

# **CHANGING GENDER RELATIONS?**

Women's Experiences of Land Rights in the Case of  
the Land Tenure Reform Program in Rwanda

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# DEDICATION

*To Javan, Joric and Jabin*

## ABSTRACT

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**Key words:** Women's land rights, land tenure reform, gender norms and ideologies, land registration and titling, Rwanda

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This thesis is a compilation of a *kappa*, a binding text of six chapters, and four related papers. The overall aim is to explore women's experiences of land rights in the context of the Land Tenure Reform Program (LTRP) in Rwanda. In order to fulfil this aim, the thesis addresses research questions concerning how the process of the LTRP was implemented and how it can be understood, and how women's experiences of the land reform can be described and analysed. Other research questions focus on the conflicts some women face when claiming their rights to land and the experiences of women living in polygamous relationships.

The empirical study is based on fieldwork conducted in Rwanda in 2012 and 2013. It is mainly an explorative, mixed methods study combining qualitative and quantitative approaches. Quantitative data were collected through structured interviews with 480 women from agricultural households. For the qualitative data, 23 semi-structured interviews and 9 Focus Group Discussions were conducted with local level policy implementers, women, and members of women's associations.

Theoretically, the thesis is guided by triangulation of feminist/gender and bargaining approaches and a wide range of previous studies, which provided an overall orienting lens through which the material could be understood.

The study findings stress the efforts of the Government of Rwanda to ensure land rights for women through the elaboration of gender-sensitive land laws and policies that have challenged some gender norms and ideologies related to male supremacy. However, the implementation of these laws and policies still face challenges. Most of the challenges identified stem from the perpetuation of customary practices and deeply embedded socio-cultural norms and beliefs that often clash with the intentions of new laws and policies. This study emphasizes that legal reforms do not completely undo the old forms of discrimination. Instead, situations are created in which new forms of inequality are emerging and some old practices of discrimination are persisting. Although it differs from country to country, this study concludes that gender norms and ideologies affecting the implementation of gender-equal laws and policies are not only of concern in Rwanda but an important issue worldwide.

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## LIST OF ABBREVIATIONS

ASW	: Assistant Social Workers
DFID	: Department for International Development
DHS	: Demographic and Health Survey
EDPRS	: Economic Development and Poverty Reduction Strategy
EICV	: <i>Enquête Intégrée sur les Conditions de Vie</i>
FAO	: Food and Agriculture Organization
FFRP	: Forum of Women Parliamentarians
FGD	: Focus Group Discussion
GBV	: Gender Based Violence
GMO	: Gender Monitoring Office
GoR	: Government of Rwanda
HIV/AIDS	: Human Immunodeficiency Virus infection/Acquired Immune Deficiency Syndrome
HTSPE	: International Program and Project Management
IFAD	: International Fund for Agricultural Development
IFSW	: International Federation of Social Workers
LRT	: Land Registration and Titling
LTRP	: Land Tenure Reform Program
MIGEPROF	: Ministry of Gender and Family Promotion
MINIRENA	: Ministry of Natural Resources
MINITERE	: Ministry of Land
NAS	: National Agricultural Survey
NGOs	: Non-Governmental Organizations
NISR-RPHC4	: National Institute of Statistics of Rwanda – the Fourth Rwanda Population and Housing Census
NISR	: National Institute of Statistics of Rwanda
RISD	: Rwanda Initiative for Sustainable Development
RNRA	: Rwanda Natural Resources Authority
RoR	: Republic of Rwanda
Rwf	: Rwandan Francs
Sida	: Swedish International Development Agency
UN Women	: United Nations – Women
UNICEF	: United Nations Children’s Fund
UR	: University of Rwanda
USAID	: United States Agency for International Development
USD	: United States Dollar
WB	: World Bank



## FOREWORD

On this day of March 2015, I am completing a very demanding PhD research project that I started in March 2010. The initial, vague research ideas on gender and environment gradually turned into well-focused and coherent research at hand on *Changing Gender Relations? Women's Experiences of Land Rights in the Case of the Land Tenure Reform Program in Rwanda*. The scene behind the interest in this domain is what I want to briefly share with the readers of this final work. Although, starting by telling this story may appear strange, the whole research trajectory remains an important part of the final result that I do not want to leave behind. My interest in women's rights started with my professional career journey in academics at the National University of Rwanda (later, in 2014, it merged with other public institutions of higher learning in the country to form the current University of Rwanda) in 2004 and has gradually developed. Since I started working at UR, my first teaching and research experiences were in women's rights and gender issues. Furthermore, doing my masters in Development Cooperation specializing in women at Ewha Woman's University, the world's largest female educational institute in Seoul, three years after my appointment at UR, developed and consolidated my interest in women's rights and gender domain.

Upon completion of my masters, there was a call for applications for two PhD positions in Sweden through an environment sub-project at UR targeting people intending to undertake a research project related to the environment. I had that vibrant desire to pursue my studies and wanted to take this opportunity. However, I hesitated a little and talked to people as I was scared and unsure whether my educational background would fit and fulfil the requirements of the application. I would tell myself that research in the environment is for natural scientists and not social scientists. With my educational background in social sciences with an interest in gender and women's rights, I started to think about how I could motivate my entry into the environment. In the middle of that dilemma, I recalled a number of articles we had read during the masters on how gender is an important aspect of the environment and how the inclusion of women in policies related to the environment has long been neglected, while women remain the main managers of daily activities related to natural resources such as land, water and forests. I then thought, why not apply and focus my proposal on the social aspect of the environment such as people's actions, attitudes and gender relations with regard to the environment. I prepared

my proposal vaguely on *'Dealing with environmental issues: why gender matters?'* nine candidates, including me, submitted their proposals for the two advertised positions, and I was one of the lucky two selected. When I came to Sweden, I started working with my supervisor to structure the research project, and the advice I received included narrowing down the topic and having a focus. At that time, I remembered that the Land Tenure Reform Program (LTRP) was at its peak in Rwanda, and one of its main objectives was to ensure gender equality in access to land. I then thought that since my interest had been in women's rights, why not look at this whole process aimed at strengthening women's rights and exploring women's experiences around it. From there, I was almost convinced that it would be my starting point to explore the social aspect of the environment.

My long-term dream that I was going to fulfil was also somehow challenged by my personal and family responsibilities as a mother and wife. I was admitted to the PhD programme in Sweden when I was six months pregnant. Moreover, it had not been long since I had completed my master's studies in South Korea where I had spent a year, leaving behind my husband and first-born son who was two years and three months at the time I left for South Korea. Although I was very happy to fulfil my dreams in studies, it was not easy to leave my family once again, especially as I was expecting my second child. I discussed it with my husband and together we came to a common understanding that I should pursue my dreams. With determination, I started the long journey with the support of a number of people, relatives, colleagues and friends, whom I sincerely acknowledge and thank below, who contributed to its successful completion.

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Pursuing a PhD project is both a stressful and gratifying experience. It is like climbing a high mountain, step by step, accompanied by bitterness, hardships, frustration, encouragement and trust. Now that I find myself at the top enjoying the beautiful panorama, I realize that it was not only my efforts that got me there. Countless people have contributed directly and indirectly to the top of this long journey, many of them unwittingly. Although it is not enough to express my gratitude in words to all the people who helped me, I would still like to use this opportunity to give my many, many thanks to all of them.

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My warmest thanks go to the administrative staff in my department: your administrative support is one of the many things that helped me to move forward. I particularly convey my deep appreciation to Ingegerd Franzon for your warm welcome and smile whenever I knocked on your door to seek any kind of help. Similarly, my thanks go to Pirjo Ledesund for all the times I met you on the way or you stepped into my office to ask me how I was. Thanks also to Jan Svensson, IT technician, for your understanding and valuable help whenever I needed you, and to Maria Gimströmer and Pia Dahlquist. Thanks to all the academic and administrative staff whose names are not mentioned here but whose ‘*Hej*’ with a beautiful smile every time we met in corridors lightened my days here.

The work described in this thesis would not have been possible without financial support from the University of Rwanda (UR)-Sweden Program for Research, Higher Learning and Institution Advancement. I express my gratitude to the coordinators and staff on both sides, especially Raymond Ndikumana, Alex Karara, Charles Gakomeye, Colin Karuhanga, Claudine Mukaringuyenzeza, Leonidas Mudenge, Theophile Niyonzima, Francois Xavier Naramabuye, Göran Wallin, Bengt-Ove Turesson and Theresa Lagali for facilitating this journey towards its joyful ending. Thanks to the University of Rwanda in general and the College of Art and Social Sciences, especially for the support they provided. I also gratefully acknowledge other funding sources such as *Adlerbertska Stipendiefonden*, *Adlerbertska Stipendiestiftelsen*, *Paul och Marie Berghaus Donationsfond*, *Stipendiefonden Viktor Rydbergs Minne*, *Oscar Ekmans Stipendiefond* and *Understödsfonden*, which enabled me to go to different places and attend various courses, seminars and conferences.

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Being a newcomer in a country during the last period of pregnancy is very challenging. Thanks so much Enid Mukiga for having showed me around – the hospital, health centre, second-hand markets, *Skatteverket*, etc. – with the little available time you had. You took me around to shop for my expected baby. I still remember your company as if it were yesterday and always will. Thanks for that kindness. The toughest time was to come. Having a young child here alone and meeting the requirement of a PhD project is not an easy task. In this respect, there are special people to whom I owe my deepest gratitude. Very special thanks to the Ngangure and Umulisa family, and the Nzatunga and Nyiramubyeyi family, the Godson family, the Gatali and Epiphanie family and my colleague and friend Kagaba Mediatrice for having occasionally babysat my son Jabin to allow me to attend classes, do assignments and meet my supervisors. I will always treasure and remember your valuable help. May God bless you abundantly.

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key informants who provided useful information to this study deserve my gratitude for the patience with which they answered many questions.

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Finally, I thank my God, my Heavenly Father, for letting me through all the difficulties. I have experienced your guidance day by day. You are the one who let me finish my degree. I will go on trusting You for my entire life. Thank you, Lord!

To you all I say:  
*Tack så mycket!*  
*Thank you so much!*  
*Murakoze cyane!*

# CHAPTER 1: INTRODUCTION

Although gender norms and ideologies differ by culture and change over time, women in all societies often face gender-specific challenges in various domains, such as education, politics, health, the economy and the labour force, as well as in access to resources (Jacobsen, 2007; FAO, 2011; Levit & Verchick, 2006; World Bank, 2005; Shepherd, 2015). These challenges are mostly rooted in systematic, biased norms and practices that determine the entitlements of men and women (Agarwal, 1994a; Cousins, 2008; Hallward-Driemeier & Hasan, 2013; Siltanen & Doucet, 2008). Access to productive resources such as land is one of the areas in which the evidence illustrating gender inequalities is overwhelming across developing countries (FAO, 2011). Although both national and international measures have been taken to ensure gender equality and some women do enjoy considerable land rights, gender inequalities remain and many women still face challenges claiming their land rights in both statutory and customary systems (Agarwal, 1994a; Hallward-Driemeier & Hasan, 2013; Joireman, 2006; Kaarhus, Benjaminsen, Hellum & Ikdahl, 2011). This thesis is concerned with the exploration of women's experiences of land rights in the context of the LTRP in Rwanda. It is a compilation of a *kappa* (binding text) of six chapters and four related papers presenting and discussing the findings in details. Before entering into the core aim of the thesis, the first section below provides an overview of the general situation of women in Rwanda.

## 1.1 General situation of women in Rwanda

In this section, some practices are described as historical accounts that no longer exist in Rwandan society, while other practices are discussed as having existed in Rwanda in the past and still existing and having value.

### 1.1.1 Socio-cultural, economic and political context

The situation of women in Rwanda should be seen within a patriarchal social structure that underlies the unequal social power relations between men and women, as well as between boys and girls (RoR-MIGEPROF, 2010; RoR-GMO, 2010). Gender roles in Rwanda are arranged around a household division of labour that allows women

considerable autonomy in their roles as child bearers and food producers. Women's biological capacity to bear children and their roles as mothers strongly determine their status, and their influence is eventually captive to cultural interpretations of these capacities (Uwineza & Person, 2009). The role of the woman in the family is of paramount importance to the wellbeing of the family. Several traditional Rwandan sayings, which refer to the woman as the source of livelihood for her family, illustrate this reality: *Ukurusha umugore akurusha urugo* (with a great woman, a great home is assured) and *umugore ni umutima w'urugo* (a woman is the heart of a home), (Uwineza & Person, 2009; Uwihangana, 2014).

The arrangement of gender considers the man the head of the family and preserves overall male authority over family affairs and important decisions. Although the man may sometimes consult his wife before making decision, such gestures are more of a formality than a requirement. In most cases, the wife saying 'no' does not prevent her husband from making decisions (RoR-MIGEPROF, 2010; Uwineza & Person, 2009). Gender roles differ according to the social status and material wealth of families. In rich families, women reflect higher levels of management and control of family affairs than in poor families. Wealth and social rank give women access to certain privileges but do not necessarily translate into all forms of authority (Uwineza & Person, 2009).

Considering gender roles in the public sphere, on the one hand, traditionally, women are not encouraged to speak publicly, especially in the presence of men, and women who dare to challenge men in public are considered insolent (Uwineza & Person, 2009). On the other hand, in some ways, women's leadership and participation in public life are respected and solicited. There are historical examples of women's involvement in the country's political and public sphere, such as the institution of the Queen Mother in the Rwandan Monarchy. Men in the Royal Family dominated most leadership roles, but some women held high-level political positions. The Queen Mother co-ruled the nation with power and autonomy equal to that of her son, the King. A king was never enthroned alone. Similarly, other women inherited leadership roles from their husbands or brothers and managed to overcome some gender prohibitions (Uwineza & Person, 2009; RoR-MIGEPROF, 2010).

Considering the discussion above, it is clear that Rwandan culture carries competing messages about women's status in society and their relationship with men. Certain aspects of the culture recognize women's worth and their leadership in



managing family and public affairs, while other aspects explicitly assert men's authority and subject women to a subordinate position by excluding them from, for example, public decision-making, limiting their influence over major household decisions and preventing their ownership of property (Uwineza & Person, 2009). Many laws openly discriminated against women in different domains (RoR-MIGEPROF, 2010). Regarding formal education, girls and women were allowed to study much later, almost 40 years after the first boys and men had been introduced to formal education by the colonialists (RoR-NURC, 2005). Land ownership and inheritance laws are other areas of restriction for women (RoR-MINIRENA, 2004). These laws impede a woman's ability to hold property.

### **1.1.2 Changes after the 1994 Tutsi genocide**

Gender relations, norms and ideologies have been changing over time. Many factors, including urbanization, colonization and modernization, have influenced the social institutions and construction of gender in Rwanda (Adekunle, 2007). More importantly, the social, economic and political factors in the aftermath of the 1994 Tutsi genocide<sup>1</sup> accelerated the changes in women's situations (Uwineza & Person 2009; Adekunle, 2007; RoR-MIGEPROF, 2010). The post-genocide situation gave rise to new roles and opportunities for women who became increasingly active in all aspects of Rwandan life and culture (Adekunle, 2007). Women were obliged to take up many responsibilities including those that were traditionally male related. They took the lead in restoring communities, often in an effort to meet the basic needs of their children and other survivors (RoR-GMO, 2010). During the genocide, many men were injured and became unable to carry out their family responsibilities. Others were killed, or forced into exile, which increased the number of female-headed households (Uwineza & Person, 2009). Just over one-third of Rwanda's households are headed by women (RoR-NISR, 2012a, 2012b, 2013; WFP, NISR & MINAGRI,

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<sup>1</sup> The 1994 Tutsi genocide refers to the killings that occurred in Rwanda from April to July 1994. It is estimated that between 500,000 and 1,000,000 Tutsi were murdered by Hutu militia and ordinary citizens incited by extremist Hutu officials to take up arms against their neighbours. Tutsi were killed as a group because of their ethnicity, and estimates of 10,000 to 50,000 Hutu political opposition and non-political Hutu who showed reluctance to kill Tutsis were also murdered (Mamdani, 2001, p. 5). The genocide ended when the Rwanda Patriotic Front (RPF) defeated the Hutu regime. For more details about the 1994 Tutsi genocide, its preceding killings and the general background on ethnic tensions in Rwanda, see Destexhe (1995), Lemarchand (1997), Mamdani (2001) and Prunier (1997).

2012). Beside the social and gender fabrics, which are disorganized, the 1994 genocide left behind unprecedented destruction in every domain.

Different initiatives were undertaken in different domains by the Government of Rwanda (GoR) in order to rebuild the country. This thesis focuses briefly on gender equality and the promotion of women's rights, especially land rights. In the attempts to rebuild the country, the GoR considers women necessary participants in the overall reconstruction process (Uwineza & Person, 2009). The major challenge is that women are required to take up active roles to sustain their families and their country in an unfavourable socio-cultural and legal environment. Many of them have no formal education, formal skills or access to property and face difficulties making claims to their family land and property without husbands or other male relatives.

The GoR in collaboration with its partners and civil society organizations both national and international has therefore gradually implemented programmes and taken several measures and instruments to improve women's access in terms of socio-economic rights, decision-making and embarking on education, legal and other forms of capacity building for women (RoR-MIGEPROF, 2010).

Gender equality became a cross-cutting component in important national development policies and strategies like Vision 2020 and the Economic Development and Poverty Reduction Strategy (EDPRS) (RoR, 2012a, 2012b; RoR-GMO, 2010). The GoR put in place various national bodies and institutional mechanisms aimed at promoting gender equality. To name a few, these include the National Gender Machinery, consisting of the Ministry of Gender and Family Promotion (MIGEPROF); the Gender Monitoring Office and the National Women's Council (RoR-MIGEPROF, 2010). There are other institutions like the Beijing Permanent Secretariat, the National Gender Cluster, the Forum of Women Parliamentarians (FFRP) and different mechanisms enabling women at grassroots level to have access to credit and savings (RoR-GMO, 2010).

In addition, a considerable number of laws and policies have been implemented to promote gender equality across all sectors. The most prominent is the 2003 National Constitution (RoR, 2003), which is an important tool for sustaining women's participation in decision-making positions at all levels of government. It mandates a minimum of 30% representation by women at all decision-making levels. Another is the inheritance law adopted in 1999 (RoR, 1999) that granted women the right to inherit property for the first time in the country's history. This provision was a

critical step forward for women as it allowed them to inherit land, which forms the basis for survival in Rwanda. Similarly, the GoR adopted the National Gender Policy, the law on prevention and punishment of Gender Based Violence (GBV) 2008 (RoR, 2009). Rwanda has also ratified a number of international and regional protocols designed to promote and protect the rights of women and girls (Uwineza & Person, 2009).

The effort of the GoR to integrate women is visible in different domains. For instance, in 2003, with 48.8% of women in parliament, Rwanda elected a record number of women parliamentarians, moving ahead of Sweden, which had previously had the world's highest proportion. Rwanda has continued to lead the world with the highest number of women in Parliament with 56.25% in the 2008 elections and 64% in the last parliamentary elections in 2013. Women achieved this dramatic increase, up from 17.1% in the aftermath of 1994 Tutsi genocide (Uwihangana, 2014). The FFRP has been crucial in inciting parliamentarians to take an active and visible role in crafting and introducing legislation for gender equality and revising discriminatory provisions in legal documents. Some researchers like Uwineza and Person (2009, p. 11) state that the integration of women into country programmes and political decision-making was induced by the aftermath genocide situation and was facilitated by the positive aspect in Rwandan culture of women's value in traditional Rwandan society (for a more comprehensive analysis of the situation of women in Rwanda, see, for example, Uwineza & Person, 2009; RoR-GMO, 2010; and RoR-MIGEPF, 2010).

### **1.1.3 Challenges remain**

Although Rwanda has registered much progress on women's rights, obstacles remain. In ordinary life, even if some structural changes in relation to gender equality have been taking place, people's mindsets (both men's and women's) are changing slowly. Some Rwandans still hold on to traditions that discriminate against women and give supremacy to men. In general, women's roles in the household and marriage have changed more slowly than their roles as public figures (Uwineza & Person, 2009). Systemic challenges such as poverty and lack of access to formal education continue to affect more women than men. Women still attain lower educational levels than men and girls lag behind boys in terms of completion rates and final examination scores, which leads to women having less access to high-paying skilled jobs than men (RoR,

2012a). Women and girls lack knowledge about their rights, and there is also a lack of enforcement of gender-sensitive laws. Although the constitution stipulates that women should constitute 30% of all leadership positions in the country, and this is achieved in parliament and some other positions, in general, positions traditionally occupied by men are still male dominated. Key positions, such as heads of learning institutions, hospital directors and senior officers, show big gender gaps with very few women (RoR-GMO, 2010).

#### **1.1.4 Focus of the thesis**

As discussed above, efforts have been made in different domains, including education, health, economy, decision-making and access to resources such as land, to strengthen women's situation in Rwanda (RoR-MIGEPROF, 2010). This thesis focuses specifically on land rights for women. Access to land rights in Rwanda is one of the areas that has marked important changes in the aftermath of the genocide. By supporting the land sector, the GoR has aimed to increase productivity through the consolidation of land holdings and greater incentives to invest in agriculture and hence economic development (Gillingham & Buckle, 2014). In the LTRP, the GoR embarked on dealing with six key land issues, including the unfavourable land tenure system for women that hindered efficient management and rational use of land (RoR-MINIRENA, 2004). As in other sectors, gender equality is a cross-cutting issue in all the strategies that the GoR has undertaken regarding access to land. This study is not an implementation study of the LTRP or an evaluation of it vis-à-vis women. Instead, it aims to capture the experiences of women in the context of the LTRP. The contextual understanding of land reforms and their implication for women and different legal and institutional frameworks in relation to land in Rwanda are developed in Chapter 2.

