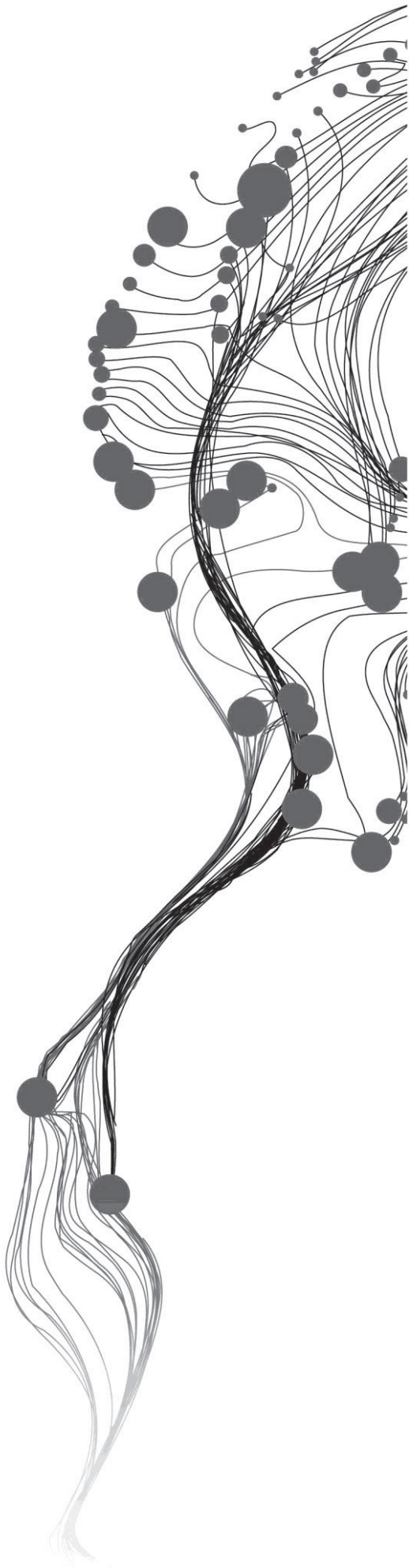


**ROLES OF ACTORS IN EARLY  
RECOVERY POST-CONFLICT  
LAND ADMINISTRATION IN  
RWANDA: Rationale for  
guidelines improvement**

MKWAYA NYABHIGESO SONGO  
March, 2014

SUPERVISORS:  
Prof. Dr. J.A. Zevenbergen  
Dr. Ir. L.G.J. Boerboom

ADVISOR:  
D. Todorovski, MSc



# **ROLES OF ACTORS IN EARLY RECOVERY POST-CONFLICT LAND ADMINISTRATION IN RWANDA: Rationale for guidelines improvement**

MKWAYA NYABHIGESO SONGO

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

Dr. Ir. L.G.J. Boerboom

## **ADVISOR:**

D. Todorovski, MSc

## **THESIS ASSESSMENT BOARD:**

Prof. Ir. P. van der Molen : Chairman

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

D. Todorovski, MSc : Advisor

#### 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

Post-conflict land administration guidelines support the handling of land related activities in post-conflict countries but they lack the aspect of roles of actors. However EU-UN (2012) manages to describe roles for EU and UN actors in undertaking land related activities in post-conflict situation. Provision of roles for only EU and UN actors is not enough because post-conflict land administration involves many actors other than EU and UN. Absence of aspect of roles of actors in guidelines raises a need for exploring and understanding roles of actors in post-conflict land administration. This study recognises three phases of post-conflict including emergency, early recovery and reconstruction phase but focuses on early recovery phase. The research concentrates on this phase because it considers early recovery as a preparatory phase which involves a number of strategies and activities that aims at rebuilding land administration in post-conflict situation.

The aim of this study is to formulate roles of actors involved in land administration in early recovery post-conflict period in Rwanda for the improvement of guidelines. The study adapts qualitative research methodology in order to achieve the main objective. Case study approach is also applied in order to get an insight in roles of actors in early recovery post-conflict land administration in Rwanda. During data collection both primary and secondary data were collected whereby primary data were collected through interview. Availability of data allows a descriptive analysis; supported by UML use case diagrams, actors mapping technique and interest and power matrix.

Findings reveal that various actors within government, citizens, advocacy groups and international organisations categories were involved in early recovery post-conflict land administration. These actors performed numerous roles in land related activities such as land sharing, land redistribution and land policy formulation. Actors mostly interact through meetings and workshops although there are differences in level of power and interest in undertaking land related activities. Discussion of findings against existing literatures enables in-depth understanding of roles of actors. This leads to the availability of information which supports provision of suggestions on roles of actors which could be attributed in guidelines.

Therefore, the research recommends on including the aspect of roles of actors in guidelines according to the suggested roles stipulated in this study, for the improvement of guidelines. Furthermore suggests researching on early recovery post-conflict in other countries, in order to get a broad experience on roles of actors.

**Key words:** *Actors, Conflict, Early recovery, Post-conflict, Land administration, Rwanda, Guidelines*

## ACKNOWLEDGEMENTS

I am very grateful to almighty God for guidance during the whole period of my study. This research has been possible through assistance and support from various individuals and organisations. I thank NUFFIC for offering a scholarship which enabled me to pursue my study in Netherlands. I also acknowledge my employer Mbeya City Council-Tanzania for giving me a study leave which allow me to study comfortably.

I am grateful to my first supervisor Prof. dr. J.A. Zevenbergen, second supervisor Dr. Ir. L.G.J. Boerboom and advisor D. Todorovski, MSc; for comments, remarks and criticisms. I appreciate your supervision; it enabled me to understand many aspects of post-conflict land administration. Special thanks to my advisor D. Todorovski, MSc for encouragement and advice. I cannot forget a chairman of a Thesis Assessment Board committee Prof. ir. P. van der Molen for critical questions and comments he used to pose during my presentations. The comments and questions influence the improvement of my work. I also thank and appreciate all lecturers at ITC who offered numerous courses from core-module until research period.

I acknowledge the support of Rwandan classmates during the fieldwork. I also thank all individual who supported me during my fieldwork in Rwanda. I acknowledge all respondents for accepting my requests for conducting interview, for the sake of understanding roles of actors in early recovery post-conflict land administration. Many thanks to my translator, my work could not be possible without translation while conducting interview with local people in rural Rwanda.

I would like to express my sincere gratitude to my beloved parents, for encouragement and prayers. Thanks to my brothers, sisters, relatives, friends and classmates (LA 2012-2014) for your support. I recognise invaluable support from all individuals and organisations in the course of doing this research but it is not possible to mention everyone by name.

# TABLE OF CONTENTS

---

1.	BACKGROUND.....	1
1.1.	Introduction .....	1
1.2.	Justification of the study .....	3
1.3.	Research Problem.....	4
1.4.	Research Objectives .....	5
1.5.	Conceptual Framework and Fieldwork Decision .....	5
1.6.	Overview of Methodology.....	6
1.7.	Anticipated Results.....	7
1.8.	Thesis Outline .....	7
1.9.	Work plan .....	8
1.10.	Summary .....	8
2.	LITERATURE REVIEW.....	9
2.1.	Introduction .....	9
2.2.	Conflict and post-conflict .....	9
2.3.	Phases of post-conflict .....	11
2.4.	Land administration and post-conflict land administration.....	13
2.5.	Actors in post-conflict land administration in general.....	18
2.6.	Activities undertaken in post-conflict land administration in general.....	18
2.7.	Roles of actors in post-conflict land administration in general.....	20
2.8.	Guidelines on post-conflict land administration .....	21
2.9.	Summary .....	22
3.	RESEARCH METHODOLOGY AND STUDY AREA.....	23
3.1.	Introduction .....	23
3.2.	Research methodology.....	23
3.3.	Study areas .....	23
3.4.	Identification of actors .....	24
3.5.	Sampling.....	24
3.6.	Research Process .....	24
3.7.	Data collection .....	25
3.8.	Limitation in data collection.....	26
3.9.	Data analysis .....	27
3.10.	Summary .....	29
4.	FINDINGS AND ANALYSIS OF DATA .....	30
4.1.	Introduction .....	30
4.2.	Timeline for land related activities in early recovery post-conflict period .....	30
4.3.	Overview of land administration in early recovery post-conflict land administration.....	31
4.4.	Categories of identified actors in early recovery post-conflict land administration .....	32
4.5.	Identified land related activities and actors interaction .....	33
4.6.	Roles of actors in early recovery post-conflict land administration .....	43
4.7.	Summary .....	44
5.	DISCUSSION.....	45
5.1.	Introduction .....	45
5.2.	Complications in determination of early recovery post-conflict period in Rwanda.....	45
5.3.	Identified actors involved during early recovery post-conflict land administration .....	45
5.4.	Identified land related activities and actors interaction .....	45
5.5.	Challenges faced by actors in early recovery post-conflict land administration.....	48

5.6.	Lessons learnt for early recovery post-conflict land administration .....	49
5.7.	Roles of actors to be attributed in guidelines .....	51
5.8.	Summary .....	55
6.	CONCLUSIONS AND RECOMMENDATIONS.....	56
6.1.	Introduction .....	56
6.2.	Conclusions .....	56
6.3.	Recommendations.....	58
	LIST OF REFERENCES .....	60
	APPENDICES.....	65
	Appendix 1:Fieldwork decision .....	65
	Appendix 2:Fieldwork report .....	66
	Appendix 3:Land sharing local registry book .....	71

## LIST OF FIGURES

---

Figure 1.1: Post-conflict phases: Adapted and modified from FAO, (2005).....	2
Figure 1.2: Conceptual Framework .....	6
Figure 2.1: The anatomy of conflicts, Monstert (1998).....	10
Figure 2.2: Post-conflict phases, Nepad (2005) .....	11
Figure 2.3: Post-conflict phases, FAO (2005) and Bailey et al (2009).....	12
Figure 2.4: Post-conflict phases relationship, Author (2013) .....	13
Figure 3.1: Study areas .....	24
Figure 3.2: Research process.....	25
Figure 3.3: Conflict mapping, Mason et al (2005) .....	28
Figure 3.4: Interest and Power matrix, Johnson et al (1999) .....	29
Figure 4.1: Timeline for land related activities during early recovery post-conflict period .....	31
Figure 4.2: Use case diagram showing actors involved in land sharing .....	35
Figure 4.3: Actors mapping during land sharing .....	36
Figure 4.4: Interest and Power matrix in land sharing.....	37
Figure 4.5: Akagera National Park before and after redistribution .....	38
Figure 4.6: Use case diagram showing actors involved in land redistribution.....	39
Figure 4.7: Administration of land before and during 1999 .....	40
Figure 4.8: Use case diagram showing actors involved in land policy formulation .....	41
Figure 4.9: Actors mapping during land policy formulation .....	42
Figure 4.10: Interest and Power matrix in policy formulation .....	43



# LIST OF TABLES

---

Table 1.1: Sub-objectives and Research Questions ..... 5  
Table 1.2: Work Plan ..... 8  
Table 3.1: Interviewed Key informants ..... 26  
Table 4.1: Representatives during the meetings at Province Office ..... 33  
Table 5.1: Roles of actors to be attributed in guidelines ..... 55

## LIST OF ACRONYMS

---

EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
HAGURUKA	Association of the Defence of Women and Children’s Rights-Rwanda
HLP	Housing, Land and Property
IDPs	Internal Displaced Persons
IMBARAGA	Union of Agriculturalists and Stockholders in Rwanda
IMIDUGUDU	Villages (grouped settlement): “umudugudu” in singular form: This is the smallest administrative unit in Rwanda
MINAGRI	Rwandan Ministry of Agriculture
MINALOC	Rwandan Ministry of Local Government
MINFRA	Rwandan Ministry of Infrastructure
MINIRENA	Rwandan Ministry of Natural Resources (formerly MINITERE)
MINITERE	Rwandan Ministry of Lands, Environment, Forestry, water and Mines
NGO	Non-Governmental Organisations
OECD	Organisation for Economic Cooperation and Development
OXFAM (OXFAM International)	International confederation of 17 organizations working in approximately 90 countries worldwide to find solutions to poverty and related injustice around the world
PINHEIRO	Principles on Housing and Property Restitution for Refugees and Displaced Persons
REMA	Rwanda Environment Management Authority
RISD	Rwanda Initiative for Sustainable Development
RNRA	Rwanda Natural Resource Authority
UML	Unified Modelling Language
UN	United Nations
UNDP	United Nations Development Programme
UN-HABITAT	United Nations Human Settlements Programme
UNHCR	United Nations High Commission for Refugees
UN/ECE	United Nations Economic Commission for Europe
USAID	United States Agency for International Development



# 1. BACKGROUND

## 1.1. Introduction

Land administration is becoming an increasingly important aspect of social-economic development in both developed and developing countries. It is essential for every country because it enables the determination of ownership of land, ascertaining of value and for monitoring and management of land use (UN/ECE, 1996). Likewise land administration might influence achievement of sustainable development (Williamson *et al.*, 2010).

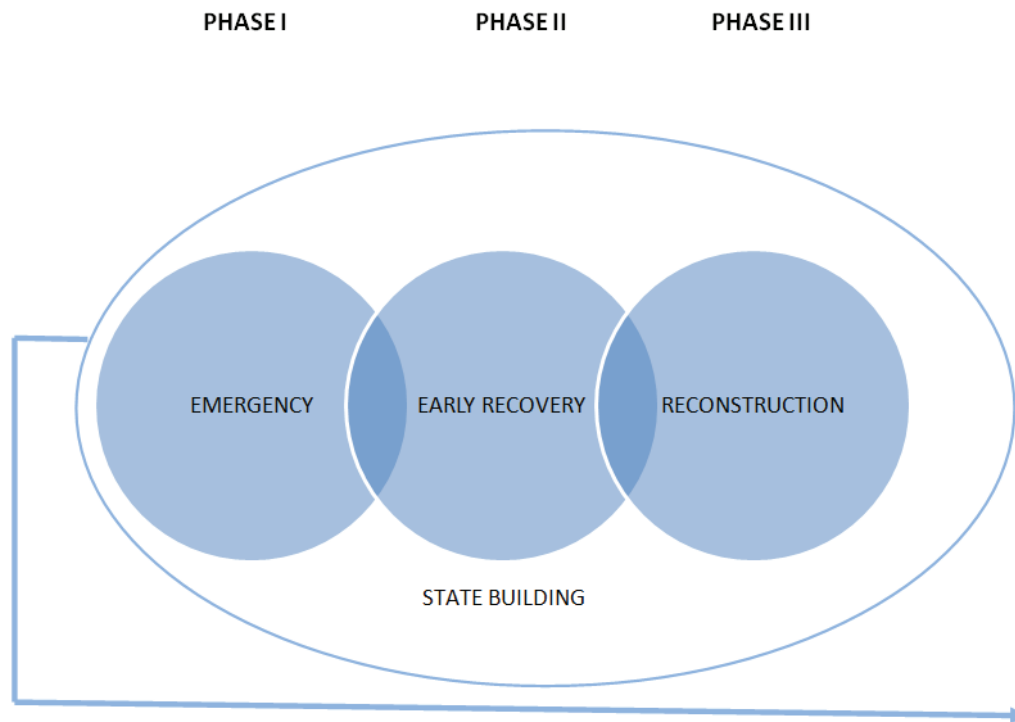
While this is recognisable, lately, much attention focuses on land administration efforts in post-conflict countries including Liberia, Angola, Sierra Leone, Rwanda, Burundi, Mozambique and more recent Southern Sudan. Emerging from conflict situations, post-conflict countries are usually characterized by death and injury of large number of population, massive displacements, high degree of uncertainty, lack of stability on economies of affected countries, a lot of discriminatory laws as well as unresolved political tension. These characteristics hinder the performance of land administration (FAO, 2005).

Consequently, post-conflict situation leads to a dysfunctional land administration system characterized by: limited prioritization of land policy; discriminatory land law; poor institutional and regulatory framework that allow the grabbing of public and private land by powerful individuals and groups; poor management information systems for updating records as well as weak state capacity that is incapable of helping internally displaced people and refugees (Augustinus *et al.*, 2006). Most of post-conflict governments and donors do not consider the issue of rebuilding land administration early, instead they focus only on managing conflict; hence leads to governments failure to deal with land and land administration since it is both politically sensitive and technically complicated (Barry, 2011; Byamugisha, 2013; EU-UN, 2012; USAID, 2005). Experience shows that the practice of land administration in post-conflict countries is not the same because of the differences on the major causes of conflict as well as the needs and priorities in the society (Unruh *et al.*, 2013).

Literatures on post-conflict point to three phases of a post conflict period, the first phase is emergency, it entails a situation where hostilities between conflicting parties end and give way to international aid to commence. The second phase is early recovery, which refers to a transition period between emergency and reconstruction phase in which there are some initiatives for developing policies, strategies and action plans. The third phase is reconstruction which implies implementation of policies, action plans and strategies which have been made in early recovery period. Although the available studies have described phases of post-conflict basing on either time period (yearly) (Maier, 2010; Murekezi, 2012) or activities carried out (FAO, 2005). The three phases are inter-related and mutually reinforcing and counterchecking each other and contribute to state building altogether.

Normally state building aims at harmonising needs of the citizens and the state by considering political governance in order to meet their expectations (Anten, 2009; OECD, 2008; Whaites, 2008). It is important to note that each phase may have significant impacts on land administration particularly on issues related to land policies, laws, land information systems, regulatory and institutional frameworks as well as the strategies and actions plans that may be thought and implemented to address land administration. A process of state building comprises of all three phases; it implies that all the efforts done

in these phases aim at building the state. This is a continuous process which proceeds after reconstruction period. Figure 1.1 below shows post-conflict phases; moreover section 2.3 of literature review provides an in-depth elaboration of post-conflict phases.



**Figure 1.1: Post-conflict phases: Adapted and modified from FAO, (2005)**

Todorovski *et al.* (2012) and Zevenbergen *et al.* (2010) suggest the use of comprehensive approaches in dealing with land administration in post-conflict countries, with much emphasis to land professionals to addressing land administration challenges using proper approaches. Additionally advocate for land administration challenges to be discussed in of the international community agendas and that they are addressed in the peace treaty document. Van der Molen *et al.* (2004) recommend the need to focus on decisions concerning a registration system, for instance one can decide to use deed registration system instead of title registration depending on context and merits.

Further, FAO (2005), Törhönen (2001) and Unruh (2009) emphasise on the consideration of statutory and customary tenure, which leads to the improvements in livelihood and incentives to invest on the land without fearing of being evicted. Moreover Stanfield (2006) insists effective management of transitions in post-conflict period, in order to influence a growth of land markets.

Rwanda which is a case study for this research represents a typical example of a post-conflict case. In 1994 a country involved in a genocide tragedy which left millions dead, property destroyed and the economy generally destructed (Stanton, 2004). Later, the country struggled to restore peace and tranquillity and create favourable environment for the economy to thrive. Land administration has also been an important part of the effort to steer the country in the right direction socially, economically and politically. For instance, during the emergency phase, the country promoted justice, rule of law, human rights and fights

impunity, reconcile and empower local Rwandan population, resettle returnees and reconstruction of social infrastructures such as schools and health centres. In early recovery phase and reconstruction they started reform of public service, reconciliation programmes, introducing community policing force, national dialogue on country needs, initiation of decentralisation process, election of local leaders, and provision of social and physical infrastructure at local level (Murekezi, 2012).

During early recovery period a country formulates land administration policies, strategies as well as plans to ensure that land administration is addressed. However, while the country is recommended to undertake steps in managing post conflict land administration, during this phase little is known regarding actors involved in the process. Actors include individuals, group of people, government or organisations which are involved and take a part in performing various activities in land administration during early recovery post-conflict period. Roles of actors comprise all functions and duties, which individuals, group of people, government or organisation perform. In this study actors are categorised into four groups namely government, citizens, advocacy groups and international organisations.

There are various guidelines on post-conflict land administration which describe numerous land related issues. UN-HABITAT (2007) points out the rights-based approaches to land administration in post-conflict situation. The approaches might be useful only to the country with land records. Besides FAO (2005) emphasises on access to land by rural people; since during post-conflict huge number of people are being displaced to rural areas. In spite of much attention to rural population; it also notes rural-urban linkage in land administration.

EU-UN (2012) provides a framework for understanding and addressing land issues in post conflict situation in a well organised holistic manner which connects land professionals and conflict resolution experts. However USAID (2005) stipulates guidelines for practitioners and officers who undertake numerous activities in post-conflict land related programmes. It also provides a description of post-conflict land issues and how to handle land related problems. UN-HABITAT (2009) indicates a practical tool which links experiences in post-conflict land issues and its integration to emergency and early recovery programmes.

Explanation from the mentioned guidelines reveal on the need of considering roles of actors with specific mandate in post-conflict situation; taking into account that early recovery is a preparatory phase which has much influence to the implementation phase.

This research aims at formulating the role of actors in land administration including, their interaction, activities, and challenges encountered during the early recovery post conflict land administration in Rwanda. This could influence the improvement of the existing guidelines for post-conflict land administration with much emphasis on roles of actors. Nevertheless international organisations and other stakeholders involved in post-conflict situation such as humanitarian organisations and peace treaty agencies might understand significance of considering the actors with their respective roles in various activities during early recovery period.

## **1.2. Justification of the study**

It has been realised that the aspect of roles of actors has not been tackled in the existing guidelines for post-conflict land administration. This raises a need for researching on roles of actors in early recovery post-conflict land administration. This is done in order get an insight in roles of actors which might lead to further improvement undertaken. This study is undertaken in Rwanda which is one of post-conflict

countries which undertakes land administration; regardless of unclear post-conflict situation associated with interrelated phases. Existence of few studies concerning post-conflict land administration in Rwanda makes difficult for other countries when conflict is ending to find information on post-conflict land administration. A study on roles of actors in early recovery post-conflict land administration in Rwanda recognises early recovery period as a preparatory phase, which involves decision making among various actors (government, citizens, advocacy groups and international organisations). Hence research on early recovery post-conflict land administration is with a focus in Rwanda is called for more research to be undertaken. Through considering involvement of actors enable understanding of various actors and their roles. This study also recognises financial roles performed by some actors involved in early recovery post-conflict land administration but understanding such roles is out of the scope of this study. This research could be useful for improvement of post-conflict land administration guidelines as well as being suitable for post-conflict countries, international organisations, academicians, land professionals and other stakeholders involved in post-conflict land administration.

### **1.3. Research Problem**

Post-conflict period is a challenging period especially in dealing with land regarding countries which have been experiencing such a situation (Huggins, 2009; UN-HABITAT, 2007). Rwanda is among the countries which experienced conflict situation which involved massive displacement and genocide (Rurangwa, 2004); hence early after the end of hostilities a country entered to a complicated post-conflict periods. According to Zevenbergen *et al.* (2010) post-conflict countries carry out land administration in unclear manner due to the impacts of the characteristics of post-conflict situation. This happens due to vagueness in legal procedures, land right, land distribution, land registration and authority of land administration institutions (Jensen *et al.*, 2013; Marongwe, 2013; Sylla, 2012; Van der Molen *et al.*, 2004; Zevenbergen *et al.*, 2010). Despite post-conflict situation, Rwanda manages to undertake land administration with much success. Nonetheless roles of actors in early recovery post-conflict land administration in Rwanda are still not clear.

UN-HABITAT (2009) has prepared a handbook which might be used as a guideline by stakeholders involved in post-conflict land administration but there is no clear description on the roles of actors involved. Similarly EU-UN (2012) stipulates various themes with relevant guidelines which can also be used by practitioners during post-conflict period but the roles played by various actors within guidelines are not yet described. Besides it stipulates only the role of UN and EU, in land administration reform during post-conflict. This gap has been realised for the overall post-conflict land administration because actors have no specific mandate in carrying out land related activities. Still there is a need for more specific mandate on these actors in order to have clear land administration during early recovery post conflict period. This will provide authority to actors and trying to figure out not only weak and less involvement but also the consequences of not being involved.

Furthermore there is a gap among actors involved in land administration during early recovery post-conflict period although few studies have been done. Zevenbergen *et al.* (2010) describe that debates concerning unclear manners in land administration during post-conflict period have been made but there is not any suggestion on how to deal with a situation. Having this gap the research through formulating of roles of actors involved in early recovery post-conflict land administration would provide an insight for understanding activities which are carried out during this period. This is a vital moment for actors to understand their roles and their involvement in early recovery post-conflict land administration. Moreover it would enable the understanding of interaction among actors in various activities as well as the challenges they face. Land administration in post-conflict Rwanda involves various actors within each phase. The

study on formulation of roles of actors involved specifically in early recovery post-conflict in Rwanda would provide details on the improvement of guidelines.

#### 1.4. Research Objectives

##### 1.4.1. Main objective

The main objective of this research is:

- **To formulate the roles of actors involved in land administration in early recovery post-conflict period in Rwanda for the improvement of guidelines.**

##### 1.4.2. Sub-objectives and Research Questions

Table 1.1 below shows sub-objectives and research questions for the achievement of the main objective of the research.

Sub-objectives	Research Questions
1. To identify the actors involved and activities undertaken in land administration in early recovery post-conflict period	1) Who were the actors involved in land administration in early recovery post-conflict period? 2) What were the activities being undertaken in land administration in early recovery post-conflict period?
2. To examine the roles of actors involved in land administration in early recovery post-conflict period	3) What were the roles of actors in land administration in early recovery post-conflict period? 4) How actors have been involved and interact in land administration in early recovery post-conflict period? 5) What are land administration challenges faced by the actors in undertaking the activities?
3. To explore the lessons learnt from early recovery post-conflict land administration	6) What are the lessons learnt for land administration during early recovery post-conflict? 7) How should roles of actors be attributed in guidelines

**Table 1.1: Sub-objectives and Research Questions**

#### 1.5. Conceptual Framework and Fieldwork Decision

The formulation of the conceptual framework is very essential in carrying out research because this act likes a boundary for the discussion of various issues within early recovery post-conflict land administration. Fieldwork decision making is necessary for the sake of obtaining all important information and understanding early recovery post-conflict land administration as well as a need of all relevant data for the study.



