

THE ROLE OF LAND RECORDS IN SUPPORT OF POST-CONFLICT LAND ADMINISTRATION: A CASE STUDY OF RWANDA IN GASABO DISTRICT

JEAN GUILLAUME MANIRAKIZA

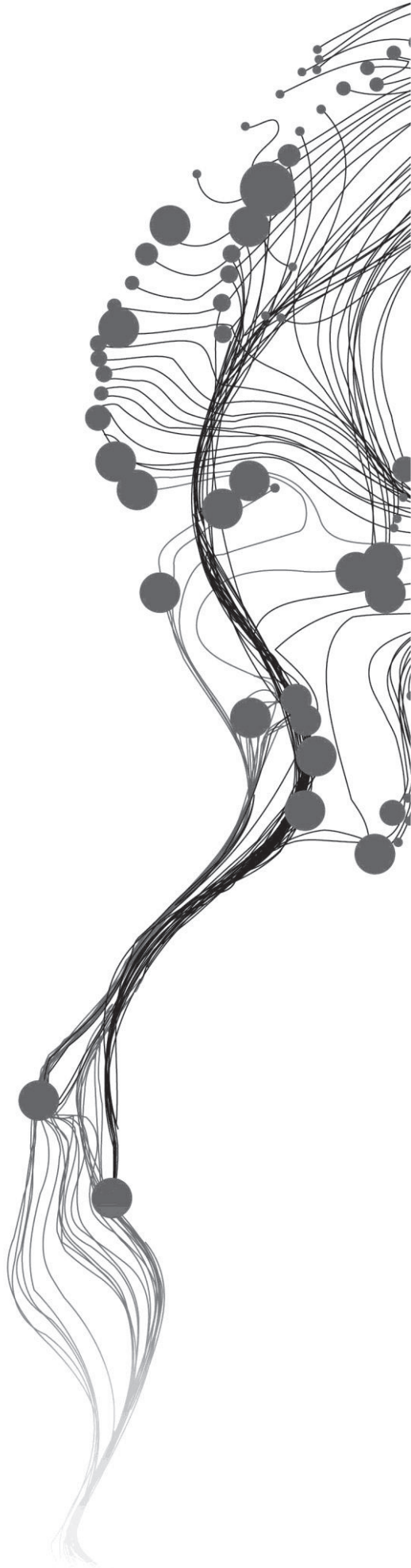
March, 2014

SUPERVISORS:

Prof. dr. J.A. Zevenbergen (First supervisor)

Dr. ir. L.G.J. Boerboom (Second supervisor)

D. Todorovski, MSc (Advisor)



THE ROLE OF LAND RECORDS IN SUPPORT OF POST-CONFLICT LAND ADMINISTRATION: A CASE STUDY OF RWANDA IN GASABO DISTRICT

JEAN GUILLAUME MANIRAKIZA

Enschede, the Netherlands, March, 2014

Thesis submitted to the Faculty of Geo-Information Science and Earth Observation of the University of Twente in partial fulfilment of the requirements for the degree of Master of Science in Geo-information Science and Earth Observation.

Specialization: Land administration

SUPERVISORS:

Prof. dr. J.A. Zevenbergen (First supervisor)

Dr. ir. L.G.J. Boerboom (Second supervisor)

D. Todorovski, MSc (Advisor)

THESIS ASSESSMENT BOARD:

Prof. ir. P. van der Molen (Chair)

Ms. dr. ir. G. van der Haar (External Examiner, WUR)

Prof. dr. J.A. Zevenbergen (First supervisor)

Dr. ir. L.G.J. Boerboom (Second supervisor)

Dr. ir. W.T. de Vries (Observer)

DISCLAIMER

This document describes work undertaken as part of a programme of study at the Faculty of Geo-Information Science and Earth Observation of the University of Twente. All views and opinions expressed therein remain the sole responsibility of the author, and do not necessarily represent those of the Faculty.

ABSTRACT

Land records in post-conflict land administration are considered as proof of ownership right in land and boundaries. Therefore, this research has classified land records into two categories, namely informal and formal land records. Before 2009, the year in which systematic land registration started in Rwanda, only 7.7% of land was formally registered in the public registry in Gasabo District. Apart from formal land records, which were mainly made up of written documents within the scope of the study, the informal land records could additionally include oral witnesses. The percentage of formal registered land in that period tends to question how land records supported land administration in Rwanda and, especially, during land dispute resolution in both rural and urban areas.

The aim of this research was to identify the role of pre-existing land records in solving disputes about land ownership and boundaries during post-conflict land administration in Rwanda. To achieve this objective, a fieldwork was conducted in Rwanda in order to collect primary and secondary data with regard to the scope of this research. In addition to data collected, the direct observation to complete the views of respondents was carried out in National and District archives. Based on the historical aspect of the research, snowballing techniques helped to identify different respondents (land administrators, key informants, land claimants, and local arbiters). During data analysis, narrative technique of interview transcripts, and excel datasheet were used to analyze the data collected in order to respond to research questions. As a result, after comparing the result to different literatures, this research has revealed that land records survived after the conflict in Rwanda and they helped during land dispute resolution. In addition, this research has also shown that few land records were damaged or manipulated during and after the conflict periods. Besides that, this research has elaborated the hierarchy of land records used during land dispute resolution and the actors involved in different activities. Finally, this research has proved that land records (formal and informal) supported land administration in solving land ownership disputes, especially those related to property restitution of returnees, land rights of vulnerable groups, succession, and boundary issues. However, this research has demonstrated that even if the government of Rwanda was determined to solve all land claims in equitable way throughout different programs like land sharing, TTP, redistribution of state land, some returnees and especially widows and orphans, were vulnerable to regain their rights in land.

In general, during post-conflict land administration, land dispute resolution has to be done in a flexible way. Thus, the actors involved could consider any sort of land records capable to justify the relation between people and their land. This incremental adjudication will help countries with no land records to establish a good land administration.

Key words: land records, land administration, land dispute resolution, post-conflict.

ACKNOWLEDGEMENTS

This research could not be achieved without the gratefulness and power of our God the Almighty. My heartfelt thanks are addressed to the Government of Rwanda through the Rwanda Natural Resources Authority (RNRA) and the Swedish International Agency (SIDA) cooperation to have granted me a fellowship to pursue my Master Degree Course in Geo-information Science and Earth Observation for Land Administration at University of Twente (ITC) in Netherlands. My sincere gratitude is also addressed to the Administration of GAKENKE District on behalf of his Mayor Deogratias NZAMWITA in Northern Province for providing me all the administrative requirements to get the admission and the study leave.

I would like to express my sincere appreciation to my Supervisors Prof. dr. J.A. Zevenbergen (1st supervisor), Dr. ir. L.G.J. Boerboom (2nd Supervisor), and D. Todorovski, MSc (Advisor) for their valuable advice, experience, kindness and encouragements during the execution of this research. Without their effective assistance, this research could not be realized. My special thanks are addressed to Prof. ir. P. van der Molen for his contribution in the research definition of land records. Your interests in land recordation and kindness have contributed to the success of this research. I also extend my gratitude to my course Director Dr. ir. Walter T. de Vries and his assistant Jacqueline MOL for the administrative support during my studies in Land administration at ITC/University of Twente.

My sincere gratitude is addressed to my interviewed key informants, respondents to questionnaires from the Rwanda Natural Resources Authority, Gasabo District in Jali, Kimihurura and Remera Sectors and their respective citizens. Your flexibility during the fieldwork gave me many inputs to perform this research. My special thanks are also addressed to Dr Emmanuel NKURUNZIZA (DG of RNRA) and Ir. Didier SAGASHYA (DDG/RNRA/DLM) for their commitment in building the capacity of District Land Offices and their scientific contribution during the execution of this research.

I am also grateful to thank my classmates of C12-LA-Msc-01 promotion and, especially, my fellow Rwandan colleagues Félicien NIYONIRINGIYE, François NTAGANDA, Jossam POTEI, Mireille BIRARO and Sylvain MUYOMBANO. Your presence in Twente University has diminished my social troubles throughout all modules including this research. Special thanks are also addressed to Ernest UWAYEZU and Jacques NDAYISENGA for their scientific contribution.

Thanks to my aunt Cécile NYIRARUKUNDO, the families of Marie Cécile BARAKETSE, Jacques BARAKETSE, Jacques NSENGIMANA and Alfred NIYOYITA for your prayers and hospitality during my stay in Europe.

Lastly but not least, my heartfulness concern is addressed to my Mother Laurence MUKANDEKEZI and my children Henri Ghislain KWIZERA IRAKIZA and Bella Kentia IRANZI. Your prayers, courage and endurance contributed to the success of this research.

May God Bless you all.

Jean Guillaume MANIRAKIZA
Enschede, the Netherlands
March, 2014

DEDICATION

Dedicated

To

My God, the Almighty

**My Late beloved wife Francine NDUWUMUREMYI and My Children
KWIZERA IRAKIZA Henri Ghislain and IRANZI Bella Kentia.**

TABLE OF CONTENTS

Abstract.....	i
Acknowledgements	ii
Dedication	iii
Table of contents.....	iv
List of figures	vii
List of tables	viii
List of acronyms	ix
1. Introduction	1
1.1. Background of the study	1
1.2. Research problem.....	2
1.3. Research objectives	3
1.3.1. Main research objectives.....	3
1.3.2. Research sub-objectives and research questions	3
1.4. Research scope.....	3
1.5. Conceptual framework	4
1.6. Research design.....	4
1.7. Thesis structure.....	6
2. Land administration in post-conflict situations with focus on land records	7
2.1. Land administration in post-conflict environment.....	7
2.1.1. Concept definitions	7
2.1.2. Major characteristics of land administration in post-conflict environment	9
2.1.3. Phases of post-conflict and land administration activities	9
2.1.4. Phases of post-conflict in Rwanda and related land administration activities	10
2.2. Land records in post conflict situations	11
2.2.1. Introduction.....	11
2.2.2. Type of land records and Concepts of “good land records”.....	11
2.2.3. Hierarchy of land records and continuum of land rights.....	13
2.3. Vulnerable groups to land in post-conflict land administration	13
2.4. The role of land records in post-conflict land administration.....	14
2.5. Land administration in Rwanda before and after the conflict.....	15
2.5.1. Brief history of land administration in Rwanda.....	15
2.5.2. Access to land in Rwanda after the conflict.....	16
2.5.3. Cadastre system and land registration in Rwanda	17
2.6. Land dispute resolution Mechanism in Rwanda.....	18
2.6.1. Introduction.....	18
2.6.2. Causes of land disputes in Rwanda.....	18
2.6.3. Alternative disputes resolution Mechanism related to land after the conflict in Rwanda	19
2.6.4. Main actors during land dispute resolution	20
2.7. The role of land administration in post-conflict settings	20
3. Description of the study area and methodology	21
3.1. Introduction	21
3.2. Selection of the case study.....	21
3.3. Geographical description of the study area	22
3.4. Literature review	22
3.5. Data collection techniques	23
3.5.1. Sampling selection	23

3.5.2.	Questionnaires.....	23
3.5.3.	Interviews.....	23
3.5.4.	Direct observation.....	24
3.5.5.	Secondary data.....	24
3.6.	Data analysis.....	24
3.7.	Limitation of the research.....	24
3.8.	Conclusion.....	25
4.	Presentation of the results.....	27
4.1.	Introduction.....	27
4.2.	Categorization and format of land records.....	27
4.2.1.	Types of land records.....	27
4.2.2.	Format of land records.....	28
4.3.	Status of land records after the conflict.....	28
4.4.	Nature of fraudulent land documents encountered in the study area after the conflict.....	29
4.5.	Land registration and dispute resolution actors after the conflict.....	29
4.5.1.	Actors involved in land registration in Rwanda after the conflict.....	29
4.5.2.	Process of getting a formal land record.....	30
4.5.3.	Actors involved in the land dispute resolution in Rwanda after the conflict.....	30
4.6.	Level of collaboration between land administrators and land dispute resolution actors in handling disputes over land during the post-conflict period.....	30
4.7.	Availability of land records of disputed land.....	30
4.8.	Evidences of ownership right in land and boundary used during land dispute resolution.....	31
4.9.	Benefits of land records during post-conflict land administration.....	31
4.9.1.	Area of intervention of land records after the conflict in the study area.....	32
4.9.2.	Type of disputes over land handled using land records.....	32
4.9.3.	Re-establishment of ownership right to land of vulnerable group.....	33
4.9.4.	Conclusion of the chapter.....	34
5.	Synthesis of the results versus theory.....	35
5.1.	Introduction.....	35
5.2.	Types of land records and rationale behind the scarcity of land records in the early recovery of the post-conflict era in Rwanda.....	35
5.2.1.	Types of land records in the early recovery of the post-conflict era.....	35
5.2.2.	Rationale behind the scarcity of land records in Rwanda.....	36
5.3.	Status of land records in the early recovery of post-conflict settings in Rwanda.....	37
5.4.	Actors involved in land dispute resolution.....	38
5.5.	Evidences used during land dispute resolution.....	38
5.6.	The role of land records in resolving disputes in land ownership and boundaries in post-conflict land administration in Rwanda.....	39
5.6.1.	Restitution of land and property of the returnees.....	40
5.6.2.	Re-establishment of land rights of vulnerable group.....	40
5.6.3.	Mitigation of boundary disputes.....	41
5.6.4.	Resolution of intra-family land disputes.....	41
5.7.	Conclusion of the chapter.....	42
6.	Conclusion and recommendations.....	43
6.1.	Conclusion.....	43
6.2.	Recommendations.....	44
6.2.1.	For Rwanda.....	44
6.2.2.	For other countries.....	45

6.2.3. Suggestion for future researches	45
List of references	47
Appendices	50
Appendix 1: Format of <i>acte de Notoriété</i>	50
Appendix 2: <i>Petit papier</i> (sale agreement)	51
Appendix 3: Other land records that remained useful after the conflict period	52
Appendix 4: Questions reserved to interviews with key informants.....	53
Appendix 5: Questionnaire for land claimants	54
Appendix 6: Questions reserved for Local for Arbitration Committees (<i>ABUNZI</i>).....	55
Appendix 7: Questionnaire reserved for land professionals	56

LIST OF FIGURES

Figure 1.1: Conceptual framework	4
Figure 1.2: Research design.....	5
Figure 2.1: Three integrated key attributes of land administration (ownership, value and use)	7
Figure 2.2: Relationship between Cadastre and Land Registration	8
Figure 2.3: The continuum of land rights.....	13
Figure 3.1: Location of the study area.....	22
Figure 4.1: Modalities of accessing land in the study area.....	27
Figure 4.2: Hierarchy of types of land records found in the study area from interviews with key informants	28
Figure 4.3: Perception of land administrators on the status of land records during post-conflict period in Rwanda.....	29
Figure 4.4: Photos of land records taken during the field observation in the archives.....	29
Figure 4.5: Evidences presented by Land claimants to prove ownership right to land	31
Figure 4.6: Evidences considered as proof of ownership right to land by local arbiters	31
Figure 4.7: Position of respondents about the role that land records have played after the conflict period.	32
Figure 4.8: Responses from land claimants regarding the types of disputes handled using land records....	33

LIST OF TABLES

Table 1.1: Research sub-objectives and research questions 3

Table 2.1: Land administration activities in post conflict or disaster situations..... 10

Table 2.2: Countries based examples of the status of land records during the post-conflict situation..... 11

Table 3.1: Categories of respondents to questionnaires..... 23

Table 3.2: Key informants during primary data collection using interviews 24

LIST OF ACRONYMS

ABUNZI:	Elected local arbitration committee at cell and sector level with mandatory jurisdictions for all land disputes and other claims less than three million.
ADR:	Alternative Dispute Resolution
CAR	Central African Republic
COHRE:	Centre for Housing, Rights and Evictions
DDG	Deputy Director General
DG	Director General
DLM	Department of Land and Mapping
EDPRS:	Economic Development and Poverty Reduction Strategy
FAO:	Food Agriculture Organization
FRW:	Rwandan Francs
GIS:	Geographic Information System
GLTN:	Global Land Tool Networks
HRC:	Human Right Commission
IDP:	Integrated Development Program
IDPs:	Internally Displaced Persons
LAIS:	Land Administration and Information System
MAJ:	<i>Maison d'accès à la Justice</i>
MINALOC:	Ministry of Local Governance
MINIREISO:	Ministry in charge of refugees and social reintegration
MINIRENA:	Ministry of Natural Resources
MINITRAPE:	<i>Ministère des travaux publics</i>
NGO:	Non Government Organization
NISR:	National Institute of Statistics of Rwanda
NLP:	National Land Policy
NWC:	National Women's Council
OLL:	Organic Land Law
RISD:	Rwanda Initiative for Sustainable Development
RNRA:	Rwanda Natural Resources Authority
RPF:	Rwanda Patriotic Front
RRR:	Right, Restrictions and Responsibilities
TTP:	Tent Temporary Program
UNECE:	United Nations- Economic Commission for Europe
UNHABITAT:	United Nations Human Settlements Program
USAID:	United States Agency for International Development

1. INTRODUCTION

1.1. Background of the study

Throughout history, conflicts around the world are caused by different elements and land dimension is one among them, if not the real cause (Augustinus et al., 2007). According to Wehrmann (2008), land conflict involves disagreement between at least two parties each contesting different interests over property rights. Given the varying country context of historical, cultural and attitudinal antecedents of land conflict, van der Molen et al. (2004) argue that the causes of conflict can be viewed through ethnic envy, nationalistic tendencies, opposing interest, class conflicts, disputed frontiers, expansion action, or economic interest. As a result of those conflicts, some people are killed and others are internally displaced or become refugees; basic infrastructure are destroyed, there is a lack of legal frameworks capable to solve conflicts, land records in public registers are destroyed or manipulated, and warlords force transactions to the existing landholders or occupy illegally properties belonging to others (FAO, 2005; Zevenbergen et al., 2004).

In the case of Rwanda, the conflict has been characterized by social-economic inequity, political instability and ethnic division (André et al., 1998). Some authors said that the cause of conflict in Rwanda is related to ethnic division (Rurangwa, 2004) whereas others said that the root cause of conflict in Rwanda is related to the scarcity of land (Verpoorten, 2012). However, some authors argue that some elites and powerful people used ethnic division for political gain, but whatever the hidden cause of conflict highlighted, all the authors have mentioned land aspect as one of the causes of conflict in Rwanda (Verpoorten, 2012). Since the late 1950s until the mid 1994, many people were deprived of their land rights through forced eviction and displacement. The peak of this conflict occurred in 1994 following with the genocide committed against the Tutsi ethnic group after a breach of the Arusha peace Accord of 1993 (Rurangwa, 2004). The Rwandan Patriotic Front (RPF) which earlier sealed the peace agreement resumed the war with the aim of saving not only the Tutsi ethnic group, but to protect vulnerable Rwandan populations during the crisis (Murekezi, 2012).

Displacement and return of refugees in Rwanda further complicated the relationship between human and land during and after the conflict. According to Musahara et al. (2002), almost everyone in Rwanda has undergone an experience of forced displacement, either within the country or to a second or even third country. While citizens who left the country during the genocide crisis returned in successive phases between 1994 and 1996 to claim their lands and property, those who left due to violence and repression from 1959 onwards returned Rwanda in large numbers, with effect from 1994. Those who fled Rwanda in the immediate aftermath of the war and genocide returned in late 1996 or early 1997. This crowd of returnees was followed by an insecurity caused by Ex- militia *Interahamwe* called “Infiltrators” causing again an internal displacement in Northern Province of the country and eventually ended attacks in the year 2000 (Musahara et al., 2002). Consequently, the country has encountered about 1 million internally displaced persons (IDPs) and 3 million refugees (Murekezi, 2012).

