are polygamist and wants to satisfy their second wives by giving them the land used to belong to the first wife.

Land scarcity

As mentioned above, land scarcity is a cross-cutting cause of family based land conflicts. For conflicts between husbands and their wives, land scarcity is exacerbated by land portioning between different wives of polygamist husband. This creates conflicts especially when the land of the polygamist husband is not enough to feed the first wife. Thus portioning such small land for the second wife is not welcomed by the first wife. This is the case of woman mentioned earlier in Buhoro cell, Gishyita sector, whose land is being taken by her husband to the second wife because she does not give birth male children.

Apart from land conflicts between husbands and their wives, there are also land conflicts between orphans of 1994 genocide and their relatives. The following section gives more details.

4.3.4 Land conflict between orphans of the 1994 genocide and their relatives

In 1994, the Rwandan civil war and genocide produced thousands of orphans. Concerning Karongi District, the 1994 genocide has killed a big number of people in Mubuga and Gishyita sectors due to the fact that this area was in “Zone Turquoise” where killers were taken refuge

after the fall of Kigali. This situation has left many orphans in this area. Some of these orphans have been educated by their relatives who at the same time took also their land. When these orphans become mature, they start claiming for their land from their guardians or relatives but many of them find that their rights to their deceased parents' customary land holdings are denied or restricted by their guardians and others, and this generates conflicts among them.

An informant found in Cyanya cell, Gishyita sector has confirmed that in these terms:

“After the 1994 genocide that killed all my family members, I was taken by my uncle who survived massacres. My uncle sold all lands that belong to my family. When I finished my secondary school, I asked him my land and he told me that he has sold the land so that to feed me and to pay my school fees what was a lie because FARG paid for me school fees and other school materials. When I brought my case to Abunzi they recommended him to give me all my land and to pay back the money to the buyer of my land. But till know he has not implemented the decision of “Abunzi” arguing that he does not have to pay to the buyer, this makes me suffering a lot”.

This case of land conflict between 1994 orphans and their extended family members is also confirmed by the president of “Abunzi” in Musasa cell, Gishyita sector in these words:

“Many guardians have abused their role of managing the orphan's property especially land and sold it for their own interests. This creates land related conflicts when the orphan reaches the age of maturity and start claiming for their lands. Cases like that are brought before us and we try hardly to conciliate parts on the conflict”.

Normally a guardian is responsible for managing the property of the orphan until he or she reaches the age of maturity. Due to the fact that orphans under age are denied active legal capacity in administrative or legal actions, they cannot by legal means oppose resistance when their guardians are not acting in their best interests even when guardians transact or alienate their land in order to serve their personal interest.

For the better understanding of the kind of family based land conflict in Karongi district, it is important to analyze their causes. The following section gives more details.

4.3.4.1 Cause of conflicts between orphans of the 1994 genocide and their relatives

The results of the research have revealed that the causes of conflicts between orphans of the genocide and their relatives are poverty and selfish interest of the guardians of orphans.

Poverty

Poverty is continuously cited as one of the principal factors responsible for family based land conflicts. The World Bank provides a simple definition of poverty which views the phenomenon as multidimensional and a situation in which people are unable to fulfill their basic human needs as well as lack of control over resources, lack education and skills, poor health, malnutrition, lack of shelter, poor access to water and sanitation, and vulnerability to shocks, (<http://www.worldbank.org/poverty/mission/up2.htm> accessed on 8 June 2013).

In Rwanda the 1994 genocide has left survivors in extreme poverty where they were not able to satisfy their basic needs. Poverty results from lack of assets, limited economic opportunities and poor education and capabilities, as well as disadvantages rooted in social and political inequalities. This situation makes some of them to sell the property of the orphans they were supposed to take care. This was done in order to helping them to better manage the risks they faced resulting from the 1994 genocide.

This was the point of view of the executive secretary of Ngoma cell, in Gishyita sector in these terms:

“After the 1994 genocide, survivors were very poor because, the genocide perpetrators have destroyed all of their property; this makes them in a situation of vulnerability which needs the government intervention”.

The intervention of the government in the favor of genocide survivors has contributed in tackling the issue of poverty and achieving prop-poor rural growth.

Poverty is not only the cause of the conflict between orphans and their relative but also selfish interest of the guardians of orphans.

Selfish interests of the guardians of orphans

The desire of safeguarding the selfish interests of guardians of orphans is one of the causes of land conflicts between 1994 orphans and their guardians (their relatives). After the 1994

genocide, when many orphaned children returned to their communities, they discovered that their parental land had been taken over by extended family members who presumably have acted as their guardians and looked after their land for their own interests.

This is the idea of the informant mentioned above in Cyanya cell, Gishyita sector who reported the following:

“My uncle has accepted to assume my guardianship in order to satisfy his own interests and to gain access to their land and property left by parents. That why he has sold all my property when I was under age”.

This shows how selfish interest of guardians of orphans is one of the causes of land conflicts between these orphans and their relatives (guardians). So, orphans have to defend their land rights even when the land has been sold by their relatives.

