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# Conflict and Land Tenure in Rwanda

Shinichi Takeuchi\* and Jean Marara\*\*

## Abstract

The purpose of this paper is to shed light on the historical relation between conflict and land tenure in Rwanda, a country that experienced a harsh civil war and genocide in the mid-1990s. The victory of the Tutsi-led rebel, Rwandan Patriotic Front (RPF) at that time triggered a massive return of refugees and a drastic change in land tenure policy. These were refugees who had fled the country at around the time of independence, in 1962, due to the political turmoil and persecution (the “social revolution”) and who shared the background of the core RPF members. The social revolution had dismantled the existent Tutsi-led political order, compelling many Tutsi families to seek refuge outside their homeland. Under the post-independence rule of a Hutu-led government, the Tutsi refugees were not allowed to return and the lands they left behind were often arbitrarily distributed by local authorities among Hutu peasants. After victory in the mid-1990s civil war, the newly established RPF-led government ordered the current inhabitants of the lands to divide the properties in order to allocate portions to the Tutsi returnees. Different patterns of land holding and land division will be explained in the paper from data gathered through the authors’ fieldworks in the southern and eastern parts of Rwanda. Although overt resistance to land division has not been observed to date, the land rights of the Tutsi returnees must be considered unstable because their legitimacy depends primarily on the strength and political stability of the RPF-led government. If the authority of RPF were to weaken, the land rights will be jeopardized. Throughout Rwandan history, in which political exclusion has often led to serious conflict, macro-level politics have repeatedly influenced land holding. Promotion of an inclusive democracy, therefore, is indispensable to escape the vicious circle between political instability and land rights.

**Keywords:** Rwanda, land, refugee, returnee, conflict

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## Introduction

Problems that revolve around land tenure have been much discussed in the field of political science due to the strong influence it exerts on political systems. In particular, how a land tenure system relates to political action and to political structure has been of interest to many scholars<sup>1</sup>. In the discussions, it has generally been assumed that land tenure systems are unlikely to change in the short term. Such an assumption is understandable in view of the long historical processes through which land tenure structures have been formed.

However, we have observed numerous political events that have precipitated abrupt changes in land tenure systems. Armed conflict is one such event. Historically, the victors of war occupy their opponents' land, sometimes expelling them in the process<sup>2</sup>. Recently, as most armed conflicts globally have shifted to internal disputes (Holsti 1996), their effects on land tenure have become more complex, requiring careful observation and research. This issue warrants serious study as it will necessarily influence the peace building and state building processes which are among the most important challenges facing many post-war African countries.

This paper deals specifically with the experience of Rwanda, where harsh civil war and genocide occurred in the 1990s. Despite widespread academic attention to the Rwandan civil war and genocide, research on the influence of these events on land tenure has been sparse. The lack of research is all the more regrettable because the civil war has had such an enormous impact as to indelibly influence the Rwandan post-war political economy. Examining how the structure of Rwanda's land tenure changed and why such change occurred is very important in order to fill the gap in understanding and to inform an appropriate policy

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<sup>1</sup> This has been a classical problem for the class analysis of Marxism. K. Marx's *The Eighteenth Brumaire of Louis Napoleon* is a good example. The interest and methodology was inherited in part by macro political analysts such as Moore (1966) and Scott (1976).

<sup>2</sup> For instance, due to its defeat in World War II, Japan lost territories as well as former colonies. A tremendous number of Japanese were expelled from areas such as former Manchuria, the Korean Peninsula, Sakhalin, the Kurile Islands, and Taiwan. Millions of Japanese rushed back to the homeland in the period 1946 to 1950. Similarly, the German defeat in World War II caused a loss of its territories

agenda for land rights stabilization. Change in land tenure will be discussed in this paper on the basis of fieldwork. It will be argued that as a consequence of the 1990s civil war, those people who share the background of the war victors acquired land through a radical land division process.

Researchers have tended to consider land scarcity as a possible causal factor in the Rwandan genocide (André and Platteau 1996; Uvin 1998). Although a simple Malthusian explanation is unconvincing<sup>3</sup>, it is true that during the 1994 genocide the political elite tried to incite ordinary peasants by insisting that lands held by Tutsi families would be redistributed once they had been killed. This became one of the rationales to justify the killing (Straus 2006, 165). In other words, land in Rwanda was politicized in the civil war and used as a tool for demagogic mobilization. Historical analysis is necessary to understand such a phenomenon. This is especially true in the case of Rwanda because it has experienced two waves of serious conflict in its recent history: turmoil around independence (the social revolution); and the civil war and genocide of the 1990s. Consequences of the former conflict strongly influenced the latter. This paper will show that the two upheavals were connected through refugees and land.

The authors begin by explaining their methodology, especially regarding fieldwork (Section 1). They then discuss the pre-colonial and colonial background of Rwandan land tenure (Section 2). The third section describes, from the macro viewpoint, how the Rwandan civil war and the massive flux of refugees and returnees have affected the land tenure system. The fourth section examines changes in land tenure through macro-level statistical data and micro-level data collected by the authors in their field survey. In conclusion, certain policy implications are examined.

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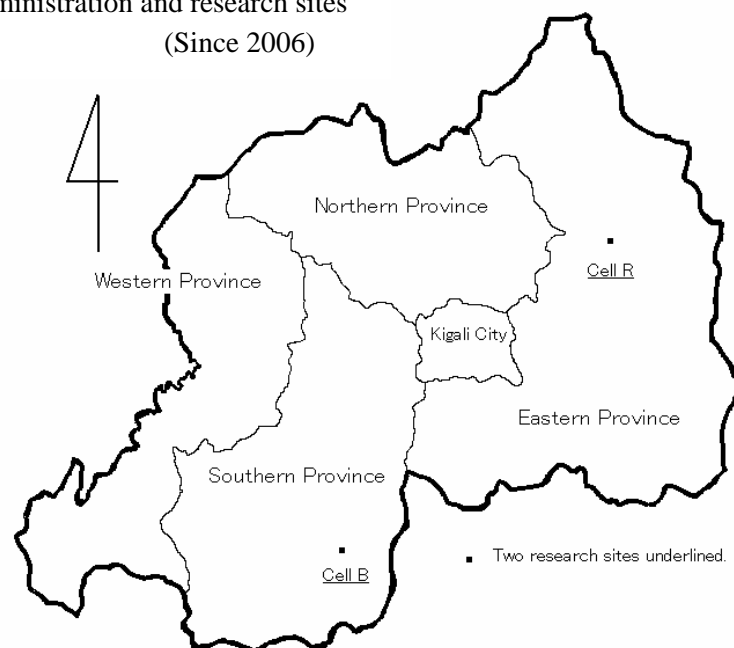
and innumerable expulsions of Germans.

<sup>3</sup> In his careful examination of the causal relationship between land scarcity and genocide, Uvin rejects direct causality. See Uvin (1998, Chapter 9).

## 1. Methodology

Our research is based on literature as well as on fieldwork. Since 1999, the authors have conducted joint fieldwork, mainly in two rural areas: a cell in Southern Province (hereafter Cell B), and a cell in Eastern Province (Cell R) (Figure 1). Cell refers to Rwanda's smallest administrative unit, containing at least one salaried official. Several cells compose a sector, which is organized with other sectors to constitute a district. A province, composed of several districts, is the largest local unit. Rwanda instituted a series of local administrative reforms in the 2000s. In particular, in 2006 local administrative units were reorganized and integrated, thereby enlarging the territories of each<sup>4</sup>. A current cell now corresponds approximately to a former sector; while a former cell now corresponds to a unit called *umudugudu* (pl. *imidugudu*), though no salaried officials staff it<sup>5</sup>.