These influxes resulted in multiple claims of ownership for farmlands, buildings, and agricultural and forest products (André et al., 1998). The Article 2 of the Arusha Accord of 1993 between the Government of Republic of Rwanda, and the Rwandan Patriotic Front (RPF), concerning the Repatriation of Rwandan refugees and the resettlement of displaced persons stated that “...each person who returns is free to settle in any

area, within the country, of his/her choice, as long as he/she does not attempt on somebody else's rights..." (Rurangwa, 2004). Government policy, guided to some extent by this article, has directed people to share land resources, or has opened up public lands (such as 2/3 of Akagera National Park, the Mutara Game Reserve, the Gishwati mountain forest) and other state land which belonged to projects for resettlement and then, to allow refugees of 1959 to have access to land (Bruce, 2013). These practices were considered as a form of mainstreaming unity and reconciliation, and guaranteeing rights to land gradually to all citizens in Rwanda (Sagashya et al., 2009).

The present research intends to identify the characteristics of land administration in post-conflict environment with focus on land records. However, land records are viewed in this context as proof of land ownership and boundary and may not only include *formal evidences* but also any document or source having the ability to clarify the relation between human and land considered in this research as *informal evidence* when the post conflict planners upgrade them with embedded flexible regulations. In this chapter, we are addressing the research background, research problem, research objectives and questions, the research scope, the conceptual framework and the design of the research and finally, the thesis structure.

1.2. Research problem

Land administration in post-conflict environment suffers in different ways. Competing parties may raise political and socio economic issues, but the reason behind is control over land. People including warlords and different types of returnees start occupying land of weakened power or those belonging to new IDPs or refugees. At this point, some people formalize the land acquired in this insecurity period, whereas others start claiming the property right they were forced to leave for decades. Most of the time once the hostility ends, the party who lost power in the conflict tends to still possess legal land documents and other types of evidences that can testify their right on their piece of land. So far, good land records can play a great role to prove the real owner of the land and the right attached to it.

In Rwandan context, land records were prominent in urban areas, whereas some few titles for churches and elite groups could be found in rural areas. Different scholars and researchers have done some researches on different issues like land sharing, land redistribution, woman access to land, land scarcity, disputed land but none of the researches explain the role of existing land records in the post-conflict period towards land administration. Titles and leaseholds reflect the right owners in urban areas and other concessions belonging to elites and churches in rural areas, whereas rural land records included oral witnesses, tax documents, sales agreement (small paper) in customary land notwithstanding that the same evidences were also useful in urban areas. Thus, officials had to be flexible and careful to settle any dispute over land in post conflict environments where land records are subjected to loss, destruction and more exposed to fraudulent documents.

The lack of official written records to prove existing rights to land ownership for all citizens has persisted in regions of Rwanda for many years until the first systematic land registration of all citizen's land in 2009. This issue underscores the need to address the relationship between human and land as documented in a formal recording system/register and having a basic understanding of the regulatory framework. However, there is a need to understand on the extent to which the land records (formal and informal) have helped the Government of Unity and Reconciliation in Rwanda to solve disputes about land ownership and boundaries that appeared during the early recovery and reconstruction period of post conflict.

1.3. Research objectives

1.3.1. Main research objectives

The overarching aim of this study is **to identify the role of land records in solving disputes over land ownership and boundaries in post-conflict land administration focusing on the period between 1997, the beginning of early recovery period and 2004, the beginning of reconstruction and the year the Rwandan land policy was enacted.**

1.3.2. Research sub-objectives and research questions

The following sub-objectives and questions have been put forward to address the research aim:

No	Research sub-objectives	Research questions
1.	To ascertain the status and type of land records in post-conflict period in Rwanda.	1. What types of land records existed in the post-conflict period in Rwanda? 2. What was the physical status of land records in the post-conflict period in Rwanda?
2.	To identify triggering documents needed during the process of solving land disputes in urban and rural land in the period of post-conflict land administration in Rwanda.	3. What are the actors involved in land registration and land disputes resolution during post-conflict in Rwanda? 4. What are the evidences needed to prove the ownership in land and boundary both in urban and rural areas in Rwanda after the conflict?
3.	To indicate the benefits of land records in resolving disputes about land ownership and boundaries in an equitable way in Rwanda during post conflict land administration.	5. To what extent did land records assist in resolving disputes in land ownership and boundaries in the post-conflict period in Rwanda? 6. How equitable did land records re-establish land rights of vulnerable groups in post-conflict period in Rwanda?

Table 1.1: Research sub-objectives and research questions

1.4. Research scope

The research is based on what happened in land administration in the early recovery and reconstruction period of post conflict in Rwanda at micro level land issues towards land disputes resolution. With regard to the timeline and activities of post conflict periods as mentioned in Murekezi (2012), the rehabilitation and reconstruction are in this research considered as early recovery phase in Rwanda. It started in 1997 after three years of emergency activities. Then, the development period is assigned to reconstruction phase, but for the purpose of this research, the topic is limited to, the date to which the Nation Land Policy was enacted in 2004. This research recognizes both formal and informal land evidences as proof of ownership right and boundaries in solving disputes over land in the aftermath of the conflict. Finally, this research was carried out both in urban and rural land areas.

1.5. Conceptual framework

The research on the role of land records in post-conflict land administration accommodates both formal evidences and informal evidences in such a period to deal with land disputes. However, this conceptual framework indicates how during the period of uncertainties not only the current recognized land records in land registries help to solve disputes over land ownership and boundary, but also any other documents bearing information about land and recognized by the society known as *informal evidence*, if they are examined and supported by transitional regulations in post conflict situation, they also play the same role as the fully and known land records in public registry in land ownership and boundary recognition.

The following diagram indicates the schematic representation of the problem to be handled in following stages:

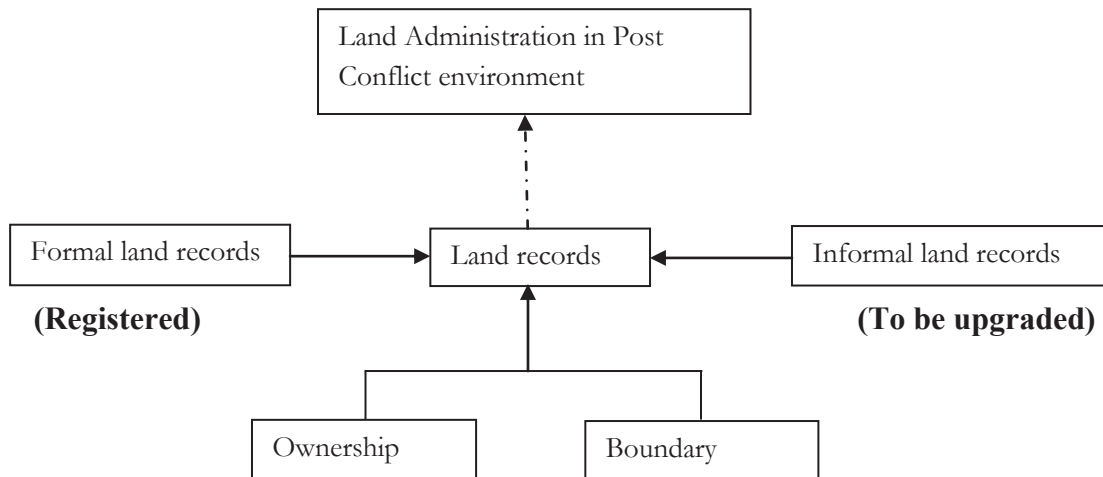


Figure 1.1: Conceptual framework

1.6. Research design

Because we don't know exactly how broad the topic is, this is a typical qualitative research which has been using case study methodology in the whole research process. The case study as documented in Yin (1994) use different sources of evidences and combine methods and techniques as means of attempting to answer the research questions. However, secondary data have derived information to be used when analyzing primary data on one hand; and also one interviewee or people who responded to the questionnaire could give opportunity to know other key informants to deal with during the field work on the other hand. In this section, the research problem, research objectives and questions are defined, and then, the next steps show how the research was executed:

- To explore literatures related to land administration in the post-conflict environment;
- To choose methods and techniques appropriate for this qualitative case study research;
- To prepare an interview schedule and questionnaires;
- To apply the snowball techniques in order to increase the number of respondents;
- To collect data in the study area from different sources of evidences (triangulation approach);
- To analyze data;
- To integrate the findings with the existing body of knowledge (literature);
- To finalize the thesis and offer conclusion and recommendation.

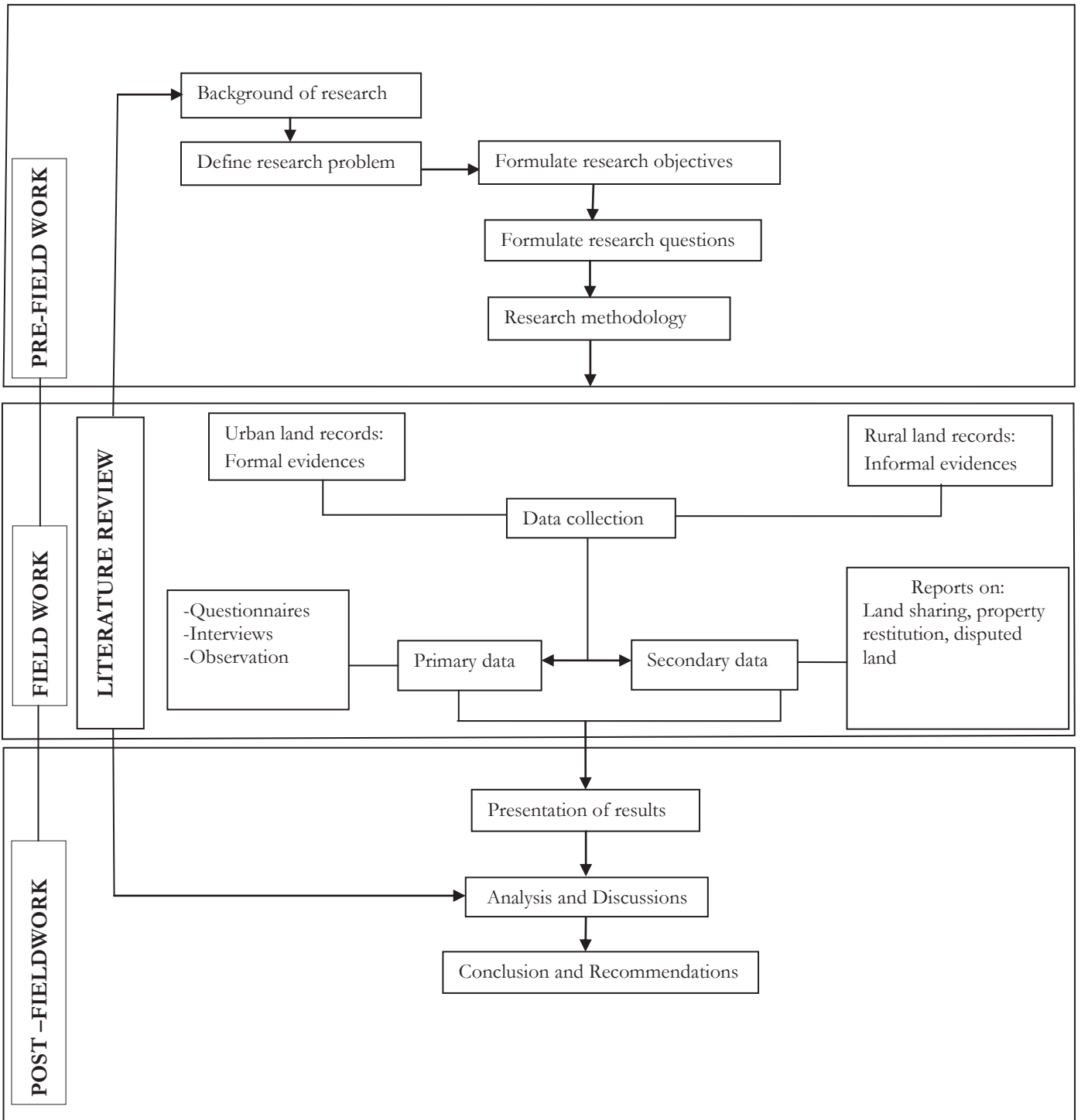


Figure 1.2: Research design

1.7. Thesis structure

The thesis is structured into 6 chapters:

Chapter 1: Introduction

This chapter contains the background of the study, research problem, research objectives and questions, research scope, research design, and finally the thesis work plan.

Chapter 2: Land administration in post-conflict with focus on land records

This is a theoretical part of different concept embedding the research topic. This chapter talks about the land records, its characteristics in post-conflict environments, the dispute resolution mechanism and then, the role that land records play in handling disputes over land that appear in the aftermath of the conflict period.

Chapter 3: Description of the study area and methodology

This chapter describes the study area and gives details in methodological part about all data collection techniques used to gather all the information that brought answers to research questions.

Chapter 4: Presentation of results

This chapter presents the result of research according to the methodology used during the data collection period. These results are derived from interviews with key informant, questionnaires with land administrators, land claimants and local arbitration committees called also “ABUNZI” and finally, the direct observation lead to National and District of Gasabo archives.

Chapter 5: Synthesis of the results versus theories

This chapter synthesizes the results presented in chapter 4. It compared the existing literatures regarding to land records and land administration in post-conflict environments with the different views of respondents.

Chapter 6: Conclusion and recommendation

This chapter draws a suitable conclusion and offers recommendations towards the role of land records in post-conflict environment.

2. LAND ADMINISTRATION IN POST-CONFLICT SITUATIONS WITH FOCUS ON LAND RECORDS

2.1. Land administration in post-conflict environment

2.1.1. Concept definitions

Land administration is defined as “*the process of determining, recording and disseminating information about tenure, value and use of land when implementing land management policies* (UNECE, 1996)”. This process cannot be feasibly operated during periods of uncertainties (Barry, 1999). In the era of post-conflict land administration, the issues of land records are very important in different countries around the world and necessitate a clear attention in order to avoid new emerging land claims (Zevenbergen et al., 2010). According to FAO (2005), the post-conflict land administration period starts when the war has finished or there is a form of security enabling international humanitarian activities to support the new state in place. Therefore, this period ends up when fundamental laws capable of ensuring that new government development are enacted, and land administration is operational. Increasingly, the end of this period differs from country to another due to the causal relation attached to the conflict.

McLaughlin (1989) defines land registration as a process of recording legally recognized interests (right of ownership and/or use) that landholder has on its land. While performing the registration process as it is mentioned in Zevenbergen (2002), the information regarding the ownership, value, and boundary both spatial and non spatial are documented in land registries. The latter give documentary evidences during the resolution of properties related disputes (Dale et al., 1999). Modern cadastre integrates these three functions of land administration (ownership, value and use of land) interrelated together with the spatial attributes and promotes a land information system for a better and sustainable service delivery.

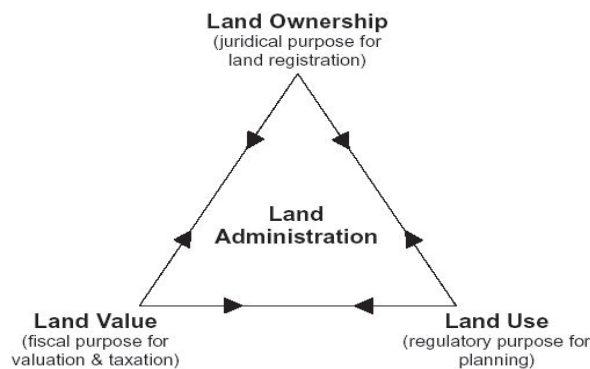


Figure 2.1: Three integrated key attributes of land administration (ownership, value and use)

Source: Dale et al. (1999)

Although McLaughlin and Nichols as mentioned in Zevenbergen (2002) defines cadastre as: “*an official record of information about land parcels, including details of their bounds, tenure, use, and value*”, in most developing countries, 70% of these information are not recorded in formal registry and transactions are being made informally or in customary system between citizens (Dale et al., 1999; Fitzpatrick et al., 2010;

UNHABITAT, 2012). However, the modern land administration system has four functions: land tenure, land value, land use and land development. For a good and sustainable land administration, all four elements must be integrated within one core cadastre system. The development of land administration system and its cadastre could also depend upon social, cultural, historical and political context of any country in order to respond to beneficiaries needs (Williamson et al., 2010).

Land registration responds to the question about “who and How” while linking the person to right (subject-right) and cadastre responds to the question about “Where and How much” while linking the right to parcel (right -object) (Henssen, 2010). Both concepts are interrelated.

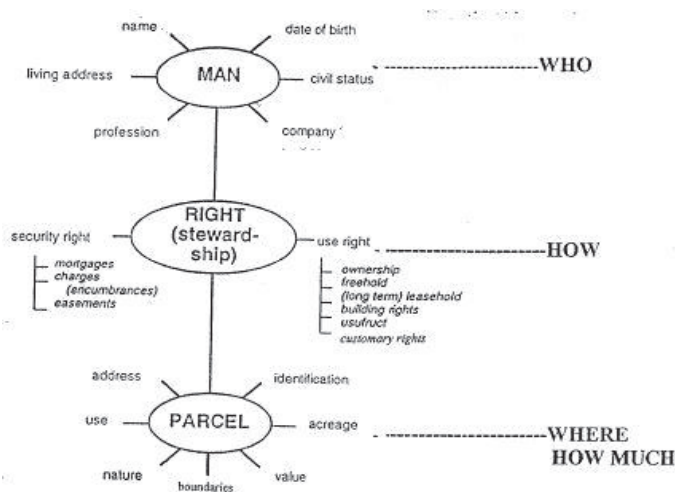


Figure 2.2: Relationship between Cadastre and Land Registration
Source: Henssen (2010)

Henssen (2010) continues saying that the concept of land records or land recordation is used to express land registration and cadastre because of the complementarities of these two components. However, the research on the land records in post-conflict environments is based on what is recorded as information about land, which includes official records or non official records. Local citizens perform cadastre survey through sketching on small paper and illustrate the content/records through a signed agreement between the buyer and the seller with a certain number of witnesses. The latter intervene in case of parcel related disputes in the post-conflict period.

Certainly, this research is looking for the way pre-existing land records after the conflict period in Rwanda have managed to respond to the question about “Who”, “How” and “Where” (who owns what and where) as we consider them as evidences during dispute resolution when two or more people claimed for the same interests in land.

Different authors used the term “land records” in the context of formal land registration and cadastre. Within the context of this study, land in Rwanda was held either in the statutory regime in urban areas (written law) and customary regime (unwritten laws) in rural areas. The evidences which underpin information about land are termed “*formal land records*” when the landholder has processed the requirement to register the land within the cadastre and obtain documentary evidences such as title, deed or any other certificates depending on country’s land administration system on one hand. On the other hand, “*informal land records*” are evidences describing parcel based information when the landowner has got evidences about his/her land through customary laws or private conveyance in a way that the state could not

recognize them in the formal land administration system. Consequently, the government upgrades those informal land evidences in order to face emerging land disputes that appear in the aftermath of the conflict. Both informal evidences and informal land records terms are used interchangeably in this research, and include simple sales agreement, tax and utilities payment, oral witnesses..., ... and finally, formal and informal land records are considered in this research as proof of ownership of land and boundary during post-conflict land administration.

2.1.2. Major characteristics of land administration in post-conflict environment

In general, during the post-conflict period as described by (Zevenbergen et al., 2010), "*Land administration systems can suffer in several ways during and after a conflict and the most obvious blow follows from the loss of staff and records, and obviously, full paper based systems are even more vulnerable since no formal backup usually exists*". Continuously, the same authors said that land administration during post conflict situations is characterized by demolition of properties, illegal occupation of land, landless, tenure insecurity, and land records are out of date and most of the time they are not reflecting the real owner. Also, after a conflict, the situation becomes more complex, and existing data records need very careful investigation when trying to re-establish an existing land administration system (Zevenbergen et al., 2004). Besides that, land registers are to some extent favoring former party in power or the new winning party abuse their power while manipulating land records with private gain, forcing weakened party to transfer their land and property under their names and, furthermore enacts laws that support all the dealings and other bad practices occurred after the hostilities have ceased (Todorovski et al., 2012; UNHABITAT, 2007).