4.4 Institutions for solving family based land conflicts in Karongi District

Land conflicts in Karongi district are resolved through formal and informal institutions, each of them having its own mechanisms of dealing with family based land conflict. Formal institutions are those that are established by legislation, while informal institutions are that recognized by the local communities but are not established by the law.

In the field research, informants have indicated that institutions that solve family based land conflicts are the family council, the conciliators committees (ABUNZI) and the ordinary courts.

4.4.1 The role of family council in solving family based land conflicts

The family council is composed by members of extended family and is headed by the chief of the family who in most circumstances is the elder and wiser in the family. This traditional institution contributes in solving family based disputes among family members.

In the interview of one of the informants in Musasa cell, Gishyita sector, has reported the following:

“The family council helps in solving land conflicts between family members before they could be brought before any other authority. It is the chief of the family council who brings together all family members in order to discuss land issue introduced by one of the family members”.

The view of this informant was corroborated by the executive secretary of the same cell in these terms:

“The family council tries to reason its members on land conflict so that they could reach amicable agreement about their conflict. It plays a not inconsiderable role in solving family disputes, especially land related conflicts among family members”.

The role played by the family council in solving family based land conflicts is to mediate parties on the conflict and make them being reconciled within the family and hence live in unity and harmony. The family council is an institution in charge of watching over the interests of all family members. So it is important to have all family members live in peace and harmony thanks to the intervention of family council in solving family based land conflicts. So mediation is a common way used by the family council in solving family based land conflicts.

The family council is not the only institution that intervenes in solving family based land conflicts, but also the conciliators committee contributes a lot.

4.4.2 The role of Conciliators committees in solving family based land conflicts

As already seen throughout the study, the conciliators committees play a significant role in solving family based land conflicts. Conciliators committees were intended to make justice more affordable and accessible, and increase efficiency of the court system overall by relieving the burden of small cases that clogged the sector-level courts.

In the interview with the president of the conciliators committee in Kagabiro cell, Mubuga sector, the interviewee reported the following:

“The conciliators committee contributes a lot in solving family based land conflicts. Most of all cases related to family based land conflicts are brought before us. Our role is to mediate parts on the conflicts and help them to reach a consensual decision to their conflict”.

One of the informants who has introduced her case before “ABUNZI” of Kigarama cell, Gishyita sector, said: *“The conciliators committees are very important in treating our problems especially those related to land. They allow citizens participation in solving land disputes among neighbors and especially among family members through conciliation mechanisms. These “ABUNZI” are nearby our daily situation and do not charge any fees for solving our problems”.*

In fact, conciliators committees were established in order to empower citizens to solve their own disputes by having them play a more active participatory role in resolving their own disputes. They aimed to promote reconciliation-focused justice, based on mediation discourse, which

emphasized unity and collective cohesion over individual rights. The conciliation is the most way used by conciliators in order to solve land conflicts between family members.

The conciliators committees have the jurisdiction over land cases whose value did not exceed three million Rwandan Francs, including damage to land, livestock or property⁶. As the value of the land of most inhabitants of Mubuga and Gishyita sectors do not exceed three million, most of land disputes are brought before “ABUNZI”. What makes this institution playing a greater role in dealing with family based land conflicts is their design which privileged local knowledge of people and context, rather than expertise in objective legal norms.

Apart from the conciliators committees in solving family based land conflict, the ordinary courts also play a role in judging land related issues.

4.4.3 The role of courts in solving family based land conflicts

Courts have a significant role to play in solving family based land conflicts. This is because when parties on family based land conflict are not satisfied with the decision of conciliators, they appeal before the basis tribunal. This was confirmed by an interviewee in the Ngoma cell, Gishyita sector in these words:

“I have a land conflict with my brother, I introduced that case before ABUNZI of our cell, but in their decision, they said that I lost the case. I didn’t accept the decision of conciliators because I thought they have been on the side of my brother. For that reason, I appealed before the basis tribunal and the case is under process”.

The president of “ABUNZI” in Murangara cell, Mubuga sector, explained the reasons that make people to appeal before the basis tribunal in these words:

“Some people do not accept the decision we made in solving their family based conflict. They thought that the tribunal can give them a better decision than ours. Others simply persist in their error and circulate in all courts and tribunals until they exhaust all appeals”.

In fact, given the value attached to the land by many Rwandans, it is difficult for them to accept easily any decision that is intended to reduce the size of their land. So this makes them to appeal

⁶ Articles 8 de la loi organique N°31/2006 du 14/08/2006, portant organisation, ressort, compétence et fonctionnement du comité des conciliateurs

before the tribunal when the decision of ABUNZI is not in their favor. Considering the fact that land is the most source of income for most Rwandans and serves as basis of their livelihood, it is normal to have some people being reluctant to implement the decision of ABUNZI about portioning or redistributing the family land among family members.