**Figure 1.** Local administration and research sites  
(Since 2006)



<sup>4</sup> Before the 2006 reform, Cell B was a sector in Kibingo District in Butare Prefecture, while Cell R was a sector in Rukara District in Umutara Prefecture.

<sup>5</sup> Due to a series of local administrative reforms in the 2000s, names of local administrative units have been changed. The highest level of local administration, which today are four "Provinces" (Northern, Southern, Eastern and Western) and Kigali City, had been called "Prefectures." "Districts," the second

Our research strategy was to gain an understanding of local dynamics in a few selected areas through long-term observation. This method of “fixed point observation” is useful and appropriate for considering the relationship between politics and land, something which is deeply connected with people’s everyday lives and their personal history. Every year after 1999, during Takeuchi’s trip (generally 2–4 weeks) to Rwanda, the authors visited two research sites.

We selected the two research sites by taking different historical experiences into consideration. As we will discuss later, eastern Rwanda has seen a massive inflow of Tutsi returnees and frequent land division between these returnees and current inhabitants. By contrast, compared with the eastern areas, Tutsi returnees in the south of the country are fewer in number. The difference is due to intertwined political and geographical causes. The political factors will be discussed in later sections; we touch only on geographical differences here.

Generally speaking, in Rwanda the further to the east one goes, the lower the elevation, the warmer the temperature, and the lower the precipitation. Our research site in Eastern Province, situated in the far eastern part of the country, adjoins Akagera National Park, bordering Tanzania. The elevation is about 1300-1500 meters, annual average temperature, about 20-21 degrees centigrade, and annual rainfall, less than 1,000 mm (Bart 1993, 41). Weather conditions in eastern Rwanda are generally more severe than in the western and central parts, contributing to the former being less densely populated than the latter. Our research site in Southern Province, near to the city of Butare, enjoys cooler temperatures and more abundant precipitation than in Eastern Province. Because of good climatic conditions and its role as a political center dating from the era of the traditional Kingdom of Rwanda<sup>6</sup>, southern Rwanda has very high population density. This is the main reason why Tutsi returnees

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largest unit, had been called “Communes.”

<sup>6</sup> At the end of the 19<sup>th</sup> century, the residence of the king was situated in Nyanza, a southern town near Butare City. Although the royal residence was often moved, the southern part of the country is considered the centre of the kingdom, in considering the fact that the ratio of Tutsi population has been especially high in the Butare area (Imbs, et al. 1994).

moved more noticeably into the east than into the south.

Despite the geographical differences, however, subsistence agriculture without irrigation for such crops as sorghum, beans and potatoes is the main economic activity in both regions.

To select the households for canvassing, we first carried out a medium-scale socio-economic survey of 208 rural households, of which half were located in Cell B and half in Cell R<sup>7</sup>. Among the 104 households in each cell, we selected 21 in Cell B and 22 in Cell R for deeper research. We tried to include a similar number of households from former-cells (current *imudugudu*) that constitute the current cell (former sector), but we did not apply random sampling methods to this selection. Instead, we tried to increase the reliability of interviews by building rapport with interviewees during the long period of research.

Working in the field once or twice a year since 2000, we conducted interviews on a number of subjects, including agricultural management, income earning activities, wartime experiences, and recent judicial activities of *Gacaca* and *Abunzi*<sup>8</sup>. Along with the interviews, annually between 1999 and 2003 we measured every parcel of land owned and exploited by each household to record changes in their land holdings<sup>9</sup>. From the year 2000, we added all responsible persons in local administration, namely Sector-Chiefs (*Conseiller*) and Cell-Chiefs (*Responsables*), to our interviewees; so that the number came to be 26 in Cell R and 25 in Cell B. Other inhabitants of the cells and their nearby vicinities were interviewed as necessary.

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<sup>7</sup> For the results, see Takeuchi & Marara (2000).

<sup>8</sup> These are the names for local justice systems which have been recently introduced in Rwanda. Perpetrators during the genocide in 1994 are to be judged in *Gacaca*, while ordinary local conflicts are treated in *Abunzi* (see *infra*).

<sup>9</sup> There were mainly two reasons that we continued to measure their fields over five years. First, the measurement of land in the Rwandan context is not easy, as peasants generally have several parcels in different places and with different degrees of rights. As Bralel pointed out, the nature of the rights that a peasant can exert varies considerably from one parcel to another (Bralel 1994, 83-84); furthermore, it is sometimes difficult to judge which parcels they “own.” We considered it better to ask members of canvassed household about their lands during several consecutive years in order to clarify the nature of the rights that they can exert. We thought that this would result in more accurate data. The second reason was that we were interested in the different methods of land acquisition (inheritance, purchase, transfer from the state, borrowing), and their changes each year.



Research on *Abunzi*, to be discussed later in the paper, was started from 2008. The authors stayed about 10 days in Cell B in November 2008 and 10 days in total in Cell R in November 2008 and January 2009 to research this new justice system. In the two cells, we investigated written materials relating to the system and conducted interviews with concerned persons, such as local authorities, judges, and ordinary peasants.

All the interviews were conducted by the two authors jointly, with discussion beforehand in French to decide the approximate contents. During the interviews, Marara spoke with the interviewees in Kinyarwanda and interpreted their answers for Takeuchi in French. No recording devices were used during the interviews.

## **2. Politics and land: Historical background**

### (1) Pre-colonial and colonial period

With Rwanda's favorable conditions for agriculture, its population density has been high since the early stages of state formation (Schoenbrun 1998). In the pre-colonial period, the Kingdom of Rwanda established a centralized administrative structure<sup>10</sup>. The land tenure system in the kingdom consisted of two major elements: *isambu-igikingi* and *ubukonde*. Put simply, the former was a landlord system, in which peasants<sup>11</sup> had to provide their pastoral chiefs with tributes and sometimes with labor (called *uburetwa*). The latter was family land owned collectively by the family that had originally opened up the land.<sup>12</sup>

The *igikingi* (pl. *ibikingi*, reserved pastoral estate granted by the king), which appeared during the 1840s as a consequence of population increase and pressure on the land,

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<sup>10</sup> The *nyiginya* kingdom had begun to develop in the seventeenth century as the biggest and strongest among the kingdoms and principalities in the area inhabited by Rwandan-speaking people.

<sup>11</sup> Peasants who provided tribute were generally Hutu. It is, however, important to emphasize that Tutsi also paid tribute. In principle, everybody except the king had to pay tribute. In addition, the ethnic boundary between Tutsi and Hutu was often so ambiguous in the pre-colonial period that the ethnic identity of tribute providers should not be limited to one category (Newbury 1988). As for labor services (*uburetwa*), providers were limited to Hutu peasants (Vansina 2001).

<sup>12</sup> For information regarding the traditional Rwandan land tenure system, see Reisdorff (1952), Maquet & Naigiziki (1957), Adriaenssens (1962), Vidal (1969, 1974), André & Lavigne Delville (1998), Vansina (2001).

exacerbated exploitation by a small number of powerful pastoralists to the detriment of peasants and other pastoralists (Vansina 2001, 168)<sup>13</sup>. Generally speaking, pastoralists here would be Tutsi, and peasants, Hutu<sup>14</sup>. The powerful pastoralists, who were connected with the king and provided with *ibikingi*, could possess sufficient grazing area, but the land rights of peasants and small pastoralists were unstable due to land scarcity.