Zevenbergen et al. (2004) argue that the issues of land records if they are not tackled as earlier as possible become a new emerging source of conflict over land. In contrast to this, experiences from different scholars have shown that land administration and related activities are not tackled immediately after the conflict by government and international organization (Crook, 2006; van der Molen et al., 2004). New governments are busy with keeping security, reconciliation process, allocating land, property and housing to returnees without considering the basic functions of land administration and its relation with emergency activities after the conflict (van der Molen et al., 2004). The lack of awareness of integrating land issues after the conflict are caused either by the complexity of conflict, lack of political will and expertise to deal with them, or the reluctance of some decision makers who were involved in land grabbing, fraud and falsification of land records after the conflict (FAO, 2005). The unfair land dispute resolution, which happens in the aftermath of the conflict relates to the untidy allocation of land to returnees that include IDPs and refugees and can also delay the design of the reconstruction phase of post-conflict (Crook, 2006; FAO, 2005).

2.1.3. Phases of post-conflict and land administration activities

FAO (2005) distinguishes 3 phases in post-conflict: situation: emergency, early recovery and reconstruction phases. Based on activities undertaken during this period, the *emergency period* is dominated by activities of maintaining peace, humanitarian intervention, and the census of relevant claims to be considered during the establishment of the land policy project including the basic governance. *Early recovery* concerns the design of a policy framework to deal with land tenure issues, development of government institutions, capacity building of personnel, recruitment of expert personnel, and infrastructure. Finally, *the reconstruction period* is focused on the implementation of policies including those related to land administration. The duration of each phase depends on the country's history and socio-political behavior (van der Molen et al., 2004).

N°	Phases of post-conflict	Activities
01	Emergency	Secure land records, avoid eviction, understand tenure types and grievance
02	Early recovery	Community based adjudication, dispute resolution, systems, links to formal land management systems
03	Reconstruction	Incremental improvements to land administration systems and land governance.

Table 2.1: Land administration activities in post conflict or disaster situations

Source: UNHABITAT (2009)

2.1.4. Phases of post-conflict in Rwanda and related land administration activities

The post-conflict phases in Rwanda have lasted a long time and manifested differently compared to countries like Kosovo, Bosnia and Herzegovina, and Timor (FAO, 2005; UNHABITAT, 2009). However, Murekezi (2012) identified these periods in Rwanda as follows:

- **The Emergency period** of post- conflict in Rwanda ranged from 1994 up to 1997 and was marked by unity and reconciliation activities of Rwanda after the humanitarian crisis that followed the genocide against the Tutsi in 1994 through the promotion of justice, rule of law, infrastructural development and rehabilitation.
- **The Rehabilitation and reconstruction period** spanned between 1997 and 2002. Notwithstanding the insecurity caused by ex-militia *Interahamwe*, the government of National Unity with the support of International assistance, has focused on service delivery, reconstruction of physical and social infrastructure, forum on reconciliation with more emphasis on peace and unity, decentralization process, election of local leaders from village up to district level; and during that period, the new development Rwanda Vision 2020; but the most prominent activity related to land administration that has been undertaken by the government of Rwanda together with relevant stakeholders, is the National Land Policy Reform Project which was published later in 2004 (Musahara et al., 2002).
- Furthermore, **the development period** started in 2002 following the new constitution and presidential election up to now. The implementation of Vision 2020 major goals was a key activity together with the Economic Development and Poverty Reduction Strategy (EDPRS). In land administration domain, the National Land Policy was enacted in 2004 followed by the organic land law in 2005 (Daley et al., 2010) which is renewed to law N°43/2013 of 16/06/2013 governing land in Rwanda (MINIRENA, 2013).

Although Murekezi (2012) identifies the above phases of post conflict with its timeline and activities in a way that looks a bit different from other researchers, for the purpose of this research, we will be using the phases of post-conflict as stated in FAO (2005) and in the document of UNHABITAT (2009). So far, the activities mentioned in their publications are related, although Murekezi (2012) emphasized on the achievement in capacity building, institutions, reconciliation and infrastructure development. To this point, the classification of FAO is fitting the post-conflict environment in the world rather than a single country case study.

2.2. Land records in post conflict situations

2.2.1. Introduction

According to (UNHABITAT, 2009), there are two rationales for considering the importance of securing land records in a post-conflict era. Firstly, all the parties who lost in the struggle for power strive to hoard some important files and documents and use them for selfish gains. Secondly, warlords may also use their power to either change land administration system, enact laws and regulations which enable them to evict land and property of displaced people, forced transactions with weakened parties or manipulate the records in the registry (Augustinus et al., 2007). Zevenbergen et al. (2004) argue that land records after conflict need a clear examination in order to check for incidence of fraud which occurred over land and avert the situation whereby people formalize land and property which they have acquired illegally. Land records in post conflict are vulnerable and mostly exposed to different alteration if there are no quick activities to secure them (Todorovski, 2011). In this way, it is better to protect land records during and after conflict so that they could later on be helpful during the resolution of land conflict in the reconstruction phase (UNHABITAT, 2009).

The following table indicates how land records were treated in the aftermath of the conflict in some countries:

N°	Country names	Status of land records after the conflict and its management
01	Cambodia ⁴	<ul style="list-style-type: none"> • Destruction of all cadastre land records during the conflict
02	Kosovo ²	<ul style="list-style-type: none"> • Army before withdrawing took part of land records with them and others were kept in orthodox monasteries
03	Palestine ³	<ul style="list-style-type: none"> • Copies of Ottoman land records were kept in UN buildings in New York.
04	Timor-Leste ¹	<ul style="list-style-type: none"> • 80% of land records were destroyed

Table 2.2: Countries based examples of the status of land records during the post-conflict situation

Source: (FAO, 2005; Fitzpatrick, 2002)¹, (UNHABITAT, 2009)⁴, (Zevenbergen et al., 2010)^{2,3}

2.2.2. Type of land records and Concepts of “good land records”

Land records may be digital or paper based. In legal perspective, we call formal land records those who are protected by the law. This is the case of countries who managed to register land and keep all the records in national registry or at decentralized units. Formal land records are more frequent in developed countries. However, in urban areas of developing country we find few parcels recorded in the formal registration system. Concerning informal records, we may include all transactions made between parties in private conveyance and not formally recognized by the state or recorded in the system. Land records may also include any document underpinning information about land such as: the land registry, cadastre, maps, possession lists, survey field records, text and graphic evidence, digital backups, paper maps (Augustinus et al., 2007; Todorovski, 2011).

Land records comprise information about ownership, value and use of land (UNECE, 1996). Concerning the ownership, land records describe who owns what as a kind of the adjudication process and clarify the area covered by someone’s right. The rights in land may also include; the right to use, right to manage, right to transfer, right to exclude unauthorized people, right to derive income from the land, right to get compensation (UNHABITAT, 2008). However, this research is only focussing on parcel based information about land ownership and different types of use rights found in land especially in post-conflict land administration. Increasingly, land records may support information about the use of land such as those related to physical planning (residential, commercial, industrial, social utilities, natural

conservation...). The completeness of this information while recording depends upon the legal framework within different countries whereby gaps in law lead to some records not appearing as legal evidences. Therefore, informal evidences of ownership can be used in property formalization (Dale et al., 1999).

Depending on the land registration system adopted by countries, information about the land can be recorded in deed or title system (Williamson, 2001). First of all, with deed registration system, all the transactions which happened on land are recorded (chain of deeds) and the title is not guaranteed. Dale et al. (1999) argue that the deed registration system is based on three elements such as the logging of time, the indexing of the instrument and the archiving of documents. A deed document may have information about the parcel index, an historical background of different people who owned the land at different time with the mention of the buyer, the seller, plot description, date of transaction, registrar signature and registration date. Secondary, in title system, the state guarantees the issued title and the latter reflects only the new landholder. There are different types of title registration, but the most reputable is the one of Sir Robert Torrens in Australia. This system is based on 3 principles: Mirror, curtain and insurance principles (Dale et al., 1999).

- **The mirror principle:** The register reflects what is mentioned in the title, which also refers to the data about the current landholder.
- **The curtain principal:** There is no need to go back to the history of tenure and its related transactions because the register itself remains the one and only source of information about the title.
- **The insurance principle:** the government guarantees the truthfulness of the issued title and provide compensation once there are errors or other mismatches found in the registered title in the favor of the landowners.

In general the main contents of title comprise the plot number, right landholder, parcel history, registration date, Right, Restrictions and Responsibilities (RRR), plot boundaries, stamp and signature of the registrar.

UNECE (1996) guideline identifies “good land records” as those capable to prove: “*the ownership in land to ensure security of tenure; value of land to ensure fairness in land and property taxation and equity in the compulsory acquisition of land for State purposes; and of the use of land to ensure efficient resource management*”. Consequently, different researchers have demonstrated that land records in post-conflict seem unlikely to be trusted by users and unable to resolve disputes related to ownership or use right in land and boundary (Augustinus et al., 2006; Zevenbergen et al., 2010). Besides that, this research on the role of land records in relation to the definition of “good land records” needs to see if the evidences provided by land claimants were able to prove the ownership and boundary in such circumstances. In developing countries, only 30% of the populations have managed to register their land using either Deed or Title system (Fitzpatrick et al., 2010; UNHABITAT, 2012) that is why the impact of land records are not very big compared to developed countries (Fitzpatrick, 2002).

2.2.3. Hierarchy of land records and continuum of land rights

The way land is acquired and managed can be documented by different proofs eliciting the relation that the landholder has on its land and those documents can be arranged by level of importance from informal to formal evidences (UNHABITAT, 2007). However, Global Land Tool Networks (GLTN) through UNHABITAT (2008) has also established the continuum of land rights with the aim of recognizing different types of rights in land that are found in the society and specifically, in order to register rights of unrepresented people while using unconventional registration system.

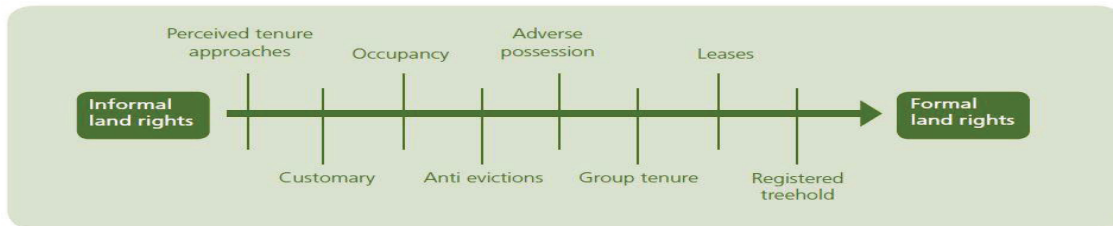


Figure 2.3: The continuum of land rights

Source: UNHABITAT (2008)

For instance, people holding land from occupancy may receive a certificate testifying the right, he/she has on the land despite the abiding scheme required for civil laws (UNHABITAT, 2007). It is wise to be flexible while developing a hierarchy of evidence that fit to every type of tenure right in the aftermath of the conflict during land dispute resolution, but it does need a clear assessment each of them according to the weight it represents and the claims to handle (Zevenbergen et al., 2004).

2.3. Vulnerable groups to land in post-conflict land administration

According to FAO (2005), vulnerable group to land are people who do not have equal access right to land. This category includes mostly women, children, ethnic and political minorities, elderly, poor, sick, injured and low rank from an armed force. Vulnerable groups are made up of people who are landless because of displacement, socio-economic adherence to land and the history of tenure system of one country to another. Those vulnerable people are unable to recover their rights in the land because they have limited power and yet they are competing with powerful self-serving groups, hence the need for special approaches during post-conflict land administration. Today different pro-poor land recordation approaches are being undertaken in developing countries in order to recognize officially those rights of vulnerable groups that have been ignored for a long time by the formal land administration system (Zevenbergen et al., 2013).

In Rwanda, the cultural behavior has for many times privileged males in land holding at the expense of females (Crook, 2006). The latter were not accepted to inherit the land despite the fact that they carried out most of the activities to develop land into production. It is therefore important to note that traditionally women never had the right to easily own land in Rwanda. However, Crook (2006) argues that women production brought 70% of food supply. Besides, land was patrilineally inherited from father to son and, female got land from their husbands after legal marriage (Augustinus et al., 2007). Woman and especially widows were vulnerable to land because it happened that if a woman did not give birth, she returned the land to the husband's family in case the latter has passed away (Crook, 2006). To solve this problem, the transitional government passed a law related to inheritance and marital property in 1999, which allowed equal inheritance rights to land and properties between both sons and daughters. This law

remained suffering from the inability of protecting the rights of woman with illegal marriage and their children (Augustinus et al., 2007).

Additionally, in the aftermath of the conflict, minor children whose their parents have died during the civil war and genocide against Tutsi in 1994 were vulnerable to get back the land and properties left behind by their parents. First of all, some of them could not locate where their land and properties are or did not know where their parents left the land documents. Secondary, in some cases, orphans were assigned to relatives as guardians to protect them and their properties, but they were usually the first to abuse the kids at the same time wasting their properties relentlessly.

In this research, vulnerable groups to land represent people who did not manage to get back their land and properties in an equitable way. These people are with less right and have no power to influence administrators no matter the completeness of the requirements in order to get back their land and properties after the conflict period.

2.4. The role of land records in post-conflict land administration

Depending on the types of land registration system adopted by any country, which include private conveyance, registration of deeds, title registration system (Dale et al., 1999), land records are viewed by different researchers as proof of ownership or use right in land and property (Dale et al., 1999; Zevenbergen, 2002). The content of land records within the new land administration as highlighted in Williamson et al. (2010) provide information about land tenure, land value, land use and land development.

During post-conflict, good land records UNECE (1996) which are kept in the formal land registry and supported with the modern cadastre system Williamson et al. (2010), play a great role in different domain as described in Dale et al. (1999), Todorovski et al. (2012) and Augustinus et al. (2007):

- Guarantee the tenure security,
- Resolve dispute over land,
- Protect landowners towards land evictions,
- Intervene during property restitution of people who stayed in the country and returnees (IDPs, refugees) in case of illegal occupation of someone's land,
- Provide statistics of registered land for further planning,
- Facilitate the transactions,
- Sure evidence establishing title to land if clearly, the records remain up to date,
- Protect vulnerable group,
- Facilitate the post disaster recovery in land reallocation and restitution,
- Provide information about the use and value of land for agricultural, fiscal, conservation, tourism, expropriation, and urban planning purposes,
- Provide information about the history of tenure occurred on land,
- The records in its contents define the land parcel (spatial extent) and describe the attributes attached to it (non spatial data),
- Facilitate post conflict state building, etc.

Even though land records support land administration during post conflict environment (Augustinus et al., 2007), researchers continued saying that not all of them have legal evidence and completeness (van der Molen et al., 2004). Similarly, land records may be ransacked, manipulated or not even available as it is the case in most developing world (Zevenbergen et al., 2010). For countries with no land records, the reconstruction of land administration might be done gradually during the adjudication process while

recognizing all sorts of document capable to elicit the relation between people and their land. In addition to this, countries might take into account all types of tenure and informal evidences attached to them as recognized by citizens themselves from informal to formal land records because the trust they attribute to their customary or informal tenure helps while upgrading land administration in post conflict situation (Augustinus et al., 2007; Zevenbergen et al., 2012). In the same framework, there is a need to conduct a research in order to find out the role that land records have played in Rwanda during the post-conflict era.

2.5. Land administration in Rwanda before and after the conflict

Rwanda is a country located in the central part of East Africa between 1°04' and 2°51' Southern latitudes and between the 28°53' and 30°53' eastern longitudes. The population is about 10,537,222 million at 26338 sq Km which qualifies the country to be the most densely populated among countries in sub-Saharan part of Africa (NISR, 2012; Rurangwa, 2004; Verpoorten, 2012). Moreover, the management of land through the history has been characterized by a dynamic change, which privileged the elite people to acquire formal land registration at the expenses of people in rural areas until the first land registration in 2009 (Sagashya et al., 2009). This section provides a brief history of land administration in Rwanda, the modalities of accessing land, and thus, the cadastre system and land registration system before the implementation of the new land administration system in Rwanda.

2.5.1. Brief history of land administration in Rwanda

Understanding the history of land administration in Rwanda necessitates a quick review on how land has been held throughout the history. Land tenure in Rwanda may be discussed in 4 categories as mentioned in Crook (2006) and Rurangwa (2004): Pre-colonial, colonial, post colonial period and then, land tenure after genocide in 1994.

In pre-colonial period, land was held in customary regime with collective ownership under the power of the King (Rurangwa, 2004). By the time of the Kingdom, Crook (2006) said that the Mwami (King) Rwabugiri established three chief system of local governance which included the chief of the pasture, chief of the land, and the chief of man for better management of agriculture and livestock which were also interrelated. Besides that, the land tenure system and related use were organized in the following way:

- **Ubukonde:** This is a clan law which was benefited by the chief of the clan after he declared to be the first to develop the forest. The *Umukonde* was the first occupier of an area in the lineage and was mainly a man head of the lineage and had the right to allocate the usufruct right to members of his lineage or outside his lineage (Crook, 2006). The allottees could organize symbols of kindness appreciation that they were offered the right to use the land through beers or other voluntary gift.
- **Igikingi:** The chief of pasture under the rules of the King could give the right to graze in the area to everyone who wanted to keep land for the livestock.
- **Inkungu** was abandoned land that was able to be allocated to someone who required for it.
- **Gukeba:** a process by which local authorities offer land for settlement into the concession of land reserved for grazing.

During colonial, German and Belgian have destroyed the tri-chief system of local governance and established land tenure in the dual system, namely statutory regime (written laws) and customary regime (Crook, 2006). The first test of written laws governing land started appearing in favor of colonialists, elites and churches in order to protect their property. In most of developing societies, titles were introduced by colonialists in order to undermine poor and vulnerable people (Benjaminsen et al., 2009). The remaining big number of population continued holding land through customary regime (Musahara, 2006; Rurangwa,

2004). At the end of this period, Belgian colony implemented laws related to land compiled in *Codes et lois du Rwanda* (Codes and laws of Rwanda).

Continuously after the independence (post colonial period), the dual tenure system remains there and at least 90% of land were governed in customary regime (Rurangwa, 2004). In 1962, Belgium codified a document bearing land regulations where it was stated that land must be held without any change in the hand of occupant's possession as it was during the colonial period, then unoccupied land became state land and transfer of someone's land had to be approved by the Ministry of agriculture (Crook, 2006). The same author continued saying that most of the land was still under customary governance (unwritten laws) than being in written laws (statutory). This period was also marked by the redistribution of the land of refugees of 1959, population pressure to natural resources, and land scarcity due to rapid increase of population (Musahara, 2006; Rurangwa, 2004; Sagashya et al., 2009).

After the 1994 genocide, land was still held either in statutory laws in urban areas or informally/customary in most rural areas (Rurangwa, 2004). The period of war and genocide of Tutsi has left many gaps in land domain because of different reasons: around one million of people were killed during genocide, the new government had to deal with land related issues of old and new caseloads refugees, and IDPs who were claiming for the same interests in land upon their mass return in 1996, access to land by orphans and widows was a serious issues due to the previous legal framework which was less detailed with regard to the ownership and use of land and then, land administration could not facilitate vulnerable group to access their right in land (André et al., 1998; Deininger et al., 2010 ; Verpoorten, 2012). Considering all these issues, the government started a land reform program which ended with the enactment of 2004 first National Land Policy followed by the 2005 organic land law (Sagashya et al., 2009). As a result, today every portion of land in Rwanda both rural and urban land is held in statutory regime and registered (Deininger et al., 2010 ; Nkurunziza, 2012).