The table below shows cases treated by ABUNZI which have been brought in appeal before the basis tribunal in Karongi district during the year 2012.

Table 9: Family based land conflicts appealed before the court during 2012

Mubuga sector				Gishyita sector			
Cases/2012 Cell	Cases Treated	Cases appealed	%	Case/2012 Cell	Cases Treated	Cases appealed	%
Ryuruhanga	33	12	36.4%	Musasa	24	9	37.4%
Murangara	24	9	37.5%	Cyanya	33	14	42.4%
Nyagatovu	31	16	51.6%	Kigarama	35	17	48.6%
Kagabiro	37	14	37.8%	Ngoma	49	16	32.6%
				Munanira	42	12	28.6%
				Buhoro	40	15	37.5%
Total	125	51	40.8%		223	83	37.2%

Source: Author's elaboration, May 2013.

As indicated in the table above, there is a significant number of cases that have been appealed before the basis tribunal of Bwishyura. In Mubuga sector among 125 cases treated by ABUNZI, 51 cases, this is to say 40.8% have been appealed before the basis tribunal. While in Gishyita sector, among 223 cases treated by ABUNZI, 83 cases, this is to say 37.2% have been appealed before the basis tribunal.

This means that, courts and tribunals play a big role in solving family based land conflicts by applying rules and regulations in on the subject. At this level, the tribunal solves family based land conflicts based on the law and evidences provided by different parts on the conflicts.

In fact, some people appealed the decision of ABUNZI before tribunal having in their mind that the tribunal can solve better their cases than BUNZI because they think that judges in the courts

and tribunals are more experienced than ABUNZI. This is the view of one informant in Kigarama cell, Gishyira sector who reported the following:

“In 1994, when my mother went to exile in Congo, I was 7 years old. My mother died in exile and unfortunately she was not legally married with my father. When I came back from exile, my brothers refused to give me the land arguing that they do not recognize me as their brother. I decided to bring my case before ABUNZI but the latter, due to their inexperience about the law and also to the influence of my brothers in this cell, decided that I was wrong because my mother was not legally married to my father. I appealed before the basis tribunal and the experienced judges in the tribunal decided that I must have right to the land of my father even if my mother was not legally married to my father”.

This case shows that some of ABUNZI do not master the law related to inheritance and succession what makes them to take sometimes decisions that are against the law. When it is the case, the basis tribunal is competent to decide based on the law. Furthermore, some of ABUNZI can be biased and take the decision in the favor of the powerful people.

It ought to be said that ABUNZI exercise their duties as a voluntary work, and this can make some of them to be tempted to corruption or favoritism.

After holding a review of institutions that intervene in solving family based land conflicts, it is essential to analyze their impact on economic development of families.

4.5 Impact of family based land conflict on economic development of families in Karongi district

Family based land conflicts are likely to have an impact on economic development of families in Karongi district. In this section, attention is focused on the impact of family based land conflict on income, agricultural productivities as well as on agricultural employment.

4.5.1 Impact of family based land conflicts on income

In Rwanda, land is the most source of income for many Rwandans, when it subjected to conflict it affects somehow the family income.

Family based land conflicts affect the income of family members, because when family members get into conflicts over land, they stop to attend to their daily agricultural activities. This was confirmed by one of the informants in Ryaruhanga cell, Mubuga sector:

“Family based land conflict has reduced my income. I spent much time in dealing with that conflict. The time I have spent could have been used in other income generating activities. In the conflict I had with my father, it took at least three months to have the conflict resolved successfully”.

In fact, when a case is brought before ABUNZI, it takes time to solve that case because the ABUNZI have to analyze deeply the case and hear testimonies from neighbors of parties on the conflict. Sometimes the conflict is not solved at the ABUNZI level and requires to be brought before the basis tribunal. At this level, the plaintiff part has to pay justice fees and sometimes lawyer honorarium. This increase family spending and reduce considerably the family income.

The above idea is corroborated by the executive secretary of Ryaruhanga cell, in these terms:

“Family based land conflict affect negatively the family income because families that used to have land conflicts, do not have much time to go about their productive business and spent much time and money on convincing people who will support them during the trial before ABUNZI or before the court. This makes them not to participate in different programs intended to raise their level of development”.

As the land is the main source of income for most Rwandan it is understandable that when it is not exploited, the level of income earned from that land is affected. When land is portioned, this reduces the earned income from that land and thus the capacity of the owner to afford commodities on the markets. This is the view of an informant met in Ngoma cell, in Gishyita sector who reported the following:

“After being obliged by ABUNZI to share my land with my daughter, my agricultural production has been noticeable reduced and I suffer from hunger because I do not have any income to buy what I do not produce on the market”.

This shows how family based land conflicts affect the capacity of the people concerned of affording good and services on the market. Normally, the capacity of the people to afford goods and services on the market depends on their level of income. When the income is low, that capacity is reduced.

It ought to be said that land portioning makes it being vulnerable to erosion and it reduces its fertility and thus the income it generates.