### 1.5.1. Conceptual Framework

During early recovery post-conflict land administration there are various activities which involve actors, whereby every actor has a specific role in a particular activity. Understanding roles of actors might enable the formulation of roles of actors within the guidelines as a way of making improvement. Figure 1.2 below is a conceptual framework of this study.

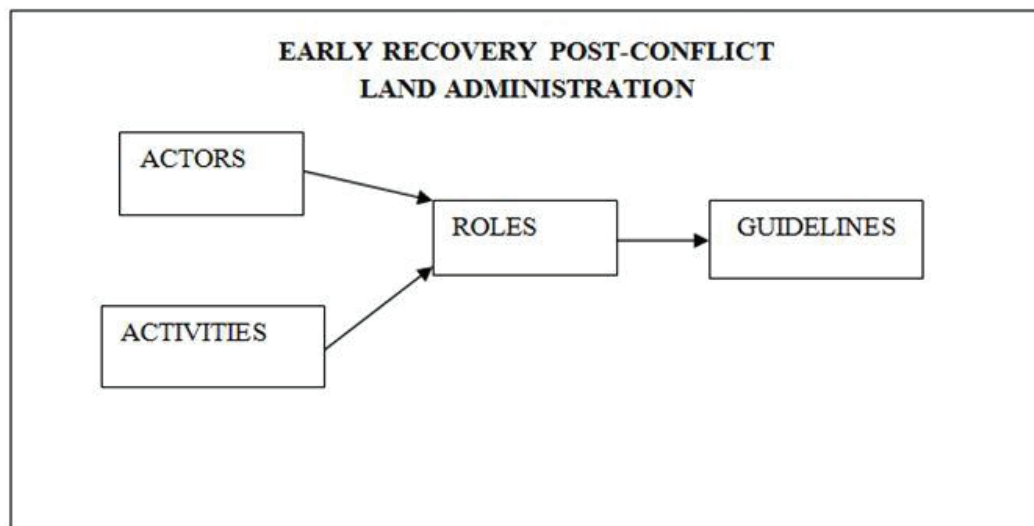


Figure 1.2: Conceptual Framework

### 1.5.2. Fieldwork Decision

In undertaking this research there is a possibility of fieldwork execution or not. Through performing decision making exercise as shown in Appendix 1, enables to come out with a right decision. It might be possible to opt for desk research as the only way for data gathering for this research but still fieldwork is very important. Fieldwork enables understanding of reality of what happened on the ground through interview conversation with various actors. Eventually results from decision making put in consideration a fieldwork. Appendix 2 is a fieldwork report which shows overview of data collection during a fieldwork period.

### 1.6. Overview of Methodology

The study adopts qualitative research method in order to achieve its objectives. Literature review enables identification of research problem and understanding post-conflict phases. In addition it enables conceptualisation of early recovery post-conflict land administration with much focus on the roles of actors. However this research recognises and considers case study and intensive literature review as essential in carrying out this study. Besides having multiple sources of information enable a clear understanding of early recovery post-conflict land administration. Users of land administration in Rwanda and post-conflict situation are a basis for identification of actors in early recovery post-conflict land administration. In this research there are four major groups of actors namely government, citizens, advocacy groups and international organisations.

This research needs primary and secondary data from respondents within the mentioned categories of actors. Gathering of data through interviews, literature review and secondary data from respondents

ensures availability of answers for research questions. Use of structured and semi-structured interview enabled the gathering of data from the key informants. For analysis purpose this study uses a summary of primary data from interview transcripts and secondary data including laws, policies, reports and maps. Then it adopts a descriptive analysis along with Unified Modelling Language (UML) use case diagrams, mapping of actors and interest and power matrix for further analysis.

### **1.7. Anticipated Results**

Having various expectations in undertaking this study leads to the achievement of the main objective of the research. The following are the anticipated results of the research being carried out.

- Obtain the list of all actors involved during early recovery post-conflict land administration
- Understanding the activities undertaken during early recovery post-conflict land administration
- Understanding the roles of actors involved
- Understanding the manner in which the actors interact
- Getting insight in the challenges faced by actors
- To know the lessons learnt from land administration in early recovery post-conflict
- Roles of actors in early recovery post-conflict land administration being attributed in guidelines

### **1.8. Thesis Outline**

The research being undertaken comprises six chapters as outlined below.

#### **Chapter 1: Background**

Background chapter contains introduction, description of post-conflict phases, justification of the study research problem, research objectives with its respective research questions, conceptual framework, description on the decision for fieldwork, overview of methodology, anticipated results, thesis outline and work plan.

#### **Chapter 2: Literature review**

Literature review consists of numerous sections describing concepts relating to this study. Concepts reviewed include conflict, post-conflict, phases of post-conflict, land administration, post-conflict land administration, post-conflict land administration in Rwanda, guidelines on post-conflict land administration, actors involved in post-conflict land administration, activities undertaken in post-conflict land administration and the role of actors in post-conflict land administration.

#### **Chapter 3: Research methodology and Study area**

This chapter comprises the following sections: research methodology, study area, identification of actors, sampling, research process, data collection, limitation in data collection and data analysis.

#### **Chapter 4: Findings and analysis of data**

This chapter describes gives out findings and analysis of land administration during the early recovery post-conflict land administration focusing on role of actors in case of Rwanda. There are various sections including a section describing timeline of early recovery post-conflict period, overview of land administration in early recovery post-conflict, categories of identified actors in early recovery post-conflict land administration, identified land related activities and actors interaction in early recovery post-conflict and roles of actors in early recovery post-conflict land administration.

## Chapter 5: Discussion

This chapter presents discussion of findings and information available in literatures. The discussion describes Rwanda conflict, early recovery post-conflict period in Rwanda, roles of actors in early recovery post-conflict land administration in Rwanda. It also provides discussion on actors involvement, land related activities, actors interaction, challenges encountered during early recovery post-conflict land administration, lessons learnt and roles of actors being attributed in guidelines.

## Chapter 6: Conclusions and recommendations

This chapter describes conclusions and recommendations of the study. Conclusions part is described according to individual research question and recommendations are based on findings obtained from the research.

### 1.9. Work plan

For the execution of this study the work plan depicted in Table 1.2 below is applied. This enables proper time management and accomplishment of the research within a required period. Hence leads to the achievements of the objectives of the study through undertaking a number of activities.

ID	Task Name	Start	Finish	Duration	Aug 2013			Sep 2013			Oct 2013			Nov 2013			Dec 2013			Jan 2014			Feb 2014			Mar 2014								
					4/8	11/8	18/8	25/8	1/9	8/9	15/9	22/9	29/9	6/10				3/11			1/12	8/12				5/1	12/1	19/1	26/1	2/2	9/2	16/2	23/2	2/3
1	Proposal Preparations	8/5/2013	8/23/2013	3w	█																													
2	Literature review	8/5/2013	1/31/2014	26w	█																													
3	Research proposal submission	8/26/2013	8/26/2013	1d																									█					
4	Presentation preparations	8/27/2013	8/29/2013	3d																									█					
5	Research proposal presentation	8/30/2013	8/30/2013	1d																									█					
6	Fieldwork preparations	9/2/2013	9/20/2013	3w				█																										
7	Fieldwork data collection	9/23/2013	10/11/2013	3w				█																										
8	Data analysis	9/16/2013	10/31/2013	6w 4d				█																										
9	Conclusions and recommendations	10/28/2013	11/15/2013	3w							█																							
10	Midterm presentation	11/18/2013	11/22/2013	1w										█																				
11	Final corrections	11/25/2013	2/14/2014	12w													█																	
12	Thesis submission	2/17/2014	2/17/2014	1d																									█					
13	Presentation preparations	2/18/2014	2/28/2014	1w 4d																									█					
14	Defence	3/3/2014	3/7/2014	1w																									█					

Table 1.2: Work Plan

### 1.10. Summary

This chapter has described the introduction of actors roles in early recovery post-conflict land administration in Rwanda, post-conflict phases, justification of the study, research problem, research objectives, research questions, conceptual framework, fieldwork decision, overview of methodology, anticipated results, thesis outline and a work plan. Next chapter will deal with literature review on roles of actors in early recovery post-conflict land administration and post-conflict land administration in general.

## 2. LITERATURE REVIEW

### 2.1. Introduction

This chapter gives out the review of numerous literatures which are related to roles of actors in early recovery post-conflict land administration and post-conflict land administration in general. The concepts reviewed include conflict, post-conflict, phases of post-conflict, land administration, post-conflict land administration, post-conflict land administration in Rwanda, guidelines on post-conflict land administration, actors involved in post-conflict land administration, activities undertaken in post-conflict land administration and the role of actors in post-conflict land administration. The literature review reflects the contents of this research and it is a basis for data analysis and discussion of findings.

### 2.2. Conflict and post-conflict

#### 2.2.1. Conflict

Conflict is described as a situation which can occur when there is disagreement between two parties is regarded to threaten them due to differences in interests, goals, factual understanding and social position. Normally conflict situation seems to be inevitable in the process of society transformation (Anten, 2009; Bennett *et al.*, 2001; Mostert, 1998; Wall *et al.*, 1995; Wehrmann, 2008). It is not necessary for conflict to lead to the negative effects, although sometimes it causes violent conflict within a certain society.

Mostert (1998) categorises sources of conflict as factual disagreement, conflicting goals and relational aspects. Factual disagreement occurs when there is a genuine disagreement on undertaking a certain action. Usually the difference in views and opinions might affect certain activities and even existing laws. Although in most cases there is high subjectivity of factual disagreements. Differences in personal interest and value on certain facts may lead to conflicting goals. The parties involved may agree on the impact of a certain action but they will disagree on the desirability of the impacts and hence the action becomes undesirable. The relational aspects of the conflict may happen if there is distrust and power struggles between parties. Poor communication may cause distrust and induces misinterpretation of facts. This contributes to less cooperation, escalating factual disagreements, divergence of goals, increasing tension and lowering willingness to compromise. Power struggle often takes the form of competition over the sources of power. Normally the parties involved may not accept worthy solutions because of fear of losing their competencies, financial resources, status, and access to information as well as hesitating weakening negotiation positions. The power conflict may provoke the new conflict and sometimes a violent conflict. Actually there is interrelationship among the mentioned sources of conflict as shown in Figure 2.1 below

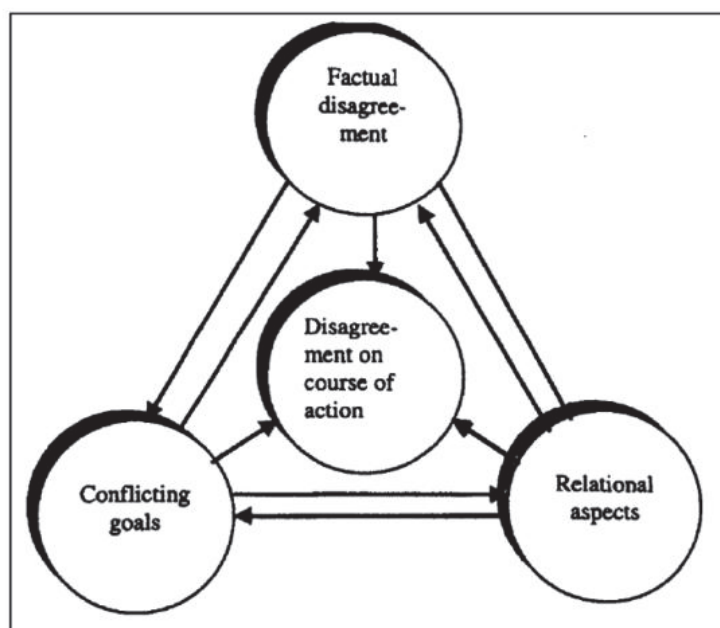


Figure 2.1: The anatomy of conflicts, Monstert (1998)

There are various types of conflict like conflict over resources, conflict over territory, conflict over autonomy, conflict over type of rule (system of government), conflict over governance, conflict over personalities, conflict over identity (national, ethnic, religious, political) and conflict to achieve or maintain independence from external control (Anten, 2009).

Moreover, Wehrmann (2008) alludes to the types of land conflict like boundary conflicts, ownership conflicts, inheritance conflicts, destruction of property, expropriation by the state without compensation, conflicting claims in post-conflict situations, competing uses/rights on common and collective land, improper uses of state land and land grabbing by high-ranking public officials. Land is regarded as a major source of conflict happened in Rwanda (Bruce, 2007; Magnarella, 2005; Musahara *et al.*, 2005; Nyamwasa *et al.*, 2010; Van Hoyweghen, 1999). Other reasons include ethnic tensions (Bruce, 2007; Magnarella, 2005), political representation and unresolved governance issues (Nyamwasa *et al.*, 2010)

### 2.2.2. Post-conflict

According to (FAO, 2005) and (Kurtenbach *et al.*, 2012) post-conflict is the period which starts when the hostility end, hence leads to the commencement of international aid. This period is characterised by destruction of infrastructure and housing, death and injury, hunger and starvation, displacement of people, forced eviction, negative social and psychological effects, changes in values and expectations, limited government capacity, limited national ownership of recovery plans, little capacity to manage reconstruction process and significant opportunities for corruption (FAO, 2005). In order to minimize the risk of returning back to conflict situation the efforts for total reinstatement of peace, justice and tranquility should be made, as well as addressing the major causes of the conflict (Pantev, 2006; Wehrmann, 2008). Post-conflict situation is complex and complicated with regard to Housing, Land and Property (HLP) aspects. Due to complicated situation it is hardly possible to produce a guideline which can suit all post-conflict countries. Instead the rights regarding to HLP should be considered during post-conflict period (UN-HABITAT, 2007). Having various land related challenges such as unclear ownership

right (Zevenbergen *et al.*, 2010), may bring some difficulties in dealing with housing, land and property issues.

Again scholars highlight the issue of gender sensitive through maximum involvement of women during post-conflict period. Regardless how vulnerable the women are in post-conflict period, they still have a great traditional roles in the community (Anten, 2009; UN-HABITAT, 2007; Wehrmann, 2008). Women roles are very crucial although some of local leaders might not welcome and support the idea due to customary ties.

### 2.3. Phases of post-conflict

Numerous authors describe post-conflict phases basing on either time period or activities being undertaken. Maier (2010) reveals three phases of post-conflict include emergency phase, transformation phase and development phase. The emergency phase involves the provision of emergency humanitarian needs and this can be done with 12 months since the end hostility. Transformation phase takes 12 to 36 months whereby various preparatory activities are being carried out. The last phase is the development phase which involves the institutionalization of a long- term development programmes, the duration for this phase is 4 to 10 years. Combination of first two phases makes early recovery phase although the categorisation of the phases vary from country to country. Still according to Rostow's theory of stages of economic growth every country might have its own experience. However there is an assumption that post-conflict countries pass through the similar stages in post-conflict situation although the process is not linear (FAO, 2005; OECD, 2012, 2010). Recognition of non-linearity of early post-conflict phases leads to much emphasis on overlapping relationship among the phases.

*“The phases should not be understood as absolute, fixed, time-bound or having clear boundaries. Similarly, different geographic, ethnic, language, religious, regions or groups within a country emerging from conflict are likely to be in different phases”*(Nepad, 2005).

Additionally Nepad (2005) stipulates three major phases of post conflict emergency , transition and development as illustrated in Figure 2.2 below

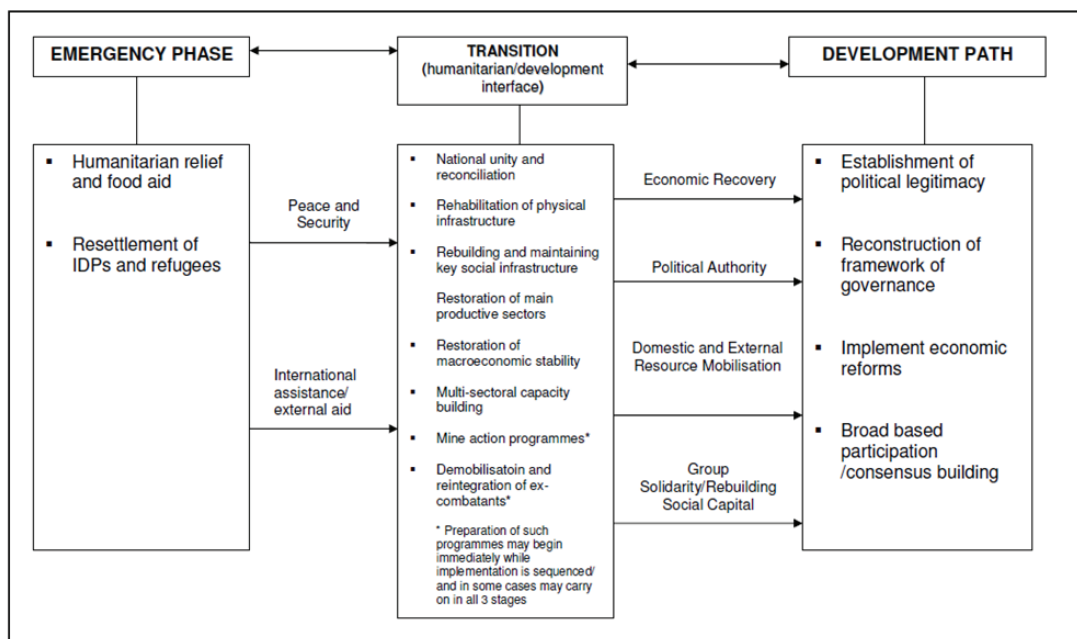


Figure 2.2: Post-conflict phases, Nepad (2005)

FAO (2005) points out activities in post-conflict which have three major targets emergency relief, development of policy and implementation of policy. Emergency activities are all humanitarian services, reconstruction of destroyed infrastructures and set up of basic governance. While activities for the development of policy include identification of policy priorities, establishment of government institutions as well as administrative infrastructures, recruitment of core experts, development of interim policy and development of long-term policies. The activities undertaken during the period of implementation of policy are definition of institutions within the laws, implementation of policy strategies, and changes in livelihood strategy. Bailey *et al.* (2009) indicates six phases of post-conflict which tend to overlap to one another. The phases are humanitarian phase, peace building phase, early recovery phase, stabilisation phase, development phase and state building phase. Author argues that finding out exactly when a certain phase end is not worth the trouble. Rather emphasise on the achievements of the goals during post-conflict phases, through a number of inter-related activities within overlapping phases. Figure 2.3 below illustrates post-conflict phases presented by authors in different way.

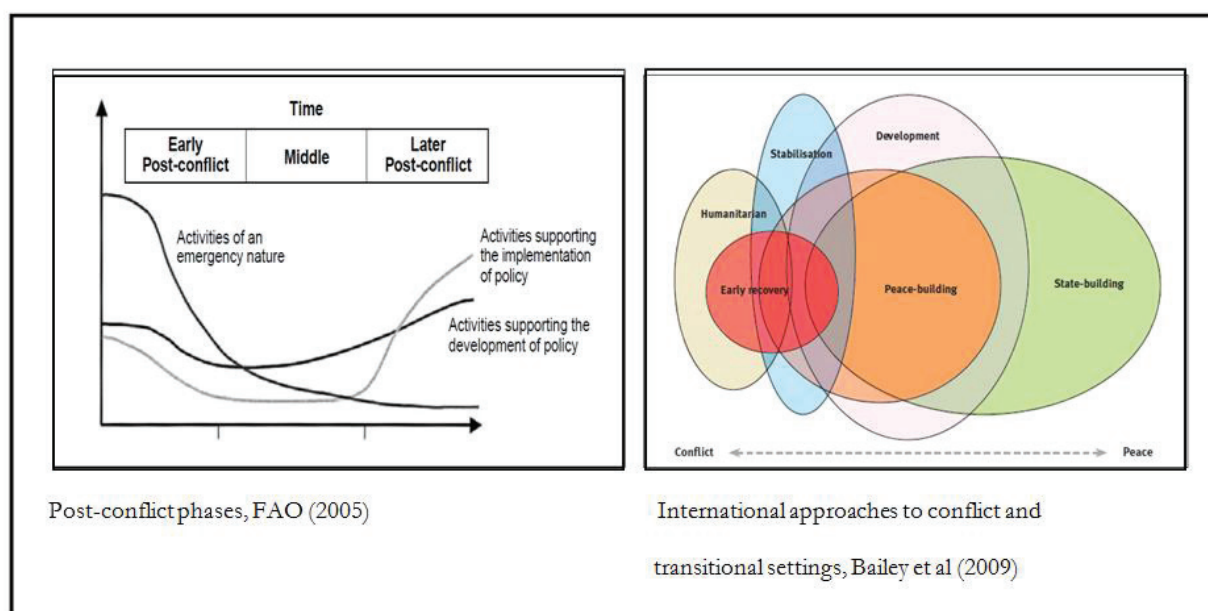


Figure 2.3: Post-conflict phases, FAO (2005) and Bailey et al (2009)

Post-conflict phases are also regarded as three idealised phases as explained below:

**Phase I** (0-3 years): this phase involves humanitarian activities as well as the identification of priorities which manifest the transition to sustainable development

**Phase II** (4-7 years): this is a transition period to normal government activities as well as the establishment of legal and institutional framework

**Phase III** (8-10 years): during this phase the country becomes more independent and confident in sustainable development process and is the right time for more comprehensive planning and strategies (UNDP, n.d.).

Murekezi (2012) points out post-conflict phases based on the experience from Rwanda. Major post-conflict phases including emergency phase, rehabilitation & reconstruction phase and development phase. The emergency phase (1994-1997), a number of activities are carried out during this phase include guarantee security, rehabilitation and reconstruction of social infrastructure, rebuilding public administrative system, fostering justice and rule of law, promote human rights, reconcile society,

prohibition of ethnic discrimination and resettling the returnees. Rehabilitation and reconstruction phase (1997- 2002) involves reform of public service, reconciliation programmes, introduction of community police force, national dialogue on the country needs, initiation of decentralization process, election of local leaders from cell to district level and the provision of social and physical infrastructure at the local level while development phase (since 2002) emphasises the efforts for the transformation of the country economy.

Description from various scholars shows numerous post-conflict phases, for this study post-conflict phases include emergency, early recovery and reconstruction which take into account activities undertaken and not time period. This categorisation considers overlapping features of post-conflict phases as shown in Figure 1.1 and ensures coverage of all activities which take place during post-conflict situation. Relationship between post-conflict phases as categorised by Murekezi (2012) and that which is under this study is illustrated in Figure 2.4 below.

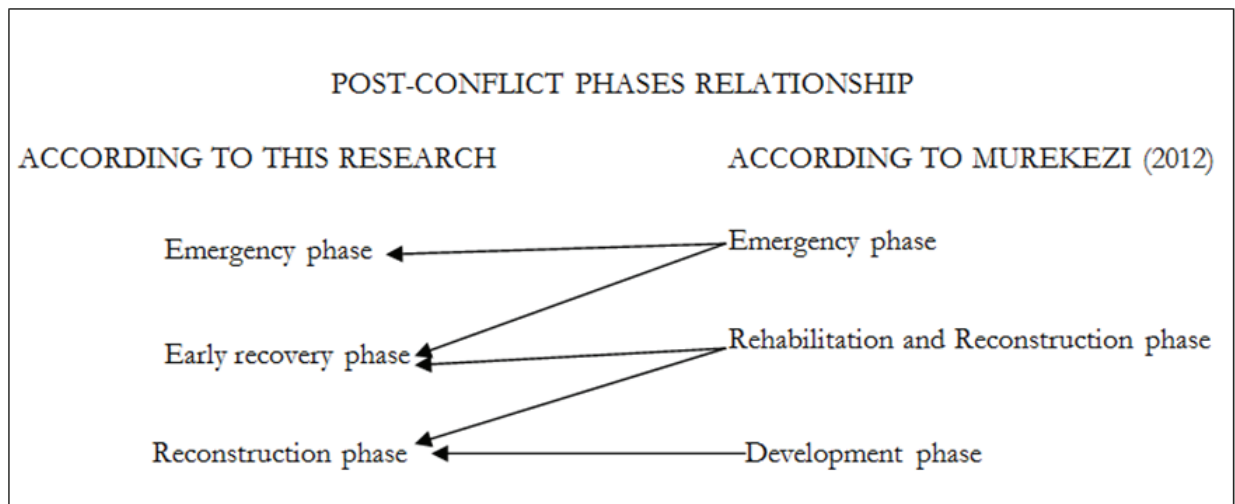


Figure 2.4: Post-conflict phases relationship, Author (2013)

From Figure 2.4 above:

- Activities undertaken in emergency phases according to Murekezi (2012) include some activities which fall under emergency and others under early recovery phase in this study
- Activities carried out in rehabilitation and reconstruction phase according to Murekezi (2012) categorisation, have some activities which fall under early recovery and others under reconstruction phase in this study
- Activities undertaken in development phase of Murekezi (2012) categorisation correspond to reconstruction phase under this study

This study looks on features of various post-conflict phases but with much focus on early recovery period.

## 2.4. Land administration and post-conflict land administration

### 2.4.1. Land administration

UN/ECE (1996) describes land administration as the process of determining, recording and disseminating of information about land ownership, value and use when implementing land management policies. Hence the existing land administration system in developing countries has to be improved since it is the



infrastructure for the implementation of land policies. Moreover (Williamson *et al.*, 2010) stipulate the global land administration perspective in ensuring the link between four functions of land administration namely land tenure, land value, land use and land development for effective land use management and efficient land market, in order to achieve sustainable development.

The authors described how land administration is very crucial for every country including post-conflict countries but there is not enough elaboration on how this can be achieved in post-conflict situation. This study intends to find out how the actors in early recovery post-conflict play the great role in land administration. In this study UN/ECE definition of land administration is considered as ground rule for development of land administration best practices.

#### **2.4.2. Post-conflict land administration**

Post-conflict land administration is characterised by the absence and/or limited prioritisation of land policy, existence of discriminatory land laws, internally displaced people (IDPs) issues, returnees and refugees need for land, land grabbing by powerful individuals and poor management information systems for updating records (Augustinus *et al.*, 2006; FAO, 2005). In most countries they focus on managing the conflict and ignoring rebuilding of land administration in the early period (Byamugisha, 2013). Although some of post-conflict countries made some efforts to carryout land administration and still undertaken in unclear manner because of the effects of post-conflict characteristics (Van der Molen *et al.*, 2004).