Another important point to highlight is that this thesis has been produced within the domain of the social work discipline and profession. It is therefore important to mention that the development of social work as a profession in Rwanda is new and linked to the changes and strategies initiated after the genocide to deal with its consequences (Kalinganire, 2003, Bayisenge, 2014). In pre-colonial times, the kinship and community self-help structures provided support to those affected by death, disease, hunger or other social needs. Formal structures were begun during colonization, with Belgian Missionaries stimulating the empowerment of women to

take care of their families, including their husbands. Education and the practice of social work started with secondary schools offering ‘Social Action’ as a subject. The objective was to train Assistant Social Workers (ASW) with at least some minimum knowledge and skills. In the aftermath of the 1994 genocide, NGOs began offering short training to different agents in addition to the low number of Assistant Social Workers. The need to train qualified professional social workers capable of dealing with the consequences of the tragedy was evident. A bachelor’s programme was introduced in the Department of Social Sciences at the University of Rwanda in 1998. The employment of social workers in public and private institutions and NGOs has brought significant changes in the field of social welfare services (Uwihangana, 2014). This thesis does not focus on the roles of social workers in ensuring land rights for women. However, in the general conclusion, the thesis discusses the implication that the findings may have on social work in Rwanda.

## **1.2 Main research problem and rationale of the study**

Access to land is a basic requirement for farming and control over land is synonymous with wealth, status and power in many areas. Strengthening women’s access to, and control over, land is an important means of raising their status and influence within households and communities (FAO, 2011, p. 23).

Women’s land rights have long been a contested issue, not only in Rwanda but also in many other African countries (Davison, 1988c; Ikdahl, Hallum, Kaarhus, & Benjaminsen, 2005) as well as other developing countries in South Asia (Agarwal, 1994a, 1994b) and Latin America (Deere & León, 2001). The questioning of the exclusion of women from property ownership, including land, gained global visibility following the statement made during the UN Women’s Conference in Copenhagen in 1980. It was stated there that although women constitute 50% of the world’s population and perform 66% of the work in the world, they receive only 10% of the income and own less than 1% of the world’s resources (Mapp, 2011; Rao, 2007). Customary systems were mostly held responsible for such imbalances and legal reforms, and LTRPs were initiated in an attempt to bring positive changes.

LTRPs are not new on the international scene, though the intensity, focus and motivations have changed over time. Such programmes have been among the top priorities of many governments of developing countries and of their donors as a way of promoting economic development for several decades (De Soto, 2001; Deininger

& Feder, 2009; Place, Roth & Hazell, 1994). The main focus of these programmes has been to register land and give land titles to people. It was suggested that women, who had previously been discriminated against with regard to property ownership (FAO, 2006; Levit & Verchick, 2006), would benefit from formalized land tenure rights (Agarwal, 2003; Benschop, 2004; Rao, 2007; Whitehead & Tsikata, 2003). The LTRP has previously been criticized for being gender blind and issuing titles solely to the heads of households who were mainly male (Razavi, 2003), even though women are more engaged in land-related activities than men in developing countries (FAO, 2011). The recently introduced LTRP tends to address this issue by ensuring that the rights of the women to land are considered especially through elaboration of gender-sensitive land-related laws and policies and the issuance of joint titles to couples (WB, FAO, & IFAD, 2009).

Various studies have concluded that strengthening women's land rights by giving them land titles has led to positive outcomes such as increased bargaining power and welfare (Agarwal, 1994a, 1994b; Deere & León, 2001; Deininger & Feder, 2009; FAO, 2006; Holden & Bezu, 2013), however, the evidence on which these conclusions have been based has been dispersed, context dependent and scant (Jackson, 2003; Deininger & Feder, 2009). In different parts of the world, LTRPs have not always achieved the intended results (Deininger & Feder, 2009). Even so, they continue to be on the agenda of many African governments and international organizations hoping to correct previous mistakes and learn from experience.

Recent empirical studies have emphasized the roles of social and cultural norms in challenging the effective implementation of designed reforms and gender-sensitive laws and policies (Claassens & Cousins, 2008; McAuslan, 2010). Others have questioned the 'one-size-fits-all' remedies that developed countries continue to prescribe to developing countries (Bromley, 2008; Mitchell, 2004). The emerging consensus is that land policies should be based on a good understanding of customary systems of land tenure (RISD, 2013; Veldman & Lankhorst, 2011; Whitehead & Tsikata, 2003).

In Rwanda, the systematic Land Registration and Titling (LRT) Program, which is the main component of the LTRP, was piloted in 2006 and expanded to the whole country in 2009 (Ali Ayalew, Deininger & Goldstein, 2011; MINITERE, DFID & HTSPE, 2007). A high number of women have secured land titles either jointly with their husbands or independently (Gillingham & Buckle, 2014). A number of laws,

decrees and policies regulating the implementation of LRT have been elaborated (Daley, Dore-Weeks & Umuhoza, 2010). While we know through policy documents and research conducted in other countries that women may potentially benefit from LTRPs, very little is known about women's experiences in the case of the Rwandan LTRP.

Several studies – some theoretical and others empirical – have analysed women's land rights within the new legal land framework in Rwanda (see Ali Ayalew et al., 2011; Cooper, 2011; Daley et al., 2010; Daley & Englert, 2010; McAuslan, 2010). However, very few studies have extensively and empirically explored the experiences of women in relation to the LTRP, especially since the majority of the population including women acquired land certificates through LRT. This study therefore intends to fill that gap. The study does not, however, intend to evaluate the outcome of this programme. It rather aims to use the findings from one district of Rwanda in order to highlight the experiences of women with regard to their land rights. These findings may yield insights not only for other women in Rwanda but also outside Rwanda. This study will draw conclusions that are important to both policymakers and implementers, as well as local people, because it is grounded in reality from the field. It will also add fresh findings in the case of Rwanda to the contemporary academic debate on securing and strengthening women's land rights through the LTRP.

### **1.3 Aim and research questions**

The overall aim of this thesis is to explore women's experiences of land rights in the context of the LTRP in Rwanda. It has been important to learn about the actual implementation process of the LTRP in order to understand the experiences of women vis-à-vis the whole programme. Therefore, besides listening to women's voices, it has been important to talk to administrative staff who have been closely involved in the implementation of the LTRP to hear about the implementation process and their experiences with regard to women's land rights in the context of the LTRP.

In order to fulfil the aim, six research questions were posed. The different research questions have been answered in one or more of the papers in the thesis.

- How has the process of the LTRP been carried out and how can it be understood? (Papers 1 and 2)
- How can the experiences of implementers during the process of LRT be analysed in regard to women's land rights? (Paper 1)
- What were the major challenges encountered by the local implementers during the implementation process and how were they dealt with? (Paper 1)
- How can women's experiences (with regard to knowledge, attitudes, participation, decision-making over land) of the LRT Program and the legal framework regulating it be described and analysed? (Paper 2)
- What conflicts might women face while claiming their rights to land and by what processes are these addressed? (Paper 3)
- How can the experiences of women living in polygamous relationships with regard to their land rights be described and analysed? (Papers 1, 2 and, especially, 4)

## **1.4 Conceptual considerations**

### **1.4.1 Gender ideologies, norms and relations**

It is important to discuss gender ideologies, norms and relations, the main concepts in the feminist and gender perspective that guide this study. Women's land rights in Rwanda as in other developing countries are mainly regulated within a framework of gender norms and ideologies of male supremacy operating at various and interconnected levels of society. Socio-cultural and gender ideologies and norms embody accepted notions about ownership of land and other properties (Agarwal, 1994a; Sultana & Busra, 2013). Gender norms, relations and ideologies enter nearly every sphere of everyday life (Agarwal, 1997; Connell, 2009) and greatly influence how the societies in which people live are organized. Agarwal (1994a, p. 52) defines gender relations as:



relations of power between women and men which are revealed in a range of practices, ideas, and representations, including the division of labor, roles, and resources between women and men, and the ascribing to them of different abilities, attitudes, desires, personality traits, behaviors patterns, and so on.

Gender norms and ideologies nurture, regulate and mediate gender relations on a daily basis. Gender ideologies can be defined ‘as a taken for granted set of social beliefs about men’s and women’s roles and relationships in both private and public spheres’ (Siltanen & Doucet, 2008, p. 117). Gender ideologies can be manifested in a number of domains of lived experience, including masculinities and femininities, motherhood and fatherhood, marriage and family life (Siltanen & Doucet, 2008), as well as access to resources such as land.

Gender carries the ideologies and the socio-cultural context in which it is constructed (Steady, 2005). Therefore, in a general way, gender relations and ideologies are shaped and operate not only at the micro-level of everyday social interaction but also at the macro-level by social norms, social relations and social institutions that control and regulate people’s practices (Radtke & Stam, 1994). Social norms refer to the informal and formal rules that govern how people behave in a way that is considered culturally desirable and appropriate (Namabira & Kamanzi, 2013).

Gender relations are power relations (Radtke & Stam, 1994). Gender relations are fundamentally unequal, looking at how women’s and men’s lives are positioned in cultural, economic and political spheres (Siltanen & Doucet, 2008). In many societies, women have less access to the resources and opportunities necessary for survival and self-determination, which perpetuates gender inequalities and hierarchies (Chant, 2007; Reeves & Baden, 2000; World Bank, 2005). Gender hierarchies are often considered natural while they are socially determined relations, culturally based and subject to change over time (Reeves & Baden, 2000). In patriarchal systems, gender ideologies on male dominance are institutionalized (Siltanen & Doucet, 2008). Inequalities exist across a range of resources, from income and wealth to social honour and cultural authority (Connell, 2009). There is therefore inequality not only in terms of money but also ‘authority, respect, service, safety, housing, access to institutional power, emotional support, and control over one’s own life’ (Connell, 2009, p. 142).

### **1.4.2 Women's land rights**

Article 2, Section 17 of the Organic Land Law of 2013 defines land rights as the 'inalienable ability of individuals or groups of individuals to obtain, possess and utilize land at their discretion, so as long as their activities on the land, do not violate the inalienable rights of heirs' (RoR, 2013). The concept of land rights is very complex in itself, as rights to land are too diverse. In practice, a varied number of rights may exist and be held by several persons or groups, which has given rise to the concept of the bundle of rights (Agarwal, 1994a, 1994b; see also FAO, 2002; Kathewera-Banda et al., 2011). Such rights can be categorized as follows: *Use rights*, for example, the right to use the land for grazing, growing subsistence crops, gathering minor forestry products, etc.; *Control rights*, such as the right to make decisions on how the land should be used and to benefit financially from the sale of crops, how its produce is disposed of, etc.; and *Transfer rights*, which may include the right to sell or mortgage the land, to convey the land to others, etc. (FAO, 2002).

Very often, women have only use rights but no rights to control or transfer the land from which they derive their livelihood (Brown & Uvuza, 2006). Yet, Agarwal (1994a, 1994b) points out that the advantage of property stems not only from ownership but also from effective control over it. To be effective, women's land rights should include all three categories of land rights mentioned above. In this study, women's land rights involve not only the right to access, own and use land but also the ability to control that land. Making access to land more equitable for women does not mean addressing only the number of rights allocated but also making sure that these rights are enforced and secured (FAO, 2011). Agarwal (1994a, 1994b) therefore highlights the need to distinguish between legal recognition of a claim and social recognition, and also to distinguish between recognition and enforcement.

### **1.4.3 Land tenure**

Article 2, Section 7 of the Organic Land Law of 2013 defines land tenure as the system by which land is held, and describes rights, responsibilities and restrictions that are attached to the landholder (RoR, 2013). In the National Land Policy, land tenure is considered a set of modes or procedures of land acquisition and ownership (RoR-MINIRENA, 2004). In other words, it is a combination of rules that defines the modes of access, use and control of land and its renewable natural resources. Land

tenure has a multidisciplinary dimension that includes social, technical, economical, institutional, legal and political aspects (RoR-MINIRENA, 2004). In FAO's Land Tenure Studies (2002), land tenure refers to the relationships between people and land, which are defined legally or customarily by the rules invented by societies to allocate property rights over land, and grant access to the use and control of land. Land tenure systems determine who can use what resources for how long and under what conditions (FAO, 2007).

#### **1.4.4 Land title**

Article 2, Section 27 of the Organic Land Law of 2013 defines a land title as 'a written document confirming a person's rights to land, which is governed by written laws and delivered according to the law by competent authority' (RoR, 2013). It applies to emphyteutic leases as well as the freehold or any other form of land tenure legally provided for. In Rwanda, especially during the systematic LRT Program, individuals are granted titles by the State in the form of an emphyteutic lease. The land lease period cannot be less than three (3) years and cannot exceed ninety-nine (99) years, however, it can be renewed (RoR, 2013, Article 17). In this thesis, as reflected in the literature on the LTRP, 'land title' and 'land certificate' will be used interchangeably.

#### **1.4.5 The Land Tenure Reform Program (LTRP) and Land Registration and Titling (LRT) Program**

LTRP and LRT are two acronyms whose use in this thesis can lead to confusion if not well explained. The use of LTRP in this study refers to the whole range of changes and strategies undertaken in the land sector in Rwanda, especially since the aftermath of the 1994 Tutsi genocide in order to deal with land-related issues. These strategies include the adoption of land-related laws, decrees, orders and policies as well as the establishment of an institutional framework. The activities of the LTRP are grouped into main components such as the grouped settlement programme, land use consolidation carried out for productivity purposes and the LRT Program. As each component integrates a wide range of interrelated and complex activities in order to stay focused, this study refers more to LRT than other components of the LTRP. LRT is related to the process of recording and disseminating information about the ownership, value and use of land and issuance of titles. Though some findings relate

to LRT, they are always presented and discussed within the framework of the whole LTRP. Therefore, the scope of the thesis is not limited to women's experiences of access to land titles through LRT but the whole LTRP.

Many policy documents from the GoR and international organizations involved in the LTRP in Rwanda, such as the World Bank, DFID and USAID, and in studies conducted by various researchers use different terms to refer to the process of LRT in Rwanda. It is called Land Tenure Regularization Program, Land Formalization Program or Land Registration and Titling (LRT) Program (Ali Ayalew et al., 2011; DFID-Rwanda, 2011; Gillingham & Buckle, 2014; RISD, 2013). For the purpose of this study, LRT Program is used.

## **1.5 Description of the area of study**

This section gives a brief description of Rwanda in general and the Musanze District that forms the area of study in particular.

### **1.5.1 Short description of Rwanda**

The figures presented here are from the Fourth Rwanda Population and Housing Census (RPHC4) published by the National Institute of Statistics of Rwanda (RoR-NISR, 2014b). Rwanda is a small, landlocked, densely populated country situated in Central Africa with a surface area of 26,338 km<sup>2</sup> and a population of 10,515,973 residents, of which 52% are women. It shares borders with Burundi to the south, the Democratic Republic of Congo (DRC) to the west, Tanzania to the east and Uganda to the North. Rwanda has the highest average density of 415 persons per km<sup>2</sup> in the region, compared with neighbouring countries such as Burundi (333), Uganda (173) and Kenya (73). The Rwandan population is young with 50% under 20 and only 3% over 65 years of age. Its population is predominantly rural with 83.5% of the resident population living in rural areas. Land remains vital to the livelihoods of the majority of Rwanda's people with 82% of women working in agricultural occupations compared with 63% of men. Following the administrative reforms of January 2006, Rwanda is divided into four provinces (Northern, Southern, Eastern and Western) in addition to Kigali City, 30 districts, 416 sectors, 2,148 cells and 14, 837 villages (Figure 1).

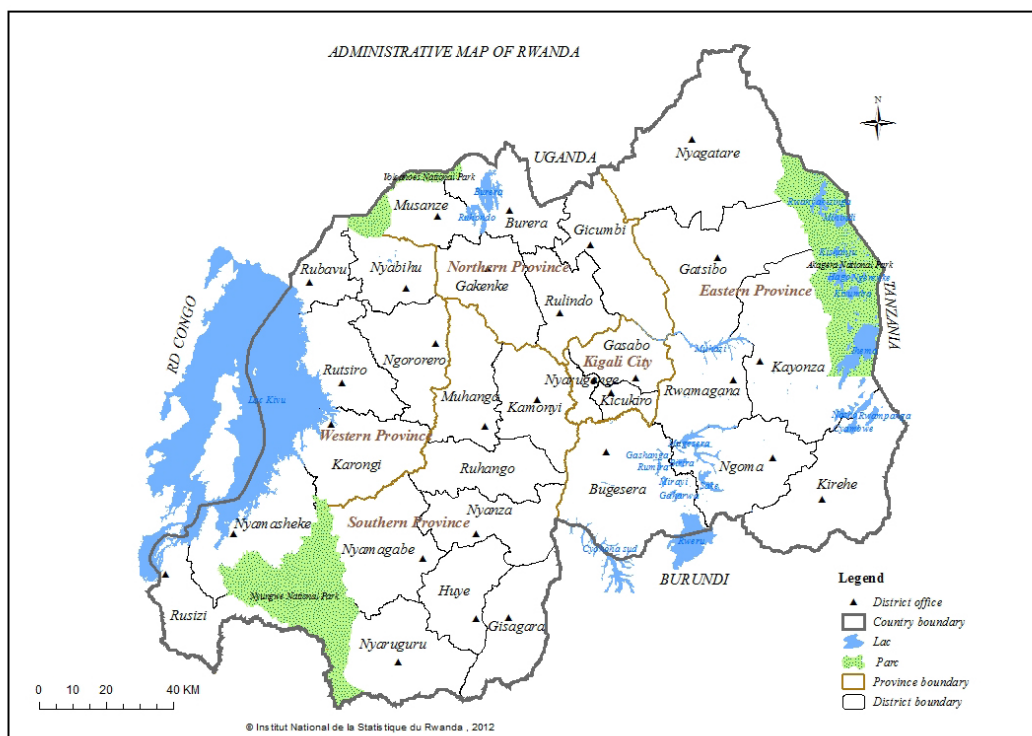


Figure 1: Administrative Map of Rwanda

Source: RoR-NISR, 2012c

<http://statistics.gov.rw/publications/rwanda-administrative-map>

## 1.5.2 Musanze District

Musanze District is located in the Northern Province and is composed of 15 sectors. Considering population density by province, the Northern Province is the most densely populated with an average of 527 inhabitants per km<sup>2</sup>, following Kigali City with 1,552 inhabitants per km<sup>2</sup>. At district level, except in all three districts of Kigali City and the district of Rubavu where population densities greatly exceed 1,000 per km<sup>2</sup>, Musanze District follows with 694 persons per km<sup>2</sup> (Figure 2). In accordance with the general trend in Rwanda, the population in Musanze is young, rural and predominantly dependent on subsistence agriculture for its livelihood (RoR-NISR, 2014a).

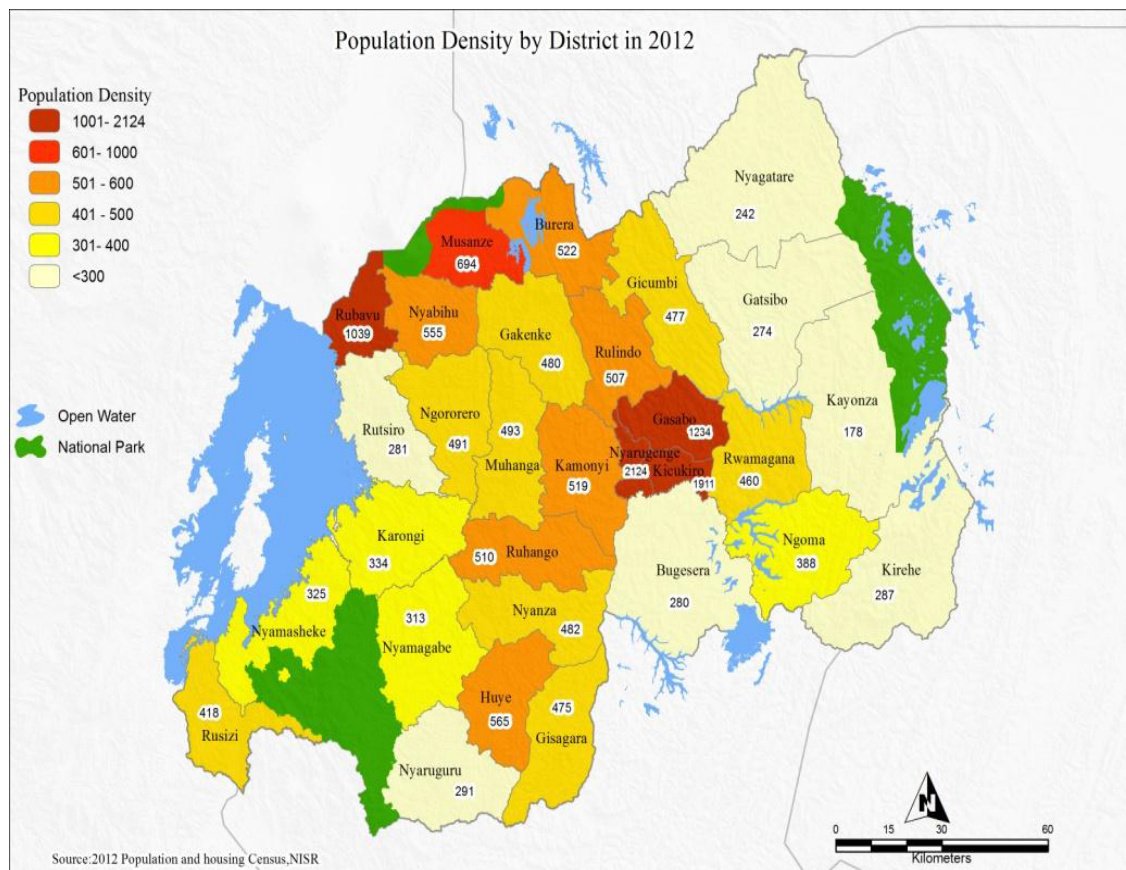


Figure 2: Population density in Rwanda  
 Source: RoR-NISR, 2014b, p. 18

The main reason for choosing Musanze District as a study area was that it presented particular challenges that could affect women’s access to land. Firstly, during March-October 2006, an extensive preparatory study of the LTRP was carried out by the GoR and its partners. One cell was selected in each of the following four trial districts: Karongi, Gasabo, Kirehe and Musanze. A central objective of the study was to establish baseline information about local land tenure practices in Rwanda in order to enable the LTRP to be implemented in a way that builds on existing practices wherever possible to enhance its social legitimacy (MINITERE et al., 2007). The preliminary study reported that Musanze was among the most densely populated districts in Rwanda, which gave rise to high population pressures and land scarcity. Landholdings in Musanze were on average smaller than in the other three trial districts (MINITERE et al., 2007), and there were many landless people. Secondly, polygamy, which is one of the main challenges to women’s land rights and the implementation of the LRT Program, was found to be more common in this area than in the other three trial districts. Consequently, studying the experiences of women in a

district with such challenges could be particularly interesting in order to understand the topic as well as to see how they have dealt with such challenges.