In the colonial period, the land rights of peasants became further endangered. Although problems related to land during the colonial period are too complicated to describe in detail here, conflict over land intensified due to several factors including population growth, various modernization policies, and political change following colonization. Under these circumstances, peasants often faced the real risk of expulsion from their land due to arbitrary decisions by chiefs or conflicts with them.

Politically powerful Tutsis continued to enjoy the privileged use of lands, like *ibikingi*. Nevertheless, one important change should be noted: due to the administrative reform of the 1920s, which reorganized local administration through newly created chiefdoms and sub-chiefdoms, the political power of chiefs and sub-chiefs expanded considerably (Reyntjens 1985, 111-129). People in these positions used their political power to create their own *ibikingi* (Nkurikiyimfura 1994, 227), though in the pre-colonial period only the king had this right. The creation of the new *ibikingi*, along with the population increase of the same period, brought an exacerbation of land scarcity<sup>15</sup>.

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<sup>13</sup> Notice that Vansina (2001) avoids the term “*igikingi*.” (168, n.22).

<sup>14</sup> As for ethnicity in Rwanda (Tutsi, Hutu, Twa), there is not enough space to explain the history of ethnic formation (See for example, Vansina 2001; Newbury 1988; Vidal 1969; Takeuchi 2000). Important in this discussion are the following three points: First, the Rwandan population is mainly composed of Tutsi and Hutu (the third group Twa is an extremely small, with less than one percent of the total population), in which the former is a minority (around 10 to 15 percent) and the latter is a majority (85 to 90 percent); Second, the Tutsi and the Hutu have a long history of coexistence, which is clearly shown by the fact that neither language nor religion can characterize their difference and they have always cohabitated the same land; Third, the distinction of and antagonism between the two groups strengthened during the colonial period. While ethnic identity and even the antagonism between them already existed at the latter half of the nineteenth century (Vansina 2001, 177), they tended to be exacerbated in the first half of the twentieth century, thus culminating in the “social revolution” at the end of the colonial period.

<sup>15</sup> Due to the fact that the reform granted strong political power to the newly selected chiefs and

Through the pre-colonial and colonial periods, those who had strong political power enjoyed privileged land use to the detriment of ordinary people, both Tutsi and Hutu. With only tenuous land rights, they continually confronted the risk of appropriation.

(2) The “social revolution” and its impact on land tenure

Political turbulence, ignited by a collision between the supporters of the Tutsi-led UNAR party (Union Nationale Rwandaise) and those of the Hutu-led PARMEHUTU party (Parti du mouvement de l’émancipation Hutu) in November 1959, quickly expanded throughout the country. This first-ever large scale ethnic conflict is called the “social revolution.”<sup>16</sup> The PARMEHUTU, assisted by colonial authorities, were the victors, resulting in the overthrow of the existing political system dominated by Tutsi elites. Consequently, by the mid 1960s as many as 200,000 to 300,000 UNAR supporters and their families,<sup>17</sup> most of them Tutsi, had either fled the country or been expelled.<sup>18</sup>

The impact of the social revolution on the land was enormous, though it is impossible to measure its exact magnitude. After the mass outflow of “old-case refugees,” as they came to be called (refer to Section 3 below), vast lands without owners were left behind and then confiscated by local authorities, who were at the same time leaders of the PARMEHUTU party. These local authorities, especially the Bourgmestres (chiefs of commune),<sup>19</sup> wielded enough official power to redistribute the confiscated lands after the social revolution (André and Lavigne-Delville 1998, 161). A lot of land originally occupied by Tutsi families or reserved as *ibikingi*, were arbitrarily distributed.

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sub-chiefs, competition for land between new chiefs and ex-chiefs tended to increase, as the former often created *ibikingi* by appropriating land of the latter. For information regarding land conflicts in the colonial period, see Reisdorff (1952) and Adriaenssens (1962).

<sup>16</sup> For a detailed analysis of the social revolution, see Lemarchand (1970) and Reyntjens (1985).

<sup>17</sup> Refugees statistics are referenced from Lemarchand (1970, 172), Lugan (1997, 436), Reyntjens (1985, 455) and Prunier (1995, 62).

<sup>18</sup> Refugee outflow of Tutsis took place once again in 1973, when the politically weakened Kayibanda regime carried out a campaign against them.

<sup>19</sup> A “commune” was a unit of local administrations established at the time of independence after the “sub-chiefdom,” the lowest unit of administration in the colonial period, was abolished. In 2001, due to

In Cell B, we observed several households that had acquired lands from the commune authority after independence. Two examples are as follows:

1. LR, a Hutu male, was born in 1934 in the southern part of Rwanda, near the Burundi border. He moved to Cell B in 1961 and has lived there ever since. When he first moved into the area, the Bourgmestre authorized his occupancy of a particular plot of land. He even purchased a land certificate for 50 Rwanda Francs (Frw). However, the parcel that the local authorities had given to him previously belonged to a Tutsi family who had fled in 1959. When the Tutsi family returned to Cell B in 2000, they asked LR to return the land to them. Having resided in Cell B for so long, LR no longer had claim to any land in his place of birth. He finally agreed to divide the land, giving half to the Tutsi family. In 2003 his total property consisted of a field of 0.11 ha and a small parcel of woodland (0.24 ha), which he cultivated to feed his family.<sup>20</sup>

2. NP, a Hutu male born in 1934, came to Cell B in 1943 with his mother. He acquired a parcel of land in 1961 when NZ assumed the office of Bourgmestre and BI was sector chief (*Conseiller*). In assisting the Bourgmestre, BI was able to exert influence on the distribution of land, allowing his friend NP to acquire some. The lands NP received had originally belonged to RM and GT, both of whom were Tutsi sub-chiefs who had fled the country due to the social revolution. In 1961, NP paid 400 Frw for a land certificate.<sup>21</sup>

These two examples show how local authorities redistributed land to those in need. In addition, the second case indicates that this process often was not transparent, as friends of authorities received special privileges in the land redistribution process. The redistribution of land previously owned by Tutsi families was frequently carried out in areas where land scarcity

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administrative reform, they were reorganized into “districts”.

<sup>20</sup> Annual interview since 1999.

<sup>21</sup> Interview on 17 October 2005.

already was a problem<sup>22</sup>, and the beneficiaries were often landless migrants. The result was an official redistribution of land through the local administration, complete with issuance of certificates. We will see in the following sections that land ownership acquired in this way would be jeopardized after the civil war of the 1990s.

### **3. The Rwandan civil war and its impact on land tenure**

In order to understand the impact of the Rwandan civil war on land tenure, the actors, causes, and developments of the war must be known. The main protagonists in the 1990's conflict were on the one hand the Rwandan government, led by President J. Habyarimana, and on the other hand the predominantly Tutsi-led rebel group, the Rwandan Patriotic Front (RPF). War broke out in October 1990 when the RPF invaded the northern part of the country.

The RPF was created in Uganda by Rwandan refugees whose parents had fled the homeland due to waves of conflict and persecution since 1959. The children of these refugees were the core members of the RPF (Prunier 1998; Otunnu 2000).