2.5.2. Access to land in Rwanda after the conflict

In 1994, the period to which the civil and genocide against Tutsi have stopped, the country recognized the inflow return of refugees that has not ever seen in Africa until the years 1996-1997 (Bruce, 2007). According to the Pinheiro principle on Housing and Property Restitution for Refugees and Displaced Persons, returnees must get back the land and property they left before being displaced (Anderson, 2011; COHRE, 2006) but this principle as it is, was not implemented and returnees were resettled depending on the availability of site for grouped settlement (villagisation) and most of them are located in the land found in the close direction of countries they were before (Bruce, 2013). For instance, we find returnees of 1959 settled in North, East, and South provinces in Rwanda because they were refugees either in Congo, Uganda, Tanzania or Burundi respectively. In contrast to the above statement, the Arusha accord between RPF and the former government stated that people who have fled the country more than ten (10) years would not claim for the land and property they left and the government will seek compensation through the redistribution of state land, land sharing and other mechanisms (Bruce, 2007, 2013; Rurangwa, 2004).

Apart from the returnees who were increasing the density of the above cited new settlement sites, land has become a scarce resource even before the conflict due to population growth, which has accelerated internal migration towards the eastern part of the country (Musahara, 2006; Verpoorten, 2012). One of the measures undertaken by the government to face this problem was the establishment of the settlement policy in 1996 into *imidugudu*, a kind of grouped settlement in order to find out land for agriculture and grazing considered as measure practices of Rwandan citizens and abolishes the cultural scattered settlement (Bruce, 2013)

Consequently, the country was still suffering gaps in land laws and related text to deal with these tremendous issues (Rurangwa, 2004; Sagashya et al., 2009). However, the emergency period was concentrated in providing shelter and land to returnees through different programs such as land sharing and redistribution of state land. As a matter of fact, these programs could not resolve the problem of access to land by vulnerable groups like landless, woman head of families, orphans (Rurangwa, 2004). Musahara (2006) added that interfamily land claims were also very high and linked to inheritance, land sharing and boundary disputes. Finally, the government started the project of the land reform in 1997 which ended with the establishment of 2004 land policy and later on followed by the enactment of the 2005 organic land law in order to solve the problems related to land access in Rwanda for decades and land was therefore considered as the property for the past, present and future generation (Crook, 2006).

Access to land does not only refer to the ability of enjoying the ownership or use right in land in equitable way but also the way information about land is flowing and shared among landowners during different land administration activities such as facilitation of the rental market, providing data about unused agricultural land, and regularizing land tenure (Byamugisha, 2013; Musahara, 2006). This was a big issue in promoting land market because private conveyance was dominated in both land governed either customary or statutory and they could not access land registry during different transactions for formal registered land. Therefore, even if the land information system is established, the access to information about land requested by clients for different uses, are still demanding long procedures and the registry remains almost closed.

2.5.3. Cadastre system and land registration in Rwanda

Before the first systematic land registration occurred in Rwanda, cadastre system has been for long-time centralized at Ministry level within different government agencies and was mainly a fiscal cadastre (Österberg, 2006). At the beginning, cadastre services moved from the Ministry of Agriculture, then *Ministère des travaux publics* (MINITRAPE), followed by the Ministry of Lands and Environment protection (MINITERRE), and mapping and related services were under the Ministry of infrastructure. Currently, the cadastre is managed by the Ministry of Natural Resources through RNRA in its department of land and Mapping.

Although the system was paper based, cadastre system used theodolite and others surveying materials to demarcate plots. In 2000, the Kigali City Council performed an aerial photo coverage and later on in 2002, started scanning existing analogue records related to land and has also contracted the project called “cadastre database for land and revenue management using GIS” (Österberg, 2006). Today cadastre system is linked to the registry and managed within one institution through the system called “Land Administration and Information System (LAIS)”. All spatial and non spatial attributes about land ownership, use and value of land are stored digitally in the same database (Nkurunziza, 2012).

In line with the land registration system in Rwanda, two types of registration can be sorted out: formal registration and informal registration. As cited in previous paragraphs, from the colonial period, the introduction of titles aimed at protecting the interests in land and property of colonialists, their collaterals, other privileged elites and land belonging to churches (Crook, 2006). The formalization of land registration passed through different decrees such as: the 1885 decrees related to land occupation which stated that the occupation of land was illustrated by a title deed, then came out the decrees of 24th January 1943 regarding free transfers and concessions to scientific and religious associations, and parastatals which allowed catholic and protestant church to register their lands in urban areas as well as in trading centres (Haguma, 2013; Rurangwa, 2004). Increasingly, Belgians introduced the *Codes et Lois du Rwanda* which was still recognizing the individual property right in its article. The acquisition of this formal land document

was on demand based and often time is referred to as a *sporadic registration system*. The latter has been practiced until the first systematic land registration in Rwanda in 2009 even if the correction of mismatches left behind by land tenure regularization in Rwanda is still being done sporadically (Haguma, 2013; Sagashya et al., 2009). Before the 1st systematic registration, less than 10% of land were formally registered (Mugiraneza, 2009).

The regulatory framework that encountered the country has encouraged the informal land registration for long-time in rural lands dominated by customary tenures in private conveyance. For instance, the laws N° Law N° 09/76 of 4th March 1976 in its article N°1 stated that apart from land which was held with written laws, other customary land fell into state land (Sagashya et al., 2009). The majority of citizens living in customary lands continued exchanging their land. Meanwhile, a written and signed purchase agreement between the buyer and the seller with a small number of people who witnessed that the transfer happened with prior consent of involved parties remained the only ways of getting evidences of ownership or right to use land. Other types of transfers such as inheritance, gifts, and other use rights could sometimes happen orally in the name of the chief of family/elder and the latter accorded ownership or use right. The transaction ended by sharing beer as a symbolic ceremony to seal the transaction (Nsengiyumva, 2010). On both sides, people who were present during the speech of the family head or those who signed on the sale agreement intervened during the resolution of any claim occurred on the land.

2.6. Land dispute resolution Mechanism in Rwanda

2.6.1. Introduction

Land issues if they are not reintegrated earlier after conflict are the source of new conflict (Zevenbergen et al., 2010). Apart from the genocide against Tutsi occurred in 1994, the government had to solve the problem of shelter, land and the second occupation of property right. For the returnees of 1994 (new caseload refugees), the government is accountable to look for them the land and housing. According to the Pinheiro principle as cited in Anderson (2011), all returnees and IDPs have right to gain the same house, land and property they left before. This principle has been destroyed due to the fact that most of the land of 1959 returnees has been distributed by the government and others occupied by people who did not flee the country (Rurangwa, 2004). However, the government as custodian of the land and citizens had to approach the issue with flexibility to accommodate the needs of both the returning refugees and the people who had remained in the country and were given the right to ownership by the late government. As a result, this practice leads to joint decision making while solving any disputes over land after the conflict.

The following section identifies the cause of land disputes in Rwanda and gives a general view of how land disputes have been settled among people who were competing for the same land during the period of mass return of both old and new caseload refugees (refugees of 1959 and 1994 respectively). It also highlights the different strategies undertaken by the government to solve land disputes and different actors involved in the whole process. Finally, the section presents the role land administration plays in solving land disputes.

2.6.2. Causes of land disputes in Rwanda

Different scholars who conducted research in land and related fields in Rwanda have placed the cause of land disputes in socio-economic and political context. In his research, André et al. (1998) has found that Rwanda society has been characterized by a continuous ethnic division between Hutu and Tutsi which culminated The 1994 genocide against Tutsi. He added that politician used ethnic division for private gain. Other researchers linked land disputes to the scarcity of land due to rapid population growth as more than

90% of Rwandans depend on land as their main source of livelihoods (ARD, 2008; Crook, 2006). In addition to this, most of intra-family disputes were related to succession and especially for woman and orphans from illegal marriage (polygamy) who claimed for the right to access land and properties from their lineage after the death of the male known as the head of the family (André et al., 1998; Musahara et al., 2002). Other intra-family disputes related to land concerned opposition to different kind of gifts granted by the father to one child or someone out of the lineage and boundary discrepancies. This type of disputes continued to poison the relationship between members of the family (André et al., 1998).

Later on after the war and genocide in 1994, the country was challenged by a big number of mass return of refugees, which has aggravated the rapid pressure on natural resources and overlapping rights between the old refugees of 1959 and the new ones of 1994 (Crook, 2006). Thus, an increase in number of disputed lands. The government adopted different programs to deal with land disputes, but in some cases these programs themselves resulted in new problems. First of all we can highlight land sharing in rural areas; they were no legal frameworks supporting this program and both types of claimants could not find back the size of the land they left before or being compensated according to Pinheiro Principles (COHRE, 2006; USAID, 2005). Secondly, one interviewed person highlighted the program called “Tent Temporary Program (TTP)”, this was a system applied in urban areas in Rwanda after the conflict in order to provide land to returnees of 1959 who occupied illegally houses which belonged to new refugees of 1994. Through these programs, and the fact that land belonged to the state, any vacant land in town offering the possibility to be subdivided into five plots was split out and allocated to returnees of 1959 notwithstanding that the owners of that land may possess an ownership document. Among land disputes not solved by the first adjudication process in Rwanda are linked to these programs.

Because of the disputes over land caused by the above programs, the government of Rwanda had to bridge this gap and guarantee the protection of properties let by displaced people, as announced in a ministerial statement N° 01/96 of 23rd September 1996 concerning the provisional management of land and properties (Republic of Rwanda., 1996). Finally, a land reform program through the enactment of the National Land Policy in 2004 followed by the Organic Land Law (OLL) in 2005 and the succession law of 1999 came out to deal with the above causes of land disputes in Rwanda (Sagashya et al., 2009).

2.6.3. Alternative disputes resolution Mechanism related to land after the conflict in Rwanda

Mnookin (1998) defines alternative disputes resolution (ADR) as different methods and techniques used while handling any legal disputes out of formal procedures applied in courts. He continues saying that the techniques can rely to negotiation, mediation, and arbitration or to a hybrid of the previous techniques. ADR is highly appreciated with modern justice due to its contribution in reducing the workload on the judges, its effectiveness and efficiency (Reuben, 1997). In Torell (1994) defines ADR as a concept of settling disputes which uses techniques rather than litigation to minimize or solve disputes among disputants and help the latter to participate in decision making on their claims. According to Wehrmann (2008), people can use consensual approach (mediation, conciliation and consultation) and have common understanding on the way to handle their claim by choosing even the third party to help them or choose an non consensual approach with normal court. Indeed, ADR facilitates rural and urban poor due to the use of local knowledge of participants without being tied to the court system.

In Rwanda, the period following the war and Genocide against Tutsi, ADR has been used to settle in different cases in land sharing, land restitution program, settling cases perpetrated during the genocide through interim justice called “Gacaca” (ARD, 2008; Bruce, 2007; Crook, 2006). The resolution of land disputes has been operational through formal justice and informal justice in Rwanda. Before land reform, land dispute occurred in one lineage living in customary land could first of all be tried by the family

head/elders in the presence of members of family and neighbors before sending them to local administration and/or to the courts. This was an informal way of handling intra-family disputes which frequently encompassed inheritance and boundary overlaps in land related issues. The formal justice happened to rely on the views from family decision and local administration while seeking evidence to disputed land in case one claimant is not satisfied with the family decision. However, Crook (2006) argued that Rwanda needed a flexible ways of handling land disputes after the conflict and high rate of literacy of mediators comparing to Sri Lankan and Baltic Models.

2.6.4. Main actors during land dispute resolution

After the conflict, Rwanda has not received an effective and legal material from international organizations in order to face the rising number of disputes in such circumstance (Crook, 2006). However, the main actors in dispute resolution within the country self-organization included the family, local authorities and court (ARD, 2008). In any claim for land valued less than three million of Rwandan francs (FRW) was sent to local arbitration committees called also “*Abunzi*” at the cell and sector level of appeal in case the family and local administration authorities failed to settle the issue through negotiation, mediation or arbitration. The *Abunzi* was more appreciated by people of grassroots level comparing to the normal court system due to the fact that the system is cost effective, inclusive, and accessible and also use local knowledge while settling disputes even if arbiters are missing strong knowledge in laws (Mugiraneza, 2009).

Apart from the above actors, the government has other institutions that receive claims from citizens such as the office of Ombudsman, Human Right Commission, *Maison d'accès à la Justice* (MAJ) /Local houses of access to Justice, National Women’s Council (NWC) and Transparency International on one hand and non-government organizations (NGOs) like RISD, Haguruka, and Landnet on the other hand. Both government agencies and NGOs intervene in land related programs and the dispute resolution is among them. They advise central and local government on the issue encountered during different surveys.

2.7. The role of land administration in post conflict settings

The importance of land administration after the conflict is viewed through its capability of regenerating the market economy associated with its core functions of tenure security, value, use and development towards sustainable development (Williamson et al., 2010). The ways a country identifies land for the landless, defines interests in land and organizes land information or inventories, shows the level of its land administration. In addition, Dale et al. (1999) say that land administration regulates land and property development, the use and conservation of land, enables the collection of taxes, transactions and contributes to land dispute resolution. According to FAO (2005) land administration in post-conflict settings is all about the application of the rules of land tenure and include both systems and processes while attending to the implementation of land right, land regulation, land taxation and land valuation.

Augustinus et al. (2007) identify the core role of land administration in post-conflict environments as insuring tenure security which in turn, allows people to access housing, land and property rights. The same authors specified that access to land by vulnerable groups that include woman, orphans, landless, ethnic and political minorities are of great importance if they (re) gain their rights in land using land administration processes.

3. DESCRIPTION OF THE STUDY AREA AND METHODOLOGY

3.1. Introduction

This chapter explains the reason behind the selection of the study area in Rwanda in accordance to the research topic about the role of land records in the post-conflict land administration. It continues putting more emphasis on the detailed methods and techniques used to respond to research objectives and questions using literature reviews and other data collection techniques such as questionnaires, interviews, direct observation and thereafter the use of secondary data. The primary data found in this research are derived from the questionnaires completed by land administrators, land claimants, local arbitration committees and other interviews with key informants during the fieldwork carried out in Rwanda from 28 October, 2013 up to 25 November, 2013. Finally, this chapter indicates how data collected during fieldwork has been analyzed, despite the limitation highlighted in this research.

3.2. Selection of the case study

A case study as defined in Kumar (2005) involves a detail examination of a single social phenomenon using an individual case such a person, an episode, village, a family or an organized group of people. Rwanda was selected due to the civil war, which happened in the country and the severity of the 1994 Tutsi genocide, and the severe impact they had on land ownership and disputes. This research was carried out both in urban and rural areas. Gasabo District is one of the urban District in Kigali City; we choose it because before Rwanda has undertaken land tenure regularization project, the administration of Kigali city had developed a cadastre system which holds formal land records in urbanized areas (Österberg, 2006). In the same district, we find out 8 sectors out of 15 sectors of the Gasabo District in Rural area Haguma (2013) and within those sectors, land related disputes during land sharing and redistribution activities have been performed without relying on formal land recordation system before 2007. For both sites, I selected 2 sectors (Kimihurura and Remera) in urban areas because of time allocated to fieldwork, and also in town, it was not easy to locate people who knew the area considering the scope of this study. Thus, the selection of a big area helped to implement the snowballing techniques whereby with large extents of the area, I expected to meet many respondents in limited time. In addition, one (1) sector (Jali) was chosen in rural areas due to the easy cooperation of local leader in providing information and facilitation to conduct the research.

3.3. Geographical description of the study area

The Republic of Rwanda has 30 districts and Gasabo district is among them. Gasabo district is also one of 3 Districts of Kigali City as declared in 2006 during the second phase of decentralization of administrative entities. Before this reform, the area actually covered by Gasabo District was made up of several districts merged together and most of them were from rural area. Today, Gasabo district counts 15 which 8 of them are located in rural areas (Haguma, 2013). This administrative restructuring has an impact to land administration because the main focus was governance perspective. As consequences, some documents could not be moved easily from one region to another and, land records were not spared. Besides that, there was a merge of land with different tenure systems (statutory regime in urban areas and customary regime in rural areas).

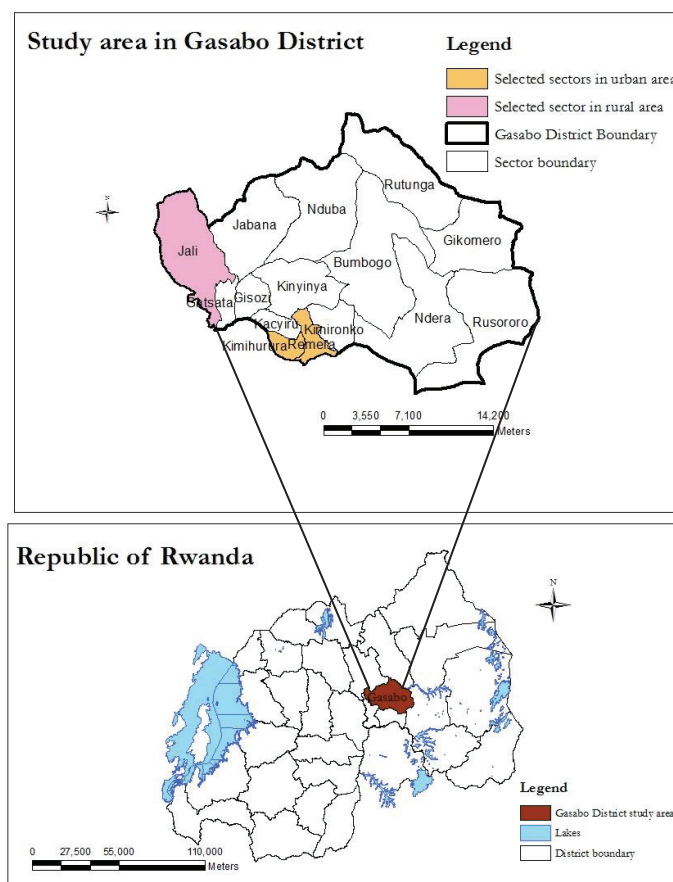


Figure 3.1: Location of the study area

3.4. Literature review

Existing literatures have helped me to go in depth on some subjects like land and conflict, post-conflict land administration, and land records in post-conflict era. Increasingly, the use of the literature review method has also helped to elaborate a theoretical framework to understand the research problem, by understanding different cases of conflicts that happened in different countries throughout the world, and what characterized land administration before and after those conflicts and comparing them to what happened in Rwanda after the war and Tutsi genocide 1994 with focus on land records. Finally, the literature review was useful to help me in combining the findings with other related studies carried out in post-conflict land administration.

3.5. Data collection techniques

This section describes different techniques used in the fieldwork while collecting data. During the fieldwork, we collected primary data using unstructured questionnaires and interviews. Other sources of information were secondary data and direct observation.

3.5.1. Sampling selection

The study on the role of land records in solving disputes over land ownership and boundary needed to find out views from local arbitration committees. Although the administrative units of the Republic of Rwanda are divided into Provinces, Districts, Sectors, Cells and Villages, we only find local arbiters at the cell and sector level. In total, we met 17 respondents in this category using random sampling. Within 3 sectors of the study area, we have 14 cells in total. For each cell, one questionnaire was given to one local arbiter, and three (3) others questionnaires were distributed to three (3) members of the sector appeal level of local arbiters. For other respondents, the information we have, were derived from the following groups: land claimants (22), land administrators (10) and interviews (7) with key informants. They are considered as “key informants” for the interview, if they have been working in land related departments among decision makers after the conflict in the study area notwithstanding that they are still in land domain. The limitation in number of respondents in these categories was guided by the degree of saturation of information needed while applying snowballing techniques. In total, 56 respondents have participated in providing information for this research.

3.5.2. Questionnaires

The administration of questionnaires was one way to benefit primary data. The questionnaires were distributed to different categories of people, including 22 land claimants, 17 local arbiters and 10 land administrators. The information gathered from questionnaires helped to respond to research questions related to the status and the type of land records that remained after the conflict, actors involved in land registration and triggering documents that helped during land dispute resolution. Finally, the questions concerning the role of land records to solve disputes over ownership in land and boundaries, and how land records protected the right of vulnerable groups in post-conflict land administration, were answered using the above techniques.