## **1.6 Overview of the thesis**

In addition to the introductory and first chapter, which sets the scene, provides the background to the study and states the aims, the thesis is structured in five chapters. Chapter 2 places the topic at hand in international and national contexts and discusses the place of women in land tenure systems. Chapter 3 describes the theoretical perspectives that guided the study. Chapter 4 discusses the methodological process followed throughout the research process, ethical considerations, some general challenges to the study as well as its limitations. Chapter 5 provides a brief summary of the four individual papers that constitute the empirical part of this thesis. Chapter 6 presents the main conclusions and relates them back to some previous research and theoretical perspectives and discusses their policy and research implications.

The four individual papers are listed below.

**Paper 1:** Women's land rights in the context of the Land Tenure Reform in Rwanda- the experiences of policy implementers (Published: *Journal of Eastern African Studies*)

**Paper 2:** Women's experiences of the Land Tenure Reform Program in Rwanda (Submitted to: *Journal of Agrarian Change*)

**Paper 3:** Women's experiences of land conflicts in the context of the Land Tenure Reform Program in Rwanda (Accepted for publication and will be online on March 31<sup>st</sup>, 2015: *International Journal of Gender and Women's Studies*)

**Paper 4:** Does the law work in their favor? The complexity of land rights of women living in polygamous relationships in Rwanda (Accepted for publication: *Journal of Culture and African Women Studies*)

## **CHAPTER 2: CONTEXTUAL FRAMEWORK**

This chapter has two main sections. The first section provides a general understanding of LTRPs and their implications for women's land rights. The second section discusses land tenure systems in the context of Rwanda and the place of women in these systems. It then discusses the core land-related laws and policies and their implications for women. It ends with a note on the process of LRT in Rwanda.

### **2.1 General understanding of the Land Tenure Reforms Program**

#### **2.1.1 Why land tenure reforms?**

Policies and research focusing on land reform are not new in international research and policy debate. They have been on the list of priorities in developing countries and international organizations for many years (Peters, 2009). Holden, Otsuka and Deininger (2013) reported the 20<sup>th</sup> century as one when many of the biggest LTRPs in history were carried out.

The main concern of the LTRP has been to provide secure property rights to people, especially through programmes of LRT. Titles have been claimed to: (1) allow individuals to gain access to credit by using their land titles as collateral for loans; (2) ensure tenure security that would limit the expansion of resources to enforce land rights by reducing the incidence of land disputes, enhancing gender equality and increasing land-related investment; and (3) enhance the operation of land transactions, facilitating transfers of land from less efficient to more efficient users (Bromley, 2008; Place, Roth & Hazel, 1994).

Until the beginning of the 1970s, the attention of international institutions involved in land reforms was almost exclusively focused on Latin America and Asia, while Africa was commonly considered a continent with abundant land and flexible indigenous land tenure systems (Platteau, 1996). Yet, a few land reforms were initiated in Africa prior to the 1970s. The most famous was systematic titling, initiated from the mid-1950s in Kenya, which led to a range of problems, including land grabbing by the urban elite (Burns, 2007; Kaarhus et al., 2011).



In most customary land tenure systems in Africa, a range of people collectively held a ‘bundle of rights’ over a piece of land (right to access it, cultivate it, exclude others from it, transfer rights over it, etc.) (Cotula, 2007). Alden-Wily (2008) wrote that up to one-quarter of the total land mass was common property defined as areas over which communities still exercise customary tenure rights. Alden-Wily continued by saying that in some countries like Sudan, Zimbabwe and Zambia, the commons were seen as the only capital asset of the poor with too little farmland to survive.

Once the colonizers came to Africa, they considered commons ‘nobody’s property’. Land such as pastures and woodlands, which were not settled or cultivated, was considered unowned. Colonizers considered indigenous populations’ land rights as temporal usufruct over their farms, which could only attain the status of property rights through their conversion into scheduled European norms (Alden-Wily, 2008).

Land reform became prominent in Africa following the concerns expressed by ‘the tragedy of the commons’ that highlighted the problem of open access resources (Hardin, 1968). The concern claimed by the tragedy was the inner limitations of communal land ownership to ensure secure property rights. The logic was that in communal tenure, there was a domination of group rights and an absence of individual rights. This absence led to insecurity of tenure, hindering the will to invest for increasing productivity and efficiency necessary for agricultural development and general social progress (Peters, 2009). However, several studies have repeatedly shown that African communal and customary tenure did not necessarily exclude individual rights, and land rights were not necessarily insecure under these systems (Migot-Adholla & Bruce, 1994; Peters, 2009).

The land policies initiated in Africa up to the end of the 1980s were all based on the premise of ensuring tenure security by replacing customary systems with titling and clearly defined and enforceable individual private property rights. These changes were conceived as necessary preconditions to ensure agricultural investment, productive use of land, modernization as well as development that customary systems failed to provide (Peters, 2009). However, the implementation of these land policies has encountered a number of challenges (Migot-Adholla, Bruce & Atherton, 1994; Platteau, 1996). Likewise, land reforms introduced in other countries around the world did not achieve the expected results (Bromley, 2008). Only a few scattered positive outcomes were reported in some countries in Asia and Latin America. In Africa, these reforms did not facilitate the use of land as collateral (Migot-Adholla et

al., 1994; Holden et al., 2013); they intensified conflicts by ignoring overlapping and multiple rights and uses of land and led to or reinforced unequal access to land based on gender, ethnicity and class (Okoth-Ogendo, 1976; Davison, 1988a; Lastarria-Cornhiel, 1997).

Some scholars like Bromley (2008) considered the LTRP part of ‘one size fits all’ necessary trajectories prescribed by Western countries to developing countries in order to achieve growth and modernization. He argued that those prescribed policies could not be expected to work as imagined, specifically because they were supposed to be implemented in a setting that differed so profoundly from the legal and cultural setting they were taken from. Moreover, those policies did not yield the intended results even in their place of origin.

Due to the lack of sufficient empirical evidence, influential international development agencies, including DFID and the World Bank, have shifted their thinking towards land policies that are less driven by economic prescriptions (Toulmin & Quan, 2000; Peters, 2009). Peters (2009) labelled this shift the ‘new wave’ in land reform. Researchers, including staff from the World Bank, have reported that increasing land tenure security does not necessarily result from the issuance of formal titles, as in many circumstances simple measures can enhance security of tenure at lower cost than formal titles (Deininger, 2003; Deininger & Feder, 2001).

All the shortcomings of the LTRP did not make the willingness to implement them disappear. Factors such as poverty reduction strategies induced by the Millennium Development goals, population growth and concentration creating land degradation and scarcity, increasing demands for land for food and energy production leading to land grabbing, and deforestation have sustained the need to promote the new LTRP by international institutions (Holden et al., 2013).

In this new wave, land reforms have been initiated in several African countries since the 1990s, such as Mozambique, Uganda, Namibia, Tanzania, Zambia, Ethiopia and Rwanda (Burns, 2007; Daley & Englert, 2009; Holden & Bezu, 2013; Kaarhus et al., 2011). The ambitious goals of implementing the LTRP to ensure individual and private property rights to people that were weakened by the lack of empirical evidence were also revived by the publication in 2000 of the book ‘*The mystery of capital: why capitalism triumphs in the west and fails everywhere else*’ by De Soto (2000). De Soto’s work as Nyamu-Musembi (2006, pp. 7-8) states:

... breathed life into previously discredited theories on land rights... and efficiency, and enabled... the debate to proceed as though the negative lessons learned from African experiments...never happened.

De Soto's arguments were that capitalism had failed in the Third World and former communist countries because of the lack of easy access to formal property. He considered the capital that was not formally registered as 'dead capital', thus unable to induce economic development. To De Soto, capitalism could work to the advantage of the poor by formalizing their rights to land and other property such as houses, thus converting what was 'dead capital' into productive capital (De Soto, 2000). However, some researchers considered that his arguments were not very different from the previously made arguments on land reforms but were old ideas in a new fashion (Nyamu-Musembi, 2006). Although De Soto had no empirical evidence to support his assertion, his ideas have been very influential (Bromley, 2008).

The GoR, like most post-colonial governments in Sub-Saharan Africa, has purposefully avoided the capitalist essence of full private property land rights by considering all land as owned by the State and granting long-term land leases to individuals (Platteau, 1996; RoR-MINIRENA, 2004, RoR, 2013). In addition, despite numerous initiatives of LTRPs on the African continent, limited results have been achieved. The vast majority of the urban and rural populations in African countries live under customary systems of land administration (Burns, 2007).

Several researchers, policymakers and international organizations have come to the conclusion that both customary and statutory systems have strengths and weaknesses (Deininger & Feder, 2009; Kaarhus et al., 2011; Obeng-Odoom, 2012). There are circumstances under which one approach can be more effective than the other. For example, land experts started to recognize the advantages of communal and customary tenure over individual titles regarding cost-effectiveness and equity. They also emphasized that a variety of other conditions were needed for land titling to be effective (Migot-Adholla et al., 1994; Deininger & Binswanger, 1999). For Platteau (1996), only when informal institutions and practices no longer provide reliable methods of ensuring land tenure security should governments consider undertaking a formal registration procedure. In the same way, Migot-Adholla et al. (1994), and

Deininger and Binswanger (1999) suggested that the new changes in land tenure systems should also be built on a good understanding of existing ones.

### **2.1.2 Implications of the LTRP on land rights for women in general**

Social categories such as gender, ethnic group, lineage and class are important determinants of a person's rights to land and other community resources (Lastarria-Cornhiel, 1997). However, gender remains one of the most basic and prevalent factors in determining land rights access in customary societies (Knowles, 1991; Lastarria-Cornhiel, 1997).

In most traditional land tenure systems, women have long had access to land, but these rights have rarely ever been identical to men's land rights (Whitehead & Tsikata, 2003). Customary societies and tenure systems across Africa were structured in such a way that the communities had the means to take care of their members. Though women were considered secondary members of the community and the family, with restricted rights to acquire and transfer land, these systems have provided access to land for women to maintain themselves and their children (Mackenzie, 1995).

Women have had different ways of obtaining access to land. Marriage has been one important way (Lastarria-Cornhiel, 1997). Women did not inherit land but were usually allocated land for usufruct in their husband's kin group, their birth family or under a wider circle of social ties (Platteau, 1996). The main issue with these rights was that they were mostly user land rights gained through their relationships with men and these rights became very insecure when the relationship broke down in the case of death of the husband, divorce, separation and/or abandonment (Jackson, 2003; Lastarria-Cornhiel, 1997; Whitehead & Tsikata, 2003). In addition, land was mostly granted to women under optimal circumstances of land abundance.

A number of factors such as commercialization of agriculture and land, population pressure on land, economic restructuring programmes, urban development and AIDS have gradually led to the quest for individualized land rights, challenging the obligation of family and the community towards its members, especially women (Lastarria-Cornhiel, 1997). Due to these factors, women have tended to lose their customary rights. A widow might find that her husband's family was trying to force

her off the land to which she had cultivation rights (Davison, 1988b). Moreover, an unmarried woman who had cultivation rights on her own family's land might feel pressure from her brothers to give up her rights (Lastarria-Cornhiel, 1997).

Did the introduction of a formal tenure system protect or further constrain women's already tenuous land rights? On the one hand, researchers have reported that, ensuring land rights to women in some countries like Ethiopia, Peru, Nepal (Deininger & Feder, 2009), India (Agarwal, 1994a, 2003; Deininger & Feder, 2009) and Latin America (Deere & Leon, 2001) has increased their power in socio-economic, political and household decision-making, as well as improved their sense of self-esteem, confidence, security and dignity. On the other hand, women's access to land can also be a cause of tension and domestic conflict as it challenges relations of power (Deere & Leon 2001). In addition, it has repeatedly been reported that disadvantaged groups of people may become mostly losers during LTRPs (Musahara & Huggins, 2005) and the majority of women were part of these groups (MINITERE et al., 2007).

LTRPs implemented in Africa until at least the 1970s were gender blind (Razavi, 2007). They encouraged a single registered owner, who in the great majority of cases was the male head of the household, and provided a new legal arena for gender conflicts (Lastarria-Cornhiel, 1997; Whitehead & Tsikata, 2003). Gender specialists, African feminist lawyers and their counterparts have discussed the best ways to protect women's land rights. They discussed the pros and cons of statutory and customary laws for women's lands claims. Customary tenure systems were claimed to be more flexible, more equitable, less costly and embedded within local social relations and values. On the other hand, women's land rights were thought to be better protected by focusing more on the role of the State and statutory law (Whitehead & Tsikata, 2003).

The literature points to the limitation of progressive and gender-sensitive laws because of the lack of enforcement (Korang-Okrah & Haight, 2014; McAuslan, 2010). Researchers suggest that while a law may be progressive in its provisions, its enforcement may be a problem because of factors such as lack of awareness and power, resistance from male relations, lack of political will and norms, ideas, values and words that are contextually and culturally valued (Daley et al., 2010; Brown & Uvuza, 2006; Jackson, 2003; Whitehead & Tsikata, 2003).

In addition, throughout the process of the LTRP, women have tended to lose the few land rights they previously held under the customary system because of little or no education, low monetary income, little capital, low social status and little political power (Lastarria-Cornhiel, 1997; Razavi, 2007; Platteau, 1996; Whitehead & Tsikata, 2003). Despite their weak bargaining power, women have tried to form informal groups, associations and cooperatives to secure their rights, protect or acquire more land or mobilize labour and inputs (Lastarria-Cornhiel, 1997). In doing so, women have recourse to discourses within the customary and discourses within the modern, whatever the formal or informal arenas that seem to protect their interests. Stewart (1996, cited in Whitehead & Tsikata, 2003) argues that the issues facing women, in terms of law and their rights, is not whether to choose statutory or customary law but how to maximize their claims under either or both.

In his study of four countries, i.e. South Africa, Uganda, Egypt and Ghana, Obeng-Odoom (2012) documented that land reforms have not addressed the problem of unequal distribution of land rights between men and women, primarily because land ownership does not abolish or change the power structures embedded in the custom that impacts negatively on women. However, he also recognized that individualization of land rights is not the answer. Titles per se do not necessarily bring about equality between the genders because the inequality faced by women is embedded in social structures, the laws and the economy (Obeng-Odoom, 2012). A way forward is the promotion of land reforms that build on a good understanding of the social context in which they are to be implemented (Whitehead & Tsikata, 2003).

## **2.2 A contextual understanding of land tenure in Rwanda**

### **2.2.1 Historical background to land tenure in Rwanda**

Prior to the planned land reform, initiated in the 2000s, the land tenure system in Rwanda was the result of the complex interactions between the widely applied set of indigenous rules and a very few and scattered written laws. Historically, before and during colonialism<sup>2</sup>, Rwanda was a monarchy ruled by an absolute king surrounded by prominent chiefs under whom there were regional and local chiefs. Before the

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<sup>2</sup> Germany was the first to colonize Rwanda, from 1897 to 1916, and after being defeated by Belgium during World War I, the Belgians took over its colonies including Rwanda. Rwanda gained independence in 1962 after the 1959 revolution that put an end to the monarchy system (Hahirwa Gumira, 2014).

central state extended its authority, putting forms of land tenure under the direct control of central authorities, land tenure was rooted in the rights of the original occupants (Boone, 2014). The land tenure system developed by the cultivators (mostly Hutu) was characterized by a collective tenure system (*ubukonde*). Under this system, land was the property of the lineage or clans whose members were related by birth or allegiance to a common ancestor, ideally the first occupant of the land (Blarel, 1994; Des Forges, 2006). Land ownership was vested in the community and the clan elders allocated land to the members of the community, on which individual households enjoyed long-term, exclusive usufruct rights, transmissible through inheritance to male children (Blarel, 1994; Des Forges, 2006). The recipient of the customary usufruct rights was allowed to give pieces of the land to temporary tenants from outside the family circle who acquired user rights and became subjected to some customary conditions (RoR-MINIRENA, 2004). Terms of land grants and rents varied according to local circumstances, from very soft in areas where men were few and needed to strengthen the lineage to more challenging in places where land was scarce and workers were abundant (Des Forges, 2006).

With a growing population, leading to increased land scarcity, the *ubukonde* system gradually weakened and a clientele system emerged between the individuals who controlled access to land and those who did not have secure access (Blarel, 1994). This situation raised tensions, exploitation by the patrons emerged and lineages segmented, which facilitated and accelerated the dominance of a centralized political system of the pastoralists (mostly Tutsi) and weakened the *ubukonde* system. The Tutsi gradually imposed two distinct but related systems of land tenure known as *isambu*, which was applied to agricultural areas, and *igikingi*, which was applied to pastoral areas (Blarel, 1994). By the 19<sup>th</sup> century, the *umwami* (King) claimed to assure the wellbeing of all Rwandans and in return required acceptance of his right to control their property, whether it was the land they occupied or the cattle they had (Des Forges, 2006; Blarel, 1994). Pastures, cattle, land and everything in the country were the King's property. Therefore, in the case of disobedience to the King or his representatives, the rights to land were withdrawn and the owner was often evicted (Hahirwa Gumira, 2014).

Under the *isambu* and *igikingi* systems, land tenure rights were no longer established and managed by the original occupants but were instead based on the principle that the representatives of the central authority had the right to grant land

(Boone, 2014). Individual land rights were conditional on a number of duties, such as fees, taxes in kind, *corvée* labour, and the right by patrons to graze their livestock on agricultural fields (Blarel, 1994). The colonial administration, first German then Belgian, intensified the political domination by the Tutsi, favouring the extension of central state control over the entire country, although in some cases colonizers took measures to limit the personal power of the King and his chiefs (Boone, 2014; Des Forges, 2006). The exception was in the northwest, where autonomous (Hutu) communities resisted Tutsi domination, and the lineage-based system of land control was not fully abolished until the late 19<sup>th</sup> century (Boone, 2014).

By the early 1930s, the Belgian colonialists codified some practices relating to land and cattle, transferring some customary practices into written form. They gave enforcement powers over these regulations to local officials who had the power to reinforce and implement claims to the control of property previously claimed by the *umwami* and enforced by his armies (Des Forges, 2006). They also introduced a new law distinguishing between indigenous and non-indigenous land. Land used by the population continued to be under the jurisdiction of the customary rules as usufruct rights, and the land acquired by foreigners was registered under the codified land tenure rules and was recognized by full ownership rights in the Western sense (Blarel, 1994). Later, the colonial authorities tried to limit the extent of taxes and *corvée* and abolish the systems of *isambu*, *igikingi* and *ubukonde*. The intention was to deal with the increasing social problems resulting from surplus extraction by the political chiefs and the insecure relations between tenants and clients (Blarel, 1994; Musahara & Huggins, 2005).

Some writers suggest the inequality in access to land and the extractions by landlords were part of the central issues that motivated the 1959 revolution that swept away the Tutsi elite (Boone, 2014). Following this revolution that overthrew the King, the new republican government maintained the distinction between land held under customary rules and that held under written law (Des Forges, 2006). Land ownership in the country was radically disturbed by the political violence following the 1959 revolution (RoR-MINIRENA, 2004). Land properties of killed and displaced Tutsi were allocated to small farmers and impoverished peasants and large landholdings were also offered to political elites (Boone, 2014; Musahara & Huggins, 2005). There has been intensive internal migration from already densely populated areas in search for vacant land (Boone, 2014; RoR-MINIRENA, 2004).



Since independence in 1962, despite the delicate situation, the government of the first and second republics intervened little in land matters. Few decrees were issued and they reiterated that all land not appropriated according to written law belonged to the State, whether occupied or not and whether encumbered or not by customary rights. The law adopted in 1976 added provisions limiting land transactions. This law stated that for land under customary or occupancy rights, sales were supposed to occur only if the seller retained at least two hectares of land and prior authorization from the government was obtained (Blarel, 1994; Des Forges, 2006). Compared with the colonial period, the situation of land tenure did not change much after independence (RoR-MINIRENA, 2004). The few laws adopted essentially remained unenforced (Des Forges, 2006), and subsequent legal efforts to manage the land issue were unsuccessful, especially due to the lack of political will at various levels. A process of accumulation of land by the elite began, accompanied by a rise in the landless population. By 1984, approximately 15% of landowners owned 50% of the land (Musahara & Huggins, 2005).