Habyarimana seized political power in 1973 when he led a coup d'état that toppled G. Kayibanda, the leader of PARMEHUTU and the first president of Rwanda. Habyarimana, like Kayibanda, did not allow Tutsi refugees to repatriate. In addition, both made use of a one-party system to mobilize political and economic resources in highly personalized ways.<sup>23</sup> While the Tutsis were systematically marginalized during the Kayibanda and Habyarimana regimes, being Hutu did not necessarily assure access to power. Power, both political and economic, was monopolized by a small number of families closely linked to the presidential entourage.<sup>24</sup> One consequence of this situation was that the RPF was composed not only of the children of

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<sup>22</sup> According to Blarel (1994, 77-78), land acquisition through "government allocation" was particularly important in Gitarama and Butare Prefectures. From this fact, we estimate that the redistribution of land after the social revolution would have been frequent in these areas.

<sup>23</sup> For information regarding the political system of the Kayibanda regime, see Reyntjens (1985). As for the politics of the Habyarimana era, see Gasana (2002) and Munyarugerero (2003).

<sup>24</sup> These core members of Habyarimana regime were called "*akazu*," which meant "the little house". On this point, see for example Guichaoua dir. (1995, 768), Reyntjens (1995), Prunier (1995), Melvern

Tutsi refugees, but also Hutu elites who were denied power under the Habyarimana regime.

After the outbreak of war in 1990, the international community made efforts to secure a ceasefire and peace agreement. These attempts came to fruition in August 1993 with the conclusion of the Arusha Peace Agreement, stipulating power sharing between the Habyarimana government, opposition parties, and the RPF. Ethnic tensions heightened considerably, however, after the conclusion of the Arusha agreement due to several factors including ethnic instigation by the core group of the Habyarimana regime and the assassination of Burundi's Hutu president in October 1993. The subsequent assassination of President Habyarimana on April 6, 1994 led to the genocide against the Tutsi, and against the Hutu supporters of the Arusha Peace Agreement. The ceasefire collapsed and the reignited civil war continued for three months until the RPF gained a military victory, stopped the genocide and established a new political authority in July 1994.<sup>25</sup>

By that time, the Rwandan civil war and genocide had resulted in multiple waves of refugees and internally displaced persons. Approximately five waves can be distinguished:

First, the RPF invasion itself entailed an inflow of refugees from Uganda into the northern part of Rwanda. At the time of invasion, in October 1990, the RPF was 2,000 strong, and by late 1992 it had increased to 12,000 (Prunier 1998, 130-132). Most of these were people from refugee families who had been born and raised in neighboring countries, such as Uganda.

Second, while their exact scale is difficult to estimate, a number of Tutsi left Rwanda to escape persecution<sup>26</sup> for their suspected support of the RPF or to participate in the rebel movement during the civil war.

Third, the RPF victory precipitated a tremendous outflow of Hutu refugees, more than 1.5 million ordinary people and the leaders of the defeated Habyarimana regime (Prunier 1995;

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(2004).

<sup>25</sup> For developments of the Rwandan civil war, see Prunier (1995), Jones (2001), and Melvern (2004).

<sup>26</sup> For violations of human rights against the Tutsi after the outbreak of the civil war, see Association rwandaise pour la défense des droits de la personne et des libertés publiques (1992).

Adelman 2003).<sup>27</sup> These refugees installed themselves in massive refugee camps in eastern Zaire (i.e., the Democratic Republic of the Congo, hereafter DRC), Burundi, Tanzania and southern Uganda.

Fourth, in the same time period huge numbers of Tutsi refugees returned to Rwanda. These were people who had fled the country because of a series of persecutions after the “social revolution” and were now able to return due to the RPF victory. In 1994, these so-called “old-case” refugees (returnees) flowed back in numbers of up to 900,000 (Office of United Nations Resident Coordinator for Rwanda 2000, 2).

Fifth, the most recent was the return of Hutu refugees who had fled in 1994. This movement was triggered by a 1996 outbreak of armed conflict in DRC.<sup>28</sup> In the few months following November 1996, some 1.5 million people had moved back into Rwanda. These returnees who in 1994 and following years had taken refuge in neighboring countries came to be called “new-case” refugees (returnees). The old-case refugees were mainly Tutsi and the new-case refugees were mainly Hutu, although there were exceptions.

These massive migrations had an enormous impact on land tenure, although the impact differed from one region to another. The huge inflow of old-case Tutsi refugees was concentrated in the eastern part of the country. Indeed, many old-case refugees had lived in Uganda and Tanzania, and for them eastern Rwanda was the nearest and easiest destination. Furthermore, new local authorities in Rwanda guided old-case returnees, not to their birthplaces, but to the east where population density was relatively low and most of the original inhabitants were absent because they had left as new-case refugees. This decision seemed to have been taken on the grounds that Rwanda’s population density was generally

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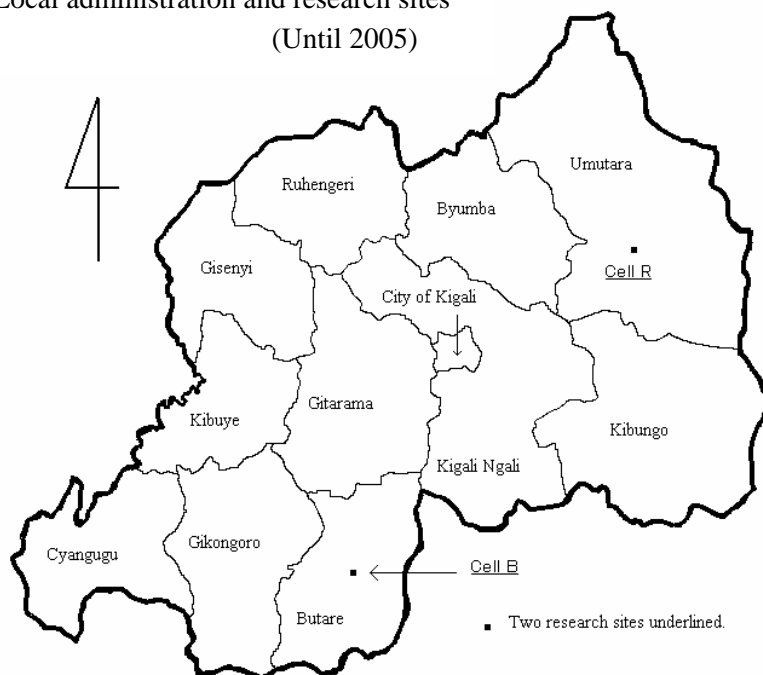
<sup>27</sup> Ordinary Hutu refugees had been brought by the leaders of the defeated Habyarimana regime, who threatened them by saying that the RPF would retaliate indiscriminately against the Hutu after taking power.

<sup>28</sup> Rwandan refugees, who had fled the country due to the RPF victory, continued to stay in camps along the boarder of Eastern DRC. Being controlled by the political and military leaders of the Habyarimana government, the camps became the *de facto* military base of the former regime and repeated military attacks followed on Rwandan territory. This situation triggered Rwandan military intervention and the

very high,<sup>29</sup> and that most of the property that had belonged to old-case refugees was already redistributed to Hutu peasants (we will deal with this point later).