Furthermore, when land subjected to conflict is exploited through renting system, the outcome of the conflict may put an end to the renting system and thus reduce the income of the family that used to own the land. An informant in Murangara cell, Mubuga sector, confirmed this as follows: *“I had a land related conflict with my sisters about the land given to me by my farther. When the case was brought before ABUNZI, I lost the case then I decided to appeal before the basis tribunal, once again, I lost the case and accepted to divide the land with my two sisters. That land was very important to me because I used it to get money through renting and the money helped me to satisfy my needs. But after dividing it, I do not have any income. My sisters could have left that land because they are richer than me”*.

What is noticeable is that land conflicts reduce the income of families on conflict due to the time they devoted on the conflicts, which could be used for income generating activities. Furthermore, family based land conflict occasion unexpected spending for the family, especially when the case is brought before the court, it occasion unexpected spending. Even when the case is treated by ABUNZI, the spending is likely to be done, especially for the winner of the case who has to buy bananas or sorghum bear for those who have been on his or her side.

Family based land conflicts have also an impact on agricultural productivity. The sub-section below gives more details.

4.5.2 Impact of family based land conflict on agricultural productivity

Agriculture is the basis of Rwanda’s economy and the primary means of subsistence and employment for the vast majority of the population. Moreover, it is one of the country’s main sources of foreign currency exchange. The Economic Development and Poverty Reduction Strategy (EDPRS) has identified agriculture as one of the four priority economic sectors for stimulating economic expansion and having the greatest contribution on poverty reduction and national development as a whole, (EDPRS: 1).

When there is conflict over land the agricultural productivity is affected in one way or another.

This idea is supported by the president of ABUNZI in Buhoro cell, Gishyita sector, who reported the following:

“Conflicts over land family members affect crop production because when a given land is subjected to conflict, the user tend to limit its exploitation or to reduce organic manure in that

land. So such land gives the crop significantly below what would be obtained without conflict. Sometimes, land subjected to conflict may not be under production at all, this reduces agricultural productivity in the area”.

It is important to note that most food crops are inter-cropped and are not cultivated as monoculture. Inter-cropping is a strategy applied farmers to help them minimize the risk of crop failure. When the land is conflicting, these inter-crops are reduced considerably because of the reduction of the cultivated area.

Furthermore, conflict over land between family members affects agricultural productivity because those who are refused land cannot have any agricultural production. This was confirmed by an informant in Buhore cell, Gishyita sector in these words:

“I have a problem with my father who has refused me the land; I do not have where to cultivate while other young men like have their land and produce different crops that they sell on the local market. This makes me being poor. For that reason, I need my own land to produce crops that can help me to satisfy my needs”.

In fact, agriculture that is practiced in Gishyita sector as well as in whole Karongi district is subsistence agriculture where someone has to own land for producing different crops in order to survive. Those who do not have land are likely exposed to poverty and hunger. This impacts negatively their economic development in the way that they cannot produce nor earn any income from the land.

Family based land conflicts reduce agricultural productivity when crop planted in the land subjected to conflict are destroyed by some family members. This is the view of an informant in Musasa cell, Gishyita sector:

“When I become aware that women can own land from their parents, I went to my parents asking for my land, on the disagreement of my brothers, my father gave a piece of land. But my brothers said that I could not use that land. When I planted soya beans in that land, my brothers came in the night and pulled up all my soya beans. My brother were obliged by ABUNZI to reimburse me the crop I was supposed to gain, but till now they have not yet obeyed. This has seriously affected my agricultural productivity”.

This shows how family based land conflicts affect negatively agricultural productivity and this is likely to reduce agricultural crops.

Family based land conflicts do not affect agricultural productivity only, but also the agricultural employment.

4.5.3 Impact of land conflicts on agricultural employment

Land is important in agricultural production. Agriculture's impact on employment is much more important because the primary source of employment of low-income laborers is in agriculture sector and the bulk of non-formal employment, which is located in the rural sector.

Given the fact that a big number of the Rwandan population is employed in agriculture, land conflict may affect the employment in agriculture sector. This is the view of the executive secretary of Kagabiro cell, in Mubuga sector who said that:

“Family based land conflicts affect the agricultural employment. Family members on the conflict abstain to use the land before they can know the outcome of the conflict. This may reduce employment in agricultural sector”.

In fact, family based land conflicts, in most case lead to land portioning and thus the size of farm becomes smaller, what reduces the cultivation activities and increases the an employment in agricultural sector.

This was confirmed by one of the informants in Ngoma cell, in Gishyita sector, in these terms:

“After dividing my land with my brothers coming from exile, I remained with a small land that I cultivate in a period of only two weeks. And after that I have nothing to do apart from cultivating occasionally neighbors' land for money”.

It is important to note that, land portioning has an impact on the reduction of agricultural employment. Since the majority of the Rwandan population is involved in agricultural activities especially in rural areas, the reduced agricultural employment is likely to read to conflict and poverty.