N ^o	Categories of respondents	Number of respondents
1	Land claimants: People who did not flee the country	14
2	Land claimants: Returnees of 1959	3
3	Land claimants: Returnees of 1994	5
4	Member of local arbitration committees called “ <i>Abunzi</i> ”	17
5	Current Land administrators at Rwanda Natural Resources Authority (RNRA)	4
6	Former Land administrators	6
Total		49

Table 3.1: Categories of respondents to questionnaires

3.5.3. Interviews

The interviews were another ways of collecting primary data in the field. This technique was used to enrich the information gathered from questionnaires about the status and roles (functions) of land records in a post-conflict era in Rwanda. Apart from the Deputy Director General in Charge of Land and Mapping Department and the Land officer of Gasabo District, we found the rest of the interviewees through different networks of people who introduced me to their colleagues who at one time worked in

the cadastral domain in the category of decision makers. So, I found them in different services and others were jobless. We stopped the number of persons to interview based on the saturation of responses.

N°	Categories of respondents	Number of respondents
1	Deputy Director General in Charge of Land and Mapping Department	1
2	Former Registrar at Ministry level after the conflict	1
3	District Land Officer	1
4	Former staff in the Ministry in charge of refugees and social reintegration (MINIREISO)	1
5	Former staffs of <i>Ministère des Travaux Publics</i> (MINITRAPE)	3
Total		7

Table 3.2: Key informants during primary data collection using interviews

3.5.4. Direct observation

The direct observation helped me to confirm the information about the objective N° 1 about the physical status and the type of land records that remained after the conflict as they were also collected through questionnaires and interviews. Kumar (2005) argues that field observation might complete information captured during questionnaires and interviews because some informants may feel reluctant to provide good information since they feel concerned by the issue. I conducted a fieldwork visit to the archive of RNRA and the one of Gasabo District. Photos and check up in different files and registers supporting land records were performed in order to see the content of files with complete information in accordance to what have been highlighted in different interviews and questionnaires.

3.5.5. Secondary data

The secondary data collected concerned laws related to land before and after the conflict, reports of the Gasabo District Land Commission on different issues about land handled in 2010, and few other crucial land claims handled by RNRA. In this research, these reports helped to see the documents that the administration gave more importance while settling land disputes. The laws clarified the concept of informal and formal land records.

3.6. Data analysis

The primary data collected from land claimants, land administrators and local arbiters through questionnaires were edited and entered in excel data sheets for further analysis. The information from the interviews were entered on transcripts and then, the main themes were analyzed using narrative techniques. The latter helped to frame the responses of the different interviewees in relation to the literature review provided in chapter two.

3.7. Limitation of the research

Even if we collected all data necessary to answer the research questions, we cannot fail to mention the following limitations:

- Time allocated to fieldwork was short;
- The lack of a list of disputed land in Gasabo district prior to the scope of this study;
- Availability of respondents in urban areas was difficult;
- Lack of adequate literatures on land records in Post-conflict environment.

3.8. Conclusion

During field work, relevant data were collected to respond to research objectives and questions. Besides that, some interviews with key informants reflect additional knowledge to enrich the literature review on cadastre and land registration systems in Rwanda. The dearth of adequate literatures in this domain was due to the fact that land administration was not yet developed with reference to the scope of this study. The diversity of respondents in different categories (land administrators, land claimants, local arbitration committees and other key informants) underpins the success of using snowballing techniques during the field work data collection. The latter has been chosen due to the historical aspect of this research, the location of the study area (rural and urban) and the impossibility to find out the list of land disputants (sampling frame) in Gasabo District.

4. PRESENTATION OF THE RESULTS

4.1. Introduction

This chapter presents the results of the research according to the methodology used during the data collection period. These results are derived from interviews with key informants, questionnaires with land administrators, land claimants and local arbitration committees known as “ABUNZI” and finally, the direct observation at the National and District of Gasabo archives. The content of these results focuses on the type and status of land records, the actors and documents needed during land dispute resolution, and thereafter the role that land records played after the conflict period in Rwanda.

4.2. Categorization and format of land records

4.2.1. Types of land records

Land records are perceived differently by respondents with respect to the location of the land, the development on it, the way land has been acquired and the legal framework. Based on the location, in rural sector of Gasabo District, most of the respondents gave more importance to *acte de Notoriété* and sales agreement whereas in urbanized sectors of Gasabo District, most of respondents have revealed two important things: the first concerns a formal registered land whereby freehold titles, land lease contract and extract of cadastre were highlighted as the main land records and secondary, formal but not registered land records in town which included *acte de Notoriété* and Notary deed, were the most important land documents bearing information about ownership of right to land and its boundary.

Based on the development made on the land, most of the respondents highlighted in both rural and urban cadastre the land titles (freehold titles) after getting to know by land administrators that the land is used according to what has been signed in the contract.

With reference to the modality of accessing the land, 8 out of 22 land claimants who have received land through sales, have put forward land titles and notary deeds as major land records, other 4 out of 22 who have got the land from the program of land sharing, for them, deeds and minutes provided by local administration were at the top and finally, 8 out of 22 respondents in the same group owned land from customary regime prior to that period give more importance to minutes and the role of elders in recognition of the right they had on their land as major source of evidences.

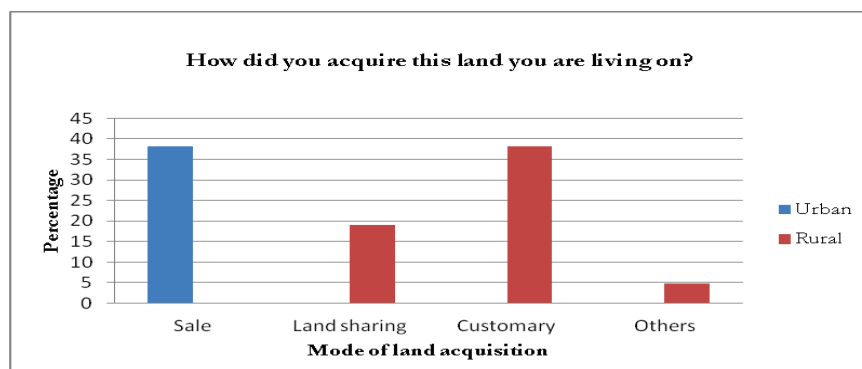


Figure 4.1: Modalities of accessing land in the study area

In legal framework, most of the respondents interviewed and local arbiters (Abunzi) found in Kimihurura and Remera urban sectors of Gasabo District, recognize the title, land lease contract, and extract of cadastre as documents, which provided legal information about ownership and boundaries during post-conflict land administration. Other few respondents added the *acte de Notoriété* to previous documents already highlighted. Continuously, 17 out of 22 of land claimants have revealed that land records they presented to prove the right they have to disputed land were considered as legally binding.

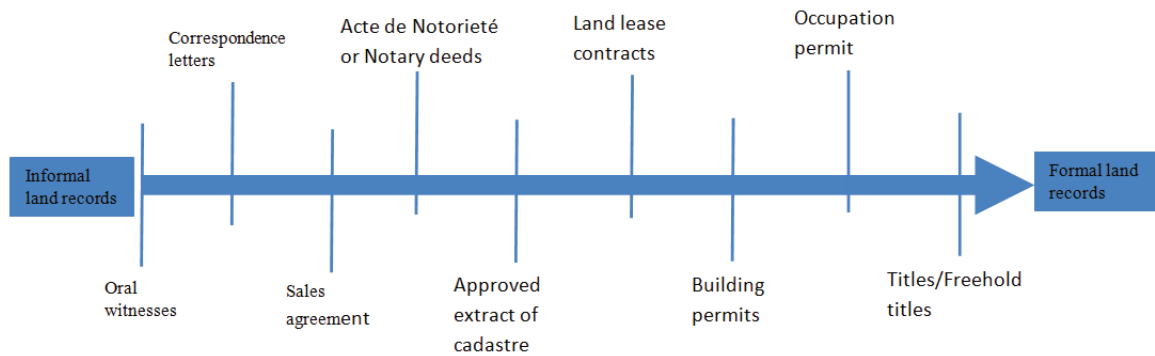


Figure 4.2: Hierarchy of types of land records found in the study area from interviews with key informants

4.2.2. Format of land records

Concerning the format in which land records were kept, 8 out of 10 land administrators and 7 out of 7 interviews with key informants have revealed that land records were paper based in urban cadastre as well as in rural cadastre. These documents encompassed those mentioned in the Figure 4.2 related to the hierarchy and types of land records. Several respondents said that the cadastre and domain departments at Ministry level used to keep different land records in files arranged in metal cabinets with folios and index numbers. There were several land registers with records supporting the whole process of registering land starting with the application letter for land acquisition up to the issuance of land lease contracts or freehold titles.

4.3. Status of land records after the conflict

According to most land administrators and other key informants interviewed during the field work, the majority of land records had survived. However, few of the respondents said that even if the records remained intact, some land professionals with bad faith manipulated the records, which as some respondents said, was the main cause of disputes over land, especially double allocation of one plot to many people and/or grabbing the land and properties of both displaced people and state land. Other responses from interviews with key informants revealed that some of the dossiers, which were still on treatment were the first to disappear, but the interesting thing mentioned by respondents is that the main registers containing all input files, processed, signed and issued land documents continued to be physically in good condition after the conflict. One of the interviews with the key informants also highlighted the importance of metal cabinet to protect all survived land records in the archives

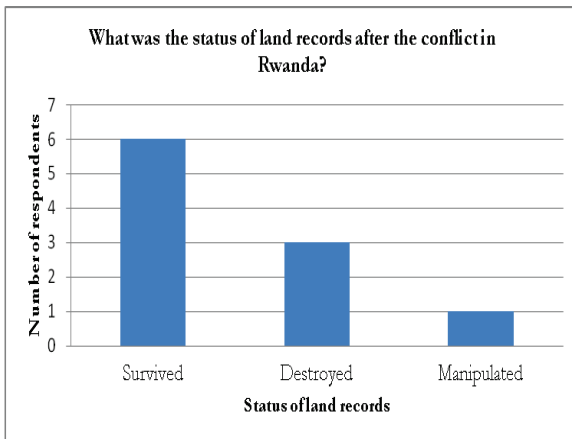


Figure 4.3: Perception of land administrators on the status of land records during post-conflict period in Rwanda



Figure 4.4: Photos of land records taken during the field observation in the archives

Although the main land registries remained physically in good condition, some key informants during interviews have added that few dossiers which were still in the process were exposed to manipulation by land professionals and few of them were already damaged by a bomb, which suddenly crashed in one side of the archive in Kimihurura Sector during the fighting period. In addition, some supporting documents disappeared while cleaning offices after the war and genocide because they were scattered in different offices, and not in their respective files. Thus a high risk of being lost with good or bad faith.

4.4. Nature of fraudulent land documents encountered in the study area after the conflict

Most of responses from interviewed key informants and questionnaires with local land arbiters have revealed that fraudulent documents that appeared during the post-conflict era concerned forgeries of administrative land documents, voluntary omission and deletion of names of landowners, and application letters or other related correspondences (terminated land lease contracts in case the land was not used properly according to contracts) by land professionals in collaboration with the third persons. According to the interview with the land officer of Gasabo District, people whose contracts have been terminated in urban sectors during the conflict, took the opportunity to pay taxes to land they owned before, and completed other administrative requirements after the war has ended. Then, they went back in the land office to claim their land without considering that the same land was allocated to someone else or they were not legally allowed to claim for them. So, the District had to compensate them with another plot. Another interviewed person said that these practices had prompted the issuance of more than one land lease contract to a single plot because those people with outdated land lease contracts said that they did not sign or acknowledge the letter bearing the information about the termination of their land lease contract. In some cases, some interviewees said that land grabbing of state land and land of displaced citizens were prominent in rural areas.

4.5. Land registration and dispute resolution actors after the conflict

4.5.1. Actors involved in land registration in Rwanda after the conflict

In general, information from legal texts and interviews with most of key informants revealed that the land was state owned. Besides that, most of the respondents mentioned that land registration was done on demand driven, and the actors involved in land registration included the applicants, citizens and administrative authorities from the village to the Ministry in charge of cadastre and land administration.

4.5.2. Process of getting a formal land record

In line with the responses from interviews with key informant, land in Rwanda before and after the conflict was either managed in statutory regime in urban area and other big land and properties of churches and colonial authorities in rural areas or, in customary regime in rural areas. A citizen who wanted to hold the land with legal/formal land records, he/she would first of all send an application letter to the Ministry in charge of land in that period. Then, the commission in charge of land allocation processed and responded to the application. In case there is no other person who applied for the same land/plot, land professionals from a centralized cadastre at Ministry level went to the field to make an inventory of the development made on the land by the citizens who held the land in customary regime and thereafter an extract of cadastre was established. As far as the land belongs to the state, the department of domain prepared land lease contract renewable in 3 years and delivered it to the applicant. This contract could be ended in case the lessee did not implement properly his/her commitment such as the respect of the use of land (residential, commercial, social, industries...). Increasingly, a person who has already got the land lease contract could also apply for the building or an exploitation permit after showing the plans and the costs of the project. Then, the citizen could also buy the land and sign another purchase contract and receive the freehold title in case he justified in the department of inspection of Urbanism that the project was implemented according to what has been planned and agreed upon with two parties throughout the occupation permit.

4.5.3. Actors involved in the land dispute resolution in Rwanda after the conflict

The research revealed that the main actors who intervened during the resolution of disputes over land encompassed citizens, local administration authorities, local arbitration committees called “*Abunzi*” and court. If, the local authorities failed to settle land dispute on a property with less than three (3) million Rwandan Francs (FRW), the case is sent to local arbiters “*Abunzi*” for settlement before continuing to court for appeal, when the claimant was not satisfied with decision at local level. One of the key informants said that local arbiters are more useful in rural sectors rather than in urbanized sectors because most of land claimants in urban areas exceeded 3 million values.

4.6. Level of collaboration between land administrators and land dispute resolution actors in handling disputes over land during the post-conflict period

The questionnaires addressed to people who sent claims over land for arbitration have shown that 13 out of 22 did not see any cooperation between land administrators and land dispute resolution actors while solving their cases. Some of the interviewees also said that every administrative level could handle any disputes over land without consulting the Ministry in charge of land administration. As a result, some of the cases are still pending because of the lack of cooperation within government agencies during the early recovery period of post-conflict.

4.7. Availability of land records of disputed land

The research has shown that 11 out of 22 people who sent claims over land for settlement found easy to get evidences that justified how they got the land in disputes because they were still holding their land records. In fact, they were still kept with them and not disappeared. For local arbitration committees, 10 out of 17 respondents among local arbiters said that it was not difficult for land claimants to get the proofs of ownership to land which were required during the resolution of their cases. However, 6 out of 17 among local arbiters who responded differently compared to their colleagues said that the lack of proofs of ownership right to land during the resolution of land disputes was striking to returnees. Additionally, one key informant mentioned that returnees of 1994 were mostly among the people who did not manage to find out the evidences of their land and properties upon their return from inside or outside the country.

In the study area, the interview with the District land officer of Gasabo District has revealed that only 7.7% of the formal land records were available in the District archive until 2008. In case someone wanted to get information from his/her land or property, he/she was asked to send an application letter and pay the service rendered to him/her. He added that formal land records were scanned in Kigali City in 2002

4.8. Evidences of ownership right in land and boundary used during land dispute resolution

According to the responses of land arbiters and land administrators, triggering documents included land titles and valid land lease contracts. They were at the top to prove the right owner of the land in urbanized sectors of the study area. Other documents like extract of cadastre, building permit, occupation permit were found in town but used to trace the history of the land in case the main documents were disappeared. In rural areas, the *acte de notoriété* was an important document mostly found within citizen who paid land taxes after the sale.

During interviews, some respondents clarified the amount paid in taxes, which was basically equivalent to 6% of the total value of the purchased land. This amount is also found in the secondary data collected during the field work; at the time there was a law established by a ministerial statement N° 01/2003 of 17/02/2003 in article 15 stating administrative charges paid while leasing or purchasing land. With continuous reforms in legal framework, the law has been revised, changing the title and the fee rate paid. Currently, it is entitled a presidential order N° 25/01 of 09/07/2012 establishing the list of fees and other charges levied by decentralized entities and determining their thresholds. This information was kept in registers of tax together with other sources of revenue in commune level (administrative entity prior to the early recovery of the post conflict period in Rwanda). In addition; most of respondents highlighted the importance of *oral testimonies* during the dispute resolution both in rural and urban areas in the study area. In addition to that, 12 out 17 respondents among local arbiters said that they accepted any sort of documents testifying and illustrating the way both parties claiming the same land have got it (oral sources, *acte de notoriété*, sale agreement, tax invoice, ..., ..., titles/freehold titles).

With regard to people who had disputes over land, 20 out 22 respondents used any sort of documents capable to trace the historical relationship they had on their land and titles, deeds and *acte de notoriété* were among them. One person could use copies of more than one evidence if he/she was able to get it easily.

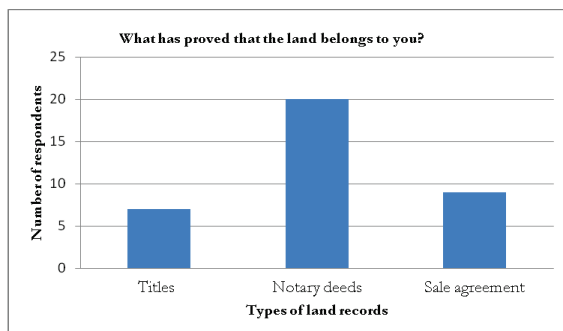


Figure 4.5: Evidences presented by Land claimants to prove ownership right to land

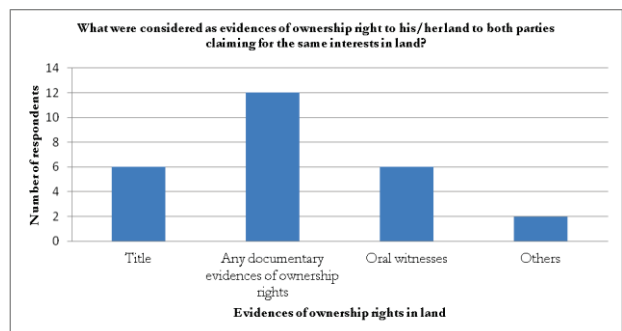


Figure 4.6: Evidences considered as proof of ownership right to land by local arbiters

4.9. Benefits of land records during post-conflict land administration

During the survey, 7 out of 7 key informants interviewed and 9 out 10 of land administrators who responded to questionnaires acknowledged the role that land records have played to proving ownership

right in land and boundaries after the conflict. One interviewee added: “*Land records that are kept in land registry*”

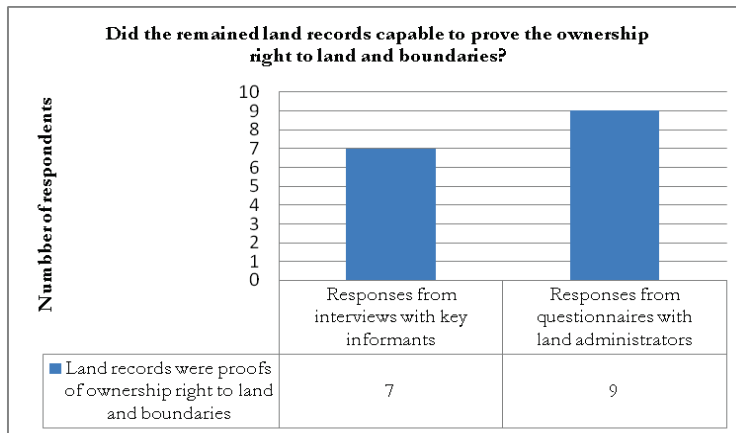


Figure 4.7: Position of respondents about the role that land records have played after the conflict period.

4.9.1. Area of intervention of land records after the conflict in the study area

Different interviews with key informants have revealed that land records whatever their levels of the hierarchy have helped to solve land related issues in the following domains:

- ✓ Restitution of land and property of displaced and refugees,
- ✓ Resolution of disputes about inheritance/succession,
- ✓ Mitigation of dispute about boundary encroachment,
- ✓ Recognition of the use of land in urban planning,
- ✓ To trace back the transaction made on the land throughout oral witnesses, minutes and files in cabinets,
- ✓ Recognition of changes in toponyms due to different administrative reforms occurred in the country.