Post-conflict land administration involves humanitarians in land issues at first glance, regardless of absence and/or little knowledge and experiences in land issues. Usually they use uncomplicated guidelines which emphasise on not reinstating conflict or a war torn situation (UN-HABITAT, 2009). Experience in most of the countries shows that land professional are not trained in inter-disciplinary manner and usually become incapable in handling land administration in post-conflict situation. Most of them have plenty of knowledge on country legal procedures in undertaking land administration. Efforts should be made to train existing land professional concerning conflict and post-conflict issues along with including post-conflict field in the institutions offering land programmes (Zevenbergen *et al.*, 2010).

Byamugisha (2013) insists that investment in land policy development should be a priority in post-conflict country. The formulated land policy should facilitate the handling of existing land problems and minimising the risk of the occurrence of the new conflict. Land professionals might be useful in undertaking this process as well as a provision of professional advice concerning identification priorities in policy formulation as well as implementation (FAO, 2005). Unruh (2012) indicates that the formulation of a poor land policy may not consider the rights of Internal Displaced Persons (IDPs) living in urban and peri-urban areas and sometimes may facilitate forced evictions. Hence the community may not enjoy their rights to land, since the eviction is supported by new policy and laws. Moreover USAID (2005) and Huggins *et al.* (2005) insist on a necessity of designing a conflict-sensitive policy. This design should include various factors such as generation of interactive environment in land reform agenda for good governance; ensure accountability, strategies to move from rule of power to rule of law, strategic partnerships with development partner and civil society. Furthermore suggests gender mainstreaming in land issues, reforming land professional educational system along with emerging role of Information Communication Technology (ICT) as a governance tool (Zimmermann, 2004). Hence international agencies realise a need to solve problems associated with land scarcity and land tenure insecurity as it has a great impact on food security and post-conflict reconstruction. Author considers conflict sensitive policy as among the means of ensuring tenure and food security and socio-economic development as a whole (Van der Zwan, 2010).

Land records are very important as a proof of ownership in handling land claims and disputes during post-conflict situation. (UN-HABITAT, 2007) indicates that availability of land records might be more helpful in solving land problems than non-existence any record. However in many cases conflicting groups may hide land records and usually these become inaccessible (Unruh, 2014). Having no strategy for land records there is a high possibility of losing it as a result of registry or cadastre destruction and/or being stolen as well (Todorovski, 2011). Relying on paper based system increases the extent of vulnerability of records because there is no means for backup, usually bringing some difficulty in dealing with land claims (Zevenbergen *et al.*, 2010). Further there is a need to ensure security for available land records during post-conflict and/or take it to a secure place (Zevenbergen *et al.*, 2004).

### **2.4.3. Post-conflict land administration in Rwanda**

This sub-section provides description on post-conflict land administration in Rwanda. Description focus on access to land, handling returnees land claims, restitution and Housing Land and Property (HLP) rights. It also includes land redistribution, land sharing, and involvement of actors.

#### **2.4.3.1. Access to land to people**

It is very challenging to address land issues, especially access to land during peace making (Unruh, 2003). Actually there is indispensable link between land problems handling and a better future of post-conflict country like Rwanda (Van Hoyweghen, 1999). Access to land in Rwanda has been associated with absence of legal, institutional and regulatory framework which raises a need for making strategies of dealing with land problems (Musahara, 2006). Rurangwa (2004) indicates a problem of IDPs, refugees and loss of properties as among the issues which dominate Rwandan society after genocide.

There are two major groups of returnees in Rwanda, which lead to complicated overlapping land claims. It includes “1959 Refugees” who are also called “old caseload”, this is a group of people who left a country from 1959 onwards and return back in the end of 1994. While “1994 Refugees” (new caseload) left a country immediately after genocide and returned back in the end of 1996 to 1997 (Musahara *et al.*, 2005). Take into account that ethnicity of returnees who dominate “1959 Refugees” (old caseload) group is different from “1994 Refugees” (new caseload) group. Perhaps not surprisingly returning population occupies land and properties which are not theirs upon their return (USAID, 2005).

#### **2.4.3.2. Handling returnees land claims**

The Republic of Rwanda (1993) provides Articles 2 of a Protocol in Arusha Peace Agreement which allows returnees to occupy any available land without threaten a right of another person. Arusha Peace Agreement considers a right to property to every individual in Rwanda and insists on restoring properties to real owners. Presence of overlapping land claims of “1959 Refugees” and “1994 Refugees” lead to complications in achieving the goals of restitution. For sake of dealing with restitution challenges, parties in peace Agreement recommend people who stayed outside a country for more than ten years not to claim their original land. Instead a government might compensate them or provide a place to settle. This rule is called “Ten Years Rule” and Peace Accord considers it as a means of promoting peace, unity, harmony and reconciliation in Rwandan society (The Republic of Rwanda, 1993). There is argument upon the clarity of this rule, because a straightforward meaning of “should not” is just a suggestion and not obligation as how has been perceived by many. The obligatory interpretation of a rule aims at handling existing overlapping land claims and fostering peace and reconciliation. Eventually “1959 Refugees” obeyed this rule and it came into practice (UNHCR, 1998). However there are some cases were some “1959 Refugees” who have close connection with local leaders, managed to claim and get back their

original lands (Laurel, 2004). The mentioned claim was successful but it is against the rule and being done in unfaith and illegal manner.

Pottier (2006) stipulates a presence of a lot of complications in implementation of Ten Years Rule and being regarded as political solution to the prevailing land claims (Jones, 2003). In reality it is very painfully for returnees not to claim their original land but they just obey the rule so as to preserve peace and avoid the occurrence of violence. Moreover “Ten Years Rule” extremely affects “1959 Refugees” (old caseload) (Huggins, 2009). Generally this rule is considered to be a measure of reconciliation (Bruce, 2007; Jones, 2003).

#### **2.4.3.3. Restitution and Housing Land and Property (HLP) rights**

In respect of restitution of Housing Land and Property (HLP) rights “1994 Refugees” enjoy this right accordingly and “1959 Refugees” become victims. Claims presented by “1994 Refugees” were acceptable because they abide with a rule, since these returnees stayed outside a country for less than ten years. International standards such as Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro) safeguard the rights of refugees and IDPs in relation to HLP restitution. These principles can be addressed during peace making and Peace Agreement document needs to provide a clear description on HLP rights in order to ensure justice in handling land claims. Arusha Peace Agreement seems to threaten the rights of “1959 Refugees” due to lack clear aspects and provision concerning HLP. A treatment given to “1959 Refugees” is considered as a violation of international standards such as Pinheiro principles and considered as discrimination (COHRE, 2007).

Bruce (2007) point out violated Pinheiro principles in Rwanda. Ones which relate to land administration include principle 18.1 (HLP legislative measures for restitution) and 21.1 (compensation during restitution process). Bruce (2009) argues that violation of some rules Rwanda government has managed to handle land issue and brings peace, stability and harmony. Further considers “Ten Year Rule” as a right political decision, taking into account that there was existence of enormous of overlapping land claims. Again, Pinheiro principles are not obligatory, one can adhere to or not.

#### **2.4.3.4. Land redistribution and land sharing**

Again, landless returnees within the group of “1959 Refugees” get access to land through redistribution of state land such as part of Akagera National park, Gishwati mountain forest and communal wood land (Hajabakiga, 2004; Huggins, 2009; Payne, 2011; Rugadya *et al.*, 2006; Rurangwa, 2004). As they have stayed out of the country for more than ten years and they are not supposed to claim back land. In order to ensure access to land to returnees, some provinces applied land sharing approach (Hajabakiga, 2004). Bruce (2007) stipulates about a number of meetings arranged by province governor at province office for the purpose of finding a solution for land problems, especially access to land. Government encourages this approach as it helps to solve landlessness problems Hajabakiga (2004).

Huggins (2009) considers land sharing as anti-eviction strategy for secondary occupiers. Land sharing was very successful in Kibungo district (currently eastern province) but no written evidence or empirical data on this is available (Bruce, 2009). Despite the success obtained there are emerging lands disputes due to land sharing, regardless of people’s readiness to adopt it (Huggins, 2009; Musahara *et al.*, 2005; Rurangwa, 2013). The number of disputes tend to vary from place to place (Musahara *et al.*, 2005). Not surprisingly landlessness problem was not well tackled through redistribution of state land and land sharing (Rurangwa, 2004).

Approach of land sharing is popular being recognised as a voluntary approach associated with local initiatives but Bruce (2009) explains that it is not a purely voluntary approach because there are some elements of government pressure on it. Furthermore (Musahara *et al.*, 2005) allude on how such a significant approach being done without any regulation and being practised differently in every province. It is important to use a comprehensive approach in handling problem of landless returnees. There is a necessity of considering intervals while redistributing state land, because a number of land less returnees keep on increasing in different time period. They hardly doubt if all reserve will keep on being redistributed. This could put a country in a risk of losing wildlife. They further insist on preservation of protected land because it contributes to a country's economy through tourism.

#### **2.4.3.5. Involvement of actors**

This sub-section describes involvement of only advocacy groups and international organisations in Rwanda. Government and citizens' involvement have been elaborated in other subsections including access to land, handling returnees land claims, restitution and HLP rights, land redistribution and land sharing.

Musahara *et al.* (2005) and Gready (2010) illuminate that advocacy groups play a great role in many aspects and land administration as well. In Rwanda local NGO and civil society are weak; they cannot provide any criticism concerning land matters. Many of these NGO do not perform advocacy role instead they just support government programmes. This is among the reasons for weak involvement of advocacy groups in policy formulation. There is a need for advocacy work to be undertaken in independent manner and not being influenced by the government. In addition Palmer (2004) points to the need to capacitate local NGO and civil society organisation in order to bring awareness concerning land rights. Since a society faces many challenges such as overlapping land claims.

Bruce (2009) alludes that UNHCR was mandated in Arusha Peace Agreement to deal with returning refugees. During emergency phase UNHCR provided emergency shelter and other essential social infrastructures. In collaboration with other international agencies such British Direct Aid (BDA) and International Organisation for Migration (IOM), they used to arrange transport facilities for IDPs, back to their original lands. Furthermore UNHCR works in village settlement programme "Imidugudu" through supporting construction and improvement of houses. It also involved in site identification and planning as well as technical and supervisory role in construction of houses. All these activities took place in the end of emergency throughout early recovery phase. Unfortunately UNHCR gets into involvement in land issues through "Imidugudu" programme. UNHCR was regarded as supporters of this programme because they play a great role, even performing some roles which were supposed to be done by the government. However village settlement programme proofs some failures (RISD, 1999).

UNHCR/Rwanda (2000) explains that upon a successful land sharing process, UNHCR continue to support people through supply of construction materials as well as involves in actual construction of houses, in similar manner as they did in village settlement programme. UNHCR (1998) points out other roles played by UNHCR in post-conflict Rwanda relating to women and children rights. It provides supports to Rwanda Female Journalists Association (ARFEM), Women Parliamentarians' Forum and local associations such as Association of the Defence of Women and Children's Rights-Rwanda (HAGURUKA). UNHCR also provides expertise in drafting the Bill on inheritance and marriage settlements.

## 2.5. Actors in post-conflict land administration in general

Post-conflict land administration involves a number of actors which comprises actors within a country and from other countries. USAID (2005) emphasise involvement of both government and non-government actors, for effective development in post-conflict situation. Nevertheless FAO (2005) recommends the following actors policy makers, legislators, land administrators, government agencies, local people (returnees, IDPs, squatters and secondary land occupiers), bilateral and multilateral agencies, local leaders, NGO, and academicians. Again involvement of actors in various land related activities enable a post-conflict government to get an insight on the reasons for failure of some strategies (Huggins *et al.*, 2005). This can be done through workshops, forum and meetings. (UN-HABITAT, 2009) indicates the existing challenges among actors and work environment because most of government and international actors undertake various activities in cities whereby rural population seems to be automatically excluded. However interest among actors keep on increasing but there are many obstacles in coordinating various actors so as to allow intensive interventions According to (EU-UN, 2012) there is a great involvement of EU and UN actors in post-conflict situation. Other actors mentioned in (McAuslan, 2007) are FAO, USAID, World Bank, UN-Habitat, Oxfam, UNHCR and humanitarian actors (Bruce, 2009; Palmer, 2004; UN-HABITAT, 2009). Further the author argues that international actors working in post-conflict situation should be highly coordinated and adopting common approach in order to avoid overlaps in carrying out various activities (McAuslan, 2007).

## 2.6. Activities undertaken in post-conflict land administration in general

This section describes the handling of IDPs and returnees in post-conflict period, restitution and HLP rights, land sharing, establishment of institutions and land policy formulation.

### 2.6.1. Handling IDPs and Returnees in post-conflict period

Displacement seems to be a common situation during a post-conflict situation. Experience from a number of post-conflict countries indicates necessity of developing policies and programmes, in order to handle displacement issues very urgently (Leckie, 2009). Again Van der Zwan (2010) indicates a necessity of dealing with land issues with regards to IDPs and returnees. Usually post-conflict countries strive to achieve equal distribution of land in order to preserve peace and stability (AUC-ECA-AfDB Consortium, 2010 -b). For the sake of ensuring access to land to IDPs and returnees, some post-conflict government releases portions of available state land and redistribute it to returnee in order to ensure access to land for their livelihood (USAID, 2005).

### 2.6.2. Restitution and HLP rights

It is important to undertake restitution because influence on social, economic, political and security recovery. In dealing with returnees and IDPs most of post-conflict governments set out strategies for restitution programmes (Unruh, 2014). According to Grover *et al.* (2004) restitution is a human right, thus it should be promoted and preserved. Barry (2011) insists on restitution strategies to be fair in order to maintain peace and stability. Author also emphasises on a clear government administrative structure and land tenure rule prior the restitution of land and property to people.

UN-HABITAT (2007) acknowledges a complexity in dealing with HLP rights during post-conflict land administration which leads to impossibility of having a single guideline which might cover all aspects of post-conflict countries. With consideration that post-conflict countries tend to vary from one another. Leckie (2009) illuminates UN agencies made efforts in addressing HLP rights but in many cases is not achieved. Further realises a need to have clear approaches which could help to handle HLP challenges in order to meet the goals. Augustinus *et al.* (2004) and Alden Wiley (2009) indicate the importance

considering all existing tenure system, not just written land rights and finding various sources of evidence of ownership while dealing with HLP claims and during development of strategies for restitution.

While dealing with HLP rights and restitution there are still many challenges concerning adverse possession. These challenges hinder a progress of restitution, because some of laws pertaining adverse possession can prevent restitution. This is because prevailing laws during post-conflict situation does not provide clarification on validity of land claims via adverse possession in terms of period of occupation (Unruh, 2012).

USAID (2005) indicates the usefulness of having commission for property and claims in addressing restitution at large. According to Van Leeuwen (2010) Peace Agreement in some post-conflict countries stipulates about the right of returning population to get back their original land. (Barry, 2011) insists on a need for a government to understand how to solve land disputes and the need for International NGO and national organisation to intervene the emerging land disputes through initiations of strategies to deal with it.

### **2.6.3. Land sharing**

UN-HABITAT (2009) applies land sharing in a context that it insist on sharing of land between informal settlement occupier and original land owner, aim is to deal with land dispute arise through informal occupation of land in post-conflict situation. Managing informal settlements arise due to settling of many IDPs in urban areas. Also land sharing can be used in dealing with land disputes occur due to informal occupation of land. Moreover there is a promotion in carrying out land sharing in informal settlement as one of strategy of dealing with informal settlement in post-conflict situation. This is done through provision of a short term lease rights in order to avoid eviction of informal land occupiers (EU-UN, 2012).

### **2.6.4. Establishment of institutions**

AUC-ECA-AfDB Consortium (2010 -a) recognises a necessity of establishing land institutions in post conflict countries, in order to manage land problems. Introducing a cadastre seems to be as important in order to help the handling of land problems raised after the conflict period. Cadastre to ensures appropriateness to needs and adaptability to development, through the aspect of book-keeping/accounting principles (Zevenbergen *et al.*, 2010). Although it does not assure the possibility of being useful in handling all existing land problems (Van der Molen *et al.*, 2004). Moreover a use of GIS tool in a cadastre might help to support land administration system (Barry *et al.*, 2009).

### **2.6.5. Land policy formulation**

Formulated land policy should protect land rights of people in the community including IDPs. It should not threaten people's rights. For instance in post-conflict Angola new land policy, laws and constitution facilitate eviction instead of protecting people's land rights. Thus a process of land policy formulation needs to consider and promote land rights of all existing groups (Unruh, 2012).

USAID (2005) describe that implementer, government land agency and academicians work together in developing policy recommendations and drafting legislation on land conflict resolution. Most of discussions are undertaken in cities following top-down approach without considering interaction among actors. This leads to lack of reality of existing land and property problems, rural areas in particular (Unruh, 2012). For the sake of developing a viable land policy UN-HABITAT (2009) realises a gap which exists between humanitarians and other actors including land professionals. Therefore proposes strategies which

ensure their involvement in development of policy tools. Van der Zwan (2010) entails necessity for practitioners and policy makers to understand interests of existing group in order to ensure equity in access to land as well as equal distribution of land.

Nonetheless there should be a link between investment in agricultural infrastructure and land policy approaches in order to strengthen agricultural production for food security and create economic opportunities. Post-conflict land policy should promote agriculture for a viable peace and stability. (USAID, 2005; Van der Zwan, 2010).

## **2.7. Roles of actors in post-conflict land administration in general**

Generally the following are the roles of actors in post-conflict land administration.

FAO (2005) recognises land administrators as important actors in post-conflict situation. Further proposes advisory role to be played by them including establishment of partnership with other actors, seek advice from other actors concerning appropriate approaches for land policy formulation and implementation, gathering relevant information concerning land administration and access to land, provide feedback to the government about the features of access to land, promote debates and sensitization of appropriate approaches to ensure access to land, identify existing land problems which might need great attention and priority and make sure that the issue of access to land is well described during reconciliation.

Furthermore other roles are involvement in land policy formulation, interaction with other actors during policy formulation in order to foresee future needs, ensuring that there is violation of international conventions on land issues, assist in the decentralization of land administration institutions, promote justice and fairness among all groups in a society, involvement in rebuilding of land administration system, promote application of human rights standards during formulation and implementation of land administration system and bringing awareness concerning land rights and land administration services to affected groups (FAO, 2005).

USAID (2005) alludes international actors' role in provision of training to other actors working in post-conflict situation. Training focuses on conflict resolution skills in connection to land issues. During the trainings international actors take into account involvement of government officials at all levels and local people. UN-HABITAT (2009) cautions humanitarian actors not to be forced to be involved in land disputes adjudication rather let existing bodies perform this role; although there is a need to understand capacity of land disputes resolution bodies. This is advised in order to avoid a possibility of threaten people's land rights. It is better to trace and understand nature of land disputes and capacity of adjudication bodies for the purposes of addressing it in land policy discussions.

Moreover UN-HABITAT (2007) gives out the roles to be performed by a forum of actors involved in policy formulation. Further, UN-Habitat recommends roles of UN-Habitat actors in post-conflict land administration specifically in countries with land records. EU-UN (2012) focus on provision of roles of only EU-UN actors which is not sufficient in carrying out post-conflict land administration since roles of other actors are left aside and not being addressed.

Bruce (2007) argues that most of international actors they do not understand nature of land claims and land issues in general. This brings difficulties in performing their roles with regard to land issues. For

instance international actors in Rwanda they failed to understand that land claims were social and politically grounded.

Palmer (2004) describes roles played by Oxfam while involving in post-conflict land administration. These roles include provision of support on land issues, particularly land policy formulation, helping and supporting displaced farmers and support land related local NGO with the aim of protecting people rights. A part from that Oxfam used to comment on drafts of land policy in post-conflict countries through criticising various aspects but in a very secretive manner. It also shares its experience from other post-conflict countries with numerous actors as well as promoting a need for capacity building to local NGO and civil society.

Furthermore Bruce (2007) suggests roles to be performed by international humanitarian actors during peace making and post-conflict situation together. It includes re-establishment of security of tenure, capacity building to local civil society on land matters, encourage public consultation on land policy and law changes, provide awareness on international standards during peace agreement, supporting non-land based facilities to returnees. Again international humanitarian actors should address needs of vulnerable groups during peace agreement, ensure involvement of NGO and other competence actors in land policy formulation and in planning for returnees, promoting restitution as a better solution for land claims.

## **2.8. Guidelines on post-conflict land administration**

There are several guidelines for post-conflict land administration but background guidelines in this study include (EU-UN, 2012; FAO, 2005; UN-HABITAT, 2007, 2009; USAID, 2005). From guidelines there are descriptions of several land related issues and overall post-conflict situation with regard to land.

Every guideline aimed at handling land issues in post conflict situation on its own perspective. UN-HABITAT (2007) intends to serve post-conflict land administration in countries with land records. Whereas UN-HABITAT (2009) comes out with a guideline which might support humanitarian actors as it has been recognised that humanitarians lack knowledge and experience on land issues. Although they should seek advice from land tenure experts; because following contents of a guideline is not sufficient to consider them as land experts. According to EU-UN (2012) the hand book aim to serve senior EU and UN officials at country and regional level, central and local government officials in post-conflict situation, NGO, civil society, land professionals and conflict resolution experts. Again (USAID, 2005) considers all practitioners and officers involved in land related programmes while (FAO, 2005) focuses on land tenure and land administration experts specifically in rebuilding land tenure and land administration in rural areas.

Since humanitarians lack knowledge on land issues UN-HABITAT (2009) aims to capacitate them in order to link land issues in their activities and other post-conflict discussions. In practices activities are carried out based on key issues and in a context of “Do No Harm”. UN-HABITAT (2007) indicates a need for a connection between security of tenure, land administration, HLP rights. EU-UN (2012) facilitate early, systematic and sustainable support to address land grievances and conflict along with provision of a framework in addressing land related challenges based on international experience. Further there is much emphasis on a link between land professionals and conflict resolution experts in various activities. This might enable improvement of international capacity in addressing land related conflicts.

FAO (2005) describes overview of post-conflict situation which is very helpful to officials who had no experience working in post-conflict situation. Apart from that it provides advice to land tenure and land administration experts on specific land related issues such as restitution, land records, land claims, dispute resolution and policy development. USAID (2005) considers land issues in context of economic growth,



governance and environment. It emphasises on bringing awareness on the link between land, development assistance and conflict. This might support officials to integrate land programmes and conflict context as well as a rapid appraisal guide. Moreover focus on intervention during discussions might lead to the understanding of conflict and enables the formulation of the improved strategies for intervention.

The mentioned guidelines discuss common aspects concerning post-conflict land administration such as restitution, dispute resolution, displacement and land record. Besides FAO (2005) describes the same aspects based on access to rural areas. Use of country cases to illustrate land issues seem to be common in all guidelines. Nevertheless EU-UN (2012) and FAO (2005) indicate the need of inter-disciplinary expertise such land professionals and conflict resolution experts.

## **2.9. Summary**

This chapter has illustrated various concepts relating to this research. It includes conflict, post-conflict, post-conflict phases, land administration, post-conflict land administration in general and post-conflict land administration in Rwanda. Furthermore provides description on actors in post-conflict land administration, activities undertaken, roles of actors and guidelines on post-conflict land administration. Next chapter will deal with research methodology and study area.

## 3. RESEARCH METHODOLOGY AND STUDY AREA

### 3.1. Introduction

This chapter gives out description on research methodology, study area, identification of actors, sampling, research process, data collection, limitation in data collection and data analysis. These sections lead to awareness on the applied research methodology and study areas.

### 3.2. Research methodology

In this research qualitative research method was adopted in order to understand roles of actors in early recovery post-conflict land administration in Rwanda. Later a qualitative methodology enables to obtain answers of research questions. Kumar (2005) describes that a qualitative study can be undertaken if the main goal of a research is the description of a situation, phenomenon, problem or event, through the use of variables in data gathering. Moreover Silverman (2010) considers a qualitative research as a suitable methodology in providing answers to questions of interest.

However this research adopted a case study approach for sake of understanding roles of actors in early recovery post-conflict land administration. According to Yin (2003) a case study ensure the investigation of a contemporary phenomenon within its real life context, especially when the boundaries between phenomenon and context are not clearly evidenced. Through intensive analysis, generalisations might be made and can be applied to other cases of the same type (Kumar, 2005). Nevertheless a case study is not sufficient in gathering the information about the study; there is a need to find other information from other secondary sources. Having multiple sources of data will lead to the clear understanding of role of actors in early recovery post-conflict land administration.

Gathering of data from other sources was done through intensive literature review. This is a supplement of data obtained from case study. Thus ensures availability of enough information on land administration in early recovery post-conflict period.

### 3.3. Study areas

The study areas include Rukara and Gahini sectors in Kayonza district in Eastern Province. These sectors are among 12 sectors within Kayonza district, having purely rural characteristics. Rukara and Gahini sectors are adjoining sectors as shown in Figure 3.1 below, having a total population of 31,283 and 34,830 respectively (The Republic of Rwanda, 2012). These two specific sectors enabled understanding of the roles of citizens and local leaders during its involvement in early recovery post conflict land administration. These sectors have been selected because are among the sectors which have received a massive returnees during 1997.



formulating a model for post-conflict phases, justification of study, main objective of the research and conceptual framework. Next phase is “fieldwork” phase which involves gathering of data from government, citizens and advocacy groups. Primary data was collected through structured and semi-structured interviews while secondary data obtained includes laws and policies, reports and maps. However a literature review is carried out through the research. “After fieldwork” phase involves analysis of data through UML, actor mapping technique and interest and power matrix. Later on a discussion of findings against relevant literature was made in order to come out with conclusion and recommendations. Figure 3.2 below highlights a research process.