When new-case refugees (mostly Hutu) returned to their country in large waves, they were therefore confronted with the inhabitants (old-case refugees and the original population) now occupying their former properties (houses and land). The Rwandan authorities addressed the situation by ordering that houses occupied by old-case returnees should be returned to their new-case returnee former owners, with the caveat that the land was to be divided equally between the two parties. It was in this way that old-case returnees were able officially to acquire land. In most cases, this policy was carried out without significant turmoil. While it is inconceivable that Hutu new-case returnees willingly accepted the land division, the RPF-led government was strong enough to impose the measure.

**Figure2.** Local administration and research sites  
(Until 2005)



outbreak of the civil war in the DRC.

<sup>29</sup> According to a 2002 census, the average population density of the country was as high as 322 inhabitants per square kilometer (République rwandaise, Service national de recensement 2003).



#### 4. Structure of land tenure and land conflict

##### (1) Land division

In this section we examine the influence of the Rwandan civil war and the flow of refugees on land tenure through use of our fieldwork data. We examine micro data taken in two different cells situated in Southern and Eastern Provinces (ex-Prefectures Butare and Kibungo, see Figure 2), where since 1999, the authors have repeatedly conducted field surveys.

The general characteristics of land tenure in the two ex-prefectures concerned are indicated in Table 1. The figures are based on national census data from 1990.<sup>30</sup> From this table, it is clear that land holdings in Rwanda were generally very small (around 0.6 ha of cultivated land on national average) even before the civil war, and that properties in the southern part of the country (Butare) are much smaller than those in the eastern part (Kibungo).

**Table 1.** Land use per household (October 1989 - March 1990)  
(Square meters)

	Prefecture		National average
	Butare	Kibungo	
Cultivated area	5,101	9,999	6,211
Fallow & pasturage	2,240	3,933	2,370
Woodlands	763	407	1,166
Non-cultivable & housing	273	557	319
<b>Total area</b>	<b>8,377</b>	<b>14,897</b>	<b>10,066</b>

Source: Republique Rwandaise, Ministere de l'Agriculture et de l'Elevage (1992, 46).

The difference between the two regions in average land area is attributable directly to population density. As discussed above, due to a favorable climate for agriculture, population density in the Butare area has always been high<sup>31</sup> and the statistical data indicate that

<sup>30</sup> We could not find reliable national or province level statistics concerning land holdings after the civil war and genocide.

<sup>31</sup> Though we don't have sufficient data, lands in the southern part of the country tend to be more fertile than those in the eastern part because of favorable climate as well as human effort. In the area around Cell B, we have often observed peasants putting manure in their fields, while such behavior is less

population pressure has increased land fragmentation. In eastern Rwanda higher temperatures and more sporadic rainfall have negatively affected population density. The 2002 national census data confirm the differences in population density: the population density per square kilometer in Butare Prefecture (where Cell B is located) was 386, while that of Umutara Prefecture (where Cell R is located) was 100 (République Rwandaise, Service National de Recensement 2003, 17). We should also note that a part of the second research site (Cell R) was originally situated inside Akagera National Park, which in effect was protected from human settlements although these had been implicitly allowed since the 1970s. Although in the 1990s the area was no longer considered to be inside the National Park, the population density has remained relatively low.

**Table 2.** Land holdings of canvassed households in Cell B and Cell R  
(Average from 1999 to 2003)

	Cell B	Cell R
Average exploited land (m <sup>2</sup> )	4,719	10,200
Median	3,144	9,533
Maximum	18,392	34,158
Minimum	104	1,424
Standard deviation	4,401.3	5,229.9
Gini coefficient	0.47	0.33
Average owned land (m <sup>2</sup> )	5,793	8,616
Median	3,049	8,229
Maximum	23,769	22,714
Minimum	399	764
Average standard deviation	7,818.3	5,189.8
Average Gini coefficient	0.58	0.37

Source: Survey data.

Note: N=21 (Cell B), N=22 (Cell R).

Table 2 shows the characteristics of land distribution in the research areas after the civil war. The data were collected from the same households in the two cells (then called

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observable around Cell R. Difference in land size, therefore, do not directly correspond with differences in agricultural production.

“sectors”) between 1999 and 2003. All data are shown in a five year average. Though the number of samples is too small to be representative of each cell,<sup>32</sup> the table presents the general characteristics of the land holdings in the two areas. From it two regional differences emerge.<sup>33</sup> One characteristic is that average land holdings in Cell R are much larger than those in Cell B.<sup>34</sup> This is in line with pre-war differences at the province level, shown in Table 1.

Another characteristic has to do with the inequality of land holdings within the same region: Gini<sup>35</sup> coefficients in Cell R are much smaller than those in Cell B for both exploited and owned land. “Exploited land” refers to land currently held and used by a household. It includes borrowed parcels but excludes parcels rented out. “Owned land” is land for which a household has right of disposal. The fact that land division was extensive in Cell R may partly explain its lower Gini coefficient. We have observed that a number of households lost or acquired parcels due to land division in this cell. Among 22 canvassed households in Cell R, whose data are shown in Table 2, eight were old-case returnees; among 13 canvassed Hutu household heads, six had divided their properties to concede to old-case returnees.

**Table 3.** Ways of land acquisition in two Cells (Average from 1999 to 2003)

	Cell B	Cell R
Inheritance	74%	40%
Purchase	16%	23%
Transfer from the state	10%	36%
Total owned land	100%	100%

Source: Survey data.

Note: N=21(Cell B), N=22 (Cell R).

<sup>32</sup> Population of the Sector corresponding to Cell B was 3,980, while that corresponding to Cell R was 5,050 in 2000 (Takeuchi and Marara 2000, 34). In 2006, the population of Cell B was 4,479 (interview with the head of the cell), while that of Cell R was unknown. Although we measured the fields of chiefs of cells and sectors (“*responsable*” and “*conseiller*”), we did not include them in the data constituting Table 2 because their land holdings were generally larger than those of ordinary peasants, thus affecting the analytic results.

<sup>33</sup> Another point to be gleaned from Table 2 is the difference between owned and exploited land, which indicates the existence of land renting. We do not argue this point here. See Takeuchi and Marara (2007).

<sup>34</sup> The tendency of difference changes little even if we take the median.

<sup>35</sup> Gini is a measure of inequality. It is generally expressed as a figure between 0 and 1. 0 indicates total equality, and 1 extreme inequality.

Frequent land division in Cell R is also indicated by another set of data. During the measurement of fields, the authors asked systematically how the households had acquired each parcel of their owned lands. Table 3, which aggregated the results of measurement and interviews, shows the different composition of owned lands in the two cells. Land acquisition by transfer from the state was much more important in Cell R than in Cell B, where inheritance was overwhelmingly the important mean for acquiring land. The distinction can be explained by the fact that land division had been frequent in Cell R, such that people considered parcels acquired by land division to be transfers from the state.