4.9.2. Type of disputes over land handled using land records

During the survey, 21 out of 22 persons who responded to questionnaires have sent one or several claims over land for settlement to administrative authorities, local arbiters or to court. The majority of these respondents (9 out of 22 land claimants) used land records to claim for the restitution of their land and properties they left when they fled the country. Some key informants during the interviews added that in the aftermath of the conflict some returnees of 1959 and other people who did not flee the country have occupied illegally land and properties of new displaced people (IDPs and refugees). Figure 4.8 shows that some respondents happen to use more than one land record for different land disputes. Other disputes that appeared frequently concerned boundaries overlaps and claims related to ownership rights in land that included disputes about succession within members of families.

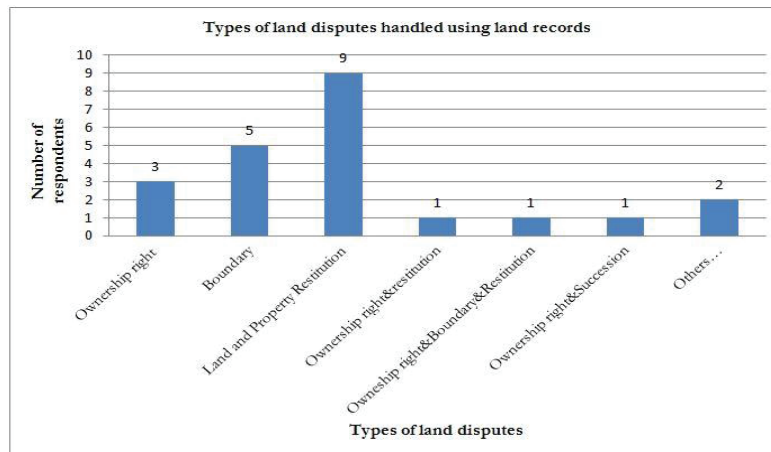


Figure 4.8: Responses from land claimants regarding the types of disputes handled using land records

4.9.3. Re-establishment of ownership right to land of vulnerable group

First of all, the research has revealed a non existence of the targeted group after the conflict. All land claims have been solved without considering the level of vulnerability of any land claimants. Most of the people interviewed said that the government was busy dealing with shelter and land for both returnees and IDPs.

The results from the field work show also that the fairness of land records in establishing the right of ownership to land of vulnerable group is viewed by key informants in two perspectives: re-establishment of the right of high class people and their descendants whether orphans or widows, and the political will established after the conflict to deliver land to landless. For the first class, the interviews with key informants in Gasabo District have revealed that land records have helped people who were categorized as elites and/or rich people who managed to have formal registered land records. People who were living in urban areas have been privileged to get legal documents. In addition, some of the key informants said that the orphans and widows who suffered and managed to get back their land and property were mostly those from high class category. Increasingly, they continued saying that some people could live in urban areas but were not able to acquire legal land documents due to the fact that they did not want to pay land taxes and/or they could not afford the requirements fixed by a centralized cadastre. Secondary, most of respondents highlighted the role that informal land records played in solving disputes over land ownership and boundaries for unregistered land into a formal system to all citizens without targeting any specific group of people.

In order to solve different claims raised by citizens in equitable way, some respondents said that it was due to the political will adopted by the government in different programs such as land sharing, land redistribution, property restitution of land and property of displaced people and returnees; which helped all people to get access to claimed land. One key informant during interview added that any source of information related to disputed land has been taken into account during the execution of these programs. This flexibility helped different people in Gasabo District to have access to land they have lost in different period throughout the Rwandan history.

4.9.4. Conclusion of the chapter

This chapter combined the results from responses provided by different respondents on the role that land records have played to support land administration in post-conflict. The results give different answers to research questions, which focused on the status, type of land records and its role in solving disputes over land. The main focus was specially land records that remained in the early recovery period of post conflict in three sectors (Jali, Kimihurura and Remera) of Gasabo District. These results give also a general overview on how evidences used during land dispute resolution were perceived by both citizens who had claims over their land and the administration who had to solve the disputes. In fact, from the overview of responses to all questions and interviews with key informants, we can conclude that land records have played a greater role in solving land ownership disputes related to land and property restitution of returnees, the re-establishment of land rights of vulnerable groups, the boundary overlaps and the succession or inheritance disputes.

5. SYNTHESIS OF THE RESULTS VERSUS THEORY

5.1. Introduction

This chapter discusses the findings addressed in chapter four of this research. However, it is a combination of different views from respondents, review of literatures on land administration in post conflict with focus on land records, secondary data and data collected based on field observation. The chapter starts focusing on the type and status of land records that remained after the conflict, then gives critical insights on the evidences used and actors involved during dispute resolution and finally, discusses the role of both formal and informal land records in handling disputes over land ownership and boundaries during the early recovery of post-conflict land administration in a country like Rwanda, which had a limited number of land records.

5.2. Types of land records and rationale behind the scarcity of land records in the early recovery of the post-conflict era in Rwanda

5.2.1. Types of land records in the early recovery of the post-conflict era

Based on the definition of land records in this research (section 2.1.1) and the research question N°1, there were two types of land records (informal and formal land records) that remained after the conflict period. The results from the field work have revealed that land records included both oral witnesses and paper documents. In spite of being categorized based on their level of importance as illustrated in figure 4.2; 17 out of 22 land claimants revealed that all different types of land records seemed to be equally useful and legally binding. These views of land claimants prompt to argue that they were not aware of the difference between formal and informal land records.

The legal meaning and weighting of types of evidence were different with respect to the modality of land acquisition (section 4.1.1). Most people in the study area trusted the *acte de notoriété* (appendix 1) and sale agreements because these documents were easily affordable in both rural and urban areas. Apart from the sale agreement which was made between the buyer and the seller and few people to witness the agreement, the *acte de notoriété* (appendix 1) was delivered by the commune authorities, notwithstanding that the cadastre system in the country provided titles and land lease contracts as formal land records. This can also be explained by the fact that people knew little about their land rights and there was inequity offered by laws while recognizing land rights of powerful people. Based on the results of this research and section 2.5, we can assume that the inequity before the laws and especially the limited access to formal land records, particularly for citizens owning land under customary regime in that period has developed informal land records within the scheme of private conveyance, gifts, and family inheritance.

Nevertheless, few registrations were done sporadically and people who only had sales agreements could go to notary office and after they notarized these agreements, they were allowed to mortgage their properties by banks. We may also consider this facilitation as ways of encouraging people in urban areas to keep the habit, not use the cadastre department for land registration. As mentioned in the above paragraphs, both formal and informal land records were paper based because even oral witnesses were also transcribed on papers. As a result, people preferred not to register their land because of the difficulties to complete all requirements. Furthermore, people were also not motivated by the fact that if their land was not registered, then they will not be subjected to the annual property tax from the government.

As mentioned in section 4.6, only 7.7% of land in the study area was recorded in the public registers before 2008. This percentage is significantly low, which shows why people put so much trust in informal land records in both rural and urban areas.

5.2.2. Rationale behind the scarcity of land records in Rwanda

There are different reasons behind the scarcity of land records. The principal reason pertains to the era where the country's organizational, legal and technological aspects of land registration system was not developed as we find in Zevenbergen (2002). With respect to organizational aspect, the department in charge of land recordation was centralized at ministerial level, and there was no structure at local administrative entities to facilitate the workflow among government agencies and allow people to access land related services easily.

Although there were few legal texts related to land, the fact that land was managed either by the statutory regime in urban areas or by the customary regime in rural areas was another issue. The laws related to these types of tenure were not developed, and it was not possible to find out the differences between the dual land governance systems. The laws manifested deep gaps and backed with inequality among citizens whereby formal land records were privileged to colonialists, churches and other elites in the country. So, even in the urbanized areas, it was not easy for people of grassroots level to register their land and get formal written documents. This effect reduced the interests of the citizens to apply for access to the formal registration system. Although rural land might be held customarily with unwritten laws, one person could shift from customary regime to the statutory regime despite the provisions of land related laws. Besides that the law did not state how customary land had to be properly managed; there were no customary institutions recognized by the laws. As a result, people who inherited land from their families or received a gift from their parents or friends used to manage them individually and could sell the land to someone within or outside the family. Evidently, the lack of proper laws and political will were among the main barriers preventing land recordation.

In addition, all land belonged to the State. This type of land governance helped the management of land issues with good or bad faith. This situation is illustrated in this research by the fact that formal land records used to disappear because of fraud or lack of skills of land professionals, and the first owner of the property was given the same land by parties involved in handling the disputed land in case there is no development made on it, or be compensated another plot in so called "customary land" after performing the expropriation on development made on that land by the owner of customary land. People who did not have a title (freehold title) had only rights to the plantations, building or materials valued by land professionals from *MINITRAPE*. This issue illustrates how land professionals could use the gaps in land related laws and evict vulnerable groups from customary land during different land administration activities of the post - conflict period. Indeed, this system could not develop land recordation, but reduced the relationship between humankind and his/her land.

On the technological aspect, formal land records were paper based with limited levels of land information system, and were not affordable to every citizen. Therefore, even though the Kigali City Council used to have digital cadastre, the system was not user friendly and little information was captured and kept in the system considering the low number of registered land prior to the scope of this research. Indeed, few people were able to pay fees required for land registration and other related land transactions (section 4.9.3).

5.3. Status of land records in the early recovery of post-conflict settings in Rwanda

The result from the field work through different respondents has shown that land records have survived. Clearly, not all land records were registered into the public registry being the reason why land records include formal and informal land records in this research. There is no massive taken of land records or damage has been highlighted in the study area unlike in other countries such as Cambodia, Kosovo, Palestine and Timor Leste (section 2.1.1). We argue that respondents who said that land records have survived include also those, who were keeping them in their households (section 4.2) or in their cultural ways of memorizing events in their hearts and orally (from generation to generation) after sharing the family beer as a symbol of transaction (section 2.5.3).

The result of this result in section 4.1.2 shows that the land registration system was paper based. This system is vulnerable during the post-conflict environment (section 2.1.2 and 2.5.3). Although this research has demonstrated that the loss of land records was not important, few of them were destroyed or manipulated during and after the conflict period (section 4.2). Such problems prevailed to land records which were scattered within the citizens' households, or those who were still in the process in different offices. Increasingly, this research recognizes the oral witnesses, which in reality provided a gateway to deal with disputes over land (section 4.6). In some cases, oral witnesses are subjective when it is a matter of clarifying issues in a country where ethnic division has been propagated in citizen's mindset by politicians throughout the history. From here, we assume that some land claims could not get people to witness them when the whole family has been exterminated during the civil war and genocide.

In addition to the above mentioned destruction of some land records, this research also revealed that a blast of one bomb on one side of the national archive in Kimihurura sector has scattered supporting documents of dossiers, which were still in treatment. Fortunately, the main registries keeping all archived formal land records in metal cabinet were not targeted (section 4.2). The result of fieldwork has shown the existence of fraudulent documents in the cadastre system which becomes major sources of land conflict in the study area (section 4.3). These bad practices were done by land professionals who abused their power and manipulated few land records of new displaced people and refugees of 1994 for private gain. Indeed, land records of state land were not spared (section 4.3).

As discussed above, there were few registered lands in Gasabo District (section 4.6) as well as in the whole country. Fitzpatrick (2002) argues that the impact of land records in developing countries is limited. This statement can be aligned with the fieldwork results whereby the low number of registered land did not affect many people, and that is why the government of Rwanda had to resort to different and flexible forms of evidences of land ownership and boundaries in order to deal with land disputes after the conflict period. The way people managed to reproduce the information about their rights in land either orally or with documentary evidences shows that no one in the country could fail to provide information about the disputed land.

Although informal land records have played great roles after the conflict rather than formal land records, the field observation lead in the archive of Gasabo district shows that formal land records, which were archived in metal cabinet (figure 4.4) did mostly survive physically and the latter remained also in good conditions compared to the dossiers which were still in treatment (section 4.2) or those which have been scattered by the bomb as discussed above. Increasingly informal land records were not controlled and it is assumed in this research that there were more vulnerable than the formal ones. This has also been highlighted by one interviewee in section 4.8, which together give the importance of land registry over informal ways of recording land rights as it is highlighted in this research.

5.4. Actors involved in land dispute resolution

With reference to the result in chapter four (section 4.4.3) and Crook (2006) (section 2.6.4), the government of Rwanda and especially in the study area, did not receive any international intervention to organize land related issues. The same views were retrieved during the field work, because respondents replied that the actors who were involved in land dispute resolution included citizens, local administration authorities, local arbitration committees called “*Abunzĩ*” and court (section 4.4.3).

Based on these results, it is assumed that the country and especially in the study area used the public participation during land dispute resolution such is the case for land and property restitution and land sharing in rural as well as in urban areas. In addition, some respondents mentioned the importance of oral witnesses to prove the ownership rights in land and boundaries. This also illustrates the value of local actors, local knowledge and a joint decision making system within the country self-organization in handling land disputes that started in the country for decades.

5.5. Evidences used during land dispute resolution

The different types of land records, as described above, that survived were crucial in Rwanda’s early recovery of post-conflict land administration (figure 4.2). These land records were used to handle disputes over land between returnees of 1959, returnees of 1994, people who did not flee the country, and intra-family disputes.

This research has revealed that different actors involved in land disputes resolution have recognized land documents for 17 out of 22 of land claimants as legal binding (section 4.2.1), this is not necessarily true because all land documents presented by citizens to prove their land ownership had different weights as it is arranged in the hierarchy of evidences (figure 4.2). In addition, the figure 4.5 shows that 20 out of 22 land claimants have used at least one of the different records available (oral witnesses, signed administrative documents (correspondence letters and minutes), sale agreement, *acte de notoriété* (appendix 1), approved extract of cadastre, building permits and land titles or freehold titles) to prove their rights to land ownership and boundaries. Similarly, 12 out of 17 of local arbiters trusted any source of land evidences while settling land disputes (figure 4.6). This mixture and confusion which occurred in land records can be explained by the lack of capacity and expertise of different actors involved in land dispute resolution in the early recovery of post- conflict land administration on one hand, and also the facilities offered by the new government to allow returnees of different epochs to get back their land on the other hand. It is noticeable that different respondents who have got land from land sharing and those who held land in customary regime, most of them used *oral testimonies* from local citizens to regain their land rights. Increasingly, officials drafted minutes of meetings, which for them was considered as their legal evidences to the land acquired upon their return. The use of local knowledge from local citizens and eventually neighbors to disputed land has also played a great role during the process of land sharing and in dealing with most of the land disputes raised after the conflict period in the study area.

Although the land title is ranked at the first glance as a pure formal land record, it has not guaranteed the ownership right and boundaries for all citizens in the study area given its low coverage and limited access to only high class people who could afford obtaining it. This issue has encouraged people to have their own ways of gathering and recording their land evidences whereby some respondents in the categories of land claimants or local arbitration committees said that the availability of evidences underpinning information about the land was not a problem. If, written evidences, whether formal or informal failed to clarify the cases, the actors in charge of disputes resolution resorted to oral testimonies during their field visit. Frankly speaking, as one of the interviewed people mentioned, different ways used to handle disputes over land are considered as ingredients of the incremental adjudication occurred in Rwanda, which

strengthened peace and reconciliation among Rwandans after their long story of ethnic hatred. Nevertheless, the recognition of different types of evidence bearing information about land, is compared in this research to the continuum of land rights of GLTN as mentioned in UNHABITAT (2008) because every type of tenure right should be supported by a formal written documents, which will be obtained after upgrading informal land records.

The lack of new regulations to upgrade informal land records considered as evidence of ownership has also encountered different objections in the court system as well as with different actors from different governmental agencies who had to settle land related disputes. For instance the Tent Temporary Program (TTP) in urban areas or land sharing in rural areas were criticized for being a channel of illegal occupation of land and property of displaced persons, despite the provision in the laws, which states that individual property is indefeasible. Actors involved in this program with bad faith used to divide a plot of the new caseload refugees (refugees of 1994) and allocated it to other persons. Later on upon their return, the court gave back the same land to the first owner. In most of the cases, every commune (administrative entity) used its technique to handle land disputes. The inability for the different programs to handle the issues successfully was due to the fact that Rwanda did not get any international expertise to help and support land administration in the early recovery period of the post-conflict era (section 2.6.4). They were many domestic and international non-governmental organizations during that time, but only focussed on providing shelter to returnees and other emergency humanitarian needs. As a result, even some of the sites constructed by NGOs during the implementation of the grouped settlement policy in 1996 were also subjected to land conflict (Bruce, 2013).

This research has demonstrated that the *acte de notoriété* was perceived similarly in rural areas in Jali sector as well as in urban areas in Kimihurura and Remera sectors. First of all, the provisions in law recognized customary regime as one way of holding land in rural areas. Therefore, this tenure system was organized in a way that people who inherited the land from the family or got a gift from one member of the family knew its boundary, and if possible they could also get written evidences notarized by competent authorities as a symbol of the transaction. With respect to sales, the buyer also received a sale agreement signed by the buyer, the seller and other people chosen as witnesses and if the new landholder wanted to pay taxes equivalent to 6% of the value of the total price of purchased land, he/she went to commune and received *acte de notoriété* (section 4.6). Even though this document was not issued by the cadastre at Ministry level, it was recognized by the local authority as evidence of ownership rights in land. This explains in this research why citizen gave more importance to *acte de notoriété* derived from the sale agreement, gift and inheritance. Secondary, the same administrative document was found in urban areas within the citizens of grassroots level and other people who did not want to register their land in order to deviate from land taxes no matter their level of wealth. Regarding the trust accorded to simple administrative documents by local people in rural and urban areas, it would have been delivered temporal administrative land documents and register them in village handwritten notebooks, which in turn could help for future development of conventional land administration during the reconstruction period of post-conflict.

5.6. The role of land records in resolving disputes in land ownership and boundaries in post-conflict land administration in Rwanda

This research analyzes the role of land records in Rwanda after the war and genocide of 1994, specifically focussing on the period from 1997, when the recovery period started until 2004 when the first national policy was introduced. These years were characterized by mass return and movement of refugees in the country, making a crucial era for anyone trying to understand land related issues in the country. Furthermore, only 7.7 % of the total land in the study area was registered in public registries, with the remaining parts only recognized by citizens themselves or other non competent administrative entities in

the case of rural land. At the same time, there were continued transfers of land between different individuals in both rural and urban areas, most of which were not recorded. With this lack of proper recording of different land transaction activities, the only way administrators could ever trace the property back to where it belonged originally would be from land records that have survived. The next sections indicate the roles of land records in solving disputes related to land ownership rights in land and boundaries.

5.6.1. Restitution of land and property of the returnees

Based on the results of the research (section 4.8) and the empirical findings in 2.4, land records that remained, supported land administration in handling disputes over land ownership and boundaries within the scope of the study area. They mostly contributed to solving issues related to property restitution as it is mentioned in 4.8. While formal land records are legally more acceptable, one must not forget that many people were able to regain their land and properties using informal land records they have safeguarded. Property restitution happened between returnees of 1959, returnees of 1994, IDPs, and people who stayed in the country without any movement. In contrast, the research has demonstrated that some descendant of former high class people (elites) had more difficulties to get back their land and properties in Kimihurura and Remera sectors because they were the first to have high valued land and properties, which were also subjected to illegal occupation after the civil war and genocide against Tutsi. These issues are documented in different reports from the National and District Land Commissions, and section 4.6 of this research, which illustrated the presence of illegal occupation of land and properties of displaced persons in the study area. Sincerely, this research demonstrated that the use of existing land records (formal and informal) were more beneficial to returnees who claimed for their rights of ownership to the land they left during the conflict period than the rest of the citizens.