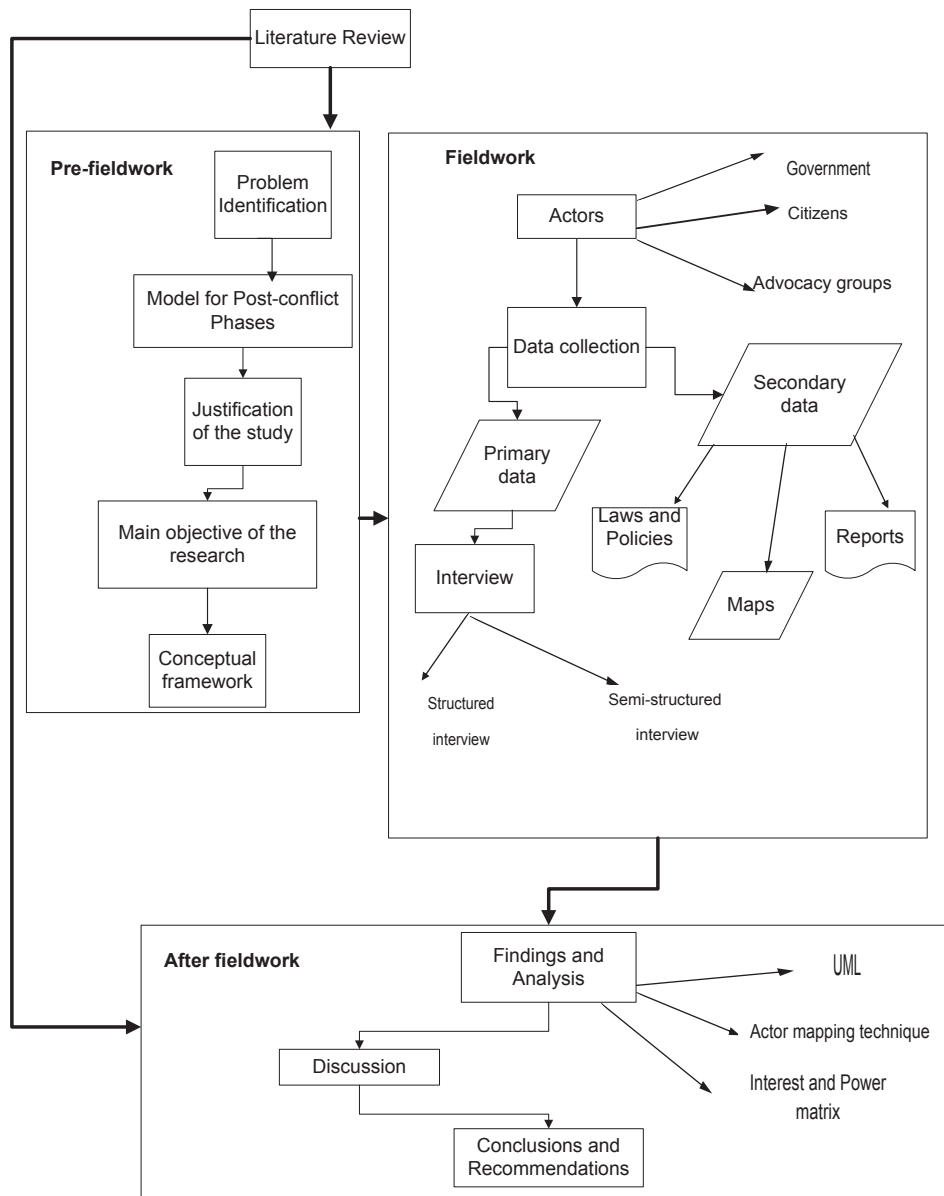


Figure 3.2: Research process

### 3.7. Data collection

Data was collected from various key informants within each category of actors. This enabled to get clear understanding of the roles of all actors involved during early recovery post-conflict land administration.

### 3.7.1. Primary data

Yin (2003) describes interview as one of method of collecting data in undertaking case study. Since this research undergo a case study approach, the primary data collection was done through both structured and semi-structured interviews. Having already prepared questions within a research topic enabled to control the interview not being distorted by the respondent's ideas or views. However a semi-structured interview allowed flexibility and gave chance to the interviewee to provide new ideas which are within the context of the early recovery post-conflict land administration. Closed and open ended questions were used in order to get all possible responses on the phenomenon. Kumar (2005) explains usefulness of interview because it ensures in-depth gathering of information and having a chance of clarifying the questions. The interviewed actors enabled the understanding of the involvement of others actors and give an insight in their roles, how they interacted including challenges they faced. Table 3.1 below shows the interviewed key informants.

Actor category	Key informants	Number of respondents interviewed
GOVERNMENT	Policy makers	1
	Government land official ( Land and Mapping department)	1
	Former government land officials	1
	Land professionals in Kayonza district in Eastern province	1
	Head of sector (Gahini sector) in Kayonza district	1
	Head of sector (Rukara sector) in Kayonza district	1
CITIZENS	Citizens (Gahini sector) in Kayonza district	7
	Citizens (Rukara sector) in Kayonza district	10
ADVOCACY GROUP	Academics in land profession	2
	<b>TOTAL</b>	<b>25</b>

**Table 3.1: Interviewed Key informants**

### 3.7.2. Secondary data

Secondary data were collected through reviewing documents obtained from actors being interviewed; these documents may include laws and policies (National Land Policy 2004, and other official gazettes related to land), reports (Rwanda vision 2020 and REMA report) and maps in digital format whereby RNRA provided GIS data which enables extraction of maps for visualization of redistribution of Akagera National Park and study areas.

### 3.8. Limitation in data collection

Due to language barrier the interview was conducted with citizens by using a translator. The questions were asked in English following by "Kinyarwanda" version from a translator .However the interview questions were translated into "Kinyarwanda" before starting the schedule for conducting interviews. All other interview conducted with other respondents was done in using English language. Moreover there were unsuccessful responses on interview appointment requests to some of targeted respondents such as Rwanda Initiative for Sustainable Development (RISD) and UNHCR Hence there is a need to search information through websites.

### 3.9. Data analysis

Data which was obtained through interviews (structured and semi-structured) was recorded in transcripts. The compilation of information from interview (structured and semi-structured) and secondary sources; allowed descriptive analysis of roles of actors and how it can be attributed in guidelines. In addition UML use case diagram, Actor Mapping, Interest and Power matrix were also adopted for further analysis of data.

#### 3.9.1. UML use case diagram

According to Eriksson *et al.* (2004) a UML use case diagram contains model elements for a system, actors, and use cases and shows their relationships. Usually there are three major parts of use case modelling include:

- System: means boundaries of a system or a subject, this owns a set of use cases. In UML is represented as a box.
- Actors: is someone or something that interacts within a system. In UML is represented as a standard stereotype icon of a stickman with a name of actor beneath the figure; normally placed outside the boundaries of a system.
- Use case: represents functionality for an actor, which includes all actions performed by actors in a system. In UML is represented as an ellipsis containing the name of the use (details), normally placed inside the boundaries of a system.

#### 3.9.2. Actors mapping technique

Falisse (2008) describes actors mapping as an identification work on actors in a given project, sector or country, for better understanding of enshrinement in relational dynamics which influence development process. The purposes of mapping actors in various activities or projects are explained below:

- Provide a wider overview on actors in comprehensive development process
- Serves as a tool that enables a cross-analysis of actors in general framework
- A tool that offers an interpretation of social reality
- Mappings can be useful in the programming cycle, in identification and programme elaboration phase.
- It is important during the implementation of project and future evaluation or review
- Useful in wider framework of comprehensive strategy.

Biggs *et al.* (2004) indicate the usefulness of actor oriented tools as:

- Visual presentation and analysis of strengths, weakness and opportunities in the system
- Enable recognition of strengths which lead to the analysis of institutional implications
- Provide a framework for changes in perceptions of roles and relationships among actors
- Provide appropriate tool for use by groups
- Provide tool for planning, monitoring and evaluation

Mason *et al.* (2005) describe a conflict mapping as overall representation of a specific view point (of person or group mapping) at a specific moment. This enables visualisation of actors influence on the conflict, clarify relationship between actors in a conflict and representing a conflict theme or issue. Representation in conflict mapping was adopted for representation of actors involved in various activities during early recovery post-conflict land administration. Figure 3.3 illustrates a mapping of conflict actors which is a basis for mapping of actors in this research.

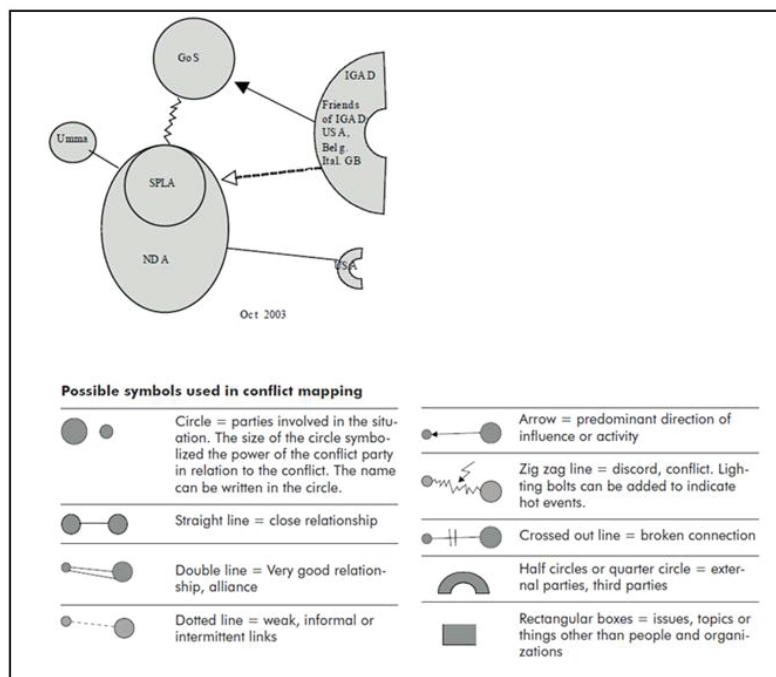


Figure 3.3: Conflict mapping, Mason et al (2005)

### 3.9.3. Interest and power matrix

According to Johnson *et al.* (1999) interest and power matrix is important tool for assessment of expectations and impact of certain actors in activity or project carried out. The matrix analyses two major questions including how interested is each individual actor or group in impressing the expectations on decisions and whether the actors have means and power to do so and the following is the description of the matrix.

- **Quadrant A “Keep Satisfied”**, this quadrant shows low interest and high power; the actors in this group tend to work closely and they have impact of the activity undertaken. The regulatory bodies fall under this category. Since the actors are powerful enough but low interest, the efforts should be done in order to shift them and become key players.
- **Quadrant B “Key Players”**, this quadrant illustrates high interest and power; the high power may either bring positive or negative effect. Actors involvement in the activity is high and should work close for the achievement of the goal. Usually the decision making authorities have the highest power among other actors.
- **Quadrant C “Keep Informed”**, this quadrant shows a high interest and low power. Regardless of high interest they have in undertaking activities, they have not enough power to make things being done. These actors have valuable contribution and they should be informed about the activity.
- **Quadrant D “Minimum Efforts”**, this quadrant shows low interest and power although there is a need of keeping informing the actors about the activity being undertaken but it is advised not to make much effort to them. Mostly the general public and marginalised group are under this category.

Figure 3.4 below illustrate interest and power matrix

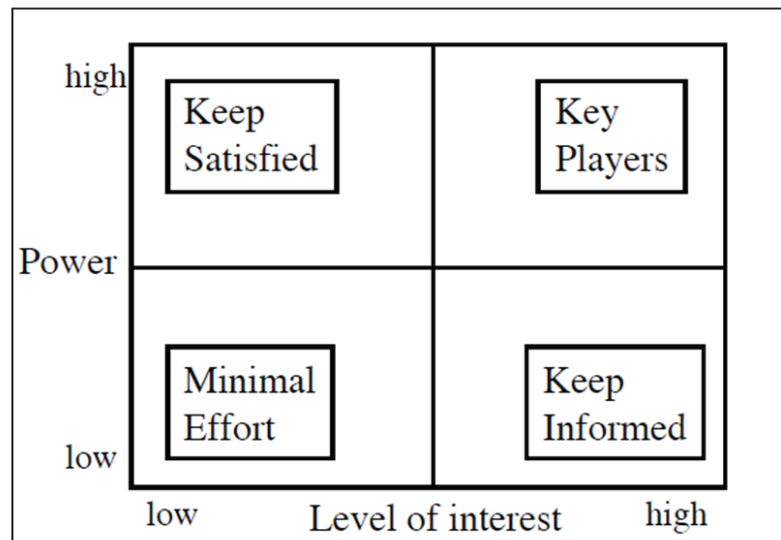


Figure 3.4: Interest and Power matrix, Johnson et al (1999)

### 3.10. Summary

This chapter described research methodology, study areas, identification of actors, sampling and research process. Further it provides elaboration on data collection, limitation in data collection and data analysis. The following chapter will give out an in-depth analysis of data and findings.



## 4. FINDINGS AND ANALYSIS OF DATA

### 4.1. Introduction

This chapter gives out findings and analysis of land administration during the early recovery post-conflict land administration focusing on role of actors in case of Rwanda. The source of the data being analysed are the interviewed respondents under category of government, citizens (from Gahini and Rukara sector) and advocacy groups particularly academicians in land profession as well as secondary data sources. In addition information concerning NGO and International Organisations will be described through reviewing literatures. In this chapter there are various sections describing timeline for land related activities during early recovery post-conflict period, overview of land administration in early recovery post-conflict, categories of identified actors in early recovery post-conflict land administration, identified land related activities and actors interaction in early recovery post-conflict, roles of actors in early recovery post-conflict land administration. Description from these sections enables better understanding of the actors roles in early recovery post-conflict land administration in Rwanda. UML use case diagram, actors mapping technique and interest and power matrix are used together with a descriptive analysis of land related activities. In analysing the handling of returnees land claims and establishment of ministry of lands, only descriptive analysis is used because these activities are self explanatory. Actors mapping technique and interest and power matrix are not used in analysing land redistribution, because a government have full mandate and power over state land.

### 4.2. Timeline for land related activities in early recovery post-conflict period

Interview conducted during a fieldwork as shown in Appendix 2, enabled collection of data concerning land related activities between year 1997 and 1999 and year 2000 and 2002, results in a timeline of early recovery post-conflict period. In 2003 a draft of National Land Policy was complete and in the same year the amended Constitution was adopted. The amended part of the constitution emphasise equal rights to land and property and prohibition of any form of discrimination (The Republic of Rwanda, 2003, 2004). Furthermore the interview reveals that during early recovery post-conflict period, most of citizens were not aware of the country vision “2020” and National Land Policy in comparison with other respondents. Figure 4.1 below shows a timeline of early recovery post-conflict period. Bear in mind that time period for land sharing and returnees land claims is specifically for interviewed sectors (Rukara and Gahini).

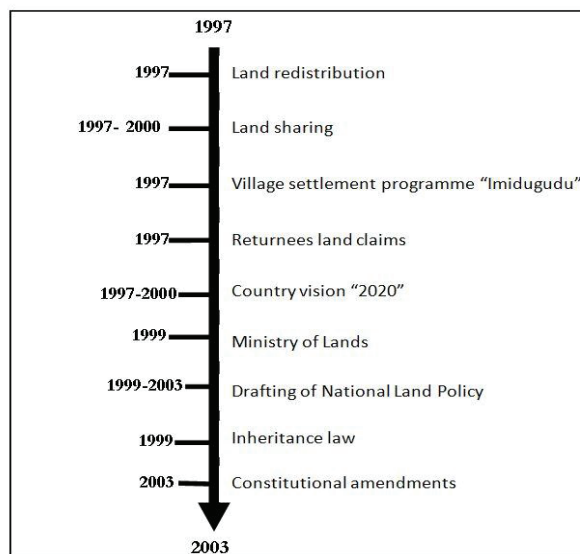


Figure 4.1: Timeline for land related activities during early recovery post-conflict period

Source: Author based on Fieldwork interview, 2013

### 4.3. Overview of land administration in early recovery post-conflict land administration

UN/ECE (1996) provides definition of land administration which considers land ownership, land value and land use as three major aspects in land administration. The following is overview of land administration in early recovery post-conflict period basing on fieldwork data (Appendix 2), in relation to land administration definition.

#### 4.3.1. Land ownership

Securing land ownership rights was undertaken during early recovery post-conflict period but in sporadic manner. Information obtained through interview indicates that only few elites in towns and religious institutions demanded such service. Situation of having insecure ownership rights was the same even before genocide. Reason behind is absence of legal and institutional framework with regards to land ownership rights. According to The Republic of Rwanda (2004) there is a recognition of a need to ensure a clarity in legal and institutional framework with regard to land. When massive returnees arrived, the issue of land access came into question. Returnees were too many to be accommodated on the available land. Later land sharing and redistribution help to solve the problem of landless returnees. Important thing was to ensure access to land and security of tenure came later on.

#### 4.3.2. Land use

During early recovery post-conflict period there was no regulation for controlling land use; people used the land as they wish. This leads to improper land use among the land holders in both rural and urban areas. In recognition of the significant of proper land use, government address it in a country vision (The Republic of Rwanda, 2000). Government also introduces village settlement programme "imidugudu" in rural areas, in order to ensure proper land use management. Much emphasis on having a residential area separated from agriculture land, usually away from a dwelling house. This programme is considered to support proper land use management and facilitate the provision of social infrastructure such as roads, health centres and schools (The Republic of Rwanda, 1993). However a programme proofs some failures because it faces a number of challenges.

#### **4.3.3. Land value**

Government recognises the need for land to returnees and insist on access to land to everyone at any available location within Rwanda. Returnees can get land through either land sharing or land redistribution (The Republic of Rwanda, 2004), regardless differences in land value with the former land. People got land in various locations even the places where they do not prefer. This indicates that one should get access to land at any location for livelihood and not think of getting the land of the same value as before.

#### **4.4. Categories of identified actors in early recovery post-conflict land administration**

Early recovery post-conflict land administration involves numerous actors. Information obtained through interviews (illustrated in Appendix 2) stipulates various categories of actors as explained below.

##### **4.4.1. Government**

Fieldwork data reveals that government is among actors involved in early recovery post-conflict land administration, it includes government officials in both central and local government. Central government is overall controller and supervisor of all activities in early recovery post-conflict land administration. Ministries involved in land matters include Ministry of Agriculture (MINAGRI), Ministry of Infrastructure (MINFRA) and Ministry of Local Government (MINALOC).

MINAGRI dominates many activities concerning land; because this ministry was responsible to administer rural land in Rwanda. With regards to urban land its administration was under MINFRA. MINALOC focus on handling returnees' affairs at ministerial level. Actors at local level include head of cells and sectors.

Central government communicates and interacts with local government officials and other actors through meetings and workshops, which involves discussion concerning land matters. Officials in local government have mandate within a specific jurisdiction, it includes province governors, head of sectors and head of cells.

##### **4.4.2. Citizens**

Interviewees enable to understand involvement of citizens during early recovery post-conflict land administration. Citizens include local people and their representative whereby local people choose their representatives basing on existing groups in a community. During early recovery post-conflict period citizens had no knowledge on land matter, most of time they receive information and instructions from central government through meetings conducted at cells and sectors level. During meetings there is chance for discussion and provision of comments and suggestion basing on the subject matter. Citizens and leaders at cell and sector level have much contribution in some activities in land administration. Most of activities which have been undertaken basing on local initiatives seem to be very successful which leads to the achievement of goals. However respondents explain about the absence of consideration of citizens' involvement in undertaking other land related activities.

##### **4.4.3. Advocacy groups**

Fieldwork data reveals that advocacy groups were involved in early recovery post-conflict land administration; these include NGO such as RISD and LandNet, academicians in land profession and local associations such as Union of Agriculturalists and Stockholders in Rwanda (IMBARAGA) and HAGURUKA. NGO and academicians in land profession involve in advocacy of land and villagisation

program through various workshops and forums and researching on land matters. IMBARAGA works with rural population in promoting farming activities in connection to land issues. HAGURUKA promotes and defends women and children rights. NGO had very weak and little involvement although they play a great role in land administration during early recovery post-conflict period.

#### 4.4.4. International Organisations

Respondents explain about involvement of International organisations in early recovery post-conflict land administration, these organisations include Oxfam, UN-HABITAT and UNHCR. In these organisations there are experts having numerous knowledge and experience, which support early recovery post-conflict land administration. Land professionals from UN-HABITAT and Oxfam shares expert knowledge in land policy formulation. UNHCR much involves in housing issues, which is among the mandated activities. (The Republic of Rwanda 1993). Through interviews it has been realised that involvement of international organisations in various activities depends much on government willingness and acceptance to work with them.

#### 4.5. Identified land related activities and actors interaction

Identified land related activities includes land sharing, land redistribution, handling returnees land claims, establishment of the Ministry of lands and formulation of National Land Policy. The study considers the mentioned activities because they are major land related activities in Rwanda, which might contribute to state building (Anten, 2009). These activities also have some influence on land ownership, value and use (UN/ECE, 1996). The following is the description of identified land related activities and actors interaction in early recovery post-conflict. The description is based on the data collected during the interview with actors under category of citizens, government and advocacy groups (refers to Appendix 2).

##### 4.5.1. Land sharing

According to the data obtained from the fieldwork, land sharing involves a sub-division of land into two equal portions and enables individuals to enjoy a single portion. Governor of the Province (Prefet) arranges meetings with community through their representatives from the cell level. Meetings aim at finding solution of access to land to returnees. Through a number of meetings which involved discussion in groups; they consider land sharing approach as one of the solution. Afterwards cell leaders and other community representatives provide feedback to local people along with sensitisation. Table 4.1 below shows citizens' representatives in the decision for land sharing.

S/No	Member
1	Representatives of old caseload "1959 Refugees" (2)
2	Representatives of new caseload "1994 Refugees" (2)
3	Representatives of Internal Displaced People during genocide (2)
4	Representatives of Survivors of genocide (2)

**Table 4.1: Representatives during the meetings at Province Office**

**Source: Author based on Fieldwork interview, 2013**

When land sharing started there were no guideline or instruction on how to carry out the process and local initiatives enable the process to be carried out. Land committee formed at the cell level, in collaboration with the head of cells and sectors with the purpose of ensuring that the process is done in a justice manner

in order to preserve peace, harmony and reconciliation. With regard to Gahini and Rukara sectors land sharing was undertaken from 1997 to 2000. Whereby early occupier and another returnee occupy a sub-divided land, early occupier is given a first priority in choosing a portion after sub-division. Returnee assurance to get access to land depends on readiness of early occupier to share the identified land. Since land sharing is done under local initiatives along with government encouragement on the approach, many early occupiers did not hesitate to implement land sharing. For returnees who fail to get land through sharing, were accommodated to a redistributed state land and village settlement programme “Imidugudu”.

At the cell level they used to keep record on the local registry book (in Appendix 3) showing names of individuals who shared land, size of land owned by individuals after sharing process and their signatures. The approach of land sharing ensures access to land to returnees. Nevertheless fieldwork data indicates that a land for survivors of genocide and early occupier with small size of land were not liable for sharing.

UML use case diagram in figure 4.2 below shows the relationship among actors in terms of functionalities. Land sharing system comprises seven actors including returnee, early occupier, head of sector, head of cell, 1959 refugees’ representative, 1994 refugees’ representative and genocide survivor representative. Returnee identifies a land for sharing and notifies a head of cell. Before sharing a returnee, early occupier and head of cell measure the land and representatives witness sub-division. Both early occupier and a returnee should accept sub-division which is ready for sharing immediately after putting boundary. Head of cell is responsible to keep record and head of sector is overall supervisor of the process in all cells within a sector.

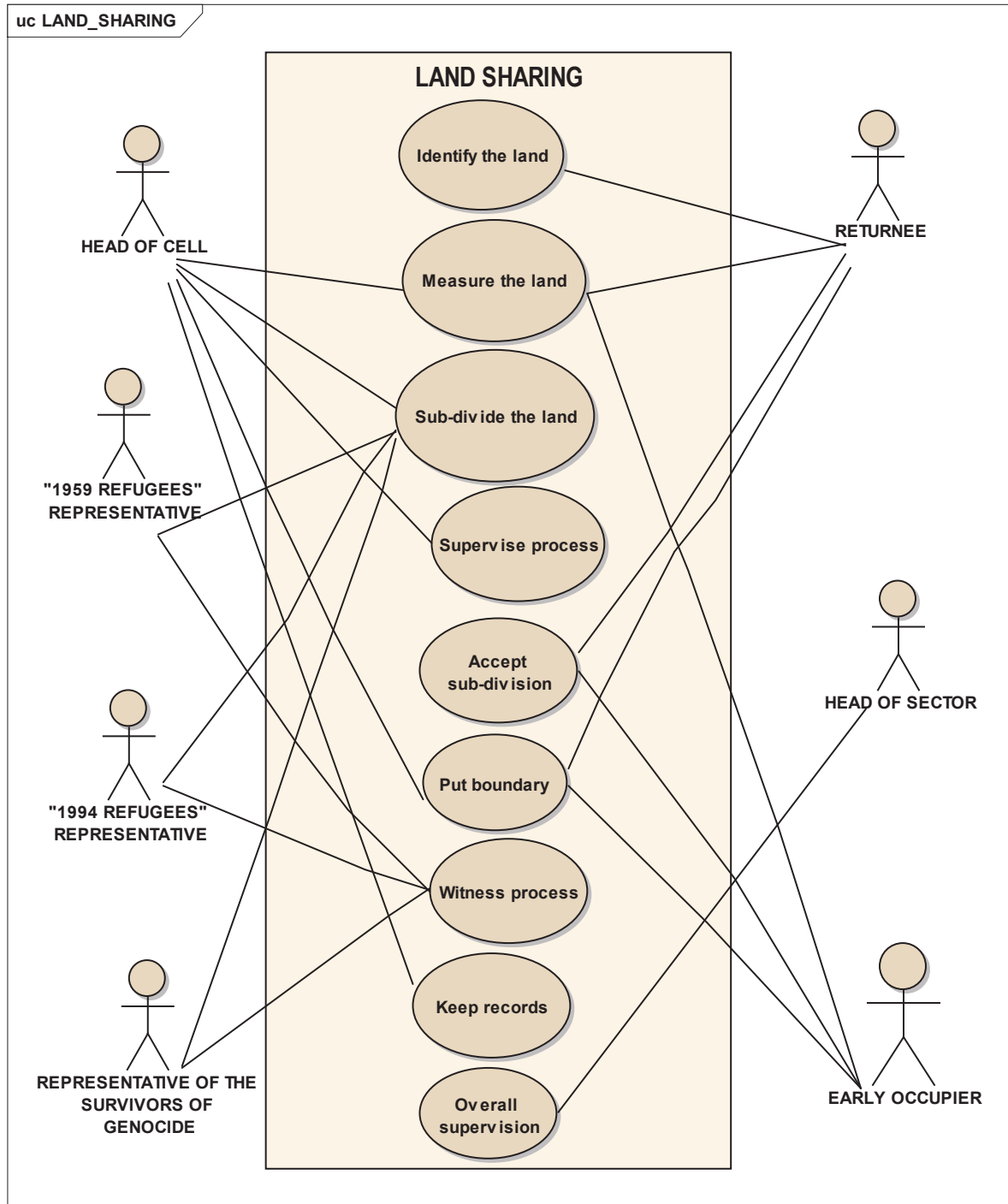


Figure 4.2: Use case diagram showing actors involved in land sharing

Actor mapping tool gives out a clear picture of the relationship among actors during land sharing and overview of the activity as well as overview of the activity. Figure 4.3 below shows land sharing as a subject in actors mapping and reveals a very good relationship among Head of cell (**HC**), Returnee (**RE**), early occupier (**EO**), "1959 Refugees" Representative (**R59**), "1994 Refugees" Representative (**R94**) and Genocide Survivors Representative (**SU**). Good relationship among mentioned actors is realised through cooperation and close interaction throughout the process of land sharing and every one played its own

role accordingly. They undertake activity basing on their own initiatives aim at achieving goals in a justice and peaceful manner. Actors perform their duties in transparent manner putting into consideration involvement of major groups in the society through their representatives. There is interaction between Head of cell (**HC**) and Head of sector (**HS**) during land sharing whereby Head of cell should submits reports on the activity undertaken. However Head of sectors is responsible to supervise and oversee the process in various cells within the sector. Fieldwork data from Gahini and Rukara sectors in Kayonza district in Eastern province reveals. However in other provinces within Rwanda the situation is different.