The Cell R experience with land division can be traced from the interviews. Three examples are as follows:

1. BJ, a Hutu born in 1965, lives with his wife (born in 1978), two children (daughters born in 1999 and in 2000) and a son of his sister. He was a member of the Gendarmerie (military police) before the civil war. In July 1994, informed that the RPF had taken control of the capital, he crossed the border without fighting and escaped into DRC. He returned to Cell R in December 1996. Arriving home, he found that the fields he had inherited from his grandfather had been occupied by an old-case returnee (RT, born in 1941). BJ was therefore obliged to divide his fields with RT. Among the five parcels that BJ had inherited, he gave half of each of four parcels to RT, retaining the smallest one for himself. As of August 2002, the total area of BJ's exploited lands (identical to his owned lands) amounted to 0.97 ha. Except for a parcel that he purchased in 2002 as a site for a new house (0.06 ha), the size of his property was almost equal that of RT's (0.88 ha). After the division of lands, RT had given BJ a calf in thanks. In 2001, RT, who had been a widower, married one of BJ's young cousins, born in 1981.<sup>36</sup>

2. MJ (born in 1971) and NT (born in 1974) are Hutu brothers. When war recurred in April 1994, their mother was killed by a RPF soldier and the family fled in fear to Tanzania.

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<sup>36</sup> Annual interview since 1999.

When they returned home in December 1996, they found their family land occupied by an old-case returnee (ME, a Tutsi born in 1964 in Uganda). The father of the brothers was therefore obliged to divide his land. As he had a second wife, he divided the land into three equal portions, giving one to ME, and another to the second wife and her seven children. He then divided the third piece into four roughly equal parcels for his three children (including MJ and NT) and himself. The father and his late first wife had a fourth son who still lived in Tanzania as of January 2009. If this son returns to Cell R, the land will have to be divided once again.

ME, for his part, had returned to Uganda in 1994 with his father who was born in Butare in 1925. Persuaded by the local authorities not to return to Butare, ME and his father decided to settle in Cell R. ME's father acquired land by division from another original inhabitant. Using a recently purchased sewing machine, ME was able to earn income from tailoring. He decided in 2002, therefore, to sell part of his field (0.09ha) to the father of MJ and NT, the two brothers, for 7,000 Frw (Rwandan Francs: 1 US dollar was about 450 Frw as of August 2001). ME did this, he said, for their sake as he wanted to mitigate their discontent. As of August 2003, after the sale, ME still owned 0.53 ha of land, in contrast to MJ whose parcel was a mere 0.29 ha and NT whose was only 0.26 ha. With such small parcels, the brothers still have to borrow others' fields to support themselves and their families.<sup>37</sup>

3. MA, a Tutsi, was born in Uganda in 1969. He acquired a parcel of 0.53ha from the Commune in 1994 when he returned. After his return, he started a retail business using his network with Ugandan merchants. He borrowed money and ran a small retail shop next to a market. With success in the retail business, he turned to wholesale merchandising, dealing with various beverages. In addition to the parcel acquired by land division, he had a parcel of 0.81ha which he was able to purchase for 72,000 Frw before 1999. When we met MA in January 2009, he was very busy conducting his business and reluctant to accept a long interview. When we

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<sup>37</sup> Annual interview since 1999.

interviewed him in 2001, he told us that he had become aware that his neighbor was discontent with the land division and that he intended to return the land back to the neighbor. Although the success of his business has made him rich, as of 2009 he has not yet returned the land.<sup>38</sup>

The land division policy for providing old-case returnees with land is unquestionably a radical method, especially in a country with a high population density like Rwanda. It can, in fact, be dangerous in the sense that such forcible measures might foster grievances, not only directed against old-case returnees but also against the government.<sup>39</sup> Surprisingly however, in light of the importance of land to Rwandan farmers, there has to date been no observed appearance of strong resistance to the land divisions.<sup>40</sup>

Two factors related to the outcome of the civil war might explain why the original inhabitants have accepted land division without strong resistance: First and foremost is the fact that the RPF prevailed in the civil war. The policy of dividing land, which favored old-case returnees to the detriment of original inhabitants, was understood by the population to be related to the RPF military victory.

A second important factor related to the RPF military victory is the subsequent composition of administration at decentralized levels. Throughout the one-party system of the Habyarimana and Kayibanda eras,<sup>41</sup> only dedicated party members could be nominated for

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<sup>38</sup> Annual interview since 1999.

<sup>39</sup> The forcible characteristic of this policy may be related to the agenda of Rwandan elites, who have been trying to transform rural society through “a top-down developmentalist agenda.” (Ansoms 2009, 292).

<sup>40</sup> Rwandan rural society is not really so simple. Though no serious reaction against the land divisions has been observed, there must be hidden resistance. Complexities in post-genocide Rwandan rural society were well documented in Ingelaere (2007).

<sup>41</sup> Although Rwanda had a multi-party system at the time of independence, in the mid 1960s the PRAMEHUTU became the *de facto* sole legal party, monopolizing all seats of the national as well as local parliaments. Habyarimana, after having taken power in a 1973 coup d'état, established his own party (Mouvement Révolutionnaire National pour le Développement, or MRND) and stipulated a *de jure* one-party system in the 1978 constitution. He re-introduced a multi-party system in 1991, but the composition of local authorities did not change rapidly, except in regions where opposition parties (especially Mouvement Démocratique Républicain, which was mainly a Hutu party) had strong influence. In any case, the Tutsi had been politically marginalized in post-colonial Rwanda until the RPF victory.

positions in local authorities. In effect, these were almost all Hutu. But the make-up of local authorities changed radically after the RPF won. After the 1994 RPF victory, Tutsi returnees and survivors<sup>42</sup> began to see themselves wielding strong power within local administrations. Table 4 shows the characteristics of local authorities in the period 1999-2002 in two canvassed former sectors, corresponding approximately to the actual cells. The table shows that the leaders in local administrations were supplanted by Tutsi old-case returnees and survivors. This shift was significant in smoothing implementation of the land division policies because these eager RPF supporters strove both to support and guide land division and to control and suppress discontent<sup>43</sup>.

**Table 4.** Local authorities in two research sites (1999~March 2002)

	Year of birth	Sex	Ethnicity	Note
Current "Cell R"				
Sector-chief	1955	M	Tutsi	Old-case returnees
Cell-chief 1	1949	M	Tutsi	Old-case returnees
Cell-chief 2	1960	M	Tutsi	Survivor
Cell-chief 3	1947	M	Tutsi	Old-case returnees
Cell-chief 4	1963	M	Tutsi	Old-case returnees
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Current "Cell B"				
Sector-chief	1970	M	Tutsi	Survivor
Cell-chief 1	1943	M	Hutu	
Cell-chief 2	1957	M	Tutsi	Survivor
Cell-chief 3	1963	M	Hutu	
Cell-chief 4	1971	M	Hutu	

Source: Survey data.