Family based land conflicts do not have an economic impact only, but also they have an impact on the social development of families.

4.6 Impact of family based land conflicts on social development of families in Karongi district

The results of the field research have revealed that family based land conflicts affect the satisfaction of basic needs of family memebers such shelter, health and education.

4.6.1 Impact of family based land conflicts on shelter

Shelter is one of the basic needs that every a human being has to satisfy. When someone does not have shelter or when he/she has an inappropriate shelter, he or she feels insecure. Conflict between parents and their children make the latter to lack shelter. This was confirmed by an informant in Musasa cell, Gishyita sector as follows:

“I was born out the marriage; my father is not willing to give me the land. The fact that I do not have land has made me to lack accommodation. I do not have where to build my house because my father has not yet given my land. When I ask him a land, he says that he does not have the land for me. I cannot build in agglomeration (Umudugudu) because I do not land to exchange for the plot in agglomeration”.

In fact, when someone does not have a land, this affects his capacity of satisfying the need of accommodation especially in rural areas. Normally people own land from their parents or from purchasing it. Those who do not have money, their only way of owning land if acquiring it from their parents. When the latter are not willing to give land to their children, it is nearly impossible for them to build a house.

It ought to be said that in the implementation of the grouped settlement policy (IMUDUGUDU), each cell has selected sites where villages (IMIDUGUDU) have to be established. In order to have a plot in the village (UMUDUGUDU) someone has to give a land of the same size to the owner of the land where the village is established. When someone does have any land he cannot have a plot in the village unless he pays a certain amount of money.

4.6.2 Impact of family based land conflicts on health

Access to health care is an important element in the satisfaction of human basic needs. To access health care, requires a minimum level of income. As the land is the most source of income and employment for the majority of the population, not owning land means in most cases not being able to access health care. The testimony of an informant in Cyanya cell, Gishyita sector:

“My father has refused me the land arguing that he has a small land, this makes me unable to pay my contribution for health insurance because I do not have any source of income. When I get sick, I buy some medicine in the nearest pharmacy and I get recovery but I am not sure if it the disease disappears completely”.

In fact, in rural areas, people who do not own land experience problems about paying their contribution for health insurance “Mutuelle de santé”. This is because people who do not have land they use to survive for cultivating others’ land for money or for food. The money they earn is not enough to allow them to buy their daily food and at the same time to pay their contribution for health insurance.

4.6.3 Impact of family based land conflicts on education

Family based land has a negative impact on education. This is because when quarrels over land among family members make some family members to abandon school in order to look after their land related interests. This is the case of an informant mentioned earlier in Cyanya cell, Gishyita sector who testified the following:

“After realizing that my uncle was abusing my land, I was obliged to stop my studies in order to safeguard my interests because my relatives were preoccupied with their own problems and could not defend my land interests”.

This case evidenced how family based land conflicts affect social development of parties concerned by the conflict, especially those who are victims of those conflicts. In some cases when there is a claim for land some family members tend to restrict the support they used to give to the complainant. This is the case of this is the view of an informant in Munanira cell, Gishyita sector, who reported the following:

“Land conflicts have made our family being divided. After the death of our parents, our older brother has taken the whole family land and used it for his interests. When we grow up, we asked him our part of land what he gave us after the intervention of local leaders. Since then, he has refused to pay school fees for our sister and said that he has given us land”.

In fact, family based land conflicts affect education of family members because these conflicts make some of the family members to lack resource necessary to cater for their education and this hinder their social development.

4.7 Overall discussion

The overall observation of the findings for both Gishyita and Mubuga sectors reveals the following things: family based land conflicts observed in these sectors are conflicts between parents and their children, conflicts between brothers and sisters, conflicts between husbands and

their wives and conflicts between orphans of the 1994 genocide and their relatives. The causes of these conflicts are poverty, land scarcity, inheritance, polygamy, population pressure and selfish interest. Among these causes, poverty and land scarcity are the cross cutting causes for all family based land conflicts. This is because, despite the effort of the Rwandan government in fighting against poverty, poverty is still a crucial problem that faces rural households. This problem is exacerbated by land scarcity that is not enough to feed family members.

Furthermore, findings have revealed that family based land conflicts have a negative impact on economic development in the way that they reduce family income, agricultural productivity as well as agricultural employment. In fact many Rwandans depend on agriculture for their livelihood and when land becomes a source of conflict it the family livelihood that is undermined.