In the aftermath of the genocide, the land issues were exacerbated by hundreds of thousands of refugees coming back and needing to be resettled in the late 1990s. The GoR allotted considerable amounts of national parkland and forestland for use as fields, pastures and villages (Musahara & Huggins, 2005; Boone, 2014). In some regions, family lands were parcelled out and re-distributed between the owners and the returning 1959 refugees (RoR-MINIRENA, 2004). Facing a delicate situation related to land tenure, the GoR felt the need for land reform to deal with all the problems around land access, use and management.

A number of policies, laws, decrees and orders were elaborated to facilitate and regulate land reform in Rwanda. The main one will be briefly discussed in the following sections by referring them to women's land rights.

### **2.2.2 Women's land rights in Rwanda**

What was and is the place of women in the history of access to land in Rwanda? As previously discussed, women were not allowed to inherit land from their parents in many customary systems, including Rwanda. Land rights were passed down from father to son (RoR-MINIRENA, 2004; MINITERE et al., 2007). Marriage was an important way for women to gain access to land, though these rights were characterized as usufruct rights (MINIRENA, 2004; Polavarapu, 2011). Every

husband was expected to give land to his wife who enjoyed user rights as long as they stayed together. However, a woman might not be able to continue having these rights if the relationships broke down for any reason (Brown & Uvuza, 2006; Daley et al., 2010).

If the husband died before having a child, the wife could not claim any land from her husband's family unless she agreed to marry one of her husband's brothers, who became the owner of the land. If the second marriage did not take place, the widow returned to her parents (RoR-MINIRENA, 2004). If she had children with her husband, she could make use of the land in the interest of the children until they became mature to manage the family property if she had sons. If she had no sons, she could continue to make use of the land as long as she stayed with the husband's family and the brothers of her late husband ensured the control of the land. These usufruct rights were conditional on a widow's good conduct, meaning they lasted as long as she remained faithful to her husband's lineage either through sexual abstinence or through levirate marriage (brother of the deceased husband marrying the widow) (Musahara, 2006).

There were other ways through which women could gain access to land. In many regions, women could receive different kinds of gifts of land from their birth family. These were in the form of *urwibutso* (a woman, married or not, received land as a gift from her elderly father), *inkuri* (a married woman received a gift of land when she presented a newborn baby to her father's family), *intekeshwa* (a gift of land given to a newlywed girl by her parents to help her get used to her new home following her wedding ceremony) (Musahara, 2006; RoR-MINIRENA, 2004). These land gifts remained the outright property of the woman and were inherited by her sons.

Other forms of access to land for women existed in the form of temporary user rights over land held by her father's lineage. For example, the chief of lineage could give a piece of land known as *ingarigari* in the Centre and South or *ingaragaza* in the Northwest to his daughters (*indushyi*), who might return home if their marriages failed (Burnet & RISD, 2001; RoR-MINIRENA, 2004). Similarly, a woman who never married and did not bear children could also receive an allocation of land from her family. These pieces of land reverted to the woman's brothers when she remarried or reconciled with the husband. The security attached to these rights was conditional on circumstances. If a man or his family found himself/itself in need of land, a

woman's field could be taken from her for reallocation. Constraints on women's access to land were sensitive when land became increasingly scarce and men's land rights came under pressure (Burnet & RISD, 2001). Nowadays, evidence suggests that these practices are largely difficult because of land scarcity (Musahara & Huggins, 2005).

As discussed in the first section of the introduction, the need to strengthen women's land rights increased after the 1994 genocide against the Tutsi. Ensuring equal rights to both men and women became one of the main objectives of the LTRP in Rwanda (RoR-MINIRENA, 2004; Uwineza & Pearson, 2009). In order to enable the implementation of the LTRP, there was a need to develop legal and institutional frameworks for better coordination of land administration and appropriate land management. In this regard, a set of gender-sensitive laws, policies, orders and decrees (the core are discussed below) were elaborated as one of the bases for equitable land tenure reform. Some of these laws are clear and have direct or indirect statements regarding women's land rights or gender equality in general. The aim here is not to give details on each of them but to highlight the elements that address gender equality. Though the elaboration of laws is not an obvious solution to women's land-related problems, as the implementation of policies always faces challenges (see Papers 1, 2, 3, 4), gender-sensitive laws are considered a starting point towards gender equality (Daley et al., 2010; McAuslan, 2010). Core documents that form the basis of the LTRP and gender equality are presented below in chronological order.

### **2.2.3 Core land-related laws and policies and their implications for women**

The first is the **Inheritance and Marital Property Law** of 1999. In the literature, this law is referred to as the 'succession law' or the 'inheritance law'. It is officially referred to as *Law n° 22/99 of 12/11/1999 to supplement book I of the Civil Code and to institute part five regarding matrimonial regimes, liberalities and successions* as appeared in the *Official Gazette* of the Republic of Rwanda (RoR, 1999). Through this law, the GoR denounces gender imbalances and undertakes to eliminate gender discrimination in inheritance practices for all legitimate children. In this connection, Article 50 stipulates that: 'all legitimate children of the *cujus*, in accordance with civil laws, inherit in equal parts without any discrimination between male and female children'. Article 70 of this law goes further to give rights of succession to married

women under the regime of community property<sup>3</sup> in the case of the death of the husband and from the family of birth as explained in Articles 43 and 50.

The second is **The Constitution of Rwanda** of 2003. In its preamble, the GoR commits to ensuring equal rights between Rwandans and between women and men without prejudice to the principles of gender equality in national development. In Article 9, Section 4, the State of Rwanda undertakes to build a state governed by the rule of law, a pluralistic democratic government, and equality for all Rwandans, including between women and men, supported by ensuring that women are granted at least 30% of the posts in decision-making organs. However, the constitution recognizes only civil monogamous marriage between a man and a woman and only parties to this marriage have equal rights and duties upon and during the subsistence of a marriage and at the time of divorce (Article 26) (GoR, 2003).

The third is **The Rwanda National Land Policy** of 2004. The Rwandan Land Policy adopted in February 2004 by the GoR puts great emphasis on an appropriate land administration system as a key to land tenure security through the possibility of registering and transferring land. The National Land Policy considers that customary land tenure systems had provisions that were unfavourable to women and the LTRP intends to bring positive changes in this regard (RoR-MINIRENA, 2004). Moreover, the enjoyment of the same rights of access to land without any discrimination is one of the general principles that guide the National Land Policy (RoR-MINIRENA, 2004).

The fourth is **The Organic Law** of 2013. The Organic Land Law n° 08/2005 determining the use and management of land in Rwanda, enacted in 2005, was recently replaced by Law n° 43/2013 of 16/06/2013 governing Land in Rwanda. The latter guarantees equal rights to land to all Rwandans (Article 4). It provides: ‘all forms of discrimination, such as that based on sex or origin, in relation to access to land and the enjoyment of real rights shall be prohibited’. It further stipulates: ‘the right to land for a man and a woman lawfully married shall depend on the

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<sup>3</sup> In Rwanda there are three types of matrimonial regimes: community of property, limited community of acquests and separation of property (RoR, 1999, Chapter 1).

matrimonial regime they opted for<sup>4</sup> (RoR, 2013). Another important element that may work to protect women's land rights is that for legally married couples with a joint title, neither spouse can transfer land without the consent of the other. This consent shall be conveyed through an authentic document signed by the concerned persons or upon them appending their fingerprints before a competent notary in land matters (Article 21). The law also guarantees the representation of women at each level of the land commission.

Looking at these legal instruments altogether, it is worth mentioning that they have major limitations with regard to women's access to land. The equal share of matrimonial land between spouses is conditional on the formal registration of monogamous marriages. All the laws and policies corroborate with Article 26 of the Rwandan Constitution that only recognizes a civil monogamous marriage between a man and a woman. Therefore, the rights of women living in polygamous marriages and consensual relationships are not protected, and studies have shown that about a third of the married women in Rwanda live in non-registered marriages (RoR-GMO, 2010). In short, land rights of women in Rwanda vary greatly depending on whether their marriage has legal status. This also determines whether a woman has any land rights in the case of separation, divorce or widowhood.

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<sup>4</sup> See note 3.

## 2.2.4 Institutional framework of the land tenure reform in Rwanda

As Figure 3 illustrates, land in Rwanda is governed through different institutions from central and local governments.

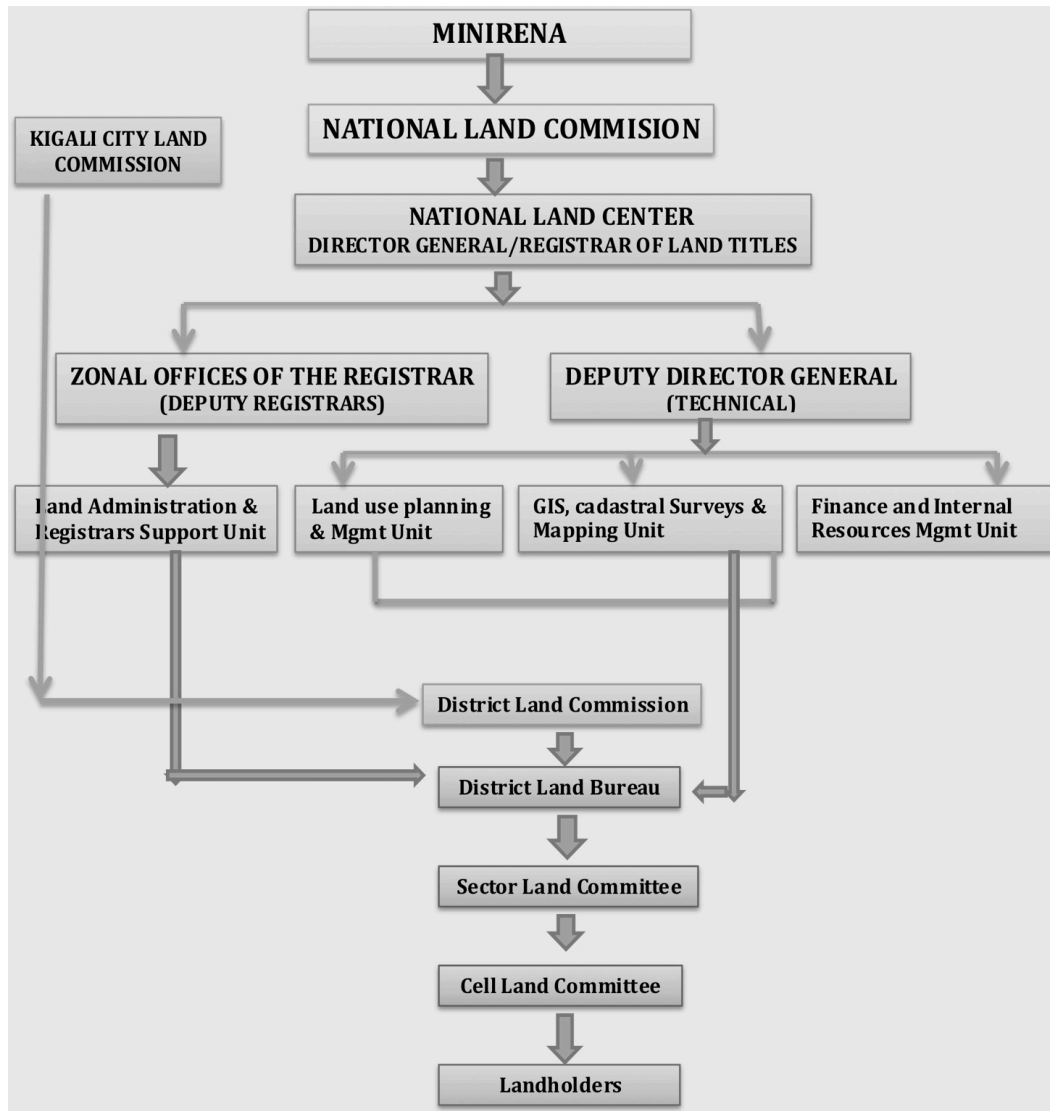


Figure 3: Land governance institutions in Rwanda

Source: Designed by the author based on the RoR-MINIRENA document (2010, p.40)

This section does not give details on each of the institutions listed in the above figure. It only presents the ones that the study has mostly referred to either in the literature review or the empirical part. In the regulation and management of land issues in Rwanda, the **Ministry of Natural Resources** (MINIRENA) is key as it is responsible for addressing issues of policy, in particular through ministerial orders and/or orders

that set out laws and procedures for the administration, planning and allocation of land.

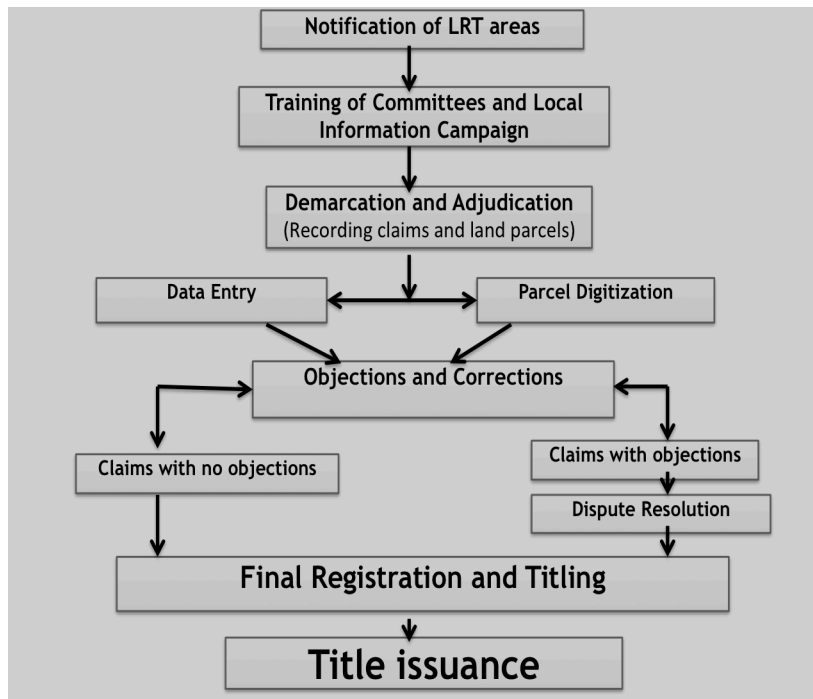
**District Land Bureaus** are located at each district office, directed by a District Land Officer and established by the Organic Land Law. They are in charge of land use planning and administration at the district, town and municipality levels. Administratively, District Land Officers are answerable to the Local Authority. They are public land notaries for land matters that include certifying documents related to land transactions, maintaining the spatial and non-spatial components of the land records and recording all land to be registered by sporadic or systematic means on behalf of the Office of the Registrar. They are authorized to issue short-term leases and to prepare records for certificate of registration and title issuance. Upon authorization by the Deputy Registrar, they have the authority to issue long-term leases for land not above five hectares (RoR-RNRA, 2012).

In this framework, each sector and cell has a **land committee**, which has an important part to play as the first point of contact for land registration and land use planning. (The sector land committee members have provided useful information to this study through Focus Group Discussions; see Paper 1.) The National Land Center, which was an autonomous institution during data collection in 2010, is now under the Rwanda RNRA. It was established in 2011, merging the National Land Center, the National Forestry Authority and the Rwanda Geology and Mines Authority. Its mission is very broad as it bears the management of promotion of natural resources, which is composed of land, water, forests, mines and geology. Through its Department of Lands and Mapping, it has the specific responsibility to register land, issue and keep land authentic titles and any other information related to land in Rwanda.

### **2.2.5 Process of the Land Registration and Titling Program**

The LRT Program has followed three main phases. The *Preparation Phase (2006-08)* was considered Phase 1. It consisted of diverse activities such as finalizing the legislation, completing training manuals, and establishing the registration system, the district level institutions and the LTRP support team, and completing the training of the district staff. Phase 2 was the *Full Implementation Phase (2009-2013)*. It included the activities relating to the systematic registration and titling of all land pieces throughout the country and the issuance of land titles. It also established full service

delivery for land matters at district level. This is the phase on which this study focuses. The last phase is referred to as the *Consolidation Phase (2014 onwards)*. It is related to the management of land transactions through the register (RoR-MINIRENA, 2008). The activities, especially those of Phases 1 and 2, are summarized in Figure 4.



*Figure 4: Full implementation process of LRT Program*

Source: Designed by the author based on the DFID-Rwanda's report (2011, p. 21)



## **CHAPTER 3: THEORETICAL PERSPECTIVES**

This chapter discusses the theoretical perspectives guiding the study at hand. It has three main sections. Section one announces why theoretical triangulation of feminist/gender and bargaining approaches is important to this study. The second section discusses the feminist/gender perspectives, especially the influence of gender ideologies, gender norms and gender relations on the processes of acquiring land rights. The third section looks into the bargaining approach and discusses the diversity and complexity of the process of ensuring land rights for women. It describes how the diversity of institutions and people with different interests, preferences and unequal bargaining power come into play.

### **3.1 Theoretical triangulation**

While this study is not guided by any grand theory or hypothesis to be tested, it is nevertheless theoretically grounded. It builds on a wide range of previous studies, as well as theoretical perspectives, which provide an overall orienting lens through which it can be understood (Creswell, 2009). Looking at what the theories tell the data and what the data tell the theories, the theoretical approaches of feminist/gender and bargaining become good analytical tools. In this study, these perspectives do not come as separate entities but are interdependent and intertwined (see Figure 6). The interest is not in identifying strengths and weaknesses of these perspectives or seeing whether they are considered well known and successful theories. Their involvement in this study is to use and refer to their main assumptions, which are useful in understanding and analysing the data from the study.

Figure 5 below is an attempt to visualise my understanding of the process of ensuring land rights to women through LTRPs. This process often challenges gender relations and ideologies that give supremacy to men in terms of accessing land. According to the feminist argument, women are socially, economically, politically and legally subordinated and undervalued in most societies. The way men and women gain access to and control over resources, including land, is mediated by gender ideologies and relations and are socially constructed and often gender biased (Agarwal, 1994a; Levit & Verchick, 2006; Obeng-Odoom, 2012; Rao, 2007; Reddock, 2000; RISD, 2013). To deal with the inequalities in access to land, the

initiation of LTRPs is expected to overcome discriminations that are mostly said to result from the customary tenure systems.

The implementation of the LTRP and women’s experiences of it will be understood from feminist/gender and bargaining perspectives. The process of ensuring land rights for women is not value free as it carries norms and practices that are socially constructed and mostly gender biased. The implementation of programmes is then considered an on-going, dynamic, non-linear and interactive process involving actions at multiple levels of institutions and their actors with unequal bargaining power and different interests, and it is influenced by the context throughout (DeGroff & Cargo, 2009; deLeon & deLeon, 2002; Narendra, 2009; Parsons, 1995; Sutton, 1999; Thomas & Grindle, 1990). Due to the complexity, contradictions and unequal bargaining power, the process of implementing these programmes mostly leads to unintended results that are likely to perpetuate and/or create new inequalities.

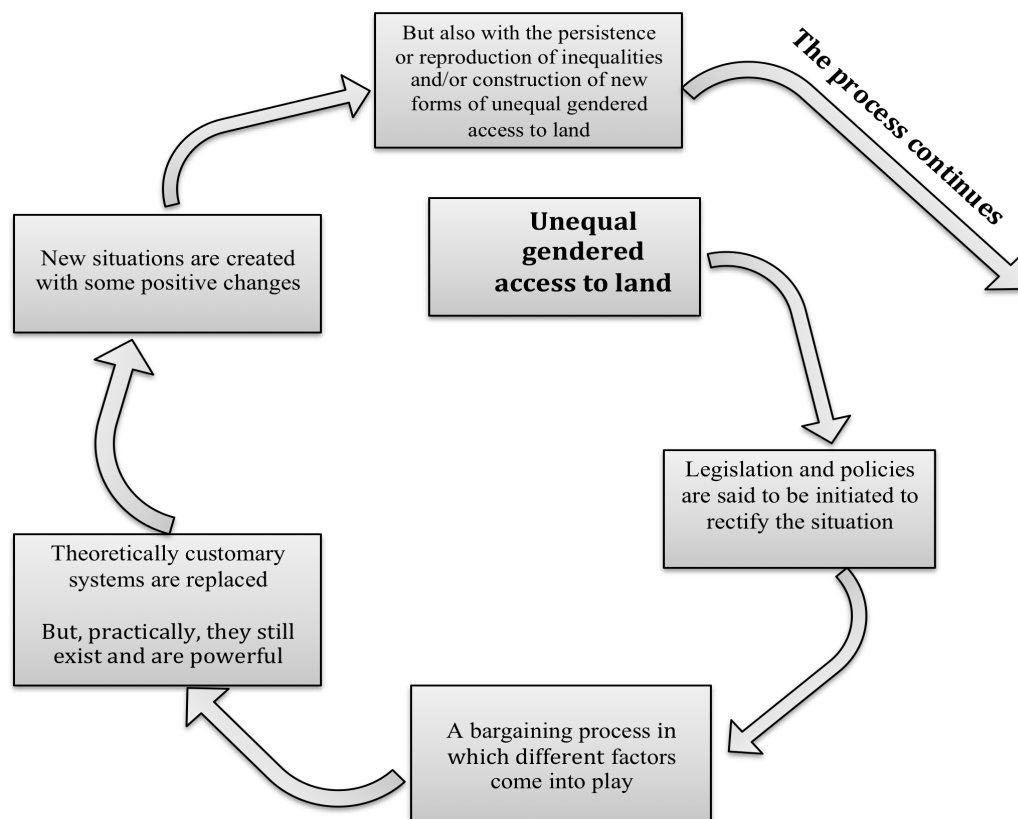


Figure 5: Process of ensuring land rights for women  
Source: Designed by the author

### 3.2 Feminist/gender perspective

The study departs from the general guidance of a feminist/gender perspective, which holds that women are subordinated when it comes to accessing resources including land, though the diverse feminist/gender theorists have a general concern over gender inequality and are generally committed to a similar goal: equal and fair gender relations (Levit & Verchick, 2006). Women's subordination is influenced by a set of relations manifested at different levels: local, national and global. As Reddock (2000) says, the organization of social and production relations, including ownership of property, has greatly influenced the differences in gender relations around the world.