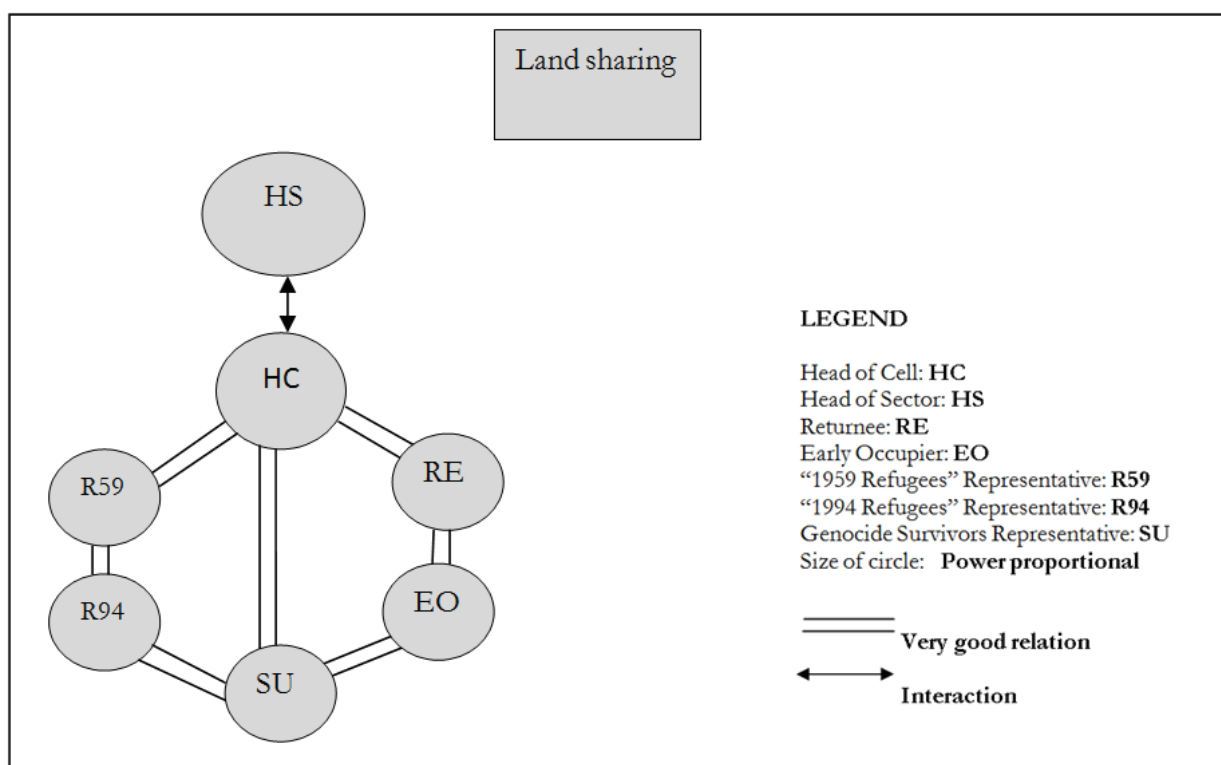


Figure 4.3: Actors mapping during land sharing

The use of Interest and power matrix enables to understand how interested is each actor in influencing the expectations on decisions and whether the actors have means and power with regard to land sharing. Interest and power matrix provide interpretation of position of actors within each quadrant. Figure 4.4 illustrates interest and power matrix in land sharing. Positions of actors in quadrant A and B are described as follows:

**Quadrant A “Keep Satisfied”,** Head of Sector (**HS**) appears in this quadrant because he is overall supervisor of land sharing activity which is undertaken in all cells within a sector. He should ensure justice during land sharing.

**Quadrant B “Key Players”,** Head of Cell (**HC**) is a leader and controller of all activities which take place during land sharing. Other actors who fall under this category are Returnee (**RE**), early occupier (**EO**), Genocide Survivor representative (**SU**), “1959 Refugees” representative (**R59**), “1994 Refugees” representative (**R94**). Mentioned actors are key players in land sharing and relative position of actors within a quadrant has implications. **HC** is at the top of all other actors, it implies that he has much power in controlling and leading land sharing process. Relative position between **RE** and **EO** illustrates the differences in interest, due to the reality that **RE** has much interest in carrying out sharing because he does

not own any land while **EO** has no much interest in land sharing because he has land and there is only a necessity of his acceptance to carry out land sharing. **SU**, **R59** and **R94** have same position in land sharing because they perform the same functions with exactly same power.

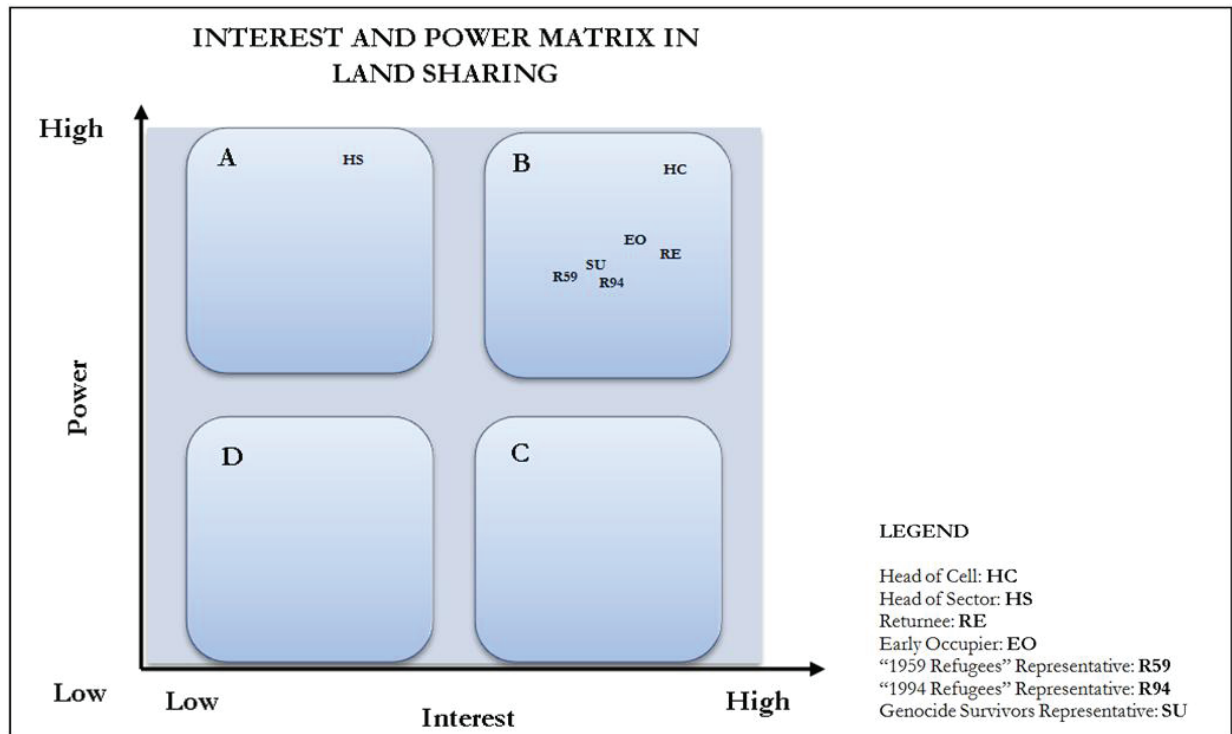


Figure 4.4: Interest and Power matrix in land sharing

Rural people depend on land for livelihood and land sharing approach is considered to be useful in solving the problem of landless and ensure access to land to returnees in rural areas. Data obtained illuminates that in the beginning land sharing was not well understood by some people in the community and leads difficulty for early land occupiers to release the land for sharing. Later on community understanding on land sharing increases and hence influence it to be successful. This innovative approach leads to unity and reconciliation in the society enables people to forget about their ethnic differences.

#### 4.5.2. Land redistribution

Fieldwork data provides a description on land redistribution which involves apportionment of land which was prior under government ownership and being given to other people. Redistributed lands for this case are parts of state lands such as forest, parks and other reserved land. In 1997 government decided to take more than two-thirds of Akagera National park in Eastern Province so as to accommodate the landless returnees (The Republic of Rwanda, 2004, 2009). This allows returnees who did not get land through land sharing to get access to land. Figure 4.5 illustrates redistribution of Akagera National park.



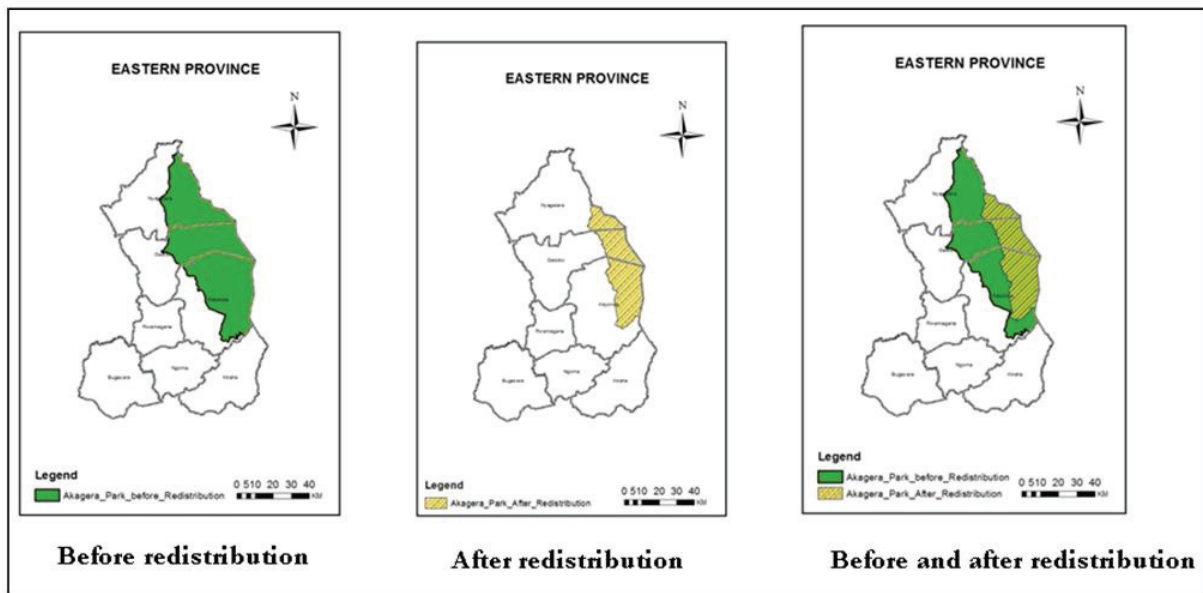


Figure 4.5: Akagera National Park before and after redistribution

Source: Author based on GIS data from RNRA, 2013

Land redistribution includes government, special land commission from government, head of cells and returnees. First government should release a state land ready to be distributed, and then a special land commission undertakes and supervise the process of redistribution together with head of cells. Using head of cells in redistribution process facilitate identification of landless people because people who do not have land, they used to report to head of cell. Government is a sole body which have mandate and power over state land. For this reason a decision to release parts of state land did not involve other actors. Only UML diagram is used to describe functionalities of actors involved in land redistribution. Later after government decision for allowing state land to be redistributed, actors other than government perform their roles during the implementation of land redistribution. Government has a vast role in land redistribution UML use case diagram in Figure 4.6 below shows the relationship among government, special land commission, head of cell and returnees in terms of performing different functions during land redistribution.

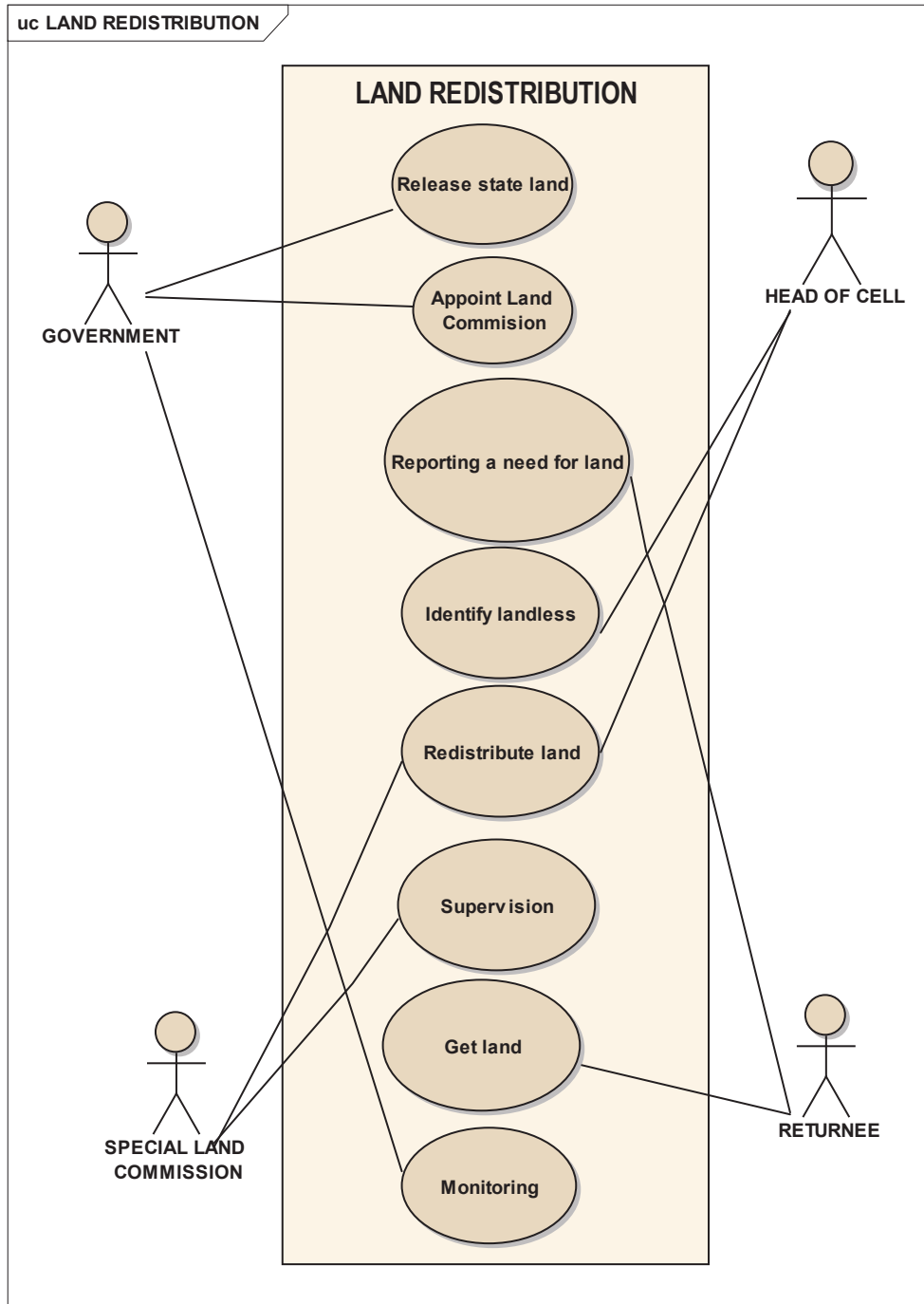


Figure 4.6: Use case diagram showing actors involved in land redistribution

#### 4.5.3. Handling returnees land claims

Fieldwork data reveals that due to existence of many overlapping land claims among returnees, government applied “Ten Years Rule” in order to solve the problems. The Republic of Rwanda (1993) provides instruction under Article 4 of the Protocol on Repatriation of Refugees and Resettlement of Internally Displaced Persons that “for those refugees who left the country for period more than ten years should not claim the land”. The returnees’ land claims were very serious and inevitable and government

adopts the rule to handle land claims. Old case load “1959 refugees” take some time to understand the rule, still they should obey. Again according to Article 2 of the same Protocol allows returnees to stay and occupy any land within a country, without interfering another person’s rights. Ten Years Rule was initiated for a purpose of promoting national reconciliation and some people consider this rule as a real measure of reconciliation. Further government ensures access to land to landless returnees through land sharing and land redistribution (The Republic of Rwanda, 1993, 2004).

#### 4.5.4. Establishment of Ministry of lands

Data obtained from the interviewed land officials indicates that land administration before 1999 was undertaken by two different ministries. Before the decision of the government on establishment of the Ministry of Lands, Resettlement and Environment in 1999 (The Republic of Rwanda); land in Rwanda was administered by two separate ministries which acted independent to each other. Rural land was administered by MINAGRI and urban land was administered by MINFRA. This situation brought a lot of complication in dealing with land matters as the whole. Later on government manages to harmonise rural and urban land administration as illustrated in Figure 4.7 below.

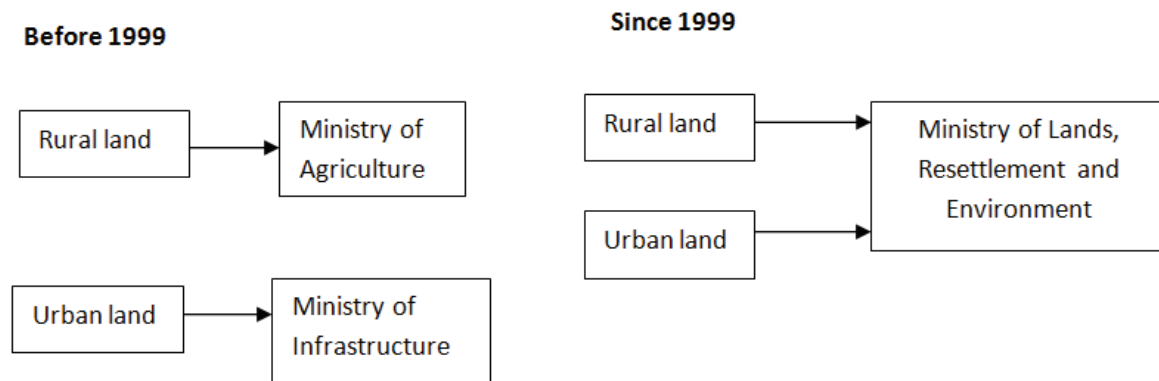


Figure 4.7: Administration of land before and during 1999

Source: Author based on Fieldwork interview, 2013

#### 4.5.5. Formulation of National Land Policy

Fieldwork data leads to understanding that Rwanda had no land policy even before genocide, land policy formulation process started in 1999. This process involves various actors who enable the accomplishment of a draft of a land policy. During the process of policy formulation every actor performs its own function and some actors used to perform same functions in some circumstances. UML use case diagram in Figure 4.8 below illustrates relationship among actors in terms of functions they perform during land policy formulation. In land policy formulation system there are eight actors namely government, Rwanda Land Professionals, Land Professionals from outside, Academicians in Land Profession, UN-HABITAT, OXFAM, RISD and LandNet, with various use cases. Before starting the formulation of land policy, available Rwanda Land Professionals visit other countries in order to gain experience on land matters especially policy formulation. OXFAM, UN-HABITAT, Rwanda Land Professional and Land Professional from outside the country draft land policy. Along with policy drafting UN-HABITAT, OXFAM and Land Professional from outside the country provide professional advice whenever necessary. RISD, LandNet and Academicians in Land Profession provide suggestions, comments as well as advocacy role. Government is the overall decision maker during policy formulation.

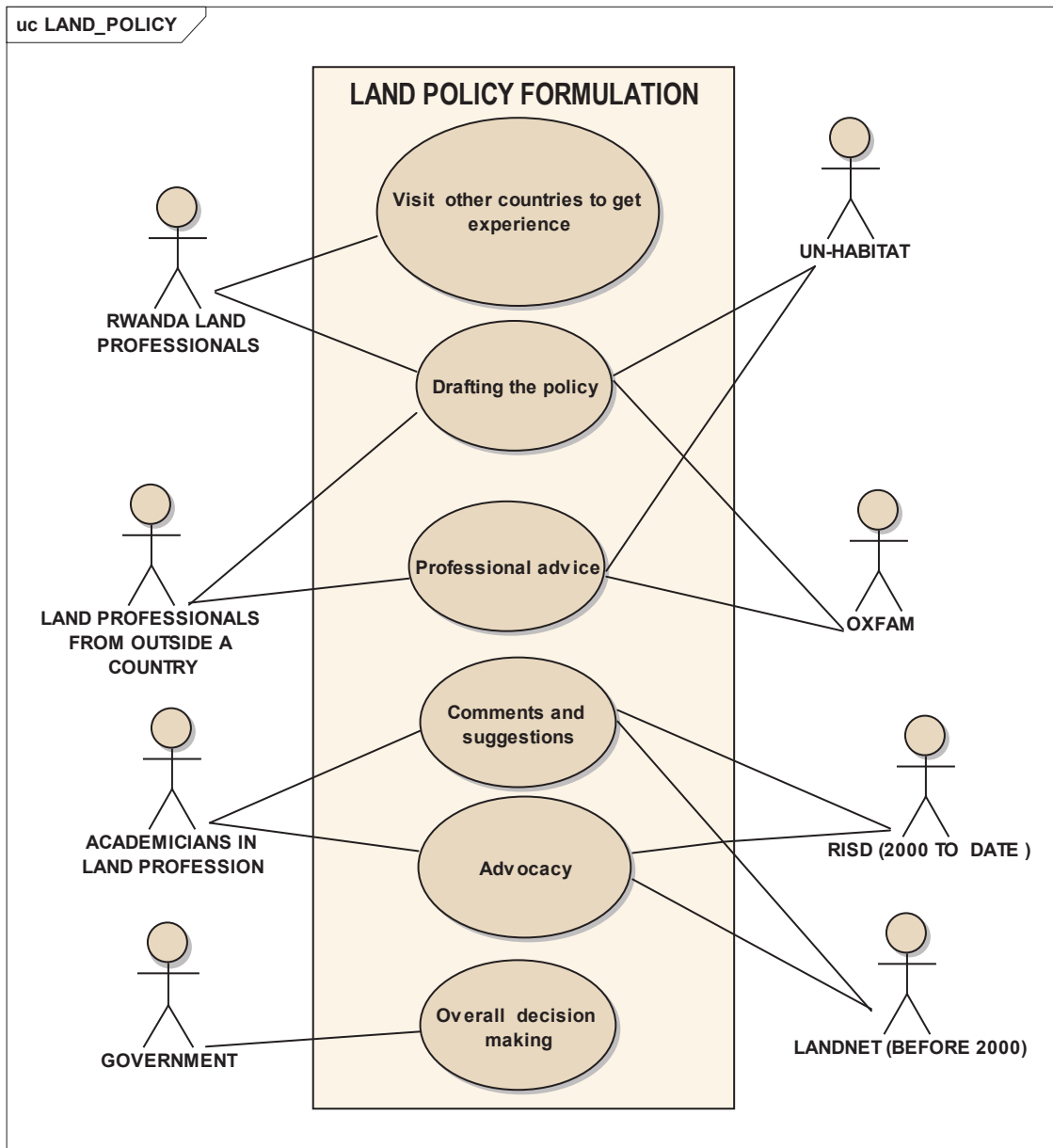


Figure 4.8: Use case diagram showing actors involved in land policy formulation

Actor mapping helps to describe relationship among various actors in land policy formulation as well as overview of the activity. Figure 4.9 below shows land policy formulation as a subject in actors mapping and reveals a very good relationship among Rwanda Land Professional (**RL**), Land Professional from outside (**OL**), OXFAM (**OX**) and UN-HABITAT (**HA**). These actors work together in land policy formulation through sharing of knowledge and exchange of experience concerning land matters, especially concerning land policy formulation. Government (**GO**) interacts with UN-HABITAT (**HA**) and OXFAM (**OX**) through its willingness to involve and work with land professionals from these organisation for a sake of gaining knowledge and experience. Nevertheless Government (**GO**) has much influence to Rwanda Land professionals in such a way that application of professional knowledge should abide prevailing political decisions. Land professionals from UN-HABITAT (**HA**) and OXFAM (**OX**) interacts through sharing knowledge concerning land and land policy issues during land policy formulation. Government (**GO**) has weak relationship with advocacy groups including LandNet, RISD and Academicians in Land profession. During a process of policy formulation advocacy groups provide

comments and suggestion on already formulated draft of land policy. Actors within this group do not work independently. However actors within advocacy groups interact during workshops and meetings with government concerning land matters.