Although land records facilitated fairness in property restitution, there were cases where its legal enforcement could not give back the land in case the land claimant proved his/her land ownership. Thereafter, the local authority would find that the same land was allocated to someone else and developed in contrast to what is suggested in Pinheiro's principles. This was possible because the governance of land in that period, where land belonged to the state and the latter compensated the right owner with another land. Increasingly, in urban areas the development on land would most of the time be something like a house, which government would be less likely to destroy and instead, decide to give to the rightful owner a vacant land in another location on one hand. Then, in rural areas, land development is predominantly for agricultural purposes, which is eventually left vacant land at the end of the farming season on the other hand. The winner in such cases will receive the same land without any compensation on the other hand (section 4.3 and section 4.4.3).

5.6.2. Re-establishment of land rights of vulnerable group

In this research, respondents helped to understand how vulnerable groups were affected and how land records helped them mostly during the process of property restitution and other land related disputes. However, respondents (even those who would have fallen under the vulnerable group) do not seem to have experienced any sort of prejudice. The administrators carefully solve all the disputes using whatever evidences they could find, and no one single group or class was targeted or privileged.

Although the government was treating people equally in dealing with different land issues raised after the conflict period, this research has revealed that it was only limited to good intentions as we may find them in the equity in the process of dispute resolution (section 4.8.3) but the practice was not easily able to facilitate widows and orphans to get back their rights in land. These issues can be explained by the gaps found in land related laws and the culture, which could not allow females (especially widows) to inherit

land on one hand. Additionally, orphans from legal or illegal marriage, had difficulties to get back their rights in land on the other hand (section 2.3). The same views were found in the results from this research where respondents said that orphans and widows from high class people were the most to get trouble with their property rights (section 4.8.3.). In fact, the vulnerability of everyone to land does not refer to the fact that the person claiming for his/her rights in land is from high class or not, it only refers to the inability of any person to enjoy his/her rights in land in an equitable way. Thus a person from high class deprived of his/her right in the land no matter his/her level of richness is among vulnerable groups to land.

In addition, returnees (old and new) were at a disadvantage compared with the rest of the people seeking to (re) gain their land and property. First of all, the Arusha accord between RPF and the former government recognized landless as someone who fled the country more than 10 years hence leaving anyone who left the country before 1983 at high risk of reclaiming their property (section 2.5.2). Secondary, those who had fled the country a long time were less likely to possess any sort of record for their land, giving little legitimacy to any claim they could make for a property. Finally, it is important to notice that fraud occurred in some land related dossiers (section 4.3) was more visible to land records of people who were refugees comparing to the issues raised by those who stayed in the country.

In this research, it is assumed that land records helped in the re-establishment of land rights of vulnerable groups (section 4.8.3 and section 2.4), and especially returnees of different epochs based on the fact that the ADR established by the government after the conflict accepted even oral witnesses (section 2.6.3). This assumption is also shown in the result of this research where the actors involved in the land dispute resolution were flexible while handling different claims over land (section 4.7).

5.6.3. Mitigation of boundary disputes

Land records were helpful in solving disputes related to boundary encroachment. This was illustrated in figure 4.8 and section 2.1.1 where the content of land records describes the location and the extent of the parcel (section 2.4). This information could be found in both formal and the informal land records. Through metes and bounds on the paper (appendix 2), people involved in handling boundary disputes could trace back the exact area to be allocated to the winner of the case. In case there was no written paper to clarify the case, this research has shown that field observation played a great role and the people who were present during the transactions or neighbors closer to the disputed land indicated the real boundary between two competing parties using their local knowledge. Based on the result in section 4.8.1 and literature in section 2.4, land records helped in solving boundary disputes in the study area of Gasabo district.

5.6.4. Resolution of intra-family land disputes

Apart from the above mentioned roles of land records in the post-conflict settings, the result of this research has also revealed that few land claimants used land records while settling their intra-family land related disputes in the study area (section 4.8.2). This type of dispute has been solved using either informal or formal land records. With respect to informal land records, the Rwandan culture accords respect to the eldest member of a family or clan in order to provide trusted oral witness accounts concerning customary land dispute among members of the family. It can be recalled that family beer sharing was used as a traditional symbol of land transaction, such as sales or donation and so far, people who shared a drink could provide oral testimonies, and they were considered as witnesses during the resolution of the land disputes within the family (section 2.5.3). For written transactions on small papers, this research has demonstrated that the same documents were useful to prove someone's rights of ownership in land. In a similar vein, persons who managed to get formal land titles, especially in urban areas depend on land records at their disposal (formal and/or informal) in order to prove their ownership in the event of

disputes. In fact, results indicate that these land records have intervened in the resolution of land disputes associated with succession (inheritance) (Section 4.8.1 and section 2.6.2).

5.7. Conclusion of the chapter

In this chapter, the research gives insight in the level of flexibility adopted by the government of Rwanda while handling land disputes using land records. Therefore, this practice helped to deal with several disputes over land that occurred in the early recovery of post-conflict land administration despite the abiding requirements of the normal court system. In addition, both oral and written evidences as classified in figure 4.2 from informal land records up to formal land records have helped significantly during land dispute resolution. Consequently, the weaknesses of land registration aspects (organizational, legal and technical) in Rwanda were considered as a facilitator for the development of different types of land records in both statutory and customary lands. Finally, as mentioned above, land records have played a great role in the following domain: restitution of land and property rights to returnees, the re-establishment of land rights of vulnerable groups, mitigation of boundary disputes and the resolution of intra-family land disputes.

6. CONCLUSION AND RECOMMENDATIONS

6.1. Conclusion

Land records have contributed in the resolution of disputes over land ownership and boundaries in post conflict land administration in Rwanda, and especially in the study area of Gasabo District. This research classified land records into two categories, namely informal and formal land records. This research has demonstrated that the recurrence of disputes handled using both formal and informal land records within the scope of the study were mainly disputes related to land and property restitution of returnees. Other areas where land records intervened in settling land disputes concerned protection of land rights of vulnerable groups, resolution of intra-family disputes and land ownership right and boundary issues between individuals. In fact, informal land records, which included oral witnesses, played an important role in dealing with different land related issues in the study area.

Three sub-objectives helped to address the main objective in the following ways:

Sub-objective N° 1: To ascertain the status and types of land records in post-conflict period in Rwanda. Based on the results about the status of land records, this research has shown that most of the land records have survived. Although land records have survived, the study area where this research was conducted demonstrates the negative effects of the civil war and genocide to the safety of land records. Consequently, some land records were subject to loss, manipulation and fraud by land professionals after the conflict in close collaboration with citizens who were returning, custodians of orphan's land and others who did not flee the country.

This research has also established the types of land records according to their level of importance (hierarchy of land records) from informal to formal land records (see figure 4.2). In general, land records included oral witnesses, correspondence letters, sale agreement, *acte de notoriété*, approved extract of cadastre, land lease contracts, building permits and land titles or freehold titles. Apart from oral witnesses, other land records were paper based even though Kigali city started scanning some documents in 2002, the system was still analogue within the scope of this study.

Sub-objective N° 2: To identify triggering documents needed during the process of solving land disputes in urban and rural areas in the period of post-conflict land administration in Rwanda. The documents that triggered during the process of solving disputes over land are titles and valid land lease contracts in alignment with the provisions of land related laws but in reality the *acte de notoriété* seems to be the only document which was admired by many citizens in both urban and rural areas in post conflict land administration in Rwanda. This research has also demonstrated the importance of oral witnesses in handling disputes over land in the study area. Indeed, the research has also revealed a joint decision making system with different actors who were involved in the land dispute resolution throughout different ADR established by the government after the conflict. The actors were made up of local government self-organization and included citizens, local authorities, local arbitration committees and courts. Finally, the results of this research have shown that these land documents were perceived differently by actors from different organizations (public and private) and the citizens themselves, and also the former were not well coordinated.

Sub-objective N° 3: To indicate the benefits of land records in resolving disputes about land ownership and boundaries in equitable way in Rwanda during post conflict land administration.

In the framework of land dispute resolution, land records have contributed so much in land and property restitution of returnees in the study area. Besides, land claimants also addressed to authorities other land claims like those related to ownership rights in land and boundary issues. The latter have been handled using land records (formal and informal). However, this research has demonstrated that even if the government of Rwanda was determined to solve all land claims in equitable way throughout different programs like land sharing, TTP, redistribution of state land, some returnees and especially widows and orphans, were even more vulnerable to regain their rights in land.

The aim of this research was to identify the role of land records in solving disputes over land ownership and boundaries in post conflict land administration with a focus on the period between 1997, the beginning of early recovery period and 2004, the beginning of reconstruction and the year the Rwandan land policy was enacted. The review of literature on post conflict with focus on land records, primary and secondary data collected during the field work, and direct observation of the status of land records have proved that land records (informal and formal) have supported post-conflict land administration in resolving land disputes within the scope of this research.

6.2. Recommendations

In the 21st century, land related conflicts are still emerging all over the world. Nevertheless, during post conflict land administration, we suggest that land dispute resolution in countries with no land records officially kept in the public registry, need to be done in a flexible climate. Therefore, new governments after the conflict has ceased are advised to adjudicate all sorts of sources of evidences that could elicit the relations between people and their land. This incremental adjudication reinforces and sustains land administration in the phase of reconstruction and state building after the conflict.

For countries with land records, first of all land records need to be protected as early as possible during and after the conflict period. Secondly, digital storage could replace analogue system and also special backups like digital and cloud backups could be used to protect the land records, and therefore it would not be difficult to retrieve them in case there is damage, loss or manipulation of land records in the land offices or those already issued to citizens. Moreover, land administration needs to be put on the agenda in different peace agreement and, international interventions should protect the infrastructure keeping land related records.

6.2.1. For Rwanda

The research has focused on the role of land records in solving land disputes during post-conflict period where the country was coming out of the civil war and genocide in 1994. Continuously, few lands were registered and kept in a national registry in Rwanda. Currently, all the lands in the country are registered in a public register, and especially in a digital system. Given the importance and usage of land records as this research shows, we would recommend the Government to monitor how this new land records are being considered and used by different public and private institutions, which are actors responsible for land dispute resolution. In addition, the land administration information system, which is already in place should be accessible to all actors involved in the land dispute resolution, and open to all citizens. Indeed, the government should reorganize the land dispute resolution mechanism in order to avoid the treatment of one land claim by different government and non government agencies. It was therefore noticed in this research that respondents confused formal and informal land records. For this reason, the Government should educate the citizens on the importance of titles and land lease contracts in terms of their legal meaning and how they are different from other documents they used to keep with their belongings.

6.2.2. For other countries

This research has shown the empirical reasons of protecting land records during and after the conflict period. Based on the above results, it leads to recommend the international community to stand up and help countries like Southern Sudan, Central African Republic (CAR), Syria, and Iraq to protect their land records because they will come in handy after the conflict, as refugees and other internally displaced people move back into their old village/home. We recommend this due to difficulties involved in trying to reconstruct land records and the need for high financial capability to do so, which can be a huge burden for those nations after their conflicts end. Furthermore, if land records were protected, all of the post-conflict financial support of the international community can be focussed on providing basic needs for people instead of diverging some of it to restore destroyed land records.

6.2.3. Suggestion for future researches

- This research focused on the role of land records, but did not emphasize on the quality of land records to be taken into account while using land records in solving land disputes in the aftermath of the conflict. Future researchers could also focus on the quality of land records and how it could facilitate the processes of solving land disputes in post conflict situation.
- Future research could also be beneficial to assess how different actors in land dispute resolution use land records, and the implication that has on being able to adequately deal with land issues.
- This research has revealed that land records re-established land rights of vulnerable groups. Future research could go beyond and establish indicators of vulnerability and compare them to those of good governance related to fairness with the aim of assessing the equity of land records in protecting rights of vulnerable group during the resolution of land disputes.
- Other researches could be done on the role of land records in physical planning, land use planning, natural resources management and environment protection.

LIST OF REFERENCES

- Anderson, M. J. (2011). The UN principles on housing and property restitution for refugees and displaced persons (The Pinheiro Principles): Suggestions for improved applicability. *Journal of Refugee Studies*, 24(2), 304-322.
- André, C., & Platteau, J. P. (1998). Land relations under unbearable stress: Rwanda caught in the Malthusian trap. *Journal of Economic Behavior and Organization*, 34(1), 1-47.
- ARD. (2008). Land Dispute Management in Rwanda: Final report (pp. 58). USA.
- Augustinus, C., & Barry, M. B. (2006). Land management strategy formulation in post-conflict societies. [Article]. *Survey Review*, 38(302), 668-681.
- Augustinus, C., Lewis, D., Zevenbergen, J. A., van der Molen, P., & ... (2007). *Handbook on post - conflict land administration and peacebuilding : Vol. 1. countries with land records*: United Nations.
- Barry, M. B. (1999). *Evaluating cadastral systems in periods of uncertainty : a study of Cape Town's Xhosa - speaking communities*. University of Natal, Durban. Retrieved from <http://intranet.itc.nl/papers/1999/general/barry.pdf>
- Benjaminsen, T. A., Holden, S., Lund, C., & Sjaastad, E. (2009). Formalisation of land rights: Some empirical evidence from Mali, Niger and South Africa. *Land Use Policy*, 26(1), 28-35. doi: 10.1016/j.landusepol.2008.07.003
- Bruce, J. W. (2007). Returnee land access: lessons from Rwanda. In H. P. Group (Ed.), (pp. 4).
- Bruce, J. W. (2013). Return of land in post-conflict Rwanda: International standards, improvisation, and the role of international humanitarian organizations. In J. Unruh, Williams, R. (Ed.), *Land and Post-Conflict Peacebuilding* (pp. 605). London: Routledge.
- Byamugisha, F. F. K. (2013). *Securing Africa's Land for shared Prosperity: A program to Scale Up reforms and Investments*. Washington, DC, License: Creative Commons Attribution CC BY 3.0: World Bank.
- COHRE. (2006). *The Pinheiro Principles – United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons*. Geneva.
- Crook, J. (2006). Promoting Peace and Economic Security in Rwanda through Fair and Equitable Land Rights. *California Law Review*, 94(5), 1487-1536. doi: 10.2307/20439073
- Dale, P. F., & McLaughlin, J. D. (1999). *Land administration*. Oxford (u.a., Oxford Univ. Press.
- Daley, E., Dore-Weeks, R., & Umuhoza, C. (2010). Ahead of the game: land tenure reform in Rwanda and the process of securing women's land rights. *Journal of Eastern African Studies*, 4(1), 131-152. doi: 10.1080/17531050903556691
- Deininger, K., & Augustinus, C., Enemark, S., Munro-faure, P. (2010). *Innovations in land rights recognition, administration and governance : world bank study : also as e-book*. Washington D.C.: The World Bank.
- FAO. (2005). *Access to rural land and land administration after violent conflicts*. Rome: Food and Agriculture Organization of the United Nations.
- Fitzpatrick, D. (2002). Land Policy in Post-Conflict Circumstances: Some Lessons from East Timor. *Journal of Humanitarian Assistance*.
- Fitzpatrick, D., & Zevenbergen, J. A. (2010). *Land and natural disasters : guidance for practitioners : also as e-book*. Nairobi: UN-HABITAT.
- Hagama, J. D. (2013). *Assessment of innovative boundary mapping : the case of Kigali city in Rwanda*. University of Twente Faculty of Geo-Information and Earth Observation (ITC), Enschede.
- Henssen, J. (2010). Land registration and cadastre systems : principles and related issues : e-book (pp. 72). München: Technische Universität München.
- Kumar, R. (2005). Research methodology: a step-by-step guide for beginners. London: SAGE.
- McLaughlin, J. D., Nichols, S.E. (1989). *Resource Management: The Land Administration and Cadastral Systems Component, In: Surveying and Mapping* (Vol. 2).
- MINIRENA. (2013). Laws, policies, and programmes Retrieved 6th August, 2013, from <http://minirena.gov.rw/index.php?id=165>
- Mnookin, R., H., (1998). *Alternative Dispute Resolution: Harvard Law School*.
- Mugiraneza, T. (2009). *Effects of land policy reform on land information provision in Rwanda*. ITC, Enschede.
- Murekezi, A. (2012). *Rebuilding after conflict and strengthening fragile states : a view from Rwanda : e-book* (Vol. 22). Harare: African Capacity Building Foundation (ACBF).
- Musahara, H. (2006). *Improving tenure security for the rural poor: RWANDA – Country case study*.

- Musahara, H., & Huggins, C. (2002). "Land reform, land scarcity and post-conflict reconstruction: A case study of Rwanda". *From the Ground up: Land, Rights, Conflict and Peace in Sub-Saharan Africa*. (Pretoria and Cape Town), 269-346.
- NISR. (2012). 2012 General Population and Housing Census:Provisional result (pp. 52). Kigali,Rwanda.
- Nkurunziza, E. (2012). Rwanda Brings 10 Million Parcel Under Registered Title:Interview. *GIM International*, 26, 14.
- Nsengiyumva, J. B. (2010). *Assessing the impact of changes in political power on land tenure systems in Kazo, Rwanda*. University of Twente Faculty of Geo-Information and Earth Observation (ITC), Enschede.
- Österberg, T., Khadash, M., Saad, K. (2006). *Rwanda – Kigali City Council (KCC) Cadastral Information System: Paper presented at the 5th FIG Regional Conference:Promoting Land Administration and Good Governance*. Accra, Ghana.
- Republic of Rwanda. (1996). *Ministerial Instruction N° 01/1996 of 23 September 1996 concerning interim management measures of landholdings*. Kigali.
- Reuben, R., C., (1997). Public Justice: Toward a State Action Theory of Alterative Dispute Resolution. 85,No 3, 577.
- Rurangwa, E. (2004). *Land Administration in Post Conflict Situation-Rwanda Case*. Paper presented at the in Proceeding of FIG Commission 7 Symposium on Land Administration in Post Conflict Areas, Geneva, 29-30 Apr. 2004.
- Sagashya, D., & English, C. (2009). *Designing and Establishing a Land Administration System for Rwanda: Technical and Economic Analysis,FIG - WB Conference, Land Governance in Support of the Millennium Development Goals: Responding to New Challenges*., World Bank, Washington D.C.
- Todorovski, D. (2011). Characteristics of post - conflict land administration with focus on the status of land record in such environment. In: *FIG working week 2011 : bridging the gap between cultures : technical programme and proceedings, Marrakech, Morocco, 18-22 May 2011*. 14 p.
- Todorovski, D., Zevenbergen, J. A., & van der Molen, P. (2012). Can land administration in post - conflict environment facilitate the post-conflict state building? – a research problem. In: *FIG Working Week 2012, Rome, 6-10 May 2012 – Knowing to manage the territory, protect the environment, evaluate the cultural heritage*. Rome: FIG. 2012. ISBN: 97887-90907-98-3. 21 p.
- Torell, D. J. (1994). Viewpoint- Alternative Dispute Resolution in Public Land Management. *Journal of Range Management*, 47(1), 70-73. doi: 10.2307/4002844
- UNECE. (1996). *Land administration guidelines : with special reference to countries in transition*. Geneva: United Nations (UN).
- UNHABITAT. (2007). *A post-conflict land administration and peace building handbook:Countries with Land Records* (Vol. 1). Nairobi, Kenya: United Nations Human Settlements Programme.
- UNHABITAT. (2008). *Secure land rights for all*. Nairobi,Kenya: United Nations Human Settlements Programme.
- UNHABITAT. (2009). *Land and Property: In Disaster and conflict*. Nairobi, Kenya: United Nations Human Settlements Programme.
- UNHABITAT. (2012). *Handling land:Tool for land governance and secure tenure*. Nairobi, Kenya.
- USAID. (2005). *Land and Conflict:A Toolkit for Intervention*. Washington DC.
- van der Molen, P., & Lemmen, C. H. J. (2004). Land administration in post - conflict areas. In: *3rd FIG Regional conference for Asia and the Pacific : Surveying the future – contributions to economic, environmental and social development : Jakarta, Indonesia October 3–7, 2004, Technical session 13: Land administration in post conflict area's*. International Federation of Surveyors, 2004. 12 p.
- Verpoorten, M. (2012). Leave none to claim the land: A Malthusian catastrophe in Rwanda? *Journal of Peace Research*, 49(4), 547-563.
- Wehrmann, B. (2008). *Land conflicts : a practical guide to dealing with land disputes*. Eschborn: GTZ.
- Williamson, I. (2001). Land administration "best practice" providing the infrastructure for land policy implementation. *Land Use Policy*, 18(4), 297-307. doi: 10.1016/s0264-8377(01)00021-7
- Williamson, I., Enemark, S., Wallace, J., & Rajabifard, A. (2010). *Land administration for sustainable development : also as e-book*. Redlands: ESRI.
- Yin, R. K. (1994). *Case study research: Design and Methods* (Vol. 5). London: Sage Publication.
- Zevenbergen, J. A. (2002). *Systems of land registration : aspects and effects : also as e-book*. (51), Netherlands Geodetic Commission (NCG), Delft. Retrieved from <http://www.ncg.knaw.nl/Publicaties/Geodesy/51Zevenbergen.html>


- Zevenbergen, J. A., Augustinus, C., & Antonio, D. (2012). *Designing a land records system for the poor*. Nairobi, Kenya: United Nations Human Settlements Programme.
- Zevenbergen, J. A., Augustinus, C., Antonio, D., & Bennett, R. (2013). Pro-poor land administration: Principles for recording the land rights of the underrepresented. *Land Use Policy*, 31(0), 595-604. doi: <http://dx.doi.org/10.1016/j.landusepol.2012.09.005>
- Zevenbergen, J. A., & Burns, T. (2010). Land administration in post - conflict areas : a key land and conflict issue. In: *XXIV FIG International congress 2010 : facing the challenges : building the capacity. 11-16 April 2010, Sydney, Australia : technical programme and proceedings. 22 p.*
- Zevenbergen, J. A., & van der Molen, P. (2004). Legal aspects of land administration in post conflict areas. In: *Land administration in post conflict areas : proceedings of a symposium held by FIG commission 7, April 29-30, 2004, Geneva Switzerland / ed. by van der Molen, P. and Lemmen, C.H.J. - Frederiksberg: FIG, 2004. ISBN 87-90907-31-0 pp. 41-59.*

APPENDICES

Appendix 1: Format of acte de Notoriété

REPUBLIQUE DU RWANDA

L.C.N°



PROVINCE DU
DISTRICT DE
SECTEUR DE
E-mail: csector@vuhurw.fr


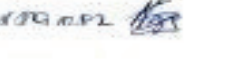
....., le 20.....