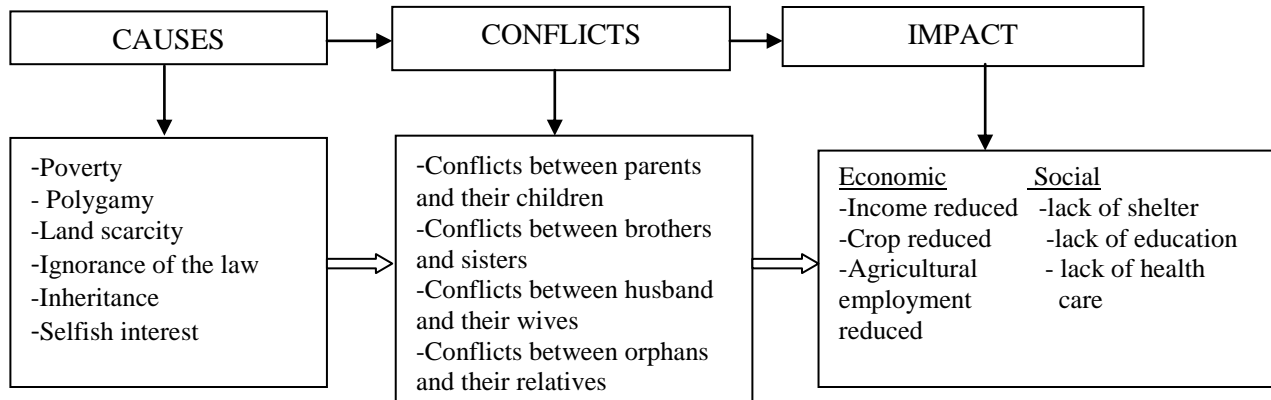
Family based land conflicts affect also social development of family members especially their possibility of satisfying their basic needs such as education, shelter and health. As land is the most source of income for the majority of Rwandans, any disturbance of the land takes away the possibility of satisfying basic needs of family members. When people are not able to satisfy their basic needs, they run the risk and stagnant in poverty.

In addition to that, the findings have revealed that family based land conflicts do not affect socio-economic development only, but also the peace and harmony within the family. Very often, disputes over land have been bloody and leading to loss of live. In this regard, cases of parricide, infanticide, fratricide, and homicide are observed in Gishyita and Mubuga sectors due to family based land conflicts. In fact, some family members think that they can solve their land problems by eliminating their antagonistic part. This is a wrong solution that has dramatic consequences on the perpetrator as well as on family members.

In addition to that, family based land conflicts is a cause of serious social dislocations among family members in the way that social relationship among family members are destroyed. In fact, when land is in covetousness by different family members, it is therefore difficult to have them being in conviviality. Instead of conviviality among family members, there is a climate of suspicion and hatred among them.

Briefly, family based land conflicts can be represented on the following figure

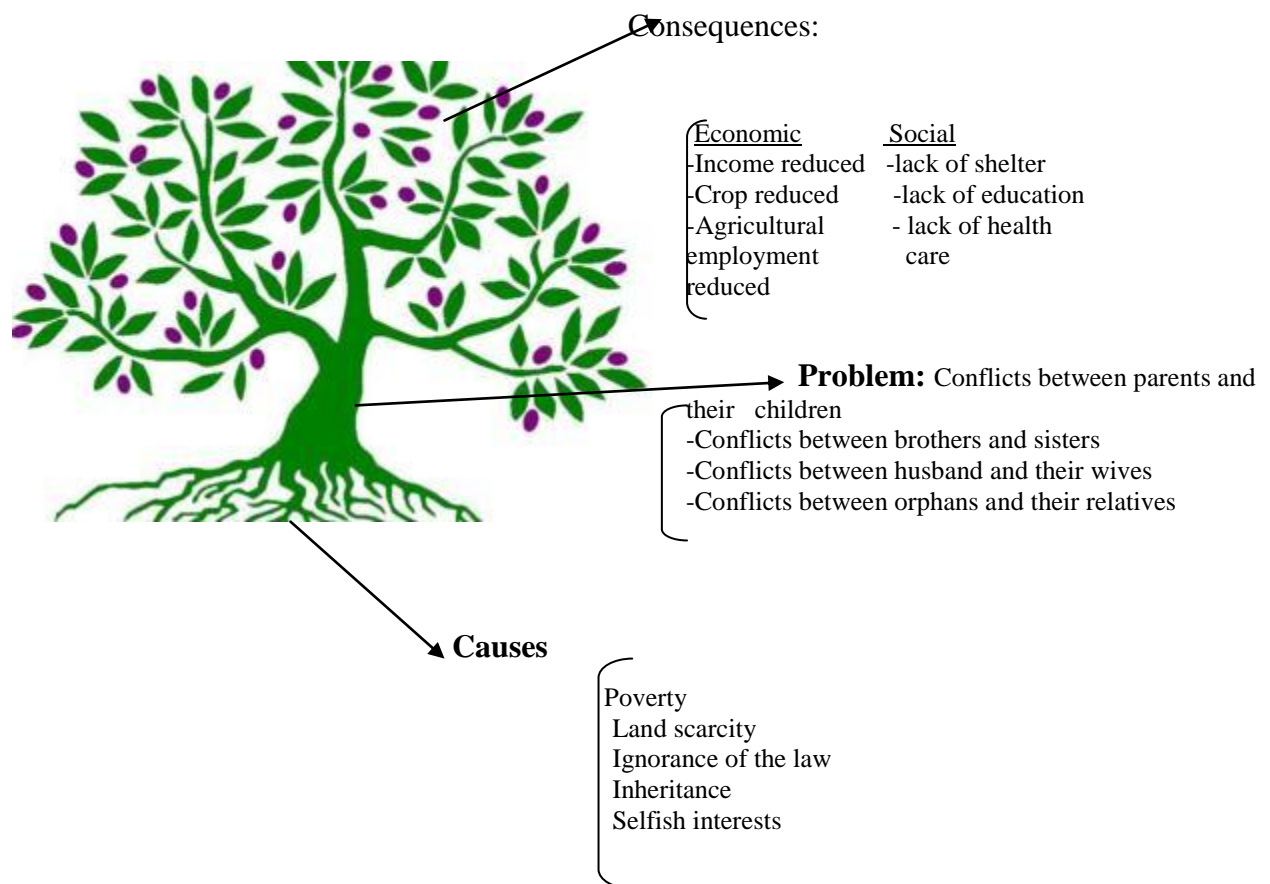
Figure 6: Family based land conflicts, causes and effects