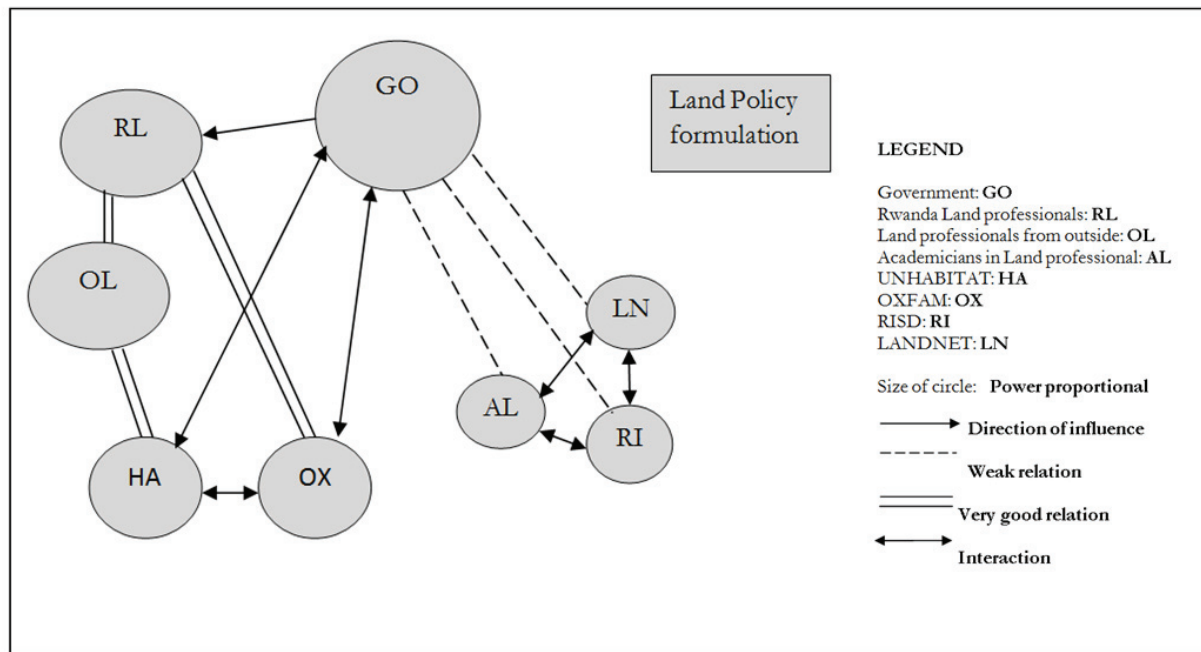


Figure 4.9: Actors mapping during land policy formulation

The use of Interest and power matrix enables to understand how interested is each actor in influencing the expectations on decisions and whether the actors have means and power with regard to policy formulation. The results from interest and power matrix facilitates better decision making, point out if there is any misuse of power, the need of empowering inferior actors as well as making efforts to deal with negative influencers. Interest and power matrix provide interpretation of position of actors within each quadrant. Figure 4.10 illustrates interest and power matrix in land policy formulation. Positions of actors in quadrant B and C are described as follows:

**Quadrant B “Key Players”**, Government of Rwanda (**GO**) has the highest power in decision making and is a controller of country affairs including land policy issues. Others who fall under this category are Rwanda land professionals (**RL**), land professional from outside the country (**OL**), UN-HABITAT (**HA**) and Oxfam (**OX**). **RL** have much power in comparison to **OL**, **HA** and **OX**, this is because they are working under a government and should fulfil government needs and instructions during land policy formulation. **OL**, **HA** and **OX** have same position in terms of power because they perform same functions during land policy formulation. Still they do not have influence on country affairs because they are coming outside Rwanda.

**Quadrant C “Keep Informed”**, Academicians in Land profession (**AL**), LandNet (**LN**) and Rwanda Initiative for Sustainable Development “RISD” (**RI**) appear in this quadrant. These actors have the great interest in land policy formulation despite the low power they have in the activity. The interview conducted reveals the gap between advocacy group and the government, because advocacy activities are not carried out in an independent manner and much affected by the government power. Since

involvement of NGO and civil society is very weak, it indicates lack of their contribution and interaction during land policy formulation.

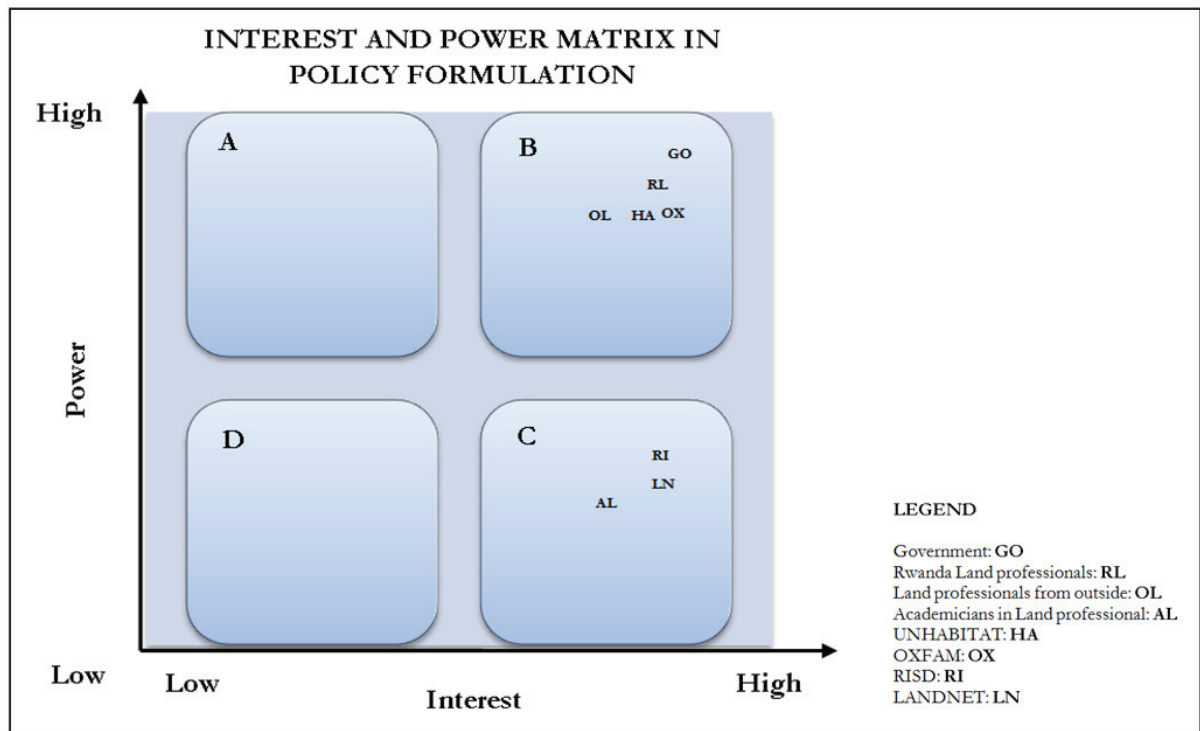


Figure 4.10: Interest and Power matrix in policy formulation

#### 4.6. Roles of actors in early recovery post-conflict land administration

Actors played various roles in land administration during early recovery post-conflict period. Interviews conducted with various actors lead to the understanding of their roles. Below is the description of the roles of actors summarised under government, citizens, advocacy groups and international organisations categories.

Early recovery post-conflict land administration involves a number of activities whereby Rwanda government plays a great role. Having mandate on state land, government decides to release parts of state land in order to accommodate returnees through land redistribution. Before redistribution of land the government appoints members of a special land commission which undertakes and supervises redistribution of land at local level. During the Peace Agreement there were some agreements and instructions concerning land and the government has a role to apply and implement aspects of agreement (The Republic of Rwanda, 1993). For example agreement on “Ten Years Rule” in Arusha Peace Accord enables handling of overlapping land claims of returnees.

Interviewees reveal that Rwanda had no institutional and legal framework concerning land administration; government establishes institution dealing with land such as Ministry of Land. After the establishment of Ministry of Lands the government ensures a proper land administration through handling both rural and urban land under the same ministry. In initiation of a process of land policy formulation, government lets the available Rwandans land professionals to visit other countries in order to gain experience on land matters especially land policy aspect. Moreover they accept and welcome land professionals from other

countries and from international organisations in order to get more professional advice, support and sharing of experience and knowledge.

Respondents declare recognition of local government officials in undertaking activities during early recovery post-conflict land administration whereby they play numerous roles in their jurisdictions. During land redistribution head of cells help in identification of landless people as well as working hand in hand with a special land commission for land redistribution. Province governors initiates and organize meetings with local people through their representatives in order to come out with a solution for access to land and other land related problems. Head of sector provide overall supervision of land related activities carried out at a local level such as land sharing. Moreover Head of cells provide feedback to local people concerning a prospective land sharing process and sensitisation through meetings. They also supervise and lead the process of land sharing at the cell level, including land sharing record keeping.

Interviewees report on involvement local people and representatives through roles performing various roles during early recovery post-conflict land administration. All groups existing in a community had their representatives including representatives of old caseload “1959 Refugees”, representatives of new caseload “1994 Refugees”, representatives of Internal Displaced People (IDPs) during Genocide and representatives of Survivors of Genocide. The representatives provide their ideas, views and opinions during discussions in meetings concerning a solution for access to land at the province office. They also play a role in providing feedback to local people concerning discussion held at a province office, together with sensitisation of land sharing in which they work together with a Head of cell.

Returnees manage to report their need on land to Head of cell and later on they got opportunity to identify a land for sharing. During land sharing early occupiers ensure cooperation through accepting to share their land with the returning population. Both returnees and early occupiers play a big role in undertaking land sharing process from the beginning until the accomplishment of process. Moreover representatives of citizens play role in sub-division of a shared land together with witnessing a process. However when government stipulates some rule in accordance to Arusha Peace Accord, citizens show cooperation through adherence of “Ten Years Rule” (Fieldwork data, 2013).

Fieldwork data reveals a weak involvement of advocacy groups and its contribution can be realised in few activities. Academicians in land profession and local NGO such as RISD, get opportunity to give out comments and suggestions on already drafted land policy. They also perform advocacy tasks and conducting research on land issues such as land use and villagisation programme. UN-HABITAT and Oxfam lay a role in formulation of land policy through drafting a policy. In addition they provide professional advice on land matters especially land policy issues. These organisations work together with existing Rwandans land professional and other land professional from outside Rwanda.

#### **4.7. Summary**

Basing on findings and analysis of data obtained from study areas, this chapter enables the understanding of role of actors in early recovery post-conflict land administration. a timeline of land related events occurred on specified period includes land redistribution, land sharing, village settlement programme “imidugudu”, returnees land claims, formulation country vision 2020, inheritance law and constitutional amendments. During early recovery post-conflict land administration ensuring access to land is very important at first while security of tenure will be tackled later on. While absences of land use regulation control dominates aspect of land use all over a country. Having such a challenge government initiates villagisation programme in rural areas in order to ensure proper land use management. Due to a great problem of access to land, returnees were to think of getting any piece of land regardless the difference s in land value with original land, since government did not consider it.

## 5. DISCUSSION

### 5.1. Introduction

This chapter discusses findings in reflection to the information available in literatures. First section discusses complications in determining early recovery post-conflict period in Rwanda. Other sections which provide further discussion of other aspects include identification of actors, identified land related activities and challenges encountered by actors. It also includes discussion on lessons learnt, roles of actors and roles of actors which could be attributed in guidelines.

### 5.2. Complications in determination of early recovery post-conflict period in Rwanda

Fieldwork data from various respondents in Rwanda (as shown in Appendix 2) enables identification of early recovery post-conflict period (from 1997 to 2003), based on land related activities which have been undertaken as shown in [Figure 4.1](#). Bruce (2007) argues on the difficulties in understanding conflict and post-conflict period due to the absence of coherence in differentiating these two periods. Reason for difficulties is the existence of many overlapping instances between conflict and post-conflict period in Rwanda. However FAO (2005) and Kurtenbach *et al.* (2012) clarify that conflict and post-conflict are precisely two distinct periods because post-conflict period starts immediately when hostility ends. Still Murekezi (2012) manages to describe post-conflict phases in Rwanda in a period of time when a conflict has stopped, this shows non-existence of overlaps between the two.

### 5.3. Identified actors involved during early recovery post-conflict land administration

Fieldwork data enhances identification of numerous actors; whereby identified actors are categorised in four major groups including government, citizens, advocacy groups and international organisations. Actors within a government are head of cells, head of sectors MINAGRI, MINFRA and MINALOC. Citizens comprise local people and citizens' representatives. Advocacy groups include NGO such as RISD and LandNet, local associations such as IMBARAGA and HAGURUKA and academicians in land profession. International organisations comprise Oxfam, UN-Habitat and UNHCR.

Findings show that government actors were involved in all identified activities and seem to be powerful. Citizens were much involved in land sharing and being undermined during land policy formulation. Involvement of actors in land related activities rely much on government willingness to allow them to perform various roles in land related activities. In other post-conflict countries there is involvement of FAO, USAID and World Bank (Bruce, 2009; McAuslan, 2007; Palmer, 2004). McAuslan (2007) insists that that international actors involved in post conflict period need to ensure cooperation with one another in order to avoid overlaps in carrying out activities in post-conflict situation. Whereas FAO (2005) insists involvement of all people during post-conflict situation by mentioning them in accordance to their groups. It includes returnees, IDPs, squatters and secondary land occupiers. Therefore there should be a full involvement of actors in early recovery post-conflict land administration, in order to understand needs and priorities concerning land matters.

### 5.4. Identified land related activities and actors interaction

Fieldwork data enables the identification of land related activities carried out in early recovery post-conflict land administration. These activities include land sharing, land redistribution; handling returnees land claims and formulation of land policy. Discussion is done based on the mentioned activities together



with descriptions of interaction of actors. This discussion enables to relate findings on identified land related activities against literature review information.

#### **5.4.1. Discussion on land sharing**

Findings show a successful land sharing approach in Gahini and Rukara sectors in Kayonza district in eastern province due to involvement and interaction among actors (Appendix 3). During initiation of land sharing a provincial governor arranges meetings with local people through their representatives. Meetings enable interaction among head of cell and representatives of “1959 Refugees”, “1994 Refugees”, survivors of genocide and IDPs during genocide. Throughout a number of days they conduct discussion in groups concerning land problems and means to ensure access to land in particular. Bruce (2007) confirms about arrangement of meetings at the provincial office.

During that period land sharing was undertaken under local people’s initiatives without any formal regulation or guideline. Implementation stage of land sharing involves sensitisation of the approach to citizens, whereby actors who attended meetings at a province level conduct meetings at their respective cells. Representatives of citizens from various groups in a society provide feedback to citizen on discussed land matters at the provincial office. This brings awareness to citizens and allows for comments and suggestions. Actual land sharing process involves head of sector as actor who should be kept satisfied with the process of sharing and head of cell, citizens, “1959 Refugees” representatives, “1994 Refugees” representatives and representative of the survivors of genocide as key players. The key players have interest and power in land sharing with relative small differences among them.

Process of land sharing is regarded to be complete, when a cell leader keeps records in a local registry book at a cell level (Appendix 3). Almost every province in Rwanda practiced land sharing in its own way. Findings from Rukara and Gahini sector also reveal that land sharing has been done in an appropriate manner and people were satisfied; since actors involved had great cooperation and close interaction during the whole process. Again, people consider it as a means for ensuring a real reconciliation and promotion of peace and harmony in the society. This enabled returnees to get access to land.

Bruce (2009) confirms that in Kibungo district (currently Eastern province) land sharing was successful, although it is difficult to get vivid data on the level of success because of lack of written evidence. Government encourages and supports this approach in order to solve the problem of landlessness and ensure access to land to “1959 Refugees” (Hajabakiga, 2004). Government acknowledges land sharing as a voluntary approach but it has some elements of suppression from government officials (Bruce, 2009).

Musahara *et al.* (2005) explain that the approach being undertaken in different manner within every province. Although the approach is the same but there is no uniformity and clarity in practice. Furthermore argue on how such a sensitive approach can be undertaken without any regulations while it is regarded as a means to ensure access to land to “1959 Refugees”. Perhaps there are some people who remained landless regardless of land sharing approach (Rurangwa, 2004). While interviewed respondents report about land sharing approach being a good approach and undertaken in a justice manner. Huggins (2009), Musahara *et al.* (2005) and Rurangwa (2004) consider land sharing being among the sources of land disputes in many places. Although there are some areas where land sharing leads to a few land disputes (Musahara *et al.*, 2005). Various scholars perceive land sharing in numerous ways for instance Huggins (2009) considers land sharing as a way of resisting the eviction of secondary land occupier. Again, land sharing is used as a strategy for promoting rights of informal land occupiers in urban settlement (EU-UN, 2012; UN-HABITAT, 2009).

So, in Rukara and Gahini sectors land sharing was successful in accordance to findings but in other places within Rwanda the situation is different. However the new Land Law 2013 has a provision concerning land sharing, which might lead to differences in results when conducting research in Rwanda during reconstruction phase.

#### **5.4.2. Discussion on land redistribution**

Findings reveal that redistribution of a part of Akagera National Park enables returnees in Rukara and Gahini to get access to land. AUC-ECA-AfDB Consortium (2010 -b) and USAID (2005) confirm redistribution of state land in many post-conflict countries in order to ensure access to land. Hajabakiga (2004) and Huggins (2009) also affirms on redistribution of state land in Rwanda but elaborate that land redistribution was specifically done to ensure access to land for “1959 Refugees”. Findings reveal that a targeted group for access to land through redistribution is returnees but Hajabakiga (2004) and Huggins (2009) mention “1959 Refugees” as a specified targeted group. This exercise relies much on government willingness to release state land for redistribution. During the process of land redistribution a government as a sole decision maker for state land, a special land commission, head of cells and returnees are major actors who made redistribution successful. Musahara *et al.* (2005) describe that redistribution of state land brings uncertainty to the future of the remaining state land, with consideration that Rwanda is a very small country. Hence there is a possibility of disappearing of important wildlife for tourism industry. If there is not any other means for ensuring access to land for returnees, redistribution of a part of state land is still considered as a good decision in solving landlessness problem.

#### **5.4.3. Discussion on handling returnees land claims**

Findings reveal that Rwanda government applied “Ten Years Rule” in handling returnees land claims in early recovery post-conflict period (Appendix 2) and (The Republic of Rwanda, 1993; UNHCR, 1998). COHRE (2007) opposes this rule and argue that the aspect of “Ten Years Rule” in a Peace Agreement Document, indicates the failure of Peace Agreement in providing a clear description of handling returnees land claims. Moreover scholars discourage “Ten Years Rule” because it threatens land rights for “1959 Refugees” (Grover *et al.*, 2004; Huggins, 2009; Jones, 2003 ). Bruce (2007), Jones (2003 ) and Pottier (2006) are also against this rule because it violates human rights and international standards such Pinheiro principles. However Bruce (2009) argues that international standards such as Pinheiro principle is not mandatory, therefore a post-conflict country can adhere to or not and insists on not much relying on conventions such as Pinheiro in handling returnees claims. As there are many challenges during its implementation. Still returnees’ land rights with regard to restitution rights need to be considered because it influences social, economic, political and security recovery as among the means of ensuring access to land to IDPs and returnees. (Unruh, 2014).

#### **5.4.4. Discussion on land policy formulation**

Findings show involvement of various actors in land policy formulation process. These actors include government, Rwanda Land Professionals, Land Professionals from outside, Academicians in Land Profession, UN-Habitat, OXFAM, RISD and LandNet (Appendix 2). Actors in land policy formulation interact with one another while performing their roles. Take into account that relationship between actors in land policy formulation differs and there is variation in level of interest and power among them. Due to lack of transparency in policy formulation, some of actors especially rural people are not considered (UN-HABITAT, 2009). Most of land activities relating to land policy formulation are undertaken in cities, where rural people cannot be available (Musahara *et al.*, 2005)

Process of policy formulation need to be done in comprehensive manner so as to allow the understanding of existing land problems (AUC-ECA-AfDB Consortium, 2010 -b). This might be achieved through involvement of all stakeholders. Byamugisha (2013) insists on making land policy formulation as a priority. A designed land policy have to be conflict sensitive (Huggins *et al.*, 2005; USAID, 2005) and incorporate the use of ICT as a governance tool (Zimmermann, 2004). According to Unruh (2012)a formulated land policy need to promote rights of all existing groups such as IDPs. Van der Zwan (2010) insists on a formulation of land policy which might ensure both tenure and food security all together; since there is inter-relation between security of tenure and agricultural prosperity.

Augustinus *et al.* (2006) and FAO (2005) describes that most of post-conflict countries lack of prioritisation of land policy issues in many. Whereas post-conflict Rwanda recognises the importance of formulating land policy, as it was among the major aspects for rebuilding land administration (Appendix 2). Gready (2010) condemns a relationship between NGO and civil society in Rwanda and a government, as it hinders a performance in advocacy. Although there are some NGO such as LandNet have been involved in land policy issues in effective manner during its implementation rather than its development. Moreover USAID (2005) emphasises a team work among actors in land policy formulation, in order to come out with a useful policy document, for further implementation. It is important to consider involvement of experienced land professionals from international organisations and other countries, in order to gain skills and experience (Palmer, 2004).

### **5.5. Challenges faced by actors in early recovery post-conflict land administration**

Respondents (in Appendix 2) point out challenges faced by actors in early recovery post-conflict land administration as explained below:

**Lack of knowledge on land matters;** existence of few land professionals and involvement of agricultural officials in land matters hinder awareness and understanding of land matters (Appendix 2). Government officials conduct meetings and gathering with rural population and provide description of land issues in relation to agriculture and/or less discussion about land rights. Palmer (2004) confirms on findings concerning lack of knowledge on land matters. He also alludes for strategies to capacitate local NGO and civil society organisation, for the sake of bringing awareness concerning land rights to the society. Since a society faces many challenges such as overlapping land claims.

**Absence of legal institutional framework for land administration;** the country had no legal and institutional framework concerning land administration before the genocide. This brings difficulties in handling land problems because of the existence of unclear land administration (Appendix 2) and (The Republic of Rwanda, 2004). Land was administered by two separate ministries such as MINAGRI for rural land and MINFRA for urban land. Furthermore non-existence of land policy and laws hinder handling of land matters. During post-conflict situation most of post-conflict governments made efforts of rebuilding land institutions(AUC-ECA-AfDB Consortium, 2010 -a).

**Misinterpretation of land sharing;** fieldwork data shows that at the beginning some of local people did not understand land sharing, they regard sharing is for a short period of time. Hence later on early occupier might get back his land. Sensitisation helps to ensures awareness and understanding in the community which undertakes land sharing. Thus a huge workload for sensitisation was upon the government and local leaders. Government had stopped other actors from some international agencies and advocacy groups to question or involve themselves in land issues especially land sharing (Huggins, 2009). This leads to availability of inadequacy information and hence misinterpretation of the approach. In

addition absence of regulations for land sharing during that time (Musahara *et al.*, 2005), might be another reason for misinterpretation because they had no guidelines for more clarification of the approach whenever necessary. In spite of misinterpretation of land sharing among landholders in Rukara and Gahini sector at its initial stage, finally the approach was successful as shown in a local registry book at local level in Appendix 3.

**Addressing “Ten Years Rule”;** respondents report on acceptance of “Ten Years Rule” by many people as a good way of solving complicated overlapping land claims and hence bring reconciliation (Appendix 2) and (The Republic of Rwanda, 1993; UNHCR, 1998). Fieldwork data shows that there is existence of some of “1959 Refugees” who took some time to understand this rule, because they prefer to stay at their original land rather than new locations. In spite of difficulties in addressing this rule, later on people obeyed and it came into practice (Appendix 2). Pottier (2006) and Bruce (2007) confirm existence of difficulties and complications during implementation of this rule.

COHRE (2007) explains on lack of clear aspects of Arusha Peace Accord concerning HLP Rights and restitution which eventually undermined restitution rights to “1959 Refugees”. Scholars consider “Ten Years Rule” as violation of human rights and injustice concerning property and restitution rights (Bruce, 2007; Grover *et al.*, 2004; Huggins, 2009). People adhered to rule because they regard it as instruction coming from the government with much political power, therefore they should obey. Hence “1959 Refugees” remain with pains of losing their original lands (Jones, 2003 ). Not surprisingly some “1959 Refugees” who had a good relation with local leaders managed to get back their lands in hidden manner but it was against the rule (Laurel, 2004). However fieldwork data from study areas describe nothing concerning violation of “Ten Years Rule”.

**Non-involvement of citizens in land policy formulation;** academicians in land profession in Rwanda, reveals that there was no involvement of citizens during land policy formulation process. In such a way that it brings some difficulties in addressing and understanding a reality of land problems existing in the society. Still a new formulated policy should support handling of land problems (Appendix 2). Musahara *et al.* (2005) affirm little involvement of people especially rural population, whereas FAO (2005) insists on involvement of people in post-conflict situation by mentioning their specific groups such as IDPs, returnees, squatters and secondary land occupier. Through involvement of local people, it might enable to understand peoples’ needs and priorities with regard to land.

## 5.6. Lessons learnt for early recovery post-conflict land administration

Interviewees report numerous lessons learnt for land administration in early recovery post-conflict as described below.