Gender relations are not limited to direct interactions between women on one side and men on the other as two homogeneous groups (Agarwal, 1994a; Connell, 2009; Narayan, Patel, Schafft, Rademacher & Koch-Schulte, 2000). In addition, social and gender ideologies, norms and relations are reinforced and mediated through different institutions such as the family, the school, the religious institutions, the State, the courts and the media (Siltanen & Doucet, 2008). Through these institutions, ideas about gender-appropriate behaviour and practices are constantly being circulated, not only by legislators but also by priests, parents, teachers, advertisers, retail shopping centre owners, talk show hosts, etc. (Connell, 2009). As social norms are internalized by people, they produce self-regulating normative and compliant behaviour (Namabira & Kamanzi, 2013). Social institutions act as rewarding agents to boys and girls who behave in ways deemed appropriate to their gender and punish those who do not. The socialization process provides ideas on how gendered identities are reproduced from one generation to the next (Siltanen & Doucet, 2008).

Chamallas (1999) discusses three stages that indicate when certain theoretical feminist/gender orientations emerged or became visible. These stages are the *equal stage* of the 1970s when the emphasis was on women's similarity to men (p. 25); the *difference stage* of the 1980s, which began to emphasize the various ways that men and women were different and how differences between them were not inborn; and, finally, the *diversity stage*, which began in the 1990s and came with a new focus on diversity among women (p. 27). The diversity stage underscores the concept of intersectionality. Describing the trajectory towards intersectionality, Bagilhole (2009) states:

we have moved from ‘gender mainstreaming’ as a tool for gender equality; to the recognition of diversity and ‘multiple discrimination’; to the sophistication of an intersectional approach, which does not just add up disadvantage but instead looks at how the disadvantages intersect and affect each other in different contexts and at different times (p. 52).

Intersectionality came out in the 1990s from the feminist discussion focusing on the diversity among women (Chamallas, 1999). It is rooted in Black Feminist scholarship. Interest in intersectionality arose out of a critique of gender-based and race-based research for failing to account for the lived experience at neglected points of intersection (McCall, 2005). It is the interconnection of social differentiation or identity categories, which is mainly represented by gender, race, disability, sexual orientation, religion or belief, ethnicity and age (Bagilhole, 2009; Bowleg, 2012; Busche, Scambor & Stuve, 2012; Krumer-Nevo & Komem, 2013; McCall, 2005; Pellegrino, 2009; Siltanen & Doucet, 2008; Squires, 2009; Winker & Degele, 2011). The intersectional analysis allows recognition of inequalities within as well as between these categories. The essence is not the sum of the categories but their interwoven nature and how they can mutually strengthen or weaken each other (Crenshaw, 1989; Pellegrino, 2009; Winker & Degele, 2011).

Intersectionality is both a methodological and analytical tool that focuses on the voices of those who have experienced discrimination through various social categories (Matsuda, 1987; Nash, 2008; Norris, Murphy-Erby, Green, Willis & Jones, 2013). Although, in this thesis, the analysis is more on gender, intersectionality has inspired consideration of other social categories such as education, age, religion, location, age and marital status. These categories are intertwined and affect the way women gain access to land in Rwanda. The discussion in this thesis not only analyses the diverse categories of women and how they are affected differently by the processes of accessing land but also brings in the complexity of institutions involved in the process.

Though ethnicity is reported by the literature as one of the dimensions of inequality, it is not within the scope of this study<sup>5</sup>. However, some studies reported

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<sup>5</sup> As mentioned in this study, ethnicity is not used as an analytical category. The exception where ethnic categories are used is the section discussing the historical background of land tenure systems in Rwanda in Chapter 2. It is hard to have this discussion without referring to ethnic groups, especially when using the authors who have related ethnic conflicts to land issues in Rwanda and vice versa. For a long discussion on this, see Blarel (1994), Musahara & Huggins (2005), Boone (2014) and Pottier (2006).

that in Rwandan history, ethnicity has played major parts in longstanding conflicts, including those related to land (Musahara & Huggins, 2005). Similarly, land conflicts have been considered one of the factors that led to the severe ethnic conflicts in the 1994 genocide against the Tutsi (Hintjens, 1999; Boone, 2014). However, ethnicity will not be used as an analytical category in this study for the following reasons. Firstly, in the aftermath of the 1994 genocide against the Tutsi, the GoR initiated the programme of unity and reconciliation in which Rwandans are encouraged to identify themselves as Rwandans and not through ethnicity lenses (Nantulya & Alexander, 2005; RoR-NURC, 2015). Silence around ethnicity is one way the GoR opted to unite and conciliate people. Secondly, it is ethically very difficult in Rwanda to ask people questions related to their ethnicity because the construction of ethnicity is very complicated and superficial (Hintjens, 1999). Mamdani (2001) claimed that racial differences among Rwandans were based on ideas of colonial origin.

Considering women and access to land rights, there is a debate among feminist and gender researchers on how women should obtain better land rights. One position is oriented towards a rights-based approach in which legal reforms and statutory law are important means for women to achieve rights denied to them by custom and tradition (Whitehead & Tsikata, 2003). On the other hand, in some contexts, customary systems have benefited women more than statutory systems because the former are flexible, dynamic, more equitable, allow different forms of access (Whitehead & Tsikata, 2003; Obeng-Odoom, 2012) and have historically adapted to economic and technological changes (Migot-Adholla & Bruce, 1994).

### **3.3 A bargaining approach to women's land conflicts**

The bargaining approach has been useful in the discussion and understanding of the process of ensuring land rights to women and challenges that might restrain the enjoyment of these rights. The literature mainly suggests that women's and men's interests in land are both joint and separate (Jackson, 2003; Razavi, 2007). Due to the different, and possibly conflicting, preferences and interests, decision-making over land occurs through a process of bargaining and negotiation (Kabeer, 1997; Razavi, 2007). An attempt to understand the struggle of women over land rights therefore leads to the necessity of theorizing women's access to land in terms of social relations

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and processes of negotiation of which the outcomes largely depend on the bargaining power of those involved.

It is worth distinguishing the bargaining approach as discussed by Agarwal (1994, 1997), Kabeer (1997) and Paydar (2012) from formal household bargaining models (Quisumbing & Maluccio, 2000), which were proposed after highlighting the problems posed by a unitary conceptualization of the household. Through the years, economists have developed models of a household considered as a single decision-making unit with a common belief that intra-household resource allocation involves income pooling and sharing among household members. However, this thinking has been widely challenged by many authors on both theoretical and empirical grounds (Agarwal, 1997; Iversen, 2003; Kathewera-Banda et al., 2011; Reeves & Baden, 2000; Quisumbing & Maluccio, 2000).

Most of the formal bargaining models are restricted in their ability to incorporate the full complexity of gender interactions within and beyond households, and the simultaneity of various processes and forms of decision-making. Agarwal (1997) further argues that while these models have contributed in interesting ways to household analysis, it is important to think beyond their restrictions and to move towards a less restrictive formulation that incorporates qualitative aspects and greater complexity. Here, Agarwal's argument is understood as an advocacy to incorporate and engage an intersectional aspect in the analysis. The bargaining perspective or approach discussed here tends to overcome the shortcomings of household bargaining models. It is particularly useful in examining gender relations that go beyond the household to the interlinked arenas of the market, the community and the State (Agarwal, 1997). This study tries to understand women's land claims in a broader context of social and gender relations. Land rights are socially, economically and politically embedded (Obeng-Odoom, 2012). Consequently, the various meanings of land rights and the structures of power with which women are confronted in the process of accessing land operate at multiple levels and within diverse institutional arenas (Razavi, 2003; Rao, 2007; RISD, 2013; WB, FAO & IFAD, 2009). The complexities and dynamics of gender are revealed in everyday life as well as in extraordinary situations like the case of implementing gender-sensitive land reforms.

The complexities and dynamics of access to land rights involve a bargaining process in which multiple institutions at various levels and a diversity of people with different interests and unequal power relations intervene. Here, power does not refer

to physical power but mostly to social, economic and political power. The weak bargaining power of women in these domains affects their ability to claim their land rights. Gender relations and ideologies around the weaker and subordinate position of women affect their bargaining power within the households and the institutions outside the household circle (Agarwal, 1997). Although the household is a basic unit of society in which gender relations are played out and in which individuals both cooperate and compete for resources, the discussion goes beyond intra-household gender dynamics, as gender relations that are expressed within the household are reinforced and reshaped in different institutions (Kabeer, 1997; Narayan et al., 2000).

Agarwal (1994a) further explains how providing women with ownership rights to land changes gender relations. She states that it is not just an increase in women's command over economic resources but also the process by which that increase occurs that has a critical bearing on gender relations. The process of ensuring women's land rights does not happen without contestation as it often challenges the norms that are most valued in society. Acquiring land rights requires simultaneous struggles against many different facets of gender inequities embedded in social norms and practices (Agarwal, 1994a). Access to arable land involves sequentially interlinked bargaining. Access to land may lead to greater bargaining power, but this access in itself also depends on one's bargaining power. In saying so, it is clear that bargaining power is both a cause and consequence of accessing land. Women's attempts to acquire a share of land could require interlinked contestation inside and outside the household, such as contestation with the community to establish social legitimacy and contestation with the State to make land-related laws gender sensitive and ensure better implementation of them, etc. (Agarwal, 1997).

The theoretical perspectives can be summarized and framed as follows:

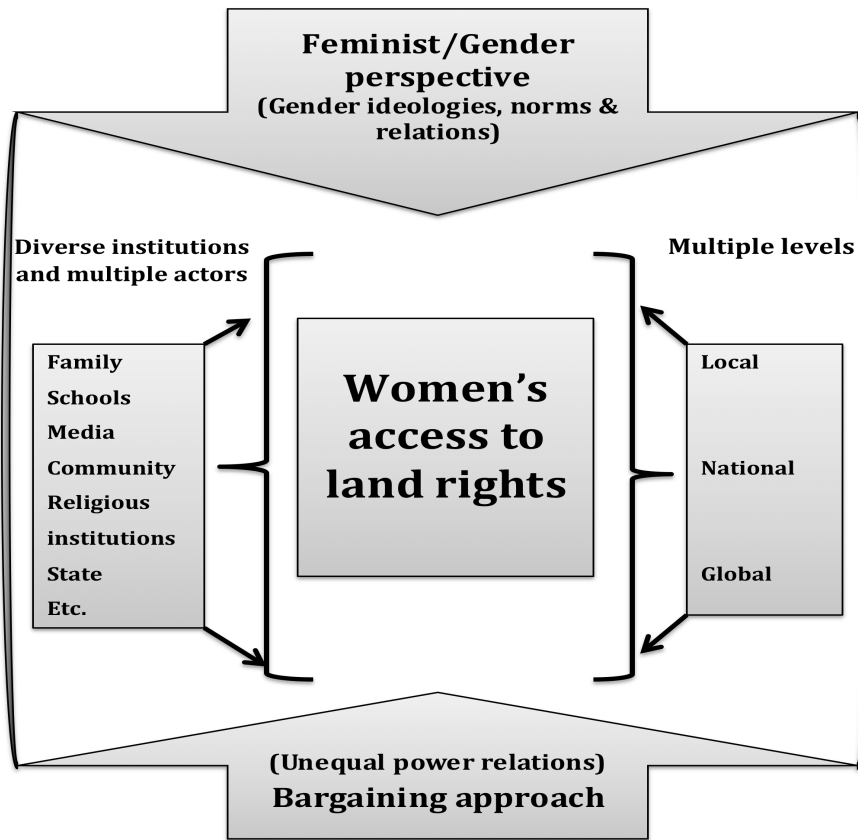


Figure 6: Theoretical framework  
Source: Designed by the author

In Figure 6, the big square highlights feminist/gender and bargaining perspectives as an overall umbrella covering the whole study with gender ideologies, norms and relations as the main determinants of the bargaining process over land rights. As the rectangles inside the square summarize, this process is mediated by actors with varying bargaining power from different institutions operating at local, national and global levels.



## **CHAPTER 4: METHODOLOGY**

This chapter first discusses the choice of methodology used. It then provides the details of the methodological process followed throughout the research that did not fit into the article format. It also discusses the methodological issues that cut across all three data collection periods, including ethical considerations, some general challenges and limitations of the methodology and the study in general. In the following discussion, as is the case for the rest of the work, sometimes the researcher and author are used interchangeably to mean the promoter of this work. However, in a very few places, reference to the author in the first person is retained, especially when the author talks about her personal experiences or gives her opinions and reflections.

### **4.1 Choice of methodology: Mixed methods**

This is mainly an explorative and cross-sectional study. It is explorative in view of the feminist research perspective according to which ‘beyond each puzzle lie so many more’ (Ackerly & True, 2010, p. 75). Thus, the study is conceived to explore mainly the experiences of women with regard to their land rights in the context of the LTRP. As mentioned earlier, the LTRP involves a number of strategic actions including adoption and implementation of land-related laws and policies. In this way, this methodology helps the researcher to explore beneath the surface of laws to identify the implications of gender and other social categories. The study departs from the feminist reasoning that the use of stories by emphasizing the voices of the marginalized and contextual reasoning is very important (Bailey, Leo-Rhynie & Morris, 2000; Chamallas, 1999; Levit & Verchick, 2006). All experiences of the daily lives of people matter (Levit & Verchick, 2006). The study is therefore designed with the belief that the understanding of women’s land rights within the context of the LTRP in Rwanda should be generated by the experiences of the women themselves.

The study combines qualitative and quantitative approaches (Bryman, 2012; Matthews & Ross, 2010; Padgett, 1998). More precisely, it uses a mixed methods approach by following a Quant↔Qual mode, which integrates qualitative and quantitative methods concurrently within the same study (Creswell, 2009). Many different terms are used for this approach, such as integration, synthesis, quantitative

and qualitative methods, multi-method and mixed methodology, but recent writings use the term mixed methods (Creswell, 2009).

As noted earlier, the LTRP is a complex programme involving multiple actors. Land rights is also a very complex concept. To develop contextually deeper exploration of women's land rights in the context of the LTRP, methodological triangulation is used. From this perspective, Padgett (1998, p. 97) gives four types of triangulation relevant to qualitative study:

- *Theory triangulation*: the use of multiple theories or perspectives to interpret a single set of data;
- *Observer triangulation*: the use of more than one observer in a single study to achieve inter-subjective agreement;
- *Data triangulation*: the use of more than one data source (interview, archival materials, observation data, etc.); and
- *Methodological triangulation*: the use of multiple methods to study a single topic.

In this study, all the types of triangulation were used except observer triangulation. In this chapter, data triangulation and methodological triangulation are fully discussed while theory triangulation is discussed from the theoretical perspectives.

When using a mixed method, there is some information that the researcher needs to provide to the readers to help them understand how the research process really worked. This information concerns, especially, when and how the mix occurs. The mix may occur at several stages: data collection, data analysis, interpretation or all three (Creswell, 2009). In this study, the mix occurred at the stage of analysis and interpretation. The intent of using mixed methods in this study was to learn about the magnitude/extent of the LTRP and women's land rights using quantitative instruments as well as the perceived meanings yielded by qualitative methods. The two approaches were given equal weight throughout the research process and, whenever possible, they were kept independent of each other. Generally, both forms of data were collected during the same period of time, information from the two datasets was then compared to determine if there was convergence, differences or

some combination thereof in order to provide integrated interpretation of the overall results (Padgett, 1998; Creswell, 2009).

Without substituting the quantitative method, the qualitative method has opened up new doors of knowledge and helped gain more experiences. Although the two approaches were kept as independent of each other as possible, in some circumstances, qualitative methods were used as a follow-up to gain a deeper understanding of the conflict cases that came out of the survey. It is for this reason that further individual semi-structured interviews with women who had been identified as having more stories to tell during the survey were organized (this is elaborated more under the qualitative data collection process).

## **4.2 Data collection techniques**

### **4.2.1 Quantitative tools**

Quantitative data were collected through structured interviews with 480 women from agricultural households. Keeping in mind that more insights into women's experiences came from listening to them and giving them more time to express themselves in addition to the responses to yes and no questions, the survey questions were designed in such a way that they produced both quantitative and qualitative information. Wherever possible, each closed question was followed by an open-ended question that invited the respondents to elaborate more.

Using quantitative survey questions with open-ended questions as a follow-up has offered certain advantages. The combination allowed the necessary statistics to be obtained as well as some opinions and experiences from women. However, although it helped to add a qualitative component to the quantitative study, it was not as it would have been in the case of a full qualitative study. It definitely brought some qualitative aspects, but it is evident that richer stories would have been generated if more semi-structured interviews with individual women had been carried out.

### **4.2.2 Qualitative tools**

For the qualitative data collection tools, both semi-structured interviews and Focus Group Discussions were used. A summary of the data collections tools, the number of respondents and the time allocated is given in Table 1. This was guided by assertions by both Bryman (2012), and Ackerly and True (2010) that these data collection tools

have become prominent methods of data gathering within feminist research. These techniques gave the participants the opportunity to express their ideas and thoughts in their own way (Bryman, 2012).

#### ***4.2.2.1 Semi-structured interviews***

On the one hand, 18 semi-structured interviews with staff involved in the LRT Program as well as gender issues at different levels of the administration were conducted. On the other hand, a number of individual semi-structured interviews were conducted with five women on the basis of them having had experiences in relation to some of the themes in the study. The methodology section in each paper composing this thesis gives some additional details. For Matthews and Ross (2010), semi-structured interviews are typically associated with the collection of qualitative social data when the researcher is interested in people's experiences, behaviours and understandings, and how and why they experience and understand the social world in this way. These authors go further to say that the researcher is interested in both the information the participants can give about the research topic and how the participants talk about their experiences and attitudes. As the aim of this study was to explore experiences, semi-structured interviews were considered one of the data collection tools to achieve this aim.

#### ***4.2.2.2 Focus Group Discussion (FGD)***

The second qualitative data collection tool used was FGD. Padgett (1998) states that, though they have some limitations, when used appropriately, they are efficient and effective for collecting interview data. They bring some clear advantages to other forms of qualitative studies, including saving time and resources and the elucidation of rich qualitative data from individuals stimulated by a group format (Padgett, 1998). Different authors have written on the ideal size of such groups, and the sizes proposed vary between four and thirteen participants per group (Bryman, 2012; Creswell, 2009; Matthews & Ross, 2010; Nigel, 2008). However, each of the authors states that it is difficult to generalize: the size should not be made a fixed rule but should depend on the kind of the topic to be discussed. The key is that the group should be large enough to generate diversity of opinions yet small enough to allow everyone to share in the discussion. In this study, the size of the group varied from four to eight participants.

Another design choice regards the composition of a group. It may consist of strangers or people who know each other and who share the same knowledge and experiences, especially those having something in common that links them to the topic of the focus group (Bryman, 2004; Bryman, 2012; Nigel, 2008; Padgett, 1998).

In this study, the FGDs were composed of people who knew each other and grouped by gender. The discussions were among women members of cooperatives and members of land and *abunzi*<sup>6</sup> committees. Although in the survey, the women seemed to be prompted to report more conflict cases among their colleagues and neighbours than their own cases, this was not the case in the FGD. The women talked freely about their cases and when telling their stories, there was an impression that those stories had been shared previously among themselves because the discussion was lively with everyone commenting freely as if already aware of the situation. It was a lively discussion and not a situation of just telling stories one after another.

On the one hand, the active discussion might have been facilitated by affinity and familiarity between the participants. They had more or less similar social identities, shared some experiences and even some secrets about their everyday lives. On the other hand, some authors suggest that in certain circumstances, groups made up of strangers are likely to work better, as the affinity between the participants may affect the quality of the data collected by leading to more habitual ways of interacting and inhibit fresh opinions from emerging (Bryman, 2012; Padgett, 1998). My opinion is that whatever choice you make in these circumstances may affect the way participants share information with the researcher and with each other. Of course, there is no evidence that the fact of having participants who knew each other in this study actually limited the number of stories on certain themes and personal matters. However, there could be reason to believe that some stories were not shared that could have been shared had it been different.

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<sup>6</sup> The lowest level of government authority with responsibility for dispute resolution in Rwanda (local mediators) governed by the Organic Law of 14/08/2006 on Organization, Jurisdiction, Competence and Functioning of the Mediation Committee, with jurisdiction, in the first instance, over civil cases relating to lands and other immovable assets.

**Table 1: Summary of data collection tools and respondents**

<b>Approach/ Design</b>	<b>Data collection tools</b>	<b>Target population</b>	<b>Duration</b>
<b>Quantitative</b>	Survey interviews	480 women from 480 agricultural rural households. 477 questionnaires were successfully completed (issues around the high response rate are discussed in the section related to obtaining informed consent from participants).	One month excluding Sundays with approximately 20 households per day by four research assistants  Each questionnaire was composed of 133 questions and lasted between 30 minutes and 1 hour <sup>7</sup>
	23 semi-structured interviews	18 with key informants (policy implementers at national and local level) including staff from the district land bureau and the National Land Center, staff in charge of gender and social affairs at district level, an agronomist, a land officer, and coordinators of the Women’s National Council at sector level  5 with women with specific cases needing a follow-up	15-40 minutes  30-67 minutes
<b>Qualitative</b>	9 FGDs	3 groups with local policy implementers (land and <i>abunzi</i> committees at sector level)  6 groups with women, members of women’s associations	Composed of 4-5 people in each group and lasted 40-90 minutes  Composed of 5-8 members and lasted 40-90 minutes

Source: Designed by the author

## 4.3 Data collection process

The empirical data that form the basis of this thesis have been collected at two different periods: in January 2012, and November 2012 to January 2013, though a pilot study was conducted first of all in January 2011.