Source: Author's elaboration, June 2013.

Family based land conflicts observed in Karongi District, especially in Mubuga and Gishyita sector can be analyzed using a conflict tree. As mentioned previously, a conflict tree is a tool for conflict analysis that raises awareness of the core problem, the deeper causes of the conflict as well as its current consequences, (Wehrmann, 2008:56). It is used to identify the most relevant causes to be addressed. For the case of family based land conflicts, causes of family based land conflicts, and their consequences are presented on the conflict tree below.

Figure 7: Conflict tree of family based land conflicts



CHAPTER V. CONCLUSION AND RECOMMENDATIONS

This chapter focuses on the summary of findings from the empirical research. The chapter also connects the finding from the field to the research problem as well as to the objectives of the study. Then after it gives recommendation to different parties who deals in one way or another with family based land conflicts as well as to parties experiencing family based land conflicts.

5.1 Introduction

This study aimed at analyzing the impact of family based land conflicts on socio-economic development of families. It contributes to filling the loophole observed in the preceding research about land conflicts where less attention has been given to family based land conflicts and their impact on socio-economic development of families. This empirical based study has analyzed the causes of family based land conflicts and their impact on socio-economic development of family members. Conflicting parties are family members who quarreled over land portioning.

The study scope was restricted to Karongi district especially Mubuga and Gishyita sectors where family based land conflicts have doubled their intensity.

The research question was about how family based land conflicts affect socio-economic development of family members.

The study was restricted specifically to families experiencing family based land conflicts and institutions contributing in solving family based land conflict. The focus was put on experience, perception and views of family members about how family based land conflicts have affected their socio-economic development. Data were qualitative collected through interviews and were analyzed qualitatively. The purpose was to generate knowledge about family based land conflicts and their socio-economic development impact on family members.

Respondents who have been selected for interview were people experiencing family based land conflicts along with presidents of conciliators committees (ABUNZI) and executive secretaries of cells in both Mubuga and Gishyita sectors. The interviewed sample was 41 individuals selected through convenience sampling.

This study is divided into five chapters, the first one concerns general introduction. It contains the background of the study, the problem statement, objectives of the study, scope of the study as well as the study rationale. The second chapter is about theoretical framework, where key concepts and related theories have been presented and discussed. The third chapter deals with methodology used in this study. It presents research approach, tools for data collection as well as the case study. The fourth chapter is about analysis of data from field. It is this chapter where the impact of family based land conflicts on socio-economic development of family members has been analyzed. The fifth chapter presents the summary of major findings and gives suggestions about how family based land conflicts can be solved peacefully.

5.2 Summary of the findings

This section summarizes the major findings of the study. It focuses on linking the research findings to the research problem and objectives of the study.

The findings of the study have revealed the existence of family based land conflicts in Karongi district. This has been proven by the number of cases treated by conciliators committees (ABUNZI) in all cells of both Mubuga and Gishyita sector. Family based land conflicts have become a recurrent phenomenon in these sectors where family members get into conflicts when it comes to dividing family land among them.

Based on the findings of the study, family based land conflicts are in different kinds notably land conflicts between parents and their children, where conflicts arise about to divide land between different children. Family based land conflicts between brothers and sisters, where conflicts occur when each family member tends to have a big land than other family members or when some of them want to exclude others from sharing the land of their parents.

Findings of the study have also revealed family based land conflicts between husbands and their wives especially when polygamist men want to take the land of the first wife to the second one.

Another kind of family based land conflict is the conflict between the 1994 genocide orphans and their relatives, where the latter have misused and sold the land of these orphans at the time when they were underage.