**Land sharing being considered as innovative approach;** respondents report on land sharing being considered as innovative approach which leads to reconciliation, peace and unity. Hajabakiga (2004) confirms government encouragement and supports this innovative approach as among the strategies for reconciliation. Bruce (2009) affirms a successful land sharing undertaken in Kibungo district. Other scholars entail land sharing as a source of land disputes within a community (Huggins, 2009; Musahara *et al.*, 2005; Rurangwa, 2004). Moreover land sharing has been applied without any regulation or guideline which leads to lack of uniformity in its implementation (Musahara *et al.*, 2005).

**Good government strategies for land redistribution;** respondents appreciate a strategy through the redistribution of the part of state land in order to provide land settlement and cultivation to returnees. The Republic of Rwanda (2004), Hajabakiga (2004), Rugadya *et al.* (2006), Payne (2011), Rurangwa (2004) and Huggins (2009) assert that redistribution leads to access to land to many returnees. USAID (2005) alludes that, redistribution of state land is a common in many post-conflict countries, as a way of finding a solution for landless people. Nevertheless redistribution of state lands especially forests and parks is considered to distort wildlife conservation and tourism industry as a whole, thus cautions need to be taken on avoid keeping on converting state lands into other uses (Musahara *et al.*, 2005). If there is not any other means of ensuring access to land, redistribution of state land should be undertaken as the only solution to landless returnees.

**Ensure access to land to everyone;** respondents consider access to land to everyone as a crucial aspect in post-conflict country; since people depend much on land for livelihood. AUC-ECA-AfDB Consortium (2010 -b) emphasise on a need for making efforts in order to achieve equal distribution of land during post-conflict period. Rwanda government support this through prohibition of any form of discrimination in access to land (The Republic of Rwanda, 2003) and promotes right to land and property to every Rwandan (The Republic of Rwanda, 1993). It also supports and encourages strategies which leads to access to land such as land redistribution and land sharing (Hajabakiga, 2004). While (Bruce, 2007) alludes that redistribution of land was specific for “1959 Refugees” and not all people, it means the other group of “1994 Refugees” is excluded from getting access to land through land redistribution. Moreover Grover *et al.* (2004) oppose this view as there is no assurance of access to land to everyone since, “1959 Refugees” had lose restitution rights.

**Use of local leaders;** emphasise on the use of local leaders, that respectable local leaders are very useful while dealing with land issues at the local level. Respondents report on a successful land sharing; undertaken by local people themselves without guidelines or regulation from the government due to presence of good leadership. FAO (2005) recognise the importance of involvement of local leaders during post-conflict land administration, because it is easy for them to identify existing land problems at local level. However in some cases local leaders tend to misuse their powers; for instance a case explained in (Laurel, 2004) concerning acceptance of land claims of a returnee under “1959 Refugees”, which is against “Ten Years Rule”.

**Understanding nature of land claims;** it is necessary to understand nature of claims when dealing with post-conflict land administration. For example in post-conflict Rwanda, one needs to understand land claims of old caseload “1959 Refugees” and new caseload “1994 Refugees”. This enhances formulation of appropriate and favourable strategies to suit two distinct groups. Bruce (2009) says that in the beginning international organisations did not understand nature of land claims in Rwanda. Then it brings difficulties in handling land problems.

**Address land and property issues in a Peace Agreement;** according to fieldwork data, addressing of land issues in a Peace Agreement through “Ten Years Rule” being useful and helpful in handling land claims. (COHRE, 2007) disagrees with provisions in Arusha Peace Agreement in Rwanda because; it fails to provide clarification on HLP rights, which jeopardise the rights of “1959 Refugees”. This happens along with a violation of international standards such as Pinheiro principles (Bruce, 2007; Huggins, 2009). However Alden Wiley (2009) alludes on failure of international community to ensure clarity on land ownership before the acceptance of Peace Agreement Document.

## 5.7. Roles of actors to be attributed in guidelines

Understanding of roles of actors basing on findings and literature review will enhance suggestions on roles of actors being attributed in guidelines. This subsection comprises discussion on roles of actors and roles of actors be attributed in guidelines.

### 5.7.1. Discussion on roles of actors

Fieldwork data shows roles of actors in undertaking land related activities, during early recovery post-conflict land administration. Discussion on roles of actors is based on findings and literature review information. Take into account that roles of actors vary among land related activities being undertaken. Actors played numerous roles in land related activities such as land sharing, land redistribution; handling returnees land claims, establishment of ministry of lands and formulation of land policy. The following is a discussion of roles of actors in the mentioned land related activities under each category of actors:

#### 5.7.1.1. Government

Findings reveal numerous roles performed by government officials from local to central government in land sharing. Central government did not perform the direct roles in some activities such land sharing, especially during its implementation. For instance at a province level, a province governor played a role of initiation of meetings in order to discuss and find a solution of prevailing land problems but actual practice of land sharing was done under local initiatives. Government encourage and supporting emerging land related approaches such as land sharing (Hajabakiga, 2004). [Figure 4.2](#) shows roles of head of sector and cell during land sharing as a part of government at a local level.

Findings stipulate government decision on redistribution of part of state land. This was undertaken through using a mandate over a state land, government decided to convert use of a part of state land; as confirmed in (Hajabakiga, 2004; The Republic of Rwanda, 2004). This allows redistribution to take place as shown in [Figure 4.5](#) and [Figure 4.6](#). According to USAID (2005) most of post-conflict government decide to release state land for redistribution in order to solve a problem of landlessness. Government also involves in handling returnees land claims, as it is responsible for land administration in Rwanda. Government addresses and ensures implementation of “Ten Years Rule”, as stipulated in Peace Agreement. This was done in joint efforts by central government and local leaders.

When a government realises difficulties in administering land through two ministries such MINAGRI and MINFRA for rural and urban land respectively. Then decided to establish a ministry of lands as a whole under the umbrella of MINITERE (The Republic of Rwanda). Establishment of ministry of lands is illustrated in [Figure 4.7](#). Rwandan government is a final decision maker regarding land policy formulation. Government land professionals played professional roles as illustrated in [Figure 4.8](#). There is much emphasis to land administrators to make efforts in establishing cooperation among numerous actors in order to find a appropriate strategy for land policy development (FAO, 2005).

#### 5.7.1.2. Citizens

Fieldwork data shows roles performed by citizens and their representatives during land sharing process as illustrated in [Figure 4.2](#). During land redistribution local people play a role of reporting to head of cell concerning being landless (refers to [Figure 4.6](#)) and adhere to “Ten Years Rule” for handling overlapping land claims. Nonetheless citizen did not play any role in establishment of ministry of lands because this is a government responsibility. During land policy formulation, citizens also performed nothing due to little involvement, as confirmed in (Musahara *et al.*, 2005).

### 5.7.1.3. Advocacy groups

Findings show that during policy formulation they provide comments and suggestions on the already drafted land policy as well as some advocacy role as shown in [Figure 4.8](#). However advocacy groups did not play any role in land sharing, land redistribution, handling returnees land claims and establishment of ministry of lands. This is realised due to a weak involvement of actors within this group and some of activities such as establishment land institutions such as ministry of lands, is purely a government responsibility.

### 5.7.1.4. International organisations

Findings from fieldwork reveals that personnel from international organisations and land professional from other countries involved in actual drafting of land policy as well as provision of professional advice, as illustrated in [Figure 4.8](#). Palmer (2004) affirms the mentioned roles as well as sharing experience, in land issues especially land policy development

Nevertheless, actors within international organisations did not play any role during land sharing, land redistribution, handling returnees land claims and in establishment of ministry of lands. Instead UNHCR/Rwanda (2000) reports that UNHCR provided construction materials and support the construction of houses upon a completion of land sharing process. Bruce (2009) illuminates a support of international actors in ongoing land related programmes such as UNHCR supported villagisation programme in Rwanda. There is a suggestion for international actors to explore and understand nature of land claims in order to find suitable approaches to deal with land problems (Bruce, 2007). USAID (2005) recommends actors from international organisations to intervene in emerging land disputes, which can be achieved through the initiation of strategies. Understanding nature of land disputes might support humanitarian actors' interaction during discussion of strategies concerning land policy development (UN-HABITAT, 2009).

USAID (2005) illuminates a role of international agencies in training actors within a government including local people on conflict resolution skills in relation to land issues. Moreover actors from international organisations support local NGO in promoting and protecting peoples' land right. They also promote a need for capacity building for local NGO and civil society on land related issues for protection of peoples' land rights and supporting displaced peoples (Palmer, 2004).

## 5.7.2. Roles of actors to be attributed in guidelines

Purpose of this study is to formulate roles of actors involved in land administration in early recovery post-conflict period in Rwanda for improvement of guidelines. In order to make appropriate suggestions; roles of actors to be attributed in guidelines base on findings on roles of actors on land sharing, land redistribution, establishment of ministry of lands, handling returnees land claims and formulation of land policy. Roles to be attributed to guidelines also consider challenges faced by actors, lessons learnt during early recovery post-conflict land administration in relation to their roles. Furthermore there is a consideration of details concerning roles of actors from literatures.

Having evidences and experiences from various case studies and findings from other researches may facilitate efforts and strategies in addressing roles of actors. This can be done through considering actors in four categories including government, citizens, advocacy groups and international organisations. As this research reveals activities undertaken, actors involved and their roles in early recovery post-conflict land

administration in Rwanda, enables to acquire much knowledge and experience. This information can be helpful and/or considered as basis for decision on roles which could be attributed in guidelines.

In guidelines there are valuable instructions and tips on how to handle land issues in post-conflict period. Having guidelines without specific mandate in performing various roles it might not be much useful for actors. Having this gap it is better to describe a role of actors in various activities. Understanding land issues with respective roles of actors is vital, because it might enable a successful early recovery post-conflict land administration. Role of actors can be attributed in guidelines through adding a section for roles of actor under a specified land issue and/or activity. There are some guidelines such as EU-UN (2012) guideline gives out roles to be played by EU and UN actors. Nonetheless FAO (2005) insists on considering all actors in post-conflict situation and recommendations on roles to be played by land administrators. There is a need to perform this for all possible actors.

Findings obtained from Rwanda shows that in early recovery post-conflict land administration actors involved are from a grassroots level to a ministerial level, with a consideration of advocacy groups and international organisations. Grounds for including roles of actors explained above enables to come out with a list of suggested roles of actors, to be attributed in guidelines under four categories including government, citizens, advocacy groups and international organisations. The suggested roles of actors might lead to more effective use of guidelines and can enhance these roles to be regarded as specific mandate to actors. It is recognised that post-conflict environment vary from country to country but through considering a clearly defined mandate, might strengthen confidence of actors and much credence in carrying out activities during early recovery post-conflict land administration. Putting into account that achievement in addressing roles of specific actor in guideline might not be worth; unless there is a consideration of flexibility in its application. The reason behind is a variation among post-conflict countries, its application on the ground could highly vary with country context.

Table 5.1 below illustrates roles of actors which could be attributed in guidelines. The recommended roles are categorised in three major groups (in superscripts), as explained below:

Superscript 1: for roles found during the fieldwork

Superscript 2: for roles found during the fieldwork and confirmed in literatures

Superscript 3: for roles found by other researchers.



Category of Actors	Roles to be attributed in Guidelines
1. Government	<ul style="list-style-type: none"> <li>• Initiate meetings for discussion of land problems<sup>2</sup></li> <li>• Involve in actual implementation of activities on aspects which does not need land professional knowledge (at local level) <sup>2</sup></li> <li>• Supervision of land related activities (at local level) <sup>1</sup></li> <li>• Keeping records on land matters (local level) <sup>2</sup></li> <li>• Understanding prevailing land problems (local and national level) <sup>1</sup></li> <li>• Initiate strategies on land administration<sup>2</sup></li> <li>• Addressing strategies on land administration <sup>2</sup></li> <li>• Establishment of land institutions<sup>2</sup></li> <li>• Promote access to land<sup>2</sup></li> <li>• Monitoring land related activities<sup>2</sup></li> <li>• Sensitisation and promoting strategies on land issues (local level) <sup>1</sup></li> <li>• Gathering knowledge on land matters (inexperienced land professionals) <sup>2</sup></li> <li>• Drafting land policy (land officials) <sup>2</sup></li> <li>• Provide feedback on comments, suggestions and recommendations on land issues in discussions (local level)<sup>1</sup></li> <li>• Promote property rights for all<sup>2</sup></li> <li>• Promote and implement international standards for restitution and HLP rights<sup>3</sup></li> <li>• Safeguard a wellbeing of state land<sup>3</sup></li> <li>• Ensure transparency in land matters<sup>3</sup></li> <li>• Support land related approaches<sup>2</sup></li> </ul>
2. Citizens	<p><b>Citizens:</b></p> <ul style="list-style-type: none"> <li>• Provide comments and suggestion on new approaches on land related activities<sup>1</sup></li> <li>• Acceptance and implementation of new approaches<sup>2</sup></li> <li>• Identify land problems<sup>1</sup></li> <li>• Report existing land problems<sup>1</sup></li> <li>• Involve in actual implementation of activities on aspects which does not need land professional knowledge<sup>1</sup></li> <li>• Identify priorities for policy formulation<sup>1</sup></li> </ul> <p><b>Citizens' representatives:</b></p> <ul style="list-style-type: none"> <li>• Provide feedback to local people on discussed land issues during meetings<sup>1</sup></li> <li>• Involve in actual implementation of activities on aspects which does not need land professional knowledge<sup>1</sup></li> <li>• Witness processes of land related activities <sup>1</sup></li> <li>• Promote justice and fairness in land related activities<sup>1</sup></li> </ul>
3. Advocacy groups	<ul style="list-style-type: none"> <li>• Provide comments and suggestion on land related activities<sup>2</sup></li> <li>• Recommendations on land related activities<sup>2</sup></li> <li>• Follow up for feedback on comments, suggestions and recommendations<sup>3</sup></li> <li>• Provide awareness on land rights to local people and NGO<sup>3</sup></li> <li>• Involve in actual implementation of activities on aspects which does not need land professional knowledge (local NGO)<sup>3</sup></li> <li>• Advocacy on various land matters<sup>2</sup></li> <li>• Promote peoples' land rights<sup>3</sup></li> </ul>

4.International Organisations	<ul style="list-style-type: none"> <li>• Drafting land policy<sup>2</sup></li> <li>• Provide professional advice<sup>2</sup></li> <li>• Promote restitution and HLP rights during Peace Agreement formulation and afterwards<sup>3</sup></li> <li>• Promote and bring awareness on international standards regarding HLP and restitution rights<sup>3</sup></li> <li>• Capacity building to local NGO and civil society deal with land issues<sup>3</sup></li> <li>• Explore and understand nature of land claims<sup>2</sup></li> <li>• Support ongoing land related programmes<sup>3</sup></li> </ul>
-------------------------------	---

**Table 5.1: Roles of actors to be attributed in guidelines**

Table 5.1 above shows that a number suggested roles of actors with superscript 1 is higher than the one with superscript 3 whereby many of roles with superscript 1 appear under citizens' category. Majority of roles under advocacy groups and international organisations are within superscript 3. Superscript 2 have the highest score among all. Therefore most of suggested roles for citizens are found from fieldwork (superscript 1). Roles found during fieldwork and confirmed in literatures (superscript 2) are mostly under government category. Furthermore the most of suggested roles for actors under advocacy groups and international organisations are found by other researchers (superscript 3).

## 5.8. Summary

Discussion of findings versus information available through literature enabled understanding of various aspects of the research. It has been realised that determination of post-conflict phases including early recovery phase encounter some complications. This is due to the existence of different perspectives in understanding conflict and post-conflict period. In spite of the existing differences this study manages to identify early recovery post-conflict phase. Government actors seem to be involved and being powerful in many activities while citizens were undermined in some activities such as land policy formulation. Different scholars point to land related activities based on their own perspectives. Some scholars support and confirm the identified land related activities whereby others were against some aspects of the activities. Challenges encountered by actors and lessons learnt as revealed through findings, were also discussed against the available literatures. Roles performed by actors during land sharing leads to a successful implementation of the approach. The study indicates that some roles such as decision on releasing state land for redistribution, is a sole role for government. This study comes out with numerous roles of actors which have been suggested to be attributed in guidelines. Most of recommended roles for citizens are found through fieldwork (superscript 1). Roles found during fieldwork and confirmed in literatures (superscript 2) are mostly under government category. Furthermore the most of suggested roles for actors under advocacy groups and international organisations are found by other researchers (superscript 3). The following chapter will present conclusions and recommendations for the study.

## 6. CONCLUSIONS AND RECOMMENDATIONS

### 6.1. Introduction

The main purpose of this study was to formulate roles of actors involved in land administration in early recovery post-conflict period in Rwanda for the improvement of guidelines. This chapter draws conclusions and recommendations whereby conclusions part is described according to individual research question. Recommendations are based on findings obtained from the research.

### 6.2. Conclusions

The conclusions provide answers on research questions, as explained below:

#### 6.2.1. Research Question 1:

##### **Who were the actors involved in land administration in early recovery post-conflict period?**

Fieldwork data enables identification of actors whereby, identified actors involved in land administration in early recovery post-conflict period are categorised into four groups such as government, citizens, advocacy groups and international organisations. Government includes head of cells, head of sectors MINAGRI, MINFRA and MINALOC. Citizens include local people, citizens' representatives. Advocacy groups include NGO such as RISD and LandNet, academicians in land profession and local associations such as IMBARAGA and HAGURUKA and academicians in land profession. International organisations include Oxfam, UN-Habitat and UNHCR. Nevertheless every actor performs its own role and level of power and interest of actors in various activities tend to vary.

#### 6.2.2. Research Question 2:

##### **What were the activities being undertaken in land administration in early recovery post-conflict period?**

From the findings the following are identified activities: Land sharing, land redistribution, handling returnees land claims, establishment of Ministry of lands and formulation of a National Land Policy.

**Land sharing;** involves a subdivision of land According to the data obtained from the fieldwork, land sharing involves a sub-division of land into two equal portions and enables individuals to enjoy a single portion. In applying any new approach like land sharing one should consider clarity; this should be done before the commencement of the application of the approach. Since land administration need to be undertaken in a well organised manner. There is also a need to clarify the differences which might occur during application of the approach. In spite of the differences in applying the approach, efforts should be made in order to meet its objectives.

However when deciding to undertake or adopt any new approach in land administration, it is better to foresee land disputes which might occur during and after the application of the approach. In some provinces in Rwanda outcomes of land sharing seem to be different and unacceptable by many people.. This is a reason for some authors to declare increase of land disputes due to sharing. This approach is good when it enables people to get access to land, but emerging disputes without a clear way of handling it leads to uncertainty on secure tenure for local people.

**Land redistribution;** this process involves apportionment of land which was prior under government ownership and being given to other people. Redistributed lands for this case are parts of state lands such as forest, parks and other reserved land (Appendix 2). Rwanda government allowed redistribution of parts of state land in order to solve a problem of landlessness. Redistributed part of Akagera National Park in Eastern province is illustrated in [Figure 4.5](#).

**Handling returnees land claims;** major strategy used is “Ten Years Rule” provided in Peace Agreement. Ten Years Rule was initiated for a purpose of promoting national reconciliation. Old case load “1959 Refugees” take some time to understand the rule, still they should obey. Any actor involved in post-conflict Rwanda need to understand nature of conflict such as two major groups of returnees namely “1959 Refugees” and “1994 Refugees”.

**Establishment of Ministry of lands;** establishment of Ministry of lands enables to harmonise administration of rural and urban land under one ministry, which was different before 1999 as shown in [Figure 4.7](#). This also ensures the handling of land administration challenges arisen through having two separate ministries in administering land.

**Formulation of a National Land Policy;** formulation of land policy ought to support handling of land matter in a defined manner, since a country had no land policy and laws even before genocide. Refer to section [4.5.5](#) in order to get much elaboration on formulation of land policy.

### 6.2.3. Research Question 3:

#### **What were the roles of actors in land administration in early recovery post-conflict period?**

Through considering a necessity of involvement of various actors in early recovery post-conflict land administration, UML use case diagrams and description in findings chapter elaborate roles of actors in various activities. Roles of government; government performs roles during land sharing, land redistribution, handling returnees land claims, establishment of ministry of lands and formulation of land policy. Roles of government are illustrated in [Figure 4.2](#), [Figure 4.6](#), [Figure 4.8](#), section [4.5.3](#) and section [4.5.4](#). Roles of citizens; citizens performed various roles in land sharing and land redistribution. This is illustrated in [Figure 4.2](#) for land sharing and [Figure 4.6](#) for land redistribution. In order to implement “Ten Years Rule” in handling returnees land claims, local people were supposed to adhere the rule. Roles of advocacy groups; during policy formulation advocacy groups perform roles as illustrated as shown in [Figure 4.8](#). Although advocacy groups did not get chance to perform advocacy role during the closed doors meetings conducted by a government. Roles of international organisations; personnel from international organisations and land professional from other countries involved in actual drafting of land policy as well as provision of professional advice. This is illustrated in [Figure 4.8](#).

### 6.2.4. Research Question 4:

#### **How actors have been involved and interact in land administration in early recovery post-conflict period?**

Actors have been involved and interact during early recovery post-conflict land administration through meetings and workshops. Meetings were conducted at both local level and ministerial level while most of workshops were carried out in towns. However it is better for the mentioned mechanisms for interaction not to rely much on top-down approach.

#### 6.2.5. Research Question 5:

##### **What are land administration challenges faced by the actors in undertaking the activities?**

Challenges encountered by actors in carrying out land related activities include lack of knowledge on land matters, absence of legal institutional framework for land administration, misinterpretation of land sharing, addressing “Ten Years Rule” and less involvement of citizens in land policy issues.

#### 6.2.6. Research Question 6:

##### **What are the lessons learnt from land administration during early recovery post-conflict?**

There are numerous lessons learnt from land administration during early recovery post-conflict. These lessons include land sharing being considered as innovative approach, good government strategies for land redistribution, ensure access to land to everyone, use of local leaders, understanding nature of land claims and address land and property issues in a Peace Agreement, refers to section [5.6](#)

#### 6.2.7. Research Question 7:

##### **How should roles of actors be attributed in guidelines?**

Suggestions on including aspect of roles of actors in guidelines, based on experience from Rwanda, whereby its contextualisation can be applied in any other post-conflict country. Roles of actors can be attributed in guidelines through including the aspect of roles of actors is recommended in section [5.7.2](#) with much elaboration provided in [Table 5.1](#). There is a need of considering all four categories of actors including government, citizens, advocacy groups and international organisations, in order to ensure full involvement of all actors.

### 6.3. Recommendations

The following are recommendations and suggestions for further studies based on findings from this research on the roles of actors in early recovery post-conflict land administration in Rwanda.

#### 6.3.1. Recommendations

**Roles of actors are recommended to be attributed in the guidelines;** list of roles of actors illustrated in [Table 5.1](#) is a result of this study, therefore the research recommends the mentioned roles to be included in the existing guidelines. This might facilitate improvement of post-conflict land administration guidelines in term of the aspect of roles of actors as well as promotes actors’ specific mandate in carrying out land related activities.

**Emphasis on local people involvement in land policy formulation;** it is important to involve local people in order to get an insight in land problems happening on the ground. Land policy is formulated so as to facilitate land administration in three major aspects including land ownership, value and use. All of the mentioned aspects relates to people. Therefore peoples’ needs and priorities have to be considered in order to ensure that the contents of land policy reflects peoples’ needs and support handling of prevailing land problems.

**Recognition of advocacy groups;** advocacy groups need to be recognised during development of land administration strategies such as land policy formulation and let them work independently because they lose opportunity to perform advocacy roles. There is more emphasise on advocacy groups because involvement of advocacy groups in Rwanda is realised during sensitisation and mobilisation of land issues which promote government strategies. Most of time actors under advocacy groups concentrate on some land issues rather than advocacy on all prevailing land problems, eventually advocacy role ceases.

**Need for land professionals to have interdisciplinary knowledge;** land professionals working in post-conflict situation they are not capable of handling land problems because they lack skills and experience in conflict and post-conflict discipline. Take into account that they have sufficient knowledge and experience in undertaking land administration in non-conflict situation. Therefore it is recommended to integrate the knowledge they have with conflict and post-conflict skills in order to handle post-conflict land administration accordingly, as emphasised in (Zevenbergen *et al.*, 2010).

**Better record keeping on the existing state land;** the study recommends on a better record keeping of the existing state land for proper land use management and good land governance, because state land is vulnerable to redistribution. Therefore proper land use management strategies have to be adopted for the wellbeing of existing state land.

### 6.3.2. Further studies

- Research on early recovery post-conflict land administration in other countries; in order to get a broad experience on roles of actors. This has been explained in section and [5.7.2](#) and [6.2.7](#)
- Research on how actors in post-conflict land administration vary among phases. Post-conflict land administration is associated with numerous actors; this study might enable to know if all actors are involved in all three phases. Thus lead to get in-sight in major factors for variations. The study also might enable to understand which actors are considered to be important in a particular phase.
- Research on how early recovery post-conflict land administration influences the current land administration in Rwanda. Through this research might lead to the understanding of the impacts of preparatory land related activities carried out in early recovery phase to reconstruction phase. Conducting this research also might enable to understand whether there is a necessity of putting much effort in early recovery post-conflict land administration.
- Research on how land sharing has ensured access to land in other provinces in Rwanda. This might enable the understanding of actors' involvement in applying a new approach, as well as the level of acceptance. The research also might enable to know the differences during the implementation of the process, hence come out with factors which lead to such differences.