### 4.3.1 The first round: structured and semi-structured pilot interviews

The first round of empirical work was for field testing conducted in January 2011 in

<sup>7</sup> The big variation in time duration resulted from the fact that not all the questions were relevant to all the participants, for example, those relating to married couples when the participant was single.

Gasabo District, Gatsata Sector, Nyamugali Cell in Kigali City and Murangi Cell of Kamembe Sector in Rusizi District, Western Province.

It is always desirable, if possible, to conduct a pilot study before the main research data gathering takes place, as the researcher can never think of all the relevant questions or of all the ways questions may be interpreted and misinterpreted. In addition, the wording of the questions, research participant understanding and data collection procedures can all be tried and amended. A pilot study tests the duration and comprehensibility of the questions (Matthews & Ross, 2010; Bryman, 2012; Ackerly & True, 2010). Briefly, it helps to ensure that the survey questions operate well. It also has a role in ensuring the research instrument as whole functions well.

At the time of piloting, the purpose was to choose one urban and one rural site. Nyamugali Cell was chosen as an urban site and Murange Cell as a rural cell. Six women in each cell responded to the survey interview questions and two local leaders were interviewed as key informants using a semi-structured interview guide. Furthermore, when interviewing in Murange Cell, two land conflict cases were identified and additional individual semi-structured interviews were organized to explore them. In both cells, local leaders helped in the selection of the respondents by trying to make sure that women from different backgrounds took part in the study.

These pilot interviews were very helpful for the rest of the study. Beyond the benefits relating to the adjustment of the research tools, the pilot study also helped to determine if the study area would allow the subject of the study to be explored and appropriate decisions to be taken in this regard. After conducting a pilot study at two sites, the decision was made to continue the bigger study by only focusing on rural areas and dropping urban areas. As the study focused on agricultural/arable land, the pilot study revealed that in Nyamugali (urban site), households rarely owned agricultural land. The parcels they reported were mainly where their houses were built. They did not have land dedicated to cultivation except some who had very small gardens around their house.

#### **4.3.2 The second and third rounds of data collection**

Both studies were carried out in Musanze District in the Northern Province. The reasons for choosing this district have been thoroughly explained in the introduction of this thesis and briefly in the methodology sections of Papers 1, 2 and 3.

### ***4.3.2.1 Second round of data collection in January 2012***

The second round of study was solely qualitative and data were collected through FGDs and semi-structured interviews in January 2012. Data collected during this round have mostly been used in papers related to the experiences of policy implementers of the LTRP with regard to women's land rights. The researcher's intention was to interview strategic actors at different levels of the administration who had been involved in the LTRP. At this level, people with good knowledge of the matter from outside of the administration were also interviewed.

### ***4.3.2.2 Third round study in November 2012-January 2013***

The third round is the core phase of this study. During this round, both quantitative and qualitative data were collected. The aim was to know how many women managed to secure land titles through the LRT Program and the relationships between this access to land and other variables, as well as to hear the women's stories about their experiences of the LTRP in general.

#### **a. Survey interviews**

##### **Selection of the sites**

Survey interviews were conducted among 480 women from agricultural households. Since the study targeted the agricultural households, it was important to work closely with the village leaders. The relevance of this is that villages are the lowest unit of administration<sup>8</sup> and, in this respect, they are therefore the administrative level closest to the households. The intention was to obtain a random sample from both the study sites and the respondents. However, this was not possible as there was no available database with names of all the villages, their population sizes and the names of the members of the households from which a sampling frame was to be drawn. The decision was therefore made to build on the sampling procedure used in two surveys: the National Agricultural Survey 2008 (NAS 2008) (RoR-NISR, 2010) and the Rwanda Demographic and Health Survey 2010 (DHS 2010) (RoR-NISR, 2012). However, since these were comprehensive studies by the GoR covering the whole

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<sup>8</sup> In 2006, the number of decentralized administrative structures was revised. Rwanda is currently divided into 5 provinces, 30 districts, 417 sectors and 14,837 villages.



country and the study at hand was a PhD research study, the focus was on one district, that of Musanze. The design of the sample frame for this study departed from the list of the villages selected in Musanze District by NAS 2008. NAS 2008 selected at least one village in each of the 15 sectors composing Musanze District. As two to three villages were selected in some sectors, a total of 25 villages were selected. Due to time and cost constraints, it was realized that considering the same sample of 25 villages would be too much for this study. Hence, in this study, half of the 25 villages were chosen by focusing on rural ones, as the focus of the study was the agricultural households obviously located in rural areas.

### **Selection of households and target population**

This process of deciding on the number of households to choose in every village, their identification and selection, also followed the sampling process used in DHS and NAS as for the selection of the villages described above. In DHS 2010, a fixed number of 26 households per village were selected, and for NAS 2008, 12 households were selected in every village. As in DHS 2010 and NAS 2008, the coverage was broad involving 492 and 840 villages respectively nationwide, while the study at hand covered only 12 villages from the Musanze District, so the researcher decided to increase the number of selected households per village. Forty households were chosen in each village, resulting in 480 households in total. Firstly, an increased number of households per village was preferable in order to allow different categories of women (as explained below) to be represented in the sample. Secondly, the sample of 40 households per village was determined by the financial means, time allocated to the study and number of research assistants.

The second stage was the identification and selection of 40 households among the total number of households in the selected villages. It is important to reiterate here that, in order to conduct random sampling, a list was needed of all the households in the selected villages with the names of the heads of the households, addresses, household compositions and a location map. However, we do not have such identification details in any Rwandan database, and in a study like this, it is impossible to draw a location map and carry out a household listing operation in all the selected villages before the main survey as was done in DHS 2010. For this reason, the decision was to work very closely with the leaders of the villages who helped in the identification of 40 households. The selection of 40 households in each

village was based on the condition that the selected household hosted a target person and had a piece of agricultural land. The effect that this selection may have on the results is discussed towards the end of this section.

The targeted person was a female person of at least 18 years of age who might or might not have been the head of the household (married woman, daughter, grandmother, etc.). When more than one female person meeting the criteria was found in a household during the time of the interview, the female spouse was automatically selected. If she was not available, the oldest of those who were present was selected. The rule was one female respondent per household. With this very structured way of conducting the research, following the quantitative design, some useful information might have been lost by sticking to the rule of one respondent per household and excluding other women who met the criteria.

The other condition was to make sure women with different economic, social and marital statuses and in different age groups were chosen. These categories included widows, registered wives and non-registered wives, those living in polygamous and monogamous marriages, divorcees, separated and single, and educated and non-educated. The researcher in this study expected that including all these variables would diversify the respondents' experiences with regard to their land rights. All women aged 18 and over, from the different backgrounds mentioned and usual residents of the selected households, were therefore eligible for the survey.

Nonetheless, the minimum age to shift from childhood to adulthood varies from country to country and depends on the domain. The legal age for formal marriage is 21 in Rwanda. However, the age of 21 was not considered due to the fact that there are a number of girls who enter into marriage before the age of 21, though this marriage cannot be legally recognized and registered. In addition, there are many girls below the age of 21 who are orphans and heads of households due to factors such as the 1994 genocide against the Tutsi and the HIV/AIDS epidemic. Therefore, 18 years has been used as the minimum age in this survey.

The whole selection process with the number of households to choose in each village and the selection of women from the households may have affected the results. The number was not selected proportionally to the size of the villages, which may have led to an overrepresentation of small villages. Again due to the challenges discussed in this section, individual women were not picked on a random basis. The different categories of women mentioned above were not included in the sample in

proportion to their numbers in the study population; there is therefore a possibility of over- or under-representation due to this selection process. It is also important to highlight that relying on local leaders in this process did not take away the awareness of power relations between local leaders and the households. Local leaders are local administrators with power and influence over people. Yet, as identification of the population with their addresses was not available, the help of local leaders was needed in order to choose households that allowed the inclusion of women from various social categories. In this case, the use of local leaders as gatekeepers may have limited the variation in data collected compared with if the selection of households had been done using a fully random sampling procedure (a full discussion on the implication of the sampling procedure and generalizability of the findings is given under the section on limitation and delimitation).

### **Recruitment and selection of research assistants and data entry clerks**

Four research assistants helped in the survey interviews. Their recruitment and selection process was guided by the University of Rwanda's (UR) regulations<sup>9</sup>. Eleven candidates sent in their applications. A total of four research assistants (three female and one male) were selected for data collection during one month and two data entry clerks to help with data entry and cleaning during one week. Considering that the study was carried out in the mountainous rural area where the households are mostly dispersed – only a few exceptions were in settlements – and the length of the questionnaire, an average of five households per day per research assistant was planned. Choosing a male research assistant in a study in which the target population was women may pose some ethical challenges. However, some researchers suggested that having the same gender per se is not a sufficient factor for a successful relationship between the interviewer and interviewees (Padgett, 1998). In the selection process of research assistants in this study, gender was not considered an excluding factor. The focus was rather on continuing self-reflection of how they should behave and talk to respondents throughout the data collection period.

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<sup>9</sup> The author is a lecturer at the UR doing her PhD in Sweden and carrying out her fieldwork in Rwanda. All the activities and costs related to the fieldwork are therefore managed by the UR-Sida Coordination at the University of Rwanda.

### **Data collection and quality control**

Some measures were taken to increase the quality of the data collected. Before starting the data collection, the researcher and research assistants took one day to read through and discuss the questionnaire together in order to ensure that they interpreted it in the same way and to make any necessary adjustments to the questions. The questionnaire was therefore read from the first question to the last, and some necessary modifications were made during this exercise. In order to test it for clarity, comprehension and duration, the questionnaire was pre-tested with the research assistants themselves. As there were four of them, they were divided into two groups for a role-playing game. In each group, one acted as the respondent and the other as the researcher. When the actual data collection started, the researcher and research assistants arranged an evening meeting every day after returning from the field. It was a time for everyone to say something about how he/she carried out the work, what problems he/she had encountered and to look for solutions together. It was also a time for each research assistant to look again at all the questionnaires filled in during the day while he/she still had a fresh memory of what he/she did to correct any mistakes that may have cropped up.

The respondents in the survey were met individually, in their respective homes, in their fields or at some other place that was convenient to them. However, any structural differences were identified in the way the women answered, whether they were in the field or at home, but there were different problems related to both sites that had to be handled. In the field, they wanted to answer quickly to get on with their work. If they were at home, there were sometimes disturbances, especially if there were other people at home. There were many cases of interference when their husbands were at home. They wanted to take part in the interviews and it took extra time to explain to them why the target group in this study was only women.

#### **b. Qualitative interviews and FGDs**

Qualitative data were collected in the same area as that of the survey interviews. Semi-structured interviews with different staff (see Table 1) and FGDs with women's associations were conducted by the researcher while the research assistants conducted survey interviews. Besides, individual semi-structured interviews with some women identified as having specific stories and experiences to share were also conducted.

The research assistants were asked to identify some specific cases during their survey interviews and to report them to the researcher in order to conduct follow-ups. Similarly, the researcher identified other cases from the FGDs, and special meetings were organized later with the persons concerned in order to obtain more details on the cases as well as on their personal status. In total, five cases were identified. Two related to non-registration of marriage and land conflicts resulting from that, one related to polygamy and conflict of sharing land after the death of the husband, another was a *ubushoreke* (concubinage) and land conflicts, and the last was on the role of the LTRP in solving some long-lasting land-related conflicts.

The participants were purposively selected on the basis of their ability to provide the information needed on the topic (Matthews & Ross, 2010; Padgett, 1998). The emphasis was not on maximizing numbers but on becoming saturated with information on the topic (Padgett, 1998) by sampling participants in a strategic way (Bryman, 2012). The women in the FGDs were met at their working place (at the office of their cooperatives), while the key informants were met at their working place or any other place that was convenient to them.

## **4.4 Data analysis**

This section presents different approaches to the quantitative and qualitative empirical data analysis applied to the study. Analysis is a dynamic and ongoing process (Bryman, 2012; Ackerly & True, 2010). It is not a linear process in which it is possible to simply move from one phase to the next. Instead, it is a more recursive process that moves back and forth as necessary throughout the phases (Braun & Clarke, 2006). It develops over time and should not be rushed (Ely, Anzul, Downing & Vinz, 1997).

### **4.4.1 Quantitative data analysis**

An SPSS expert was hired to design the template of the codebook while data were collected. Later, when all the data had been collected, two data entry clerks were recruited and I started entering the data. When the data entry had been completed, the second step was to edit and clean the data and, finally, to conduct the analysis. The process of analysis was started by running basic calculations related to frequencies

and cross tabulations. Tables were produced that showed general trends in the empirical data. At that stage, the researcher started working with qualitative data in order to compare the findings from both approaches and obtain a coherent and concurrent data presentation and analysis. Qualitative data from the open-ended questions of the survey that sought more explanations of the yes/no answers followed the same process of analysis as the data collected through semi-structured individual and group interviews.

#### **4.4.2 Qualitative data analysis**

##### ***4.4.2.1 Transcription and translation***

All the work related to collecting, transcribing, translating and analysing the qualitative empirical data was done by me. After the qualitative data collection, the data recorded were transcribed, except for a very few interviews with respondents who refused to be recorded, and their wishes were respected. Bryman (2004) suggests that when faced with the refusal to record, the researcher should still go ahead with the interview. Some useful information may become lost or be left out, however, in the process of trying to take notes. The transcript from those interviews is shorter than and not as detailed as it would be if the interviews had been recorded. The audio-recorded data collected through semi-structured individual and group interviews in Kinyarwanda were transcribed verbatim. According to Braun and Clarke (2006), and Nigel (2008), the process of transcription, while it may seem time-consuming and frustrating, can be an excellent way to start familiarizing the researcher with the data. Hence, due to this, the great benefits of bringing the researcher closer to the data, the author in this study chose to do it herself.

It took me five to six hours to transcribe every hour of speech into Kinyarwanda. After the transcription, not all the raw materials were translated into English. Sections were translated as there was a need to incorporate them into the presentation and discussion of the findings and this, of course, took extra hours. Bryman (2012) recognizes the translation of only sections of interviews since some interviews or portions of them are not very useful or relevant to the research topic.

##### ***4.4.2.2 Analysis of qualitative data***

Thematic analysis was used to analyse the qualitative data collected. Thematic

analysis is a process, a way of working with data that involves working from and remaining in touch with the raw data throughout (Matthews & Ross 2010). Thematic analyses move beyond counting explicit words or phrases and focusing on identifying and describing both implicit and explicit themes within the data (Fereday & Muir-Cochrane, 2006; Guest, McQueen & Namey, 2012). Thematic analysis is widely used, but there is no clear agreement about what thematic analysis is and how to go about doing it. I thought that this way of analysing data would fit with the aims of this study because, according to Braun and Clarke (2006), thematic analysis can be important to explain how individuals report and make meaning of their experiences and, in turn, the ways the broader social context impinges on those meanings.

The process of analysis started with the identification of main themes such as the LRT process, means of accessing land, knowledge about and attitudes to land-related law and policies, control over land, female participation in community activities related to land, land disputes, polygamy and land, etc. This process did not take place at specific and particular points in time but during the whole period of the study. Throughout this process, a review of the literature and relevant theoretical perspectives that formed the basis of the study helped to generate some possible headings. From there, themes or key ideas that helped elaborate the questionnaire survey and semi-structured individual and group interview guides were identified. At this level, it is advisable that the analysis of qualitative data is not left until all the interviews have been completed and transcribed (Bryman, 2012). As Matthews and Ross (2010) state, working with qualitative data is a process that moves between gathering, working with and reflecting on social data throughout the research. During the data collection process as well as the transcription, new key themes such as registration of marriage, male unwillingness to register marriage and *de jure* and *de facto* polygamy emerged, and it was ensured that these themes were always written down as soon as they emerged.

The researcher therefore did not start reading and re-reading the raw material with a blank mind. The researcher read and re-read printed versions of the raw material systematically and several times, coding each transcript, writing notes to the texts using highlighters and pens of different colours to indicate potential patterns and identify segments of data (Braun & Clarke, 2006; Padgett, 1998). The sections with similar colours were then copied and pasted together and possible emerging themes identified, keeping in mind initial themes identified through the review of the

literature, relevant theories and data collection. When all the themes had been identified, it was time to look at the ways the key themes were related and explore possible similarities and differences between the cases (Matthews & Ross, 2010). It was at this stage of the study that the mixing of data occurred.

Thus, the main themes discussed in the empirical chapters were developed in relation to empirical materials, existing theories and literature. The discussion has of course also been influenced by the personal experiences of the researcher on the topic and her position in this study as both an insider and outsider from the Rwandan perspective. A discussion on how the position of the researcher may have influenced the interactions with the participants in the study and the analysis of the findings is further given in Section 4.7 related to the challenges.

## **4.5 Ethical considerations**

As Matthews and Ross (2010), and Yin (2009) argue, social science research is about human beings, their experiences, their attitudes and their ideas directly. As participation in social research is itself a social activity, which will have an impact on both the researcher and the research participants, ethical issues are important considerations. Bearing this in mind, it was important to obtain permission from any gatekeepers (persons in authority whose approval is necessary to carry out the study) (Ackerly & True, 2010; Creswell, 2009; Padgett, 1998) prior to starting the interviews and consent from the respondents throughout the course of conducting the interviews.

### **4.5.1 Introduction to the research site**

Before starting the research in the households in Musanze District, all the authorities concerned at district, sector, cell, village and household levels were informed and authorization to carry out the study obtained. Firstly, the researcher brought two letters, one from the University of Rwanda's research directorate and the other from the supervisor of the Musanze District asking permission to conduct research in the district and explaining briefly what the study was about. After getting a stamp of approval from the district, contact started at sectorial level.



In each selected sector, the letter of approval from the district was presented. Interviews were organized with the staff who were available, and for those who were not available for an immediate interview, appointments were booked. The researcher was given contact information from the sector office for all the executive secretaries of the cells from which the study was to be carried out. The executive secretaries of the cells also provided contact information for the local leaders of the villages selected, who were contacted in advance, to explain to them about the study, the target population and how their involvement was needed. Briefly, before starting the interviews, all the people concerned were informed roughly about the research and the date at which they would be met.

#### **4.5.2 Obtaining informed consent from the participants**

Before starting any interview with the participants and respondents, a prepared information sheet was read out and discussed. It provided brief information related to the identification of the researcher, sponsoring institution, how the participants were selected, the purpose of the research, the level and type of participant involvement, insurance of confidentiality to the participant, and assurance that participation was voluntary and that the participants and respondents had the right to withdraw at any time without having to explain why (Creswell, 2009; Padgett, 1998). The participants were asked if they agreed to take part in the study. No consent form was handed to them to be signed because many of the women were illiterate. We therefore sought the consent verbally.

The process of involving local level leaders, who have much influence on local population, probably influenced the decision of the respondents to take part in the study and thus led to a response rate of 99.3% (477/480). It may be true that a face-to-face interview-based survey increases the response rate compared with postal or other forms of self-completion questions (Bryman, 2012), but having a response rate that is almost 100% may also raise some questions. Some researchers suggest that there is a growing tendency of people refusing to participate in social survey research (Bryman, 2012). Thus, involving local leaders in the study helped us to have easy access to information by being welcomed by the respondents, but it could, at the same time, have distorted/limited the objectivity of the information collected. Due to some conflict of interests, information may be biased on the side of the respondents as well as the side of the gatekeepers. On the side of the respondents, they may give their

answers in a way that they think will praise their leaders or give wrong information in order to bring prejudice to the leaders. Local leaders on their side may direct the researcher to particular categories of respondents depending on their personal interests. With this challenge in mind, the researcher tried to limit the involvement of local leaders by relying on their help only in cases when they really were needed.

### **4.5.3 Keeping the anonymity/confidentiality of the respondents**

In order to keep the anonymity of the participants, codes were used for the names of the women's associations taking part in the FGD. Similarly, whenever possible, the names of the participants were taken, as it becomes difficult to attribute particular information to a specific respondent or participant (Creswell, 2009; Padgett, 1998). However, there were cases when it was quite impossible to hide the identification of the respondents, especially when the participant was the only one occupying a post in the area. In those cases, the researcher discussed with the respondents how they would like their answers to be presented (Matthews & Ross, 2010). These authors further argue that in the FGD, the researcher had no control over how the information disclosed within the group may be used outside the group (Matthews & Ross, 2010). However, the researcher tried to prevail upon the group participants to respect the confidential nature of all information shared within the group on the assumption that each individual would wish his/her information to be kept confidential within the group.

### **4.5.4 Incentives and payback**

With regard to incentives, Padgett (1998) narrates that small monetary payments or gifts encourage participation and compensate respondents for their time, and most funded research projects include such payments in their budgets. In this study, we paid 1000 Rwf (just under 2 USD) to each participant in the FGD and 2000 Rwf (about 3 USD) to the village leaders. The payment of incentives to some participants and not others was based on the following reasons. Firstly, participants in the FGD had to travel from their home to where the discussion was to be held. As it was assumed that they might take a motorcycle, a payment of 1000 Rwf for each participant was to pay for their transportation fees. For village leaders, the incentives were decided according to the importance of the role they would play in the study. In addition, the amount per se was in a way determined by considering what was done in

some of the studies conducted in Rwanda and the per diem that most of the casual daily workers receive. The decision on how much to pay participants is an ethical one. As stated, when too little is paid, the incentive value is lost and if too much is paid, especially if the prospective participants are poor, there is a risk of coercion in pursuing the cooperation of participants. The size of the incentive payment therefore usually depends on how much is being asked of the respondents in terms and inconvenience (Padgett, 1998).