The sources of these family land conflicts are inheritance when family members do not accept the part of the land they receive as their inheritance. Polygamy also is a non-negligible source of family based land conflicts where it becomes difficult for half brothers to share among them the

land of their father. Another source of family based land conflict is land scarcity where population is increasing while the land remains constant. This generates conflicts when it comes to divide a small land among family members in a big number. Poverty also is another cause of conflicts where family members quarrel in order to have a part of land necessary to satisfy their basics needs. The desire of satisfying selfish interests is also among causes of family based land conflicts where guardians of orphans have sold the latter's land for that purpose. In addition to that, misunderstanding of the law related to inheritance and succession is also another source of family based land conflicts whereby some family members have not yet recognized women rights about inheritance and succession.

The findings of the study have revealed that there are institutions that intervene in solving family based land conflicts such as family council composed by all extended family members, the conciliators committees (ABUNZI) in each cell which treat family based land conflict not exceeding the values of 3.00.000RWF. Court and tribunal also intervene in solving family based land conflicts when the case is beyond the ability of ABUNZI or when conflicting parties appealed the decision of ABUNZI before the court.

It has been revealed by the findings that family based land conflicts have a negative impact on economic development of families where dealing with these conflicts bring about spending and consumes time that could be devoted in generating income activities. This slows down family income, agricultural productivity and reduces agricultural employment especially when land is portioned into small parts. Family based land conflicts have also a negative impact on social development where they reduce the capacity of family member to access health care, education and shelter. Furthermore, family based land conflicts destroy the culture of mutual help and assistance between family members because when they quarrelling over land their mutual help sinks into insignificance.

In addition to that, family based land conflicts constitute a treat for peace and harmony in the family especially when they degenerate into violence where crimes such as parricide, fratricide, infanticide are committed due to family based land conflicts.

5.3 Recommendations

Based on the finding of the study, the following recommendations are formulated in order to have family based land conflicts dealt in a constructive way. The formulated recommendations are addressed to the population experiencing land conflicts, to local leaders as well as to conciliators committees.

To the population

The findings have revealed that some individuals do not recognize women rights on inheritance and succession that is why recommend them to respect women right about inheritance and succession as provided by the law;

Findings have revealed that parties of family based land conflicts do not trust the decision of ABUNZI as a solution to their cases, and resort to the court without having valuable and convincing evidences, therefore, we recommend them to trust the ABUNZI and to appeal to the court when having convincing evidences;

Furthermore, findings of the research have shown that parts on family based land conflicts resort to violence and commit atrocious crimes, therefore, we recommend to parts on the conflicts to solve their conflicts peacefully rather than resorting to violence.

To conciliators committees (ABUNZI)

The results of the study have revealed that some conciliators do not know the law related to inheritance and succession, that is why we recommend them to learn that law and other rules and regulation in force in the country;

The findings of the study have proven that some conciliators are biased, so we recommend them to be impartial in order to mediate parts on family based land conflicts fairly.

To local leaders

As the results of the study have shown that people are not aware about the law related to inheritance and succession, we recommend local leaders to sensitize people about this law and others laws necessary for resolving family based land conflict peacefully;

Findings have revealed that people resort to violence in order to settle their land related dispute, therefore, we recommend to local leaders to awaken people about peaceful conflict resolution mechanisms and their advantages.

However, if we declare fit to have achieved the objectives of the study and answered to the research question, we cannot assume having covered all aspect of this study due to time and resources constraints. That is why we invite future researchers to conduct further researches and to look into aspects that have not been covered by this study such as:

- Family based land conflicts and environment degradation;
- Family based land conflict and land use consolidation;
- Land portioning and sustainable development.

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ANNEXE : INTERVIEW GUIDE**Interview guide for people experiencing family based land conflict**

1. Do you experience family based land conflict in your family?
2. What kind of family based land conflicts do you experience in your cell?
3. What are the causes of family based land conflict in your family?
4. How do you solve such kind of conflict?
5. What are the organs in your cell that intervene in solving your family based land conflict?
6. What is your attitude when your case about land is not solved as you in a satisfactory manner?
7. How much time do you spend on solving a family based land conflict?
8. Is there any expense that is related to the process of settling family based land conflict in your cell?
9. What is the impact of family based land conflicts on your income?
10. How do family based land conflicts affect your agricultural productivity?
11. How do family based land conflicts affect agricultural employment?
12. What is the impact of family based land conflicts on health care?
13. How do family based land conflicts affect human settlement?
14. How do family based land conflicts affect access to education?

Thanks.

Interview guide for executive secretaries and members of conciliators committees

1. Do you experience family based land conflict in your family?
2. What kind of family based land conflicts do you experience in your cell?
3. What are the causes of family based land conflict in this cell?
4. How do you solve such kind of conflict?
5. What are the organs in your cell that intervene in solving your family based land conflict?
6. What is the attitude of the population when their case about land is not solved as you in a satisfactory manner?
7. How much time do people spend on solving a family based land conflict?
8. What is the impact of family based land conflicts on the income?
9. How do family based land conflicts affect agricultural productivity?
10. How do family based land conflicts affect agricultural employment?
11. What is the impact of family based land conflicts on health care?
12. How do family based land conflicts affect human settlement?
13. How do family based land conflicts affect access to education?

Thanks.