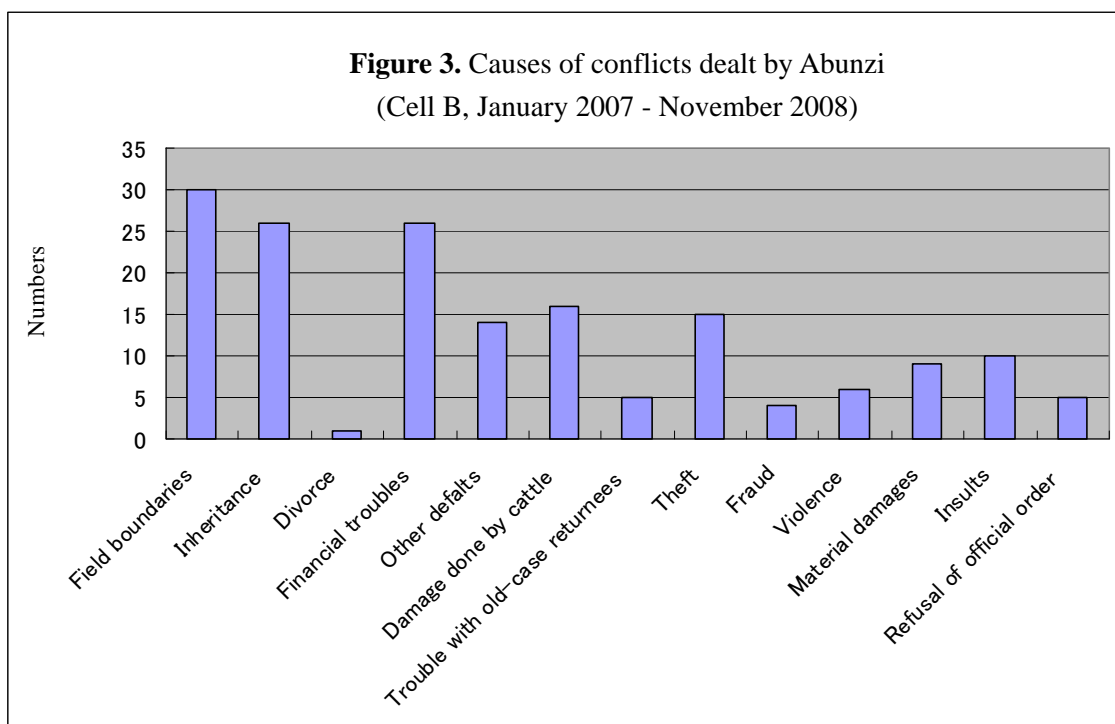
Note: In this table, Sector and Cell chiefs concern administrative units before the reform in 2006.

<sup>42</sup> Tutsis who managed to survive the slaughter of 1994 are called, "survivors."

<sup>43</sup> Recently, the Rwandan government has introduced a system of "performance contract" (*imihigo*), concluded between the president and local administrators. The introduction of the "performance contract" has strengthened governmental control over local administrations (Ingelaere 2007). Notice that the policy of land division was implemented around 1996-97, i.e. before the introduction of the

(2) Land conflict and mediation by *Abunzi*

Today, the division of land is a *fait accompli*. It is rare to see land division contested or challenged openly by original inhabitants. This is confirmed by data on *Abunzi*, a village-level justice system that has been in effect since 2007.<sup>44</sup> *Abunzi*, literally meaning “reconciliation committee,” have been established in each cell and are composed of nine elected cell members. Minor offenses and conflicts within a cell are to be mediated by *Abunzi*. If the mediation is not accepted by the litigants, the case is sent to a local tribunal.



Source: Survey data.

Note:

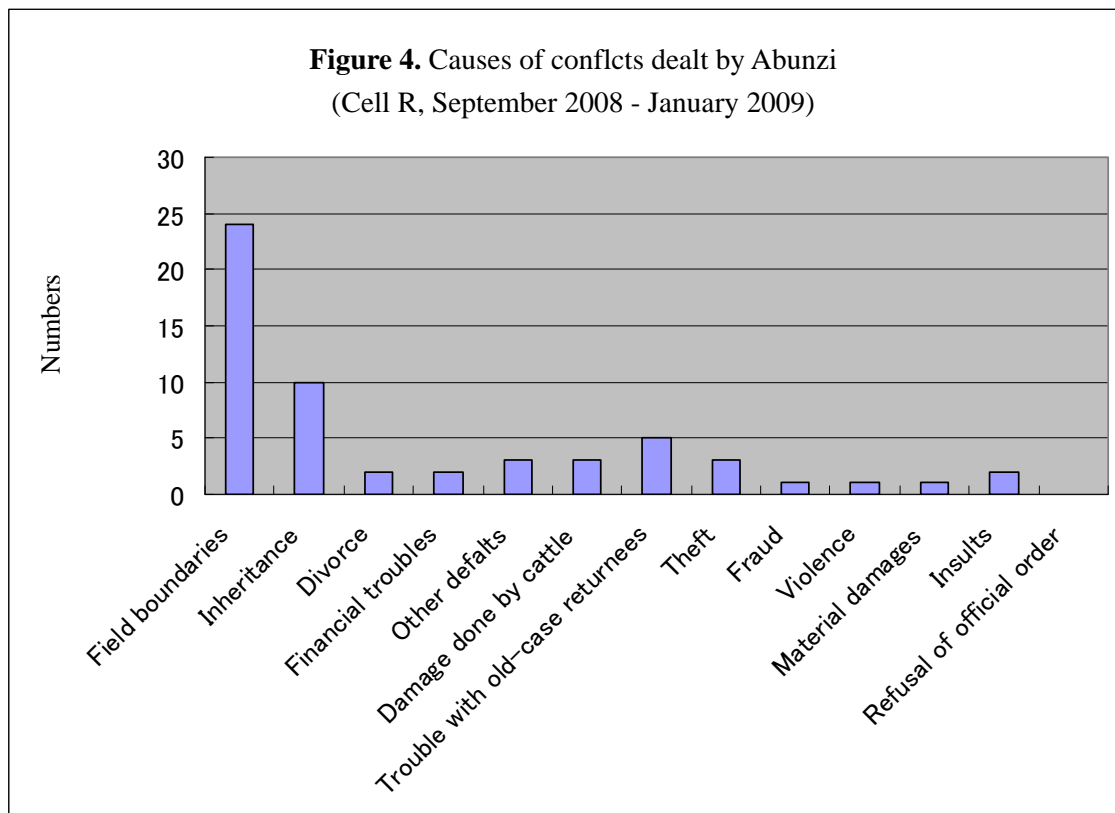
1. “Field boundaries” refers to troubles regarding field borders. They range from suits against an act of pulling out trees to mark boundaries to conflicts regarding to whom fields belong. “Inheritance” problems relate to conflicts among family members. Many of these are concerned with the allocation of property such as lands and houses. “Financial troubles” include civil disputes concerning money: typical cases are the refusal to render a debt or to pay money for purchased goods. “Other defaults” refer to various types of non-fulfillment of contracts, which includes a suit against a man who sold a pig that he had been asked to keep, and a suit against a man who refused to render fields that he had borrowed. Cases of “trouble with old-case returnees” are explained in the paper. “Refusal of official order” means a refusal to implement a decision of a tribunal.
2. The number of cases examined was 127. The cases were classified according to cause of conflict by the author. Some cases are classified into two categories: for example “field boundaries” and “inheritance,” or “theft” and “insult.” The total number of cases classified was 167.

“performance contract.”

<sup>44</sup> This system is based on Organic Law no.31/2006 of 14/08/2006 on Organisation, Jurisdiction, Competence, and Functioning of the Mediation Committee.



Figures 3 and 4 show causes of conflict dealt with by *Abunzi* in the two canvassed cells. The difference in the number of cases in the two cells is partially due to the difference in the time period covered. It is longer in Cell B. While in Cell B the same committee of *Abunzi* continued work starting from the introduction of the system (January 2007), the first committee in Cell R resigned due to accusations of corruption. As written materials were lost in the process and unavailable to us, the number of the cases in Cell R is far smaller than that in Cell B.



Source: Survey data.

Note: The number of cases examined was 39. The number is much smaller than that for Cell B, because the period covered by the data was much shorter. Some cases were classified in two categories, thus making the total number of cases 57.