## **4.6 Challenges**

In all empirical studies, researchers encounter a number of challenges. In each of the four papers, the last paragraph of the methodology section was dedicated to challenges. The aim of this section is therefore not to repeat them but to look at the general ones that come across in different papers. As far as this study is concerned, the first challenge was that it has been very hard to translate some cultural words from Kinyarwanda into English. This led the author to maintain them in Kinyarwanda to avoid losing their meaning.

The other important challenge concerned power relations between the researcher and the participants. Although this discussion was very much part of the ethical considerations, I have decided to discuss it here in the challenges. In this section, the author has chosen to use the first person singular, especially when describing personal experiences. As briefly discussed in previous sections, I am considered both an insider and outsider from the Rwandan perspective. This situation posed some challenges in the following ways.

On the one hand, I am an insider in the fact that I have some commonalities with the respondents. I am a Rwandan born and raised in Rwanda. I share the same culture and language as the respondents. Rwandans speak the same language, Kinyarwanda, throughout the country. In addition, I am a female and the target population in the study was women. Some of the participants therefore easily became familiar and started asking my opinion on certain issues, especially inheritance law. In this situation, it was not easy for me to put a distance between myself and the participants while also staying close to them. In all circumstances, I have tried to refrain from presenting personal information that may provide biases to or influence

respondents' replies. I repeatedly said to the respondents that what was important was their expression of opinions and that all opinions were equally important. As Matthews and Ross (2010) state, social science research involves the participation of human beings and working with information about people. The researcher should ask himself/herself if he/she has given consideration to the way he/she behaves as a researcher with respect to other human beings who are involved in his/her research.

On the other hand, I am also an outsider to the respondents because I am not a rural woman practising agriculture and due to other criteria that led to differences between the respondents and me. For that reason, having the same gender did not succeed in closing the gap between us in the first instance. Feminist researchers have long noted that there are many occasions when shared gender is not enough to provide common ground (Padgett, 1998). In my case in this study, shared gender may not have been enough to bridge the gap between, for example, a middle class PhD student, as I am, and illiterate poor rural women as many of the participants were. As Padgett (1998) mentions, the research-respondent dyadic relationship can be influenced by many attributes, the most tangible of which are the fit in gender, ethnicity, age and social class, and sometimes the researcher has little in common with the respondents. Some of the respondents first thought that I was a policymaker from the GoR with much influence and ability to change things easily. I gently explained to them that I was a student and that this research was for my studies. I also explained that the study may bring them benefits indirectly, as findings from the study would inform policymakers in their planning, as the study is based on the reality on the fields and what the local people experience with regard to land rights and the laws regulating them.

This situation turns around the issues of power relations that Matthews and Ross (2010) discuss. How do your participants see you? They may see you as powerful and this may have two opposite implications. Firstly, they will see you as the expert on the research topic and thus will not want to disagree with you. Secondly, they may perceive you as someone who has access to something that would be useful to them. This can influence respondents' responses. Matthews and Ross (2010) further suggest that as a social researcher it is important to try to be aware that different groups of people will see you in different ways. It is important to think through the implications of this before starting data collection so that you can take proper account of any impact it may have on your work. For Ackerly and True

(2010), ongoing self-reflection and the commitment to address power, boundaries, relationships and the situatedness of the researcher are valuable writing as well as research tools. I do not think it is possible to deal successfully with the power imbalance in the research, but it is important to deal with such unequal power relations in a way that is not exploitative. By trying to do so, as I wrote above, I have always reminded the participants that their opinions were important and that the participation of each participant in the study was a key factor to its success.

Lastly, it is important to mention that the position the researcher has in the study also influences the understanding of the study in general and the analysis and interpretation of the findings. As Bailey et al. (2000) write, culture, gender assumptions, beliefs and behaviours of the researchers are part of the empirical evidence and shape the results of their analysis. It is true that my personal experience of women's land rights in everyday life in Rwandan culture and my interpretation of related studies from other contexts have both had an influence in one way or another on the claims advanced in the findings of this study. Of course this has helped me in the analysis but may also have prevented me from seeing other things. Bailey et al. (2000) suggest that introducing this subjective element into the analysis helps to avoid the objectivist stance that attempts to make the researchers' cultural beliefs and practices invisible while at the same time helping to increase the objectivity of the research.

## **4.7 Limitations**

Firstly, the issue of limitation is discussed in relation to the issue of generalization of the findings. As previously discussed, this study covers 480 households<sup>10</sup> from the Musanze District in the Northern Province. Considering the way respondents were chosen, which did not satisfy the conditions of full random sampling, the aim was not to generalize the findings or give much consideration to numbers but to look beyond those numbers and hear the stories behind/around them. Yet, a lack of generalizability does not mean a lack of reliability, validity and credibility (Yin, 2013; Matthews &

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<sup>10</sup> If the sample is compared with the total number of households at different levels, it represents 0.02% of the total number of households at national level, 0.12% at provincial level and 0.60% at district level (RoR-NISR, 2014).

Ross, 2010). It is important to recognize that small-scale research can still have value, though it can rarely claim to be generalizable (Creswell, 2009; Padgett, 1998).

Although the findings from this study do not claim to be generalizable, there are some aspects that increase their representativeness.

Firstly, looking at the relation between the sample in this study and Musanze District, the sample represents 0.6% of the total number of households in Musanze, but this size does not say much as respondents were not randomly selected. However, when looking closely at the characteristics of the respondents and of the population in Musanze, there is a close similarity (RoR-NISR, 2014, and Paper 2).

Secondly, when considering Musanze District in relation to Rwanda as a whole, the general characteristics of the rural population at both district and national level are the same (see the introductory chapter). Of course there are some specificities like polygamy that have motivated the choice of Musanze. Yet, it is important to say that the statistics on polygamy are very insecure, as many will not dare reveal their involvement in polygamous relationships because of the legal sanctions against them.

Thirdly, when comparing the main characteristics of the respondents in this study with the general ones of the Rwandan population, as released by the main surveys and censuses in the country, those characteristics turned out to be almost the same (see Paper 2).

Taking all the above relations into consideration, there are reasons to consider these findings as relevant to other parts of Rwanda. In addition, since findings are presented and discussed in relation to the on-going worldwide debate on how to better protect women's land rights, there are some important insights that can be learnt from the study not only for Rwanda but also in other contexts.

## **CHAPTER 5: PRESENTATION OF INDIVIDUAL PAPERS**

The general aim of the thesis is to explore women's experiences of land rights in the context of the LTRP in Rwanda. The study is organized into four related papers in order to capture the complexity of the topic. This chapter first gives a brief description of how the general idea is systematically split into four related papers. It then presents the overview of the individual papers.

### **5.1 How the papers fit into the overall study**

**Paper 1** is envisaged as a way of setting the scene for a better understanding of the topic. Before listening to the women, it was judged important to talk to policy implementers at different levels who had been involved in the implementation process of the LTRP in order to gain an understanding of how the implementation process was carried out practically, the measures that have been taken to ensure women's land rights, the challenges met and how these have been dealt with. After that, it was time to hear the women telling their stories and expressing their opinions on the topic. As it was expected that the women would provide information on different types of experiences, three additional related papers were written to explore each of the experiences carefully.

**Paper 2** explores women's experiences of attitudes and knowledge about the LTRP and the legal frameworks regulating it. It then presents women's experiences of participating in the implementation of the programme as well as their experiences of the daily activities related to the use of and decision-making over land. There are also experiences of the challenges/conflicts that women could face while claiming their rights to land. As the latter was considered a wider topic including different types of conflicts, their sources and the way they are handled, **Paper 3** was written to deal with that. Looking at the literature listing of different causes of women's land-related conflicts, polygamy is reported as among the most serious. After realizing that the literature on polygamy is almost non-existent in Rwanda, and no paper has been written on how polygamous marriages may affect women's land rights, it was judged

important to write **Paper 4** to fill that gap.

## 5.2 Overview of the individual papers

Before giving a short summary of the findings in each paper, Table 2 briefly presents the title, aim and research questions of each paper.

*Table 2: Summary of individual papers*

Papers' titles	Aims	Research Questions
<b>Paper 1:</b> Women's land rights in the context of the Land Tenure Reform in Rwanda: the experiences of policy implementers	To explore and analyse the experiences of implementers of the implementation process of the LTRP in relation to women's rights to land	<ul style="list-style-type: none"> <li>- How has the process of land registration and titling been carried out?</li> <li>- How was it planned to ensure the protection of women's rights to land?</li> <li>- What were the implementers' experiences during the process of land registration and titling with regard to women's rights?</li> <li>- Which were the major challenges encountered during the implementation process and how were they dealt with?</li> </ul>
<b>Paper 2:</b> Women's Experiences of the Land Tenure Reform Program in Rwanda	To capture women's experiences in reference to their land rights within the LTRP in Rwanda	<ul style="list-style-type: none"> <li>- What knowledge and attitudes do women have in relation to the legal framework regulating land in Rwanda in general and its ability to protect land rights of women in particular?</li> <li>- How have women participated in community activities related to the LTRP?</li> <li>- How did land registration and titling affect women's decision-making over land, income and agricultural products within their households?</li> </ul>
<b>Paper 3:</b> Women's experiences of land conflicts in the context of the Land Tenure Reform Program in Rwanda	To explore women's experiences of land-related conflicts in the context of the LTRP in Musanze District	<ul style="list-style-type: none"> <li>- What kind of land-related conflicts are faced by women?</li> <li>- What are the women's experiences with regard to land-related conflicts?</li> <li>- What effect has the LTRP had on women's land-related conflicts?</li> <li>- How have women's land-related conflicts been handled?</li> </ul>



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<p><b>Paper 4:</b> Does the law work in their favour? The complexity of land rights of women living in polygamous relationships in Rwanda</p>	<p>Firstly, the paper analyses and discusses polygamous practices from different perspectives. Secondly, it identifies how polygamous marriages influence women's experiences in terms of access and control over land in Rwanda.</p>	<ul style="list-style-type: none"> <li>- How can polygamy be understood from different perspectives in a country like Rwanda?</li> <li>- What is the incidence of polygamous practices in the area of study?</li> <li>- Why do women continue to be engaged in polygamous practices despite the criminalization?</li> <li>- How can the experiences of women living in polygamous relationships in relation to their land rights be understood and analysed?</li> </ul>
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*Source: Designed by the author*

**Paper 1** explores the experiences of implementers of the implementation process of the LRT Program in relation to women's rights to land. The findings assert that a policy implementation process is inevitably the result of interactions between multiple actors operating at multiple levels with diverse interests, goals and strategies. The implementation process followed a top-down perspective, but the implementers claimed that they always tried to involve local people throughout the process. Implementers at the top administrative level seem mostly to be in line with the national land policy and laws while those at local level in the study area sometimes expressed more critical views towards the intention of the new laws. Local level implementers reported that strategic measures were taken to make sure that the rights of women were respected throughout the process of LRT. They also reported that a number of challenges, such as those related to polygamy, inheritance and *ingaragazi*<sup>11</sup> issues, as well as men's unwillingness to register their marriages, had been identified and explained how they had dealt with them. The findings reveal that those challenges are related to gender ideologies and practices that are deeply embedded in socio-cultural norms that value male supremacy over women. The paper highlights that the findings are context specific but insists that others can build on them by examining the implementation in other areas of the country and even beyond. The paper lastly raises the problem of the 'theory/practice dilemma' in which norms and values in society may constrain the effective implementation of programmes.

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<sup>11</sup> *Ingaragazi* was mentioned by the respondents in the study as a private property of a man, especially a piece of land. It is a practice that is known and specific to the study area, though the practice is disappearing due to land scarcity and legal land reforms. For more details, see Papers I and IV. This term should not be confused with *ingaragali* sometimes also known as *indeka* (leftover) or *ibisigara* (vacant land), which is the land that remains with the parents after sharing land (*iminani*) with their children; see MINITERE et al., 2007, pp. 54-9 for more details.

**Paper 2** aims to capture women's experiences in reference to their land rights within the LTRP in Rwanda. The experiences explored are related to the knowledge and attitudes women have in relation to the legal framework regulating land in Rwanda in general and its ability to protect women's land rights in particular. The findings in this paper suggest general support for the idea that women should have land titles, and the informants applauded the efforts of the GoR to fight gender imbalances in land-related rights. It was also found that differences in, for example, age, education and marital status give some categories of women more advantages or disadvantages compared with others when it comes to familiarity with the land law, ability to claim their rights and attitudes vis-à-vis the LTRP. This paper also shows limited actual knowledge about land-related laws among the respondents despite the fact that a good number of women from the study participated in meetings and community activities related to the LTRP. With regard to the way the LTRP has affected women's decision-making over land and agricultural produce within their households, the women argued that with land titles, they have a say in the use of the marital land especially with joint certification. It is not easy for the men to take important decisions on matrimonial land without seeking the consent of his wife. However, not much has changed with regard to the daily management of agricultural production. The findings also indicate some criticism towards part of the legal land framework, especially the inheritance law as well as the registration of marriage and women's land rights. Those criticisms of and disagreements with elements of the laws and policies highlight a 'theory/practice dilemma' where laws are not necessarily easily implemented just because they are well designed.

**Paper 3** explores women's experiences of land-related conflicts in the context of the LTRP. Findings show that a small number of women in the study are involved in land-related conflicts. It also provides a brief discussion on this conclusion. Some women feel that the LTRP has reduced the number of conflicts of different kinds, while others seem to be sceptical about its capacity to reduce conflicts. They think that some problematic issues are likely to continue to cause land conflicts despite the land registration. The grounds for land conflicts that women encounter are mostly related to inheritance, polygamy, daily management of land and its produce, plot borders and land transactions. The findings reveal that women have weaker

bargaining positions than men, and their bargaining power is affected by factors such as a lack of knowledge, confidence, financial means, etc. Above all, women's bargaining processes often lack social legitimacy and are characterized by the fear of disapproval by their husbands, families and the community. Consequently, though all disputants are required to first make their land claim to the family council, findings show that a large number of conflicts are resolved in formal courts. The main reason, as the women revealed in the study, being that they considered local institutions to be corrupt and gender biased. The findings in this study confirm the contested nature and social embeddedness of land rights. Though the GoR has multiplied the efforts to strengthen women's land rights during the last decade by taking strategic actions, including the elaboration of land policies and laws, the findings show that women are still involved in land conflicts and still face challenges while claiming their rights

**The aim of Paper 4** is to analyse and discuss polygamous practices from different perspectives, as well as to identify how polygamous marriages influence women's experiences in terms of access and control over land in Rwanda. The paper indicates that polygamy is a cross-cultural concept encompassing various forms of intimate relationships and that it has become an important topic for discussion in contemporary gender relations concerning the emancipation of women. The literature reports that polygamy was an acceptable cultural practice in Rwanda during the pre-colonial period. Nowadays, however, it is criminalized in all its forms (*de jure* polygamy and *de facto* polygamy). Despite the criminalization, the findings reveal that polygamy has not disappeared, as there are couples who are still engaged in polygamous relationships. This leads to the conclusion that it may still be covertly endorsed by the culture. The women in the study attributed the perpetuation of polygamous practices to factors such as promiscuity, ignorance of religious teachings, adult gender ratio imbalance, bad relationships in families and poverty. The women reported polygamy to be one of the main causes of land-related conflicts, as small plots are to be shared among many wives and their children. The women further reported that they were worried about the new forms of polygamy that were emerging that appeared to be to the men's advantage. The paper ends with some policy and research implications arising from the findings.

## **CHAPTER 6: CONCLUSION**

This concluding chapter has three main sections. The first section focuses on the introductory part and the separate papers and summarizes what can be learnt from the findings. The second section relates the findings to the previous research and theoretical perspectives that guide the study. It discusses how throughout the process of strengthening women's land rights some existing inequalities are intensified and perpetuated, while there are signs of new inequalities emerging. It ends with a discussion on social norms and gender ideologies as the main determinants of the power relations when bargaining over land. The third section discusses the implications of the findings for policymakers and social workers and gives suggestions for further studies.

### **6.1 What do we know as a result of the findings?**

Overall, the findings reveal that the GoR has set up the basis to ensure land rights for women in Rwanda through the elaboration of gender-sensitive land laws and policies. Nearly all participants in the study support the general idea that women should have land titles and applaud the efforts of the GoR to strengthen women's land rights. With respect to the freshly completed LRT Program, a large majority of women have obtained land titles, either independently or jointly with their husbands, and consider this a good starting point towards their empowerment. In general, the LTRP has brought some radical changes to women's access to land. Customarily, women are not allowed to inherit except in some exceptional cases when daughters may be given gifts of land from their parents or extended families (RoR-MINIRENA, 2004; Musahara & Huggins, 2005). As discussed earlier by Daley et al., (2010), Polavarapu (2011) and RISD (2013), this study re-emphasizes that with the new land legislation, some gender norms and ideologies related to male supremacy have been challenged, such as inheritance practices, which, theoretically, are carried out on a gender equality basis according to the laws, though in practice there is still a long way to go.

Although women still face challenges in claiming their rights, the women in the study affirmed that the number of women seeking justice has increased. Before the LTRP, land conflicts involving women were not very common because there were no laws to back their claims. Thus, the LTRP has induced women to strive for their rights in a stronger way. The more gender equality, the more negotiations and the more conflicts there are, not necessarily violent but conflicts of interest as existing power relations are challenged. It is important to mention this, because of the implementation of the new laws and policies, new situations and new conflicts are created. Many women see that they now have opportunities they did not have before, and some men believe that the rights they previously considered mainly as their own are being eroded (see Paper 1).

## **6.2 Findings in relation to other research and theoretical perspectives**

This thesis explores the experiences of women in the context of the LTRP in Rwanda under the guidance of feminist/gender and bargaining perspectives. Looking at the findings and relating them to the theoretical perspectives and previous research, the conclusions below can be drawn.

### **6.2.1 The reproduction of inequalities and the stickiness of social and gender norms**

The findings in this thesis show how both customary systems and the introduction/implementation of statutory systems, such as those regulating land tenure, inheritance and marriage practices, may serve to produce relations leading to inequalities. This is because systems of land tenure, marriages and inheritance are mostly regulated by strong gender-stereotyped customary practices that consider women inferior to men. This discussion does not opt to ignore the progress made in terms of women's access to land in Rwanda, but it emphasizes that it is not a simple matter of just putting new laws and policies in place. Some kinds of discrimination persist and new ones even emerge. The way in which gender ideologies about women's inferiority intersect with a range of other social characteristics, within a diversity of institutions both at micro and macro levels, matters greatly in terms of the

outcome, which may lead to the persistence or reproduction of inequalities and/or construction of new forms of inequality.

The implementation of new legal and policy reforms for gender equality does not completely undo the old forms of discrimination. New situations are created in which new forms of inequality are emerging and old practices of discrimination are still there, and that it is what this work is showing. Women and local level implementers both present some criticisms towards elements of the land laws and policies, especially those privileging the registration of marriage with regard to matrimonial property as well as those related to inheritance. After more than a decade, some men and even women are still contesting the inheritance laws adopted in 1999 (see Papers 1, 2 and 3; see also Daley et al., 2010; Polavarapu, 2011).

The new legislation on inheritance gives equal rights to daughters and sons to inherit their parents' property and to married women to inherit land from their birth family and their husbands' family (GoR, 2003, 2013). However, one out of four of the women in the survey still thinks that boys should inherit a bigger share than girls. This could be analysed in terms of gender norms through which ideas such as boys keeping the land within the family lineage being circulated, reinforced and reproduced. In Rwanda, like many other societies, land is not only a source of livelihood but also a source of power and identity (Agarwal, 1994a; IFAD, 2012). Thus, being denied land rights reinforces gender, economic and social inequalities in general.

Gender inequalities are the cause and the consequence of multiple forms of discrimination that tend to be transmitted and reproduced over time and generations through the process of socialization (Siltanen & Doucet, 2008). They are transmitted from parents to children at micro level. What complicates the situation further is that the responses of some women in this thesis show that they themselves have internalized the ideas of their subordination and consider them the norm, as also argued by West and Fenstermaker (1993) and the World Bank (2005). Gender inequalities are also transmitted at macro level through different sites/institutions such as schools, religious institutions, media, etc. These institutions sustain gender hierarchies, which leads to the persistence of inequalities even when circumstances change. The World Bank in its World Development Report (2005, p. 27) calls this an 'inequality trap' within and across generations.

The findings reveal that women still hold ideas reinforcing male supremacy. Some affirm that they consider their husbands the heads of the households and think that everything at home is their husbands' property. They further assert that in many cases it is the man who has the final say on how the household property should be managed. Some also argue that once women are married, they no longer have their own property, as this can be a source of conflict within the family. The findings corroborate Deere and Leon's (2001) findings from their study conducted in different countries in Latin America. They found that women's claims to land titles could be a cause of tension and domestic conflicts, as it challenged relations of power. Similarly, the local level implementers who were supposed to be the channels of government policy to people presented views and experiences framed by norms and attitudes about gender relations supporting traditional values of male supremacy over women (see Paper 1).

The findings show that legal reforms do not completely undo the old forms of discrimination. These forms of discrimination reproduce inequalities, as women very often are not able to negotiate or claim what they are entitled to by the legal reforms. This situation, as described, meets the assumptions of policy implementation theorists that even policies clearly designed with good intentions from the beginning may not work well in the end and may lead to unintended results (Parsons, 1995; deLeon & deLeon, 2002; Thomas & Grindle, 1990; May, 2013). Other scholars continue that the implementation of laws and policies is often not value free. It is influenced by the context and embodies social and political values, norms and practices (Agarwal, 1994a, 2003; Cousins, 2008; Jackson, 2003; Kaarhus et al., 2011; Levit & Verchick, 2006; Matland, 1995; Narendra, 2009; Rao, 2007; Razavi, 2003).