ACTE DE NOTORIÉTÉ



Quittance N° 300952 du 10 20.....
Reçu de (Mr. Madame, Mademoiselle) BANQUE POPULAIRE RWANDAISE
Originaires de..... District de.....
Province de..... résident à.....
Secteur de..... District de..... Province.....


La somme de (en chiffres) 20.000
vingt mille francs rwandais
Mont: Nicolas terabura um bati
Patrice de

Signature des parties contractantes :

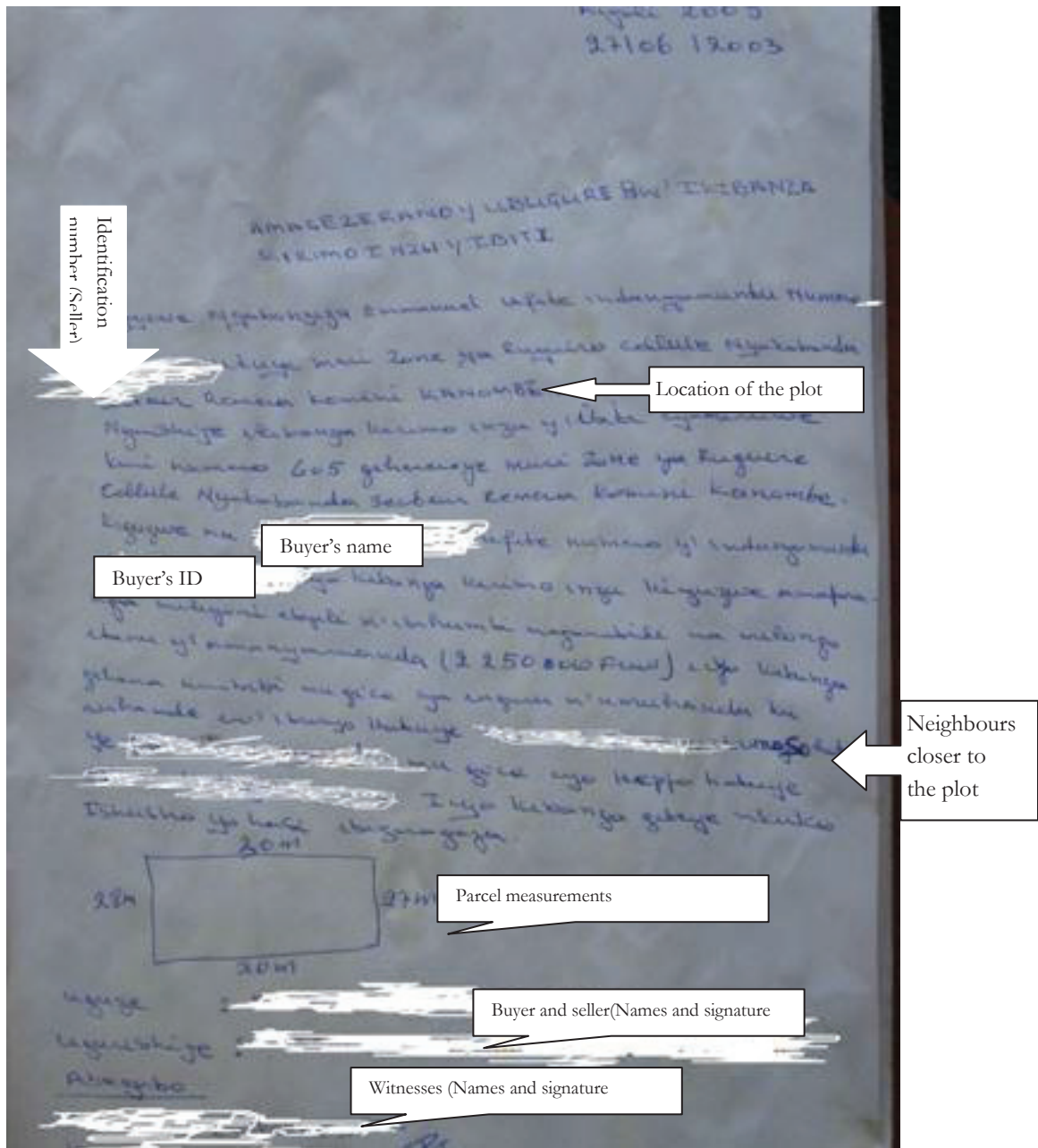
1. N° CI 11 020 010 000 95 
2. URUBUWA N° CI 11 022 2 000 000 002 
3..... N°.....
4..... N°.....

Signataires des témoins :

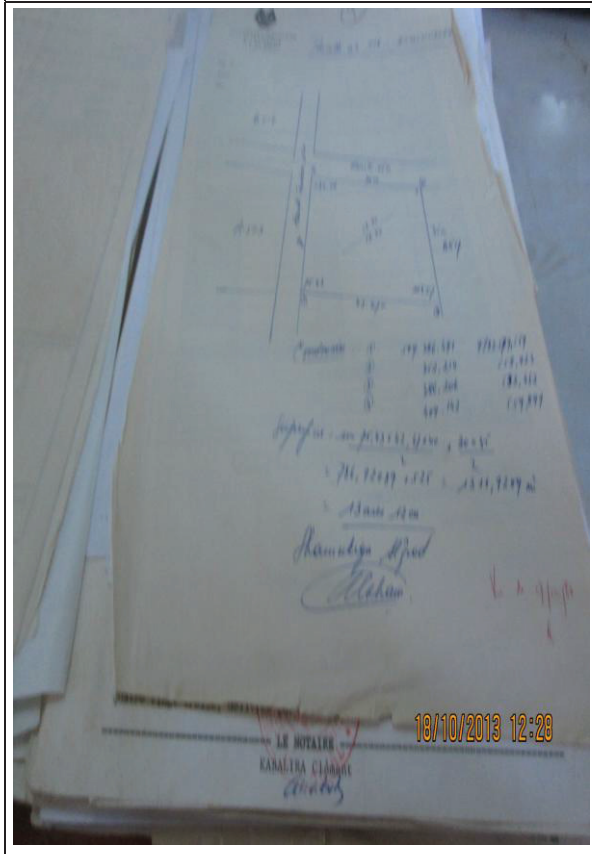
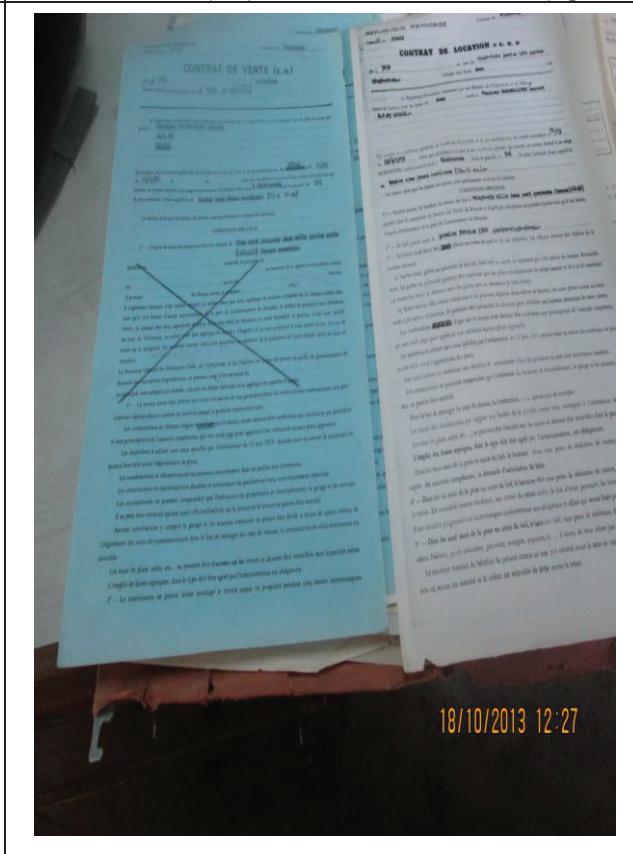
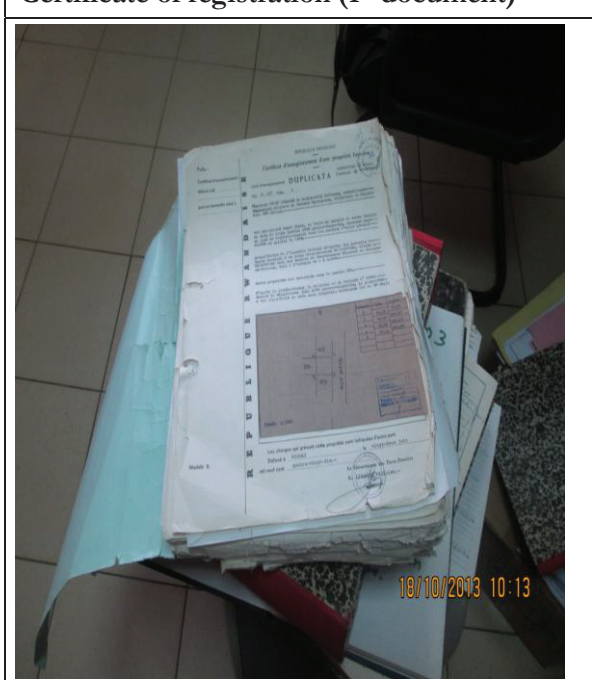
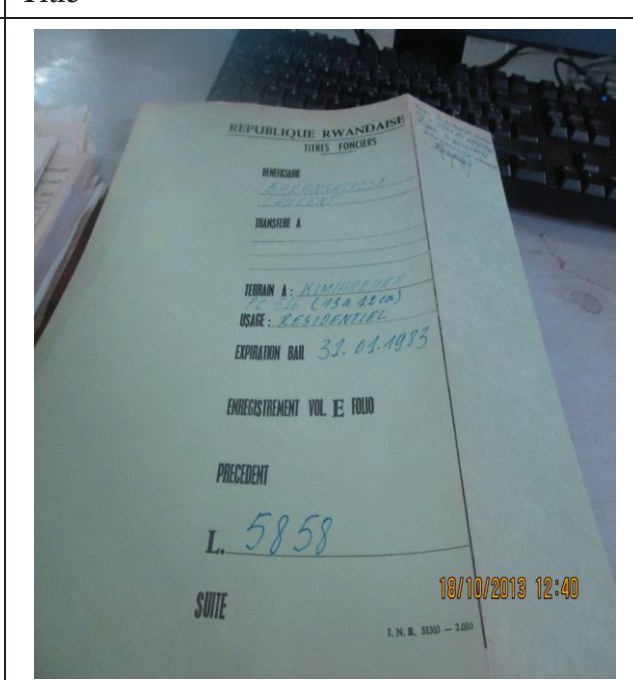
1. N° CIA 10 025 
2..... N° CI.....
3..... N° CI 10 022 2 260 038 
4..... N° CI.....

Percepteur (Nom et Prénoms).....
Secrétaire Exécutif (Nom et Prénoms).....


Appendix 2: *Petit papier* (sale agreement)



Appendix 3: Other land records that remained useful after the conflict period

<p>Sketch map of the parcel</p> 	<p>Contract of sale (left) and Land lease contract (right)</p> 
<p>Certificate of registration (1st document)</p> 	<p>Title</p> 

Appendix 4: Questions reserved to interviews with key informants

a. Introduction

Dear respondents,

I would like to ask for your help to respond to the questions reserved to this interview. The aim of this questionnaire concerns the research entitled: **“The role of land records in support of post conflict land administration, a case study of Rwanda”**, which is our partial fulfillment of the requirement of our thesis at ITC/University of Twente, Enschede. The information provided to me will be used for educational purposes and will be confidential. Your answers to the questions will be quite helpful and meaningful to the success the research. The result of this research will contribute to the way land administration in the post-conflict environment should be held with focus on land records.

Jean Guillaume MANIRAKIZA

(Researcher)

b. Questions

1. Position: - Between 1997 and 2005:
- Actual position:
2. Did you work in land domain or related fields after 1997?
If yes, in which domain have you been working?
3. Are you informed on the percentage of land that has been registered in the cadastre system before 2005 in Gasabo District/in Rwanda?
4. What type of land records existed in Post Conflict period?
 Land register
 Maps
 Sales agreement with sketch maps (Small paper)
 Acte de Notorieté
Others.....
5. Did the type of land records you already mentioned in which format?
 Paper based only
 Digital only
 Mixed (paper based and digital)
6. What was the physical status of the remained land records after the conflict in 1994?
 Destroyed
 Manipulated
 Survived
Others.....
Explain the selected answers:
7. Did land records remain capable to prove ownership right in land and boundary?
8. What were considered as vulnerable group to land after the conflict in Rwanda?
9. Did land records protect the right of vulnerable group after the conflict?
10. What were the most affected land records in post-conflict land administration in Rwanda?
11. In your opinion, do you think land records are necessary in solving land dispute over Ownership right in land and boundary? Explain

Thank you for your contribution in this research!

Appendix 5: Questionnaire for land claimants

1. How long have you been living in this plot/land?
 - Between 1 and 20 years,
 - More than 20 years,
2. Do you live in Rural or urban sector? Rural sector Urbanized sector
3. How did you acquire this land you are living on?
 - Sale
 - Land sharing
 - Land redistribution
 - Others...
4. Have you ever claimed an interest in land since 1994 up to 2004? Yes Not
 - If Yes, Was it related to:
 - Ownership right
 - Boundary
 - Restitution
 - Others.....
5. What has proved that the land belongs to you?
 - Title
 - Deeds
 - Sale agreement
 - Others...
6. How have documents you presented to prove your land ownership been considered?
 - Recognized by laws (formal evidences)
 - Not recognized by the laws (informal evidences)
7. Were you still with those documents after 1994? Yes Not
 - If not, how did you manage to get them back?
 - National archive
 - A copy of the titles or deeds you have got before the conflict
 - Administrative recognition of the loss of official land documents
 - Local and signed small paper by witnesses
 - Others...
8. What kind of land records will you suggest during land dispute resolution both in rural and urban area after conflict?
 - Title
 - Deeds
 - Sale agreement with sketch map
 - Local administrative land document registered and legally binding
 - Other.....
9. During the settlement of your land claim, what are the actors who helped to solve the problem?

.....
10. Have you ever remarked any cooperation between land registration and land disputes? resolution actors during the resolution of your land claimed? Yes Not
 - If not what has been the impact of your case? Explain briefly.....
 -

Thank you for your contribution in this research!

Appendix 6: Questions reserved for Local for Arbitration Committees (ABUNZI)

1. Have you ever participated in the land dispute resolution between 1997 and 2005? Yes Not
2. Among land disputes you received, were they among them those related to returnees? Yes Not
If Yes, explain the type of land claims which was frequent in that period?
3. What was considered as evidences of ownership right to his/her land to both parties claiming the same interests in land?
 Titles
 Any sort of document testifying and illustrating the way both parties claiming the same land have got it (sale agreement, tax invoice,.....)
 Oral witnesses
Others...
4. For disputes related to land, have you ever got any other mechanism or regulation from upper administrative level to solve them? If Yes, Explain
5. What type of land records have you preferred during your work that you can advise others during the resolution of land disputes during post conflict period? Explain why?
6. Have you ever remarked any fraud in the documents provided to you by land claimants?
If yes, how did you manage to discover it? Have you any registers of land record for verification?
7. Did the evidence you asked to land claimants easy to be found by everybody? Yes Not
If Not, which category of citizens (land claimants) those documents were difficult to be obtained/ availed?

Thank you for your contribution in this research!

Appendix 7: Questionnaire reserved for land professionals

1. Did you work in land domain or related field after 1994? Yes Not

If yes, in which domain have you been working?

- Allocating land to refugees
- Land sharing/ Land redistribution
- Resolution of Land disputes (local arbitration committees)
- Land registration/Cadastre
- Land Records keeping

Others...

2. What type of land records existed in Post Conflict period?

- Land register
- Maps
- Sales agreement with sketch maps (Small paper)
- Acte de Notorieté

Others.....

3. Did the type of land records you already mentioned in which format?

- Paper based only
- Digital only
- Mixed (paper based and digital)

4. In this research, land records are defined as any information about land that can be called **“formal evidence”** when it is recognized by laws and registered in National registry/cadastre on one hand and also they can be called **“informal evidence”** when documents and other sources of land information are shared between people and have not legal binding on the other hand. According to your experience, complete the following sentences:

a. Land records in urbanized sectors in Gasabo district included

b. Land records in rural sectors in Gasabo district included

If there is any other alternative, explain it here

5. What sort of land records were found in urbanized sectors (with cadastre system) in Gasabo District

a.....

b.....

c.....

d.....

6. What sort of land records were found in rural sectors (no cadastre system) in Gasabo District

a.....

b.....

c.....

d.....

7. What was the physical status of the remained land records after the conflict in 1994?

- Destroyed
- Manipulated
- Survived

Others.....

Explain/Describe the selected answers:

.....

8. Did land records remain capable to prove ownership right in land and boundary? Yes Not

If Not Explain.....

9. What were the most affected land records in the post-conflict land administration in Rwanda?

- Land of genocide survivors
- Land of former high rank officials and other VIPs
- Land of 1959 returnees
- Land of 1994 returnees
- State land
- Land of orphans
- Land of widowers

Others.....

10. What were the actors involved in the process of registering land in both rural and urbanized areas?

11. What was the requirement for users who wanted to register her/his land?

12. What were actors involved in land dispute resolution?

13. What contents of the land records do you think should be appropriate to prove the right of ownership and boundary?

.....

.....

.....

Thank you for your contribution in this research!