From the two figures, we can discern the main causes of conflict at the local level. Problems concerning land are the most numerous causes of conflict. This is understandable, as cultivable land is the most important kind of property for ordinary peasants in Rwanda. One might roughly differentiate three types of land conflicts: conflicts related to “field boundaries,” conflicts related to “inheritance” problems, and conflicts related to “troubles with old-case returnees.”

However, local conflicts often emerge within families. In fact, cases classified as “field boundaries” often overlap with “inheritance.” These two causes are often inseparable because problems arise when land inheritance is contested within the family. Familial relationships were so complicated that conflicts have to be brought to *Abunzi*. The following is an example:

PT, who was the daughter of a divorced woman, claimed her right to family land. She and her mother left Cell R after the divorce; meanwhile, PT’s father died and his land was sold to a third party, NT. PT sued NT, claiming rights to the land that he had bought. *Abunzi* judged that the land was to be divided between the two parties. Both parties accepted.

The figures also show that the number of cases concerning land division with old-case returnees was relatively small: five in each cell. In examining each of these cases, we found that all judgments by *Abunzi* adhered to official guidelines about land division with old-case returnees. The guidelines, which had been informed through local authority, were as follows:

- 1) if the actual owner does not live on the site claimed by an old-case returnee, and if he/she possesses land elsewhere, the entirety of the claimed land should be given to the returnee;
- 2) if the actual owner lives on the site of the claimed land, and if he/she possesses land elsewhere, the claimed land should be given to the returnee, except the house and its surroundings;
- 3) if the actual owner lives on the site of the claimed land, and if he/she has no land elsewhere, the

land should be equally divided between the two parties.<sup>45</sup> All *Abunzi* judgments regarding “troubles with old-case returnees” followed the guidelines without exception. Their application is therefore considered to be strict.

### (3) Contrasting reactions to land division

Despite the apparent compliance with official guidelines, many of those we interviewed in Cell B, including some local authorities and *Abunzi* members, expressed concern about land disputes with old-case returnees. Although the old-case returnees have tended to stay in the eastern part of Rwanda, regardless of their origins, some of them did return to the homelands where their families had lived before the social revolution. In Cell B several old-case refugees came back after 1994 and began to press for land division. Their lands, however, had been occupied by other inhabitants who had immigrated to the cell in the 1960s and who had acquired the plots with the permission of the local authorities at that time. It was clear that land division with old-case returnees would make it very difficult for them to survive, as the plots were too small to divide. Still, as we have seen in Section 1, even if the current inhabitant has only a tiny plot and even if he holds an official certificate, he must render land back to an old-case refugee once the latter’s claim is judged to be legitimate by the authorities.

In contrast with Cell B, anxieties were not expressed so explicitly in Cell R. This may be paradoxical, as the number of inhabitants affected by land division, as well as the scale of land divided, is clearly greater in Cell R than in Cell B. Local authorities in Cell R declared to us that the division of land has been settled, and that the people have accepted the outcome. Although this may be little more than an official statement, even ordinary inhabitants tended not to express complaints. One reason for this is the relative abundance of land in Cell R. As

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<sup>45</sup> Interview conducted with a sector chief in Cell B on 16 August 2002. These guidelines are well known throughout the country.

was previously explained, more land is available in eastern Rwanda and this might alleviate the impact of land division. However, a more important reason is probably the nature of power relations in Rwanda's local politics. The number of old-case returnees and their political influence are considerable in Cell R, making it more difficult to openly complain or voice anxiety about land division. Most land division was carried out between 1996 and 1997 when new-case refugees massively returned. Many years have since passed and people seem gradually to have given up on openly complaining about the issue. In Cell B, however, where the number and the influence of old-case returnees are much smaller, people feel freer to express their concern and anxiety about land division.

### **Concluding remarks and policy implications**

The RPF victory in the Rwandan civil war and the subsequent mass return of old-case refugees brought drastic changes in land tenure within a short period of time, especially in the eastern part of the country. Land division could be interpreted as a move to provide resources for supporters of the newly established government, but it could also be seen as the manifestation of an unavoidable obligation to care for those who had long been prevented from returning to their homeland. In either case, land division was a significant development in an established tradition of political factors decisively affecting land holdings.

For in modern Rwandan history, land holdings have always been affected by political factors. In fact, Rwanda has a long history of politicization of land: those who held political power often intervened and appropriated land for their own purposes. Both land redistribution by the administration after the "social revolution" and division of land after the RPF victory are clearly in line with this tradition. In fact, it is against the backdrop of this tradition that people were mobilized during the genocide of 1994. When the authors interviewed genocide suspects and asked about their motivation for participating,<sup>46</sup> they frequently explained that

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<sup>46</sup> The author conducted interviews with nearly 50 suspects in the genocide at three prisons (Butare,

land had been implicitly promised them by politicians: they were led to believe that if they killed and expelled the Tutsis, they would be given their land<sup>47</sup>. The Rwandan civil war and genocide in the 1990s were thus closely linked to the “social revolution” through old-case refugees and lands.

This paper has shown, first, that the structure of Rwandan land tenure experienced a drastic change after the civil war of the 1990s, and second, that such politically motivated changes in land tenure have followed a long historical trajectory dating back to the pre-colonial period. In Rwanda, individual land rights have always been at the mercy of political powers. Land ownership, consequently, has been strongly influenced by macro-politics. The land tenure system is now assured by the legitimacy of the RPF, the winner of the civil war and the controller of the government. Governmental guidelines for land division for old-case returnees have been well followed, not necessarily because people were satisfied with them, but because disobedience is regarded as politically dangerous. Actual land holdings, therefore, could be contested, challenged, or even revised if the authority of the RPF is ever questioned. In other words, Rwandan land rights remain closely linked to macro-level politics.

A vicious circle between unstable land rights and unstable politics is clearly undesirable. To prevent this possibility, it is important now to gradually stabilize actual land rights by balancing the discontent of old-case and new-case refugee returnees. Toward this end, political measures are necessary at both the micro and macro levels.

At the micro level, it is crucial for the government to strengthen its legitimacy and gain the trust of the local population. For this purpose, land-related policies should include a pro-poor perspective, with special attention to vulnerable people in rural areas. In the Rwandan context, significant numbers of nearly landless peasants warrant attention because they are most affected by land division, as we have seen in the case of Cell B. Policies adopted for the

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Nsinda, Byumba) in Rwanda in 2003.

<sup>47</sup> See also Straus (2006).

purpose of caring for these people and providing them with a social safety net may be helpful in changing their perception of their government. One such policy was observed recently in Eastern Province, where huge ranches possessed by military officers were divided and distributed among peasants who had previously had access only to small plots of land.<sup>48</sup> Such actions help to improve the general perception of the government and enhance its legitimacy in rural societies.<sup>49</sup>

At the macro level, the government should make the efforts required to open up the political sphere: an inclusive democracy will help to stabilize land rights in the long run. Political exclusion and conflict have been directly and repeatedly linked throughout the history of Rwanda. The two recent internal conflicts which brought drastic changes in land tenure are rooted in ethnicity-related political exclusion. Since the civil war victory in 1994, the Rwandan government has tried to gradually open up the political sphere, even while it has often been criticized as authoritarian. Such efforts should be enhanced. As Rwandan history clearly shows, a political regime that excludes part of its citizens cannot be stable. Integrating opposing parties into the political order is the most effective means for achieving long-term stability.

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<sup>48</sup> These ranches, which