## LIST OF REFERENCES

- Alden Wiley, L. (2009). 'Tackling land tenure in the emergency to development transition in post-conflict states: from restitution to reform. In S. Pantuliano (Ed.), *Uncharted Territory: Land, Conflict and Humanitarian Action*, 27-50. Bourton-on-Dunsmore, UK.: Practical Action Publishing.
- Anten, L. (2009). Strengthening Governance in Post-Conflict Fragile States: Issues paper. *Netherlands Institute of International Relations, 'Clingendael', Conflict Research Unit.*
- AUC-ECA-AfDB Consortium. (2010 -a). Land Policy in Africa: Eastern Africa Regional Assessment. Addis Ababa, Ethiopia.
- AUC-ECA-AfDB Consortium. (2010 -b). Regional Assessment Studies on Land Policy in Central, Eastern, North, Southern and West Africa: Synthesis Report. Addis Ababa, Ethiopia.
- Augustinus, C., et al. (2004). *Strategic action planning in post conflict societies. In: Symposium on Land Administration in Post Conflict Areas, LAPCA, Geneva, Switzerland.*
- Augustinus, C., et al. (2006). Land management strategy formulation in post-conflict societies. *Survey Review*, 38(302), 668-681. doi: 10.1179/003962606780674781
- Bailey, S., et al. (2009). Untangling Early Recovery,. *HPG Brief No. 38, Humanitarian Policy Group, Overseas Development Institute, London*
- Barry, M. (2011). Land restitution and communal property associations: The Elandsbloof case. *Land Use Policy*, 28(1), 139-150. doi: <http://dx.doi.org/10.1016/j.landusepol.2010.05.007>
- Barry, M., et al. (2009). Formulation of Land Administration Strategy in Post-Conflict Somaliland: Abstract. *Surveying and Land Information Science*, 69(1), 39-52.
- Bennett, E., et al. (2001). Towards a better understanding of conflict management in tropical fisheries: evidence from Ghana, Bangladesh and the Caribbean. *Marine Policy*, 25(5), 365-376. doi: [http://dx.doi.org/10.1016/S0308-597X\(01\)00022-7](http://dx.doi.org/10.1016/S0308-597X(01)00022-7)
- Biggs, S., et al. (2004). Strengthening Poverty Reduction Programmes Using an Actor-Oriented Approach: Examples from Natural Resources Innovation Systems *Agricultural Research & Extension Network 134.*
- Bruce, J. (2007). Drawing a line under the crisis: Reconciling returnee land access and security in post conflict Rwanda, HPG Working Paper Humanitarian Policy Group, Overseas Development Institute.
- Bruce, J. W. (2009). International standards, improvisation and the role of international humanitarian organizations in the return of land in post-conflict Rwanda. In S. Pantuliano (Ed.), *Uncharted Territory: Land, Conflict and Humanitarian Action*, 109-131.
- Byamugisha, F. (2013). *Securing Africa's Land for Shared Prosperity: A Program to Scale Up Reforms and Investments*. Washington DC: International Bank for Reconstruction and Development / The World Bank.
- COHRE. (2007). *Handbook on Housing and Property Restitution for Refugees and Displaced Persons, Implementing the 'Pinheiro Principles'*: United Nations Centre on Housing Rights and Evictions
- Eriksson, H.-E., et al. (2004). *UML 2 Toolkit*. USA: Wiley Publishing, Inc.
- EU-UN. (2012). *Land and Conflict. EU-UN Partnership: Toolkit and guidance for preventing and managing land and natural resources conflict*. New York USA: UN Interagency Framework Team for Preventive Action.
- Falisse, M. (2008). Methodological Guide for Implementing A Mapping of Civil Society Actors in Latin American Countries
- FAO. (2005). *Access to rural land and land administration after violent conflicts. Land tenure studies*. Rome, Italy: FAO.
- Frankfort-Nachmias, C., et al. (1996). *Research methods in the social sciences* (Fifth edition ed.). New York: St. Martins Press.
- Gready, P. (2010). 'You're either with us or against us': Civil society and policy making in post-genocide Rwanda. *Journal of African Affairs (London)*, 109(437), 637-657. doi: 10.1093/afraf/adq038
- Grover, R., et al. (2004). *Restitution and land markets*. Paper presented at the FIG Working Week: Impact of New Land Law and Land Reform Law on Good Land Administration, Athens, Greece.

- Hajabakiga, P. (2004). *Addressing Land issues in post conflict setting: The case of Rwanda*. Paper presented at the Conference: Land in Africa: Market asset or secure livelihood, London
- Huggins, C. (2009). Land in return, reintegration and recovery processes: Some lessons from the GreatLakes region of Africa
- In S. Pantuliano (Ed.), *Uncharted Territory:Land, Conflict and Humanitarian Action*, 67-93 Practical Action Publishing.
- Huggins, C., et al. (2005). Introduction: Conflict in Africa. *From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa*, 1-23.
- Jensen, D., et al. (2013). Policy brief: Post-conflict peacebuilding and natural resources management. In J. Unruh & R. C. Williams (Eds.), *Land and Post-Conflict Peacebuilding* (Vol. 3). London:: Earthscan
- Johnson, G., et al. (1999). *Exploring Corporate Strategy*, Hemel Hempstead Prentice Hall Europe
- Jones, L. (2003 ). 'Giving and taking away: The difference between theory and practice regarding property in Rwanda', in S.Leckie. (ed.) Returning Home:. *Housing and Property Restitution Rights for Refugees and Displaced Persons*, Transnational Publishers, New York, 199–224.
- Kumar, R. (2005). *Research methodology : a step - by - step guide for beginners* (2nd ed.). London: SAGE Publications.
- Kurtenbach, S., et al. (2012). Violence and Security Concerns in Post-Conflict Situations, Project Working Paper No. 3.
- Laurel, R. L. ( 2004). Women's Land Access in Post-Conflict Rwanda: Bridging the Gap Between Customary Land Law and Pending Land Legislation. *Texas Journal of Women and the Law*, 13(197).
- Leckie, S. (2009). *Housing, land, and property rights in post-conflict United Nations and other peace operations : a comparative survey and proposal for reform*. New York: Cambridge University Press.
- Magnarella, P. J. (2005). The Background and Causes of the Genocide in Rwanda. *Journal of International Criminal Justice* 3(4), 801-822. doi: 10.1093/jicj/mqi059
- Maier, R. (2010). *Early recovery in post-conflict countries A conceptual study*. Netherlands: Clingendael, Netherlands Institute of International Relations.
- Marongwe, N. (2013). *Land Administration Challenges in the Post-conflict South Sudan: the exper ience of the USAID South Sudan Rural Land Governance Project(2011-2014)*. Paper presented at the Annual World Bank Conference on Land and Poverty Washington DC.
- Mason, S., et al. (2005). *Conflict Analysis Tools-Tip Sheet :COPRET and SDC*.
- McAuslan, P. (2007). *Post-conflict land administration: a note*.
- Mostert, E. (1998). A Framework for Conflict Resolution. *Water International, International Water Resources Association, Delft University of TechnologyThe Netherlands, Vol 23(4)*, 206-215.
- 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 in Rwanda, Rwanda – Country Case Study, LEP Working Paper*. Paper presented at the Improving tenure security of the rural poor: Sub-Saharan Africa, Nakuru, Kenya.
- Musahara, H., et al. (2005). Land reform, land scarcity and post-conflict reconstruction: A case study of Rwanda. In C. Huggins & J. Clover (Eds.), *From the Ground Up: Land Rights, Conflict and Peace in Sub-Saharan Africa*, 269 – 346. Pretoria and Cape Town Institute of Security Studies.
- Nepad. (2005). *African Post-Conflict Reconstruction Policy Framework*.
- Nyamwasa, K., et al. (2010). Rwanda Briefing. Rwanda.
- OECD. (2008). Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience
- Off-print of the Journal on Development , Organisation for Economic Co-operation and Development, OECD 9(3)*.
- OECD. (2012). International Support to Post-conflict Transition: DAC Guidance on Transition Financing: Key messages.
- OECD. ( 2010). Transition Financing: Building a Better Response, Conflict and Fragility.
- Palmer, R. (2004). *Oxfam and Land in Post-Conflict Situations in Africa: Examples From Zimbabwe, Mozambique, South africa, Rwanda and Angola*
- Paper presented at the ACTS Conference on Land Tenure and Conflict in Africa: Prevention, Mitigation and Reconstruction, Nairobi, Kenya.
- Pantev, P. (2006). *Introduction: Conceptual and Terminology Issues of Post-Conflict Rehabilitation. In Post-Conflict Rehabilitation: Lessons from South East Europe and Strategic Consequences for the Euro-Atlantic Community*.



- Published by National Defence Academy and Bureau for Security Policy at the Austrian Ministry of Defence.
- Payne, G. (2011). Land issues in the Rwanda's post conflict law reform In R. Home (Ed.), *Local case studies in African land law*, 21-38. Cape Town: Pretoria University Law Press (PULP)
- Pottier, J. (2006). Land reform for peace? Rwanda's 2005 land law in context. *Journal of Agrarian Change*, 6(4), 509-537.
- RISD. (1999). *Land use and Villagisation in Rwanda* Paper presented at the Land use and Villagisation workshop, Kigali.
- Rugadya, M. A., et al. (2006). A Review of Literature on Post Conflict Land Policy and Administration Issues, during return and resettlement of IDPs: International Experience and Lessons from Uganda. *Kampala, World Bank*, 67.
- Rurangwa, E. (2004). *Land Administration in Post Conflict Situation Rwanda Case*. Paper presented at the Land Administration in Post Conflict Areas, Hellodruk by Apeldoorn.
- Rurangwa, E. (2013). *Land Tenure Reform. The Case Study of Rwanda*. Paper presented at the Land Divided: Land and South African Society Cape Town, South Africa.
- Silverman, D. (2010). *Doing qualitative research* (3rd ed.). London: Sage Publications.
- Stanfield, J. D. (2006). *Land administration in (post) conflict conditions: the case of Afghanistan*. Paper presented at the Conference on Land Policies & Legal Empowerment of the Poor, Washington D.C. [http://siteresources.worldbank.org/RPDLPROGRAM/Resources/459596-1161903702549/S3\\_Stanfield.pdf](http://siteresources.worldbank.org/RPDLPROGRAM/Resources/459596-1161903702549/S3_Stanfield.pdf)
- Stanton, G. (2004). Could the Rwandan genocide have been prevented? *Journal of Genocide Research*, 6(2), 211-228. doi: 10.1080/1462352042000225958
- Sylla, O. (2012). *Securing land rights in post-conflict settings: experience from Eastern Democratic Republic of Congo*, Power Point Presentation. Paper presented at the Annual World Bank Conference on Land and Poverty, Washington DC.
- The Republic of Rwanda. MINIRENA. Government of Rwanda, On-line document, Retrieved from <http://www.minirena.gov.rw/index.php?id=8&L=0> Access date: 29-January-2014.
- The Republic of Rwanda (1993). *Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front*.
- The Republic of Rwanda. (1993). *Protocol of Agreement between the Government of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons, Annex IV in Arusha Peace Agreement*.
- The Republic of Rwanda. (2000). *Rwanda Vision 2020*. Kigali: Government of Rwanda.
- The Republic of Rwanda. (2003). *The Constitution of the Republic of Rwanda*
- The Republic of Rwanda. (2004). *MINITERE, National Land Policy*. Kigali: Government of Rwanda.
- The Republic of Rwanda. (2009). REMA, Fourth National Report to the Convention on Biological Diversity: Rwanda Environment Management Authority. Kigali, Rwanda.
- The Republic of Rwanda. (2012). *2012 Population and Housing Census: Provisional Results*. Kigali: Government of Rwanda.
- Todorovski, D. (2011). *Characteristics of post-conflict land administration with focus on the status of land records in such environment*. Paper presented at the FIG Working Week: Facing the Challenges – Building the Capacity, Marrakesh, Morocco.
- Todorovski, D., et al. (2012). *Can Land Administration in Post-Conflict Environment facilitate the Post-Conflict State Building? – a Research Problem*. Paper presented at the FIG Working Week : Knowing to manage the territory, protect the environment, evaluate the cultural heritage, Rome, Italy.
- Törhönen, M. P. (2001). Developing land administration in Cambodia. *Computers, Environment and Urban Systems*, 25(4–5), 407-428. doi: [http://dx.doi.org/10.1016/S0198-9715\(00\)00049-1](http://dx.doi.org/10.1016/S0198-9715(00)00049-1)
- UN-HABITAT. (2007). *A Post-conflict Land Administration and peacebuilding handbook*. Nairobi, Kenya: UN-HABITAT.
- UN-HABITAT. (2009). *Land and Conflict; Handbook for Humanitarians*. Nairobi, Kenya: UN-HABITAT.
- UN/ECE. (1996). *Land administration guidelines : with special reference to countries in transition*. Geneva: United Nations (UN).
- UNDP. (n.d.). *Developing National Sustainable Development Strategies in Post-Conflict Countries: Working Draft*.
- UNHCR. (1998). *Women's Property Rights and the Land Question in Rwanda*, Kigali.

- UNHCR/Rwanda. (2000). Rwanda Recovery: UNHCR's Repatriation and Reintegration Activities in Rwanda from 1994-1999, HRP Printers, Johannesburg.
- Unruh, J. D. (2003). Land tenure and legal pluralism in the peace process. *Peace & Change*, 28(3), 352–377.
- Unruh, J. D. (2009). Land rights in postwar Liberia: The volatile part of the peace process. *Land Use Policy*, 26(2), 425-433. doi: <http://dx.doi.org/10.1016/j.landusepol.2008.05.005>
- Unruh, J. D. (2012). Eviction policy in postwar Angola. *Land Use Policy*, 29(3), 661-663. doi: <http://dx.doi.org/10.1016/j.landusepol.2011.11.001>
- Unruh, J. D. (2014). Evidencing the restitution landscape: Pre-emptive and advance techniques for war-torn land and property rights reacquisition. *Land Use Policy*, 38(0), 111-122. doi: <http://dx.doi.org/10.1016/j.landusepol.2013.10.022>
- Unruh, J. D., et al. (2013). *Land and post - conflict peacebuilding*. London: Earthscan.
- USAID. (2005). *Land and Conflict - a toolkit for intervention*, USAID - Office of Conflict Management and Mitigation. Washington DC: USAID.
- Van der Molen, P., et al. (2004). *Land Administration in Post-Conflict Areas*. Paper presented at the FIG Congress, Jakarta, Indonesia.
- Van der Zwan, J. (2010). IFP Regional Cooperation CLUSTER: The Need for Conflict-sensitive Land Policy and Land Governance in Africa, Initiative for Peacebuilding.
- Van Hoyweghen, S. (1999). The Urgency of Land and Agrarian Reform in Rwanda. *Journal of African Affairs (London)*, 98(392), 353-372. doi: 10.1093/oxfordjournals.afraf.a008044
- Van Leeuwen, M. (2010). Crisis or continuity?: Framing land disputes and local conflict resolution in Burundi. *Land Use Policy*, 27(3), 753-762. doi: <http://dx.doi.org/10.1016/j.landusepol.2009.10.006>
- Wall, J. A., et al. (1995). Conflict and Its Management *Journal of Management Vol. 21*(No.3), 515-558.
- Wehrmann, B. (2008). *Land Conflicts: A practical guide to dealing with land disputes*. Eschborn Germany: GTZ.
- Whaites, A. (2008). *States in Development: Understanding State-building, A DFID WORKING PAPER, Governance and Social Development Group Policy and Research Division*. <http://tna.europarchive.org/20081212094836/http://dfid.gov.uk/pubs/files/State-in-Development-Wkg-Paper.pdf>
- Williamson, I., et al. (2010). *Land administration for sustainable development* (Vol. ). California, ESRI Press
- Yin, R. K. (2003). *Case study research : design and methods* (3rd ed.). Newbury Park: SAGE Publications.
- Zevenbergen, J., et al. (2010). *Land Administration in Post-Conflict Areas; A key Land and Conflict issue*. Paper presented at the FIG Congress: Facing the Challenges- build the Capabilities, Sidney, Australia.
- Zevenbergen, J., et al. (2004). *Legal aspects of land administration in post conflict areas*. Paper presented at the FIG Symposium on Land Administration in Post Conflict Areas, Geneva, Switzerland.
- Zimmermann, W. (2004). Keynotes on Land and Resource Policy in Post-conflict Countries. In S. Jaturasitha (ed.). Food Security and Sustainable Resource Management in a Market Economy: Challenges and Options. *Journal of Agriculture and Rural Development in the Tropics and Subtropics*, 80(4), 1-6.



# APPENDICES

## Appendix 1: Fieldwork decision

ITEMS	SELECTION 1		SELECTION 2		SELECTION 3	
	WITH FIELD WORK		WITHOUT FIELD WORK		OTHER	
	PRO	CONS	PRO	CONS	PRO	CONS
PEOPLE	1. Possible to meet people	1. Not sure to meet some government officials	-	Not possible to meet people	Through communication ie email, skype	People might be busy
	2. Respondents leads to the understanding of the reality	2. Not sure to meet people who have been there since 1997 3. Not sure of getting relevant information 4. Some offices are no longer there ie oxfam				
DOCUMENTS	Possible to get some documents	Not sure of getting all relevant documents	Possible to download documents which are available through websites	Not possible to access all documents	Some respondents can send documents	Not possible for respondents to send documents
OTHER	Possible to get contact of other respondents through the already interviewed people	1. Some relevant respondents may not be available 2. Presence of juniour/new staff	-	Not possible to get contact through other interviewees	-	-

Appendix 2: Fieldwork report

FACULTY OF GEO-INFORMATION SCIENCE AND EARTH  
OBSERVATION (ITC)  
UNIVERSITY OF TWENTE, ENSCHEDE, THE NETHERLANDS

## **FIELDWORK REPORT**

### **ROLES OF ACTORS IN EARLY RECOVERY POST- CONFLICT LAND ADMINISTRATION IN RWANDA: Rationale for guidelines improvement**

Songo, Mkwya Nyabhigeso  
Student ID: 29868 (s6004474)  
Course: Land Administration  
November, 2013

## **1. INTRODUCTION**

The fieldwork was conducted from 28<sup>th</sup> September to 25<sup>th</sup> October 2013 and it enabled to get an insight and the understanding on what happened on the ground during early recovery post conflict period land administration in Rwanda. Key informants during the fieldwork include various actors such as government, citizens and academicians in land professional. Yet, data gathered from respondents leads to the achievement of the objectives of this research.

Schedule for data collection was prepared during the fieldwork preparation week in order to support gathering of data from various actors. This was done so as to make sure that all targeted respondents are met in time. Unfortunately some changes on schedule were done in accordance to interviewees' availability. The flexibility in the schedule had a great influence in data gathering process.

Interviews were conducted with various respondents located in different areas in the country. At the local level citizens and head of sectors from Gahini and Rukara sectors in Kayonza district in Eastern province were interviewed. Then within the same province land official at Kayonza land Bureau was also among the key informants. Other interviews were conducted in Kigali city with government land officials at Rwanda Natural Resource Authority (RNRA) as well as former government land officials. Later the academicians in land profession from National University of Rwanda (NUR) in Southern province were also interviewed. The summary of the interviewed people as well as the activities conducted in every week is shown in Table 1 and 2 respectively.

## **2. INTERVIEW**

### **2.1 Interview Questions**

Before field work a number of interview questions were prepared, so as to enable gathering of data from various actors. Interview questions were prepared separately for respondents under four categories including government, citizens, international organisations and advocacy groups. During fieldwork a translator supported a translation of interview questions for citizens into "Kinyarwanda" language.

### **2.2 Execution of Interviews**

Interviews were executed according to the schedule; this enabled gathering of data from various actors. Interview guide was very helpfully and ensured that the conversations are being done within the research topic. The answers obtained during the interviews were both noted down in filed note book and recorded using a voice recorder. Below is the description on the interviews conducted during the fieldwork based on categories of actors in land administration during early recovery post-conflict period.

#### **a) Interview with citizens**

The interviews were conducted with citizens in order to understand their involvement in early recovery post-conflict land administration. Citizens from Gahini and Rukara sector in Kayonza district in the eastern province were interviewed. 7 respondents from Gahini and in Rukara 10 citizens were interviewed. Interviewed citizens understand only "Kinyarwanda" language; therefore during interview questions were asked in English and then a translator used a "Kinyarwanda" version of interview questions to ask the same question. Answers obtained from interviewees were made available through translation from "Kinyarwanda" to English language. This led to the understanding of involvement of citizens in early recovery post-conflict land administration, challenges and lessons learnt during that period.

### **b) Interview with government**

Government officials from local and central level were interviewed. At local level 2 head of sectors in Gahini and Rukara sectors were interviewed. However 1 land official at a Kayonza district bureau as well as other 2 land official at Rwanda Natural Resource Authority (RNRA). Again the arranged interview with a former government land official was very successful. This brought awareness on the role of the government during early recovery post-conflict land administration.

### **c) Interview with academicians in land profession**

In National University of Rwanda (NUR) 2 academicians in land profession were interviewed. The interviewee gave out the summary of land issues happened after the genocide in 1994; this provides the awareness on the nature of land claims in post-conflict Rwanda. Respondents gave out more description on land administration during the early recovery post-conflict period in accordance to the interview guide.

## **2.3 Interview Transcription**

Notes taken during the fieldwork as well as recorded interview sessions were transcribed and written in word format. Later primary data from transcribed interview allows further analysis in Chapter four of this Thesis. However transcribed interviews are available through the author when need arises.

## **3. SECONDARY DATA COLLECTION**

Secondary data from the fieldwork area are very usefully in supporting primary data collected from various respondents. The collected secondary data comprises laws and policies, reports and maps.

- **Laws and policies;** including National Land Policy 2004, and other official gazettes related to land
- **Reports;** including Rwanda vision 2020 and REMA report
- **Maps;** RNRA provided GIS data which enables extraction of maps for visualization of redistribution of Akagera National Park and study areas.

## **4. LIMITATIONS**

- Language barrier, a translator was used during the interview with citizens because the interviewed citizens can understand only Kinyarwanda language.
- Efforts to request for appointment to some of targeted respondents such as Rwanda Initiative for Sustainable Development (RISD) and UNHCR was not successful. Hence there is a need to search the information through website.

## **5. CONCLUSIONS**

Interviews conducted with various respondents enable the understanding of early recovery post-conflict land administration, with much focus on roles of actors. Thus all data acquired from respondents will be used to answer research questions and might lead to the achievement of the objectives of the study.

**Table 1: Key informants interviewed**

<b>Actor category</b>	<b>Key informants</b>	<b>Number of respondents interviewed</b>
GOVERNMENT	Policy makers	1
	Government land official ( Land and Mapping department)	1
	Former government land officials	1
	Land professionals in Kayonza district in Eastern province	1
	Head of sector (Gahini sector) in Kayonza district	1
	Head of sector (Rukara sector) in Kayonza district	1
CITIZENS	Citizens (Gahini sector) in Kayonza district	7
	Citizens (Rukara sector) in Kayonza district	10
ADVOCACY GROUP	Academicians in land profession	2
	<b>TOTAL</b>	<b>25</b>



**Table 2: Weekly activities**

	Date	Day	Activity	Respondents
1 <sup>st</sup> Week	29.09. 2013	Monday	Introduction : RNRA	RNRA
	01.10. 2013	Tuesday	Introduction: Mayor Kayonza district	Mayor: Kayonza district
	02.10.2013	Wednesday	Introduction and requesting for appointment Rukara sector in Kayonza district	Head of sector: Rukara sector in Kayonza district
			Introduction and requesting for appointment Gahini sector in Kayonza district	Head of sector: Gahini sector in Kayonza district
	03.10.2013	Thursday	Interview	Citizens (Gahini sector) in Kayonza district
	04.10.2013	Friday	Interview	Head of sector (Gahini sector) in Kayonza district
			Interview	Citizens (Gahini sector) in Kayonza district
2 <sup>nd</sup> Week	07.10.2013	Monday	Interview	Citizens (Gahini sector) in Kayonza district
	08.10.2013	Tuesday	Interview	Citizens (Rukara sector) in Kayonza district
			Interview	Head of sector (Rukara sector) in Kayonza district
	09.10.2013	Wednesday	Interview	Citizens (Rukara sector) in Kayonza district
	10.10.2013	Thursday	Interview	Citizens (Rukara sector) in Kayonza district
	11.10.2013	Friday	Interview	Legal Officer at Kayonza District Bureau
Interview			Former registrar of title (E. Rurangwa)	
3 <sup>rd</sup> Week	14.10. 2013	Monday	Interview	Deputy Director General (Land and Mapping) Didier Sagashya
	15.10. 2013	Tuesday	Interview	Rwanda Civil Society Platform
			Introduction and requesting for appointment	MINALOC (Ministry of Local Government)
	16.10.2013	Wednesday	Interview	-
	17.10.2013	Thursday	Interview	Academicians in land profession
	18.10.2013	Friday	Interview	-
4 <sup>th</sup> Week	21.10.2013	Monday	Interview	-
	22.10.2013	Tuesday	Interview	Policy maker (Nkurunziza): Director General
	23.10.2013	Wednesday	Interview	Academicians in land profession
	24.10.2013	Thursday	DEPARTURE DAY	

Appendix 3: Land sharing local registry book

127	MUKA Kwigibana SEZARIN	700-700	<del>Yes</del>
128	UWIMBABAZI	700-700	<del>Yes</del>
123	YANKURIJE	700-100	<del>Yes</del>
124	NYIRABASHASHI BERTIN	700-100	<del>Yes</del>
125	KIGEME MARGARITA	700-700	<del>Yes</del>
126	RUBERIMYANBB EUARSTE	700-700	<del>Yes</del>
127	NTAMBARA THEONEST	80-700	<del>Yes</del>
128	MJIKATABABA CLOTILDE	50-150	<del>Yes</del>
129	NDACIJE Imama DANIEL	37-100	<del>Yes</del>
130	MUKA BUTA DE ADIEMERIC	700-700	<del>Yes</del>
131	MUKA RU GERO PAULINE	700-700	<del>Yes</del>
132	MUKANOHENI UESTINA	50-150	<del>Yes</del>
133	MUKASHINEENYABO TROMITHIO	50-150	<del>Yes</del>
134	MUKASHATARE LEONARDIE	30-170	<del>Yes</del>
135	MUKANUKUMENA VALENTINE	50-150	<del>Yes</del>
136	RUBAMBATWA ATWASE	50-100	<del>Yes</del>
137	HABIMANA	50-150	<del>Yes</del>
138	KANDYUKA	100-100	<del>Yes</del>
139	RUYOYO DANISEN	100-100	<del>Yes</del>
140	MUKASHAKUMYA	50-150	<del>Yes</del>
141	NZABARUSIMANA FRANCOIS	75-100	<del>Yes</del>
142	BIZIMANA SAMUEL	700-100	<del>Yes</del>