This study provides cases that are in line with the assumptions from the studies mentioned above. Firstly, the findings from this thesis show that the implementation of gender-sensitive legislation may face resistance from some people who turn the provisions of the laws in their favour. For example, some men threaten their wives to go and obtain shares of land from their families to compensate for what they have lost by sharing land with their sisters. Secondly, it emerges from the study that laws and policies may have some provisions that implicitly reproduce patterns of social exclusion and tend to exclude some groups or categories of women. For example, the LTRP and the legal framework regulating it have clear principles on promoting gender equality, but they also contain some statements that bring prejudice

to certain categories of women, such as those living in non-registered marriages and polygamous relationships (see Papers 2 and 3). The result is that policies designed to ensure gender equality may lead to further inequalities.

In the analysis of the women's stories, it emerges that women are affected in different ways by the process of the LTRP. Social categories such as marital status, age and education influence women's participation in the process of claiming their land rights and the way they are affected by the outcomes of the process. For example, the study shows that some challenges such as the failure to speak up in public still threaten women's effective participation in the community meetings where issues related to their rights are mostly discussed. In this thesis, the inability of women to raise issues publicly can be analysed in terms of power relations. Different social categories are shown to be intertwined to create unequal gender power relations. The women in this study report that they expect some categories of people like men, leaders, the educated, young and rich to be the ones to speak out (see Paper 2). In addition, findings from this study corroborate Veldman and Lankhorts (2011a, 2011b), Walker (2003) and Jackson (2003), who reported that women's silence could also be partially understood in terms of cultural norms and social costs, which discourage the discussion of family matters in public. This is one of the reasons that might have led to the small number of women reporting having encountered land-related conflicts in this study (see Paper 3).

In addition, the findings show how women from some categories, such as the non-educated, old, poor, unregistered wives, non-active women in community activities, as well as women without leadership positions, seem to be more disadvantaged than others when it comes to land laws on literacy, the ability to claim their rights and attitudes vis-à-vis the LTRP, etc. (see Paper 2). The study reported limited knowledge among the local level implementers and the local population on land-related laws as well as the hesitation in putting into practice the little they know.

### **6.2.2 Social norms and gender ideologies as the main determinant of bargaining over land**

This study confirms socio-cultural and gender ideologies and norms as the main determinants of intra-household bargaining power, as some previous studies have reported. This study highlights that socio-cultural ideologies and norms embody accepted notions about ownership of properties, cultural perceptions of entitlements



and historical normative understandings of power that determine what can be bargained over as argued by Agarwal (1994a), Jackson (2003), and Sultana and Busra (2013). The findings from the study at hand reiterate the fact that for women to successfully bargain for a share in arable land, the social and legal legitimacy of the claim first has to be established as discussed by Agarwal (1997) and Jackson (2003). In addition, several examples from the women's responses show how social norms come with social sanctions for failure to follow them, as found by Siltanen and Doucet (2008).

Women have weaker bargaining positions than men. In this study, women highlight the lack of knowledge, inability to present their case, fear of community disapproval, fear of their husbands, fear of in-laws, and lack of confidence, time and financial means as some of the main factors that may constrain their willingness to claim their rights (see Paper 3). Importantly, most of the time women's bargaining processes lack social legitimacy and are characterized by fear of disapproval by their husbands, families and the community.

The study highlights cases of women who may prefer to obey cultural practices and drop the claim to the rights to which they are entitled. Here, the example is related to some cultural norms regarding marriage practices. The fact that tradition in Rwanda does not tolerate spinsterhood is one reason why every woman feels obliged to get married, with limited possibilities to make any choices on the kind of marriage (registered or non-registered, monogamous or polygamous) to enter into (see Paper 4). However, to have the support of the laws, women are required to be in monogamous and registered marriages (RoR, 2003). Due to this complex situation, the study shows that one out of three married women is in a non-registered marriage despite the efforts of the GoR to sensitize couples to register their marriages. If a husband is not willing to register the marriage, the woman prefers to stay with him in a non-registered marriage rather than compromising her marriage (see Papers 2 and 3).

The findings from the study at hand report that the fear of compromising the relations affects women's ability to claim land rights, which is in line with what previous studies have found (Uwineza & Pearson, 2009; Veldman & Lankhorts, 2011a, 2011b). Women are stuck between exercising their rights to claim a piece of land and the concern of not compromising the relationships with their husbands, families, community and society as whole (see Papers 2 and 3). These contradictions

reinforce inequalities, which are often rooted in cultural practices and continue to be reproduced through discrimination in social, economic and political domains. Thus, household bargaining becomes a complex process that goes well beyond individual bargaining power into which intra-household relations are embedded and connected to other institutions shaped by gendered social norms, beliefs and practices as previously discussed by Agarwal (1994a), Sultana and Busra (2013), and Mabsout and Staveren (2010).

The theoretical perspectives discussed have allowed women's land rights to be looked at, such as transcending the household sphere and being influenced by and negotiated within the larger context. The nature of gender relations in land rights is not easy to grasp in its full complexity as Agarwal (1997, pp. 1-2) states:

The complexity arises not least from the fact that gender relations (like all social relations) embody both the material and the ideological... Gender relations are both constituted by and help constitute social practices and ideologies, in interaction with other structures of social hierarchy such as class, caste and race.

From this quote, it is important to note that gender ideologies in connection with other social inequalities can obstruct women from acquiring property rights by restricting their ability to exercise their existing property claims and successfully challenge persisting gender inequalities in law, policy and practice in relation to such claims (Agarwal, 1994a)

This discussion of the findings from this thesis contributes both theoretically and conceptually to the on-going debate on how to better ensure women's land rights. It emerges that the main ideas and practices surrounding gendered access to land in Rwanda are circumscribed and mediated within gender relations that are socially constructed and cemented into ideologies and norms. Most of the challenges identified stem from the perpetuation of customary practices and deeply embedded socio-cultural norms and beliefs that often crash with the intentions of new laws and policies. The discussion of the findings repeatedly points out the 'theory/practice dilemma' (see Papers 1, 2 and 3) in which laws and policies that look good on paper are not necessarily easily and effectively implemented. All in all, the findings from this thesis confirm the assumptions made by other studies that it may become hard for the reforms to make big changes in women's chances to access land (e.g. Korang-Okrah & Haight, 2014; McAuslan, 2010). The reforms do not necessarily change the

power structures embedded in norms and practices that affect women negatively. More often, in practice, gender ideologies and norms act more powerfully than formal laws.

If the findings from this study are placed in a global perspective, the conclusions are that gender norms and ideologies affecting the implementation of gender-equal laws and policies are not only a concern for a small country like Rwanda in the middle of Africa. The wide range of literature referred to in this study allows us to conclude that this is also an issue in other developing countries in Africa, Asia and Latin America. Are developed countries then free from this concern? When considering aspects of the gender wage gap, male- and female-dominated jobs, gendered unequal burden of combining work and family responsibilities, etc. in developed countries, as discussed by, for example, Jacobsen (2007), Stanfors (2003), and Tilly and Scott (1987), it could also be said for those countries. In any society, men and women often face different cultural, institutional and economic constraints, many of which are rooted in systematic, biased norms and practices that determine the entitlements of men and women, and boys and girls.

## **6.3 Implications of the findings**

### **6.3.1 Policy implications**

The majority of the local level implementers interviewed thought that some citizens resist changes induced by new laws and policies because they are not aware of their benefits and want to stick to the traditions that give supremacy to men (Paper 1). They propose continuous sensitization to ‘make people aware’ and ‘to change their mindset’. Sensibilization/awareness raising is one of the main goals of the policies. This study agrees with the assumptions challenging that sensitization activities have the capacity to change the mindset of people around the social norms they value most. Getting people to act in line with policies that are often contradictory to their traditional way of doing and thinking is hard to achieve. The study at hand supports continuous sensitization among local level implementers and local citizens as one way to contextualize both knowledge and understanding of the policy under implementation in order to enable its increased embeddedness into the specific, complex and diverse realities of local people. Awareness-raising among policy

implementers about the new laws is very important, as they are supposed to be the channels along which government policy flows to the people. Similarly, legal awareness among the local population, including women, about the principle of gender equality in land rights is very important because women cannot claim their rights if they are not aware of them. However, this is not enough: it has to go hand in hand with other strategic actions.

Like some other studies in Rwanda and elsewhere, this study, underscores the need to build an implementation of new laws and policies on a good understanding of customary practices. Not all aspects of customary rights are negative to women, nor are all the principles of statutory laws free from gender bias. The findings in this study reiterate the weak protection afforded to women living in non-registered marriages by land-related laws (see Papers 2 and 4). Laws regulating matrimonial properties are elaborated with the intention of protecting women living in monogamous registered marriages, as if all married women are a homogeneous group. Putting in place laws that tend to solve the problem on the basis of gender and ignore different categories within the group of women may lead to further discrimination by excluding some categories of women. Formal registration of marriage is the main determinant of the rights women should have to matrimonial land. Despite the recognition of only monogamic marriages by laws, studies show that the number of non-registered marriages continues to be high (in this study, one out of three of the married women were not in registered marriages, see Paper 2). Similarly, polygamy has been outlawed in Rwanda for years, yet a number of women continue to take the risk of engaging in such relationships despite the threat of severe sanctions. The suggestion to policymakers and others concerned would therefore not only be to elaborate laws and programmes to safeguard the rights of women involved in such relationships but also to think about finding out the factors that may be pushing those women into taking such risks (see the factors identified by the respondents in Paper 4). If we are to ensure social justice for all women, some categories of women should not be protected at the expense of others.

On the other hand, though customary systems have discriminatory practices vis-à-vis women's rights, there are cases in this study in which customary practices have provided some protection to women. This is the case when women in polygamous and non-registered marriages acquire land titles on the basis of customary practices that require every husband to provide a piece of land to all his

wives. Thus, customary harmful practices that reinforce women's inferior status should be identified and fought against and positive aspects allowed to evolve in order to generate support for new changes. The power of customary land tenure systems should be recognized rather than undervalued. In the effort to strengthen women's land rights, a consensus supporting the complementarity between customary and statutory systems may make more sense for researchers, practitioners and policymakers in Rwanda.

New laws and policies should gradually be integrated into the specific, complex and diverse realities of local people, rather than just being imported from completely different contexts (Paper 3). The principles of some of the laws and policies do not mainly come from rural Rwandans' everyday lives, and local people may have difficulties accepting them. Rwandan policymakers should continue to look at how to adapt new policies to the local context and implement them slowly and gradually rather than pushing them onto people. Gradual integration of formal laws and policies should go hand in hand with continuous sensitization among the policy implementers and local population as one way of gradually increasing their acceptance and knowledge about difficulties that may arise while trying to implement them (Paper 3).

### **6.3.2 Implications for social work in Rwanda**

The link between social work, core features and the struggle against discrimination against women in relation to land is very important. From the beginning, many social work activities have been connected with services targeted at women, treating them within the framework of the prevailing gender ideologies (Leskosek, 2009). Social workers have played diverse roles in the struggle for gender equality and social change (Dominelli, 2011; Bayisenge, 2014). The contribution of social work educators and practitioners has highlighted the multiple oppressions women faced locally, nationally and internationally in the private and public domain and alongside potential forms of discrimination and oppression including race, age and disability (Dominelli, 2011). Despite this global activism towards respect for women's human rights, unequal treatment of women continues in every nation in almost all areas of life. Contrary to that, there are no human rights without women's rights (Symington, 2004). As social workers are committed to human rights, they are therefore also

committed to strengthening women's rights. This is because women have not achieved social justice in many national or cultural contexts (IFSW, 2012).

In Rwanda, the role of social work in helping to improve the situation of women in general and women's land rights in particular can be crucial (Bayisenge, 2014). As discussed in the introduction of the thesis, social work is a young profession in Rwanda. It started in 1998 to deal, in particular, with the aftermath of the 1994 genocide against the Tutsi. It is still searching for its rightful place and asserting its necessity in Rwandan society. Since the establishment of social work, social workers have played major roles in the field of social services, both public and private (Uwihangana, 2014). The following section briefly discusses the implication of the findings of this study for social workers, both researchers and practitioners, in Rwanda.

The study highlights positive aspects of the LTRP on women's land rights, the challenges they encounter, suggestions to deal with them and for further studies to fill some of the gaps and gain a broader understanding of this topic from the perspective of the marginalized group. The main findings from this study show that the local population and local leaders have limited knowledge of the new legal land laws and policies and they hardly put into practice what they know. It emerged that the reluctance to implement the new gender-sensitive policies mainly results from the stickiness of social and cultural norms favouring male supremacy. The role of the social worker in social mobilization at different levels (micro, mezzo and macro) to raise awareness of new policies could therefore be vital. Social workers may also join their efforts with other professionals and partners to ensure sustainability of positive actions and to deal with other challenges identified. Importantly, social workers should try to indigenize social work, which, according to Drower (2002) and Hochfeld, Selipsky, Mupedziswa and Chitereka (2009), means practising it in a manner that is appropriate to the people and the country. They should help people to find solutions built on the socio-cultural, economic, political and environmental conditions concerning their community (Mwansa, 2011). There is also a possibility for them to engage in additional research in the areas identified as needing more research or new areas they may judge as important. For more details on the implication of social work on women's land rights in Rwanda see the chapter by Bayisenge (2014) in the book titled *Professional Social Work in East Africa: Towards Social Development, Poverty Reduction and Gender Equality*.

### 6.3.3 Research implications

The study contributes to the debate on ensuring land rights for women. To the best of my knowledge, no extensive research has been published so far regarding women's experiences in the context of the actual full-scale implementation of the LTRP in Rwanda. There are reasons to consider the findings from this study as useful to other researchers examining the LTRP implementation in Rwanda and even outside Rwanda. Firstly, this study involves a large number of women from different categories. When comparing the main characteristics of the women in this study with the general characteristics of Rwandan populations from main surveys in the country, it emerges that these characteristics are very similar. Secondly, the findings are always presented and discussed in relation to the literature on the on-going worldwide debate on how to better ensure women's land rights.

However, the study also has some limitations that give rise to the need for further studies. Some gaps are identified in the research that could be filled in, in order to obtain a holistic understanding of women's land rights in Rwanda. This study covers one district out of the thirty that make up Rwanda and focuses on LRT (and the legal framework regulating it) as one component of the LTRP. More extensive studies are therefore needed. These studies may also explore women's experiences within other main components of the LTRP, such as land use consolidation and grouped settlements. Further studies could also explore the factors behind the specificity of the findings from the volcanic areas in Musanze District, where the women seemed to be slow in accepting changes compared with the women from other areas in the study (Paper 2).

The issue of the persistence of polygamous practices is discussed in Paper 4. This is a field that is poorly studied in Rwanda. Despite the few scientific works and policy documents that report that polygamy still exists and challenge women's access to property and the harmony in households, there is no study (apart from the current volume) that thoroughly discusses it. The discussion stimulated by this study on this issue in the case of Rwanda is twofold. Firstly, it relates to *de facto* polygamy (*ubushoreke*) that the women (almost all first wives) in the study report to be more challenging than *de jure* polygamy (*ubuharike*) when it comes to the rights of women to the matrimonial property. Most of the accounts come from the first wives and/or second or other women in *de jure* polygamy (whose engagement in polygamous

marriage is somehow accepted because of being contracted before the adoption of the laws outlawing polygamy). Secondly, the author initiates a discussion in Paper 4 on legalization, criminalization and adoption of a neutral stance on the issue of polygamy if we aim to make justice available for every woman. Drawing definite conclusions on these points would be rash, as further studies are needed. There is a need to hear from both women and men in general from different corners of the country, as well as from women with experiences of both *de facto* and *de jure* polygamy, on what they think of polygamy and women's access to matrimonial property and gender equality in general.

This study is mainly based of female participants. While incorporating the voices of men would have enriched this study, the decision not to consider men as the target population was based on the fact that the intention was mainly to hear women themselves on their own experiences with regard to LTRP. The only male participants are therefore the key informants who provided supplementary information (see Table 1). Further studies should consider the importance of the voices of those who are marginalized, 'women' (though there are also men who are marginalized), as well as the involvement of men as a target population. This endeavour would help provide a broader understanding of gender power relations with regard to access to land and also increase the likelihood of success of the proposed policies and programmes.



## SAMMANFATTNING (Summary in Swedish)

Det övergripande syftet med avhandlingen är att undersöka kvinnors erfarenhet av landrättigheter inom ramen för reformprogrammet Land Tenure Reform Program (LTRP) i Rwanda. För att uppfylla sitt syfte tar avhandlingen upp forskningsfrågor gällande hur processen med LTRP implementerades och hur den uppfattas, samt hur kvinnors erfarenhet av jordreformen kan beskrivas och analyseras. Andra forskningsfrågor fokuserar på de konflikter som kvinnor kan uppleva när de hävdar sin rätt till land eller erfarenheter från kvinnor som lever i polygama relationer.

Avhandlingen är en sammanställning av en *kappa*, en bindande text och fyra relaterade vetenskapliga artiklar. Kappan består av sex kapitel. Det första kapitlet sätter scenen för och beskriver bakgrunden till studien och anger syftet med den. Kapitel två sätter aktuellt ämnesområde i internationell och nationell kontext och diskuterar kvinnors ställning i system med besittningsrätt. Kapitel tre beskriver de teoretiska perspektiv som guidade studien. Kapitel fyra tar upp den metodologiska process som följts genom hela forskningsprocessen, etiska överväganden, vissa generella utmaningar för studien samt dess begränsningar. Kapitel fem ger en kort sammanfattning av de fyra individuella vetenskapliga artiklarna vilka utgör den empiriska delen av avhandlingen. Kapitel sex framlägger de viktigaste slutsatserna och relaterar dem till tidigare forskning och teoretiska perspektiv och behandlar policy och forskningsslutsatser.

De fyra individuella vetenskapliga artiklarna är följande:

Den **första** vetenskapliga artikeln "Women's land rights in the context of the Land Tenure Reform in Rwanda– the experiences of policy implementers" undersöker implementerarnas erfarenheter av processer för implementering av LTR-program i relation till kvinnors rätt till land. Det är tänkt att lägga grunden till en bättre förståelse av ämnet. Innan kvinnorna hördes, bedömdes det viktigt att prata med policyimplementerare på olika nivåer som deltagit i implementeringsprocessen av LTRP. Avsikten var att ge en förståelse för hur implementeringsprocessen hade genomförts i praktiken, vilka åtgärder som hade vidtagits för att säkerställa kvinnors landrättigheter, utmaningar man stått inför och hur de hanterats.

Den **andra** vetenskapliga artikeln med titeln "Women's Experiences of the Land Tenure Reform Program in Rwanda" syftar till att fånga upp kvinnors erfarenheter med hänseende till landrättigheter inom LTRP i Rwanda. De erfarenheter som undersökts relaterar främst till kvinnors kunskap och inställning i relation till de rättsliga ramarna som reglerar land i Rwanda i allmänhet och dess förmåga att skydda kvinnors landrättigheter i synnerhet. Artikeln tar vidare upp kvinnors erfarenheter av deltagande i implementeringen av programmet samt deras erfarenheter från dagliga aktiviteter relaterade till användning av och beslutsfattande över land.

Den **tredje** vetenskapliga artikeln har titeln " Women's experiences of land conflicts in the context of the Land Registration and Titling Program in Rwanda". Den undersöker kvinnors erfarenheter gällande de utmaningar/konflikter som kvinnor kan ställas inför när de hävdar sin rätt till land. Polygami rapporteras som en av de praxiser som påverkar jämställdheten när det gäller access till landrättigheter. Efter att ha insett att litteratur om polygami nästan är obefintlig i Rwanda och ingen vetenskaplig artikel har skrivits om hur polygama äktenskap kan påverka kvinnors landrättigheter, bedömdes det som viktigt att skriva en **fjärde** vetenskaplig artikel för att fylla tomrummet, med rubriken " Does the law work in their favor? The complexity of land rights of women living in polygamous relationships in Rwanda". Artikeln skrevs för att specifikt undersöka och diskutera polygam praxis från olika perspektiv, samt att identifiera hur polygama äktenskap påverkar kvinnors erfarenheter i fråga om access och kontroll över land i Rwanda.

Den empiriska studien är baserad på fältarbete som bedrevs i Rwanda under 2012 och 2013. Den är i huvudsak en explorativ studie med blandade metoder, som kombinerar kvalitativa och kvantitativa aspekter. Kvantitativa data samlades in genom strukturerade intervjuer med 480 kvinnor från jordbrukshushållen. För kvalitativa data, genomfördes 23 semistrukturerade intervjuer samt nio diskussioner i fokusgrupp med kvinnor, policy implementerare på lokal nivå, samt medlemmar i kvinnoorganisationerna.

Teoretiskt guidas avhandlingen av en triangulering av feministiska/genus- och förhandlingsstrategier och en lång rad av tidigare studier, vilka ger ett övergripande orienterande objekt genom vilket materialet kan förstås.

Studieresultatet understryker de åtgärder som Rwandas regering har vidtagit för att säkerställa landrättigheter till kvinnor genom utarbetande av genusmedvetna lagar och policys som utmanat könsnormer och ideologier relaterade till manlig

suveränitet. Men implementeringen av dessa lagar och policys står fortfarande inför utmaningar. De flesta av de utmaningarna som identifieras härstammar från bevarandet av sedvänjor och djupt inbäddade sociokulturella normer och uppfattningar, som ofta krockar med intentionerna i nya lagar och policys. Denna studie betonar att rättsliga reformer inte helt upphäver de äldre formerna av diskriminering. Istället skapas situationer där nya former av ojämlikhet växer fram och vissa äldre praxis av diskriminering framhålls. Även om det varierar från land till land, är studiens slutsats att könsnormer och ideologier som påverkar implementeringen av jämställda lagar och policys inte bara är en angelägenhet i Rwanda, utan en viktig fråga över hela världen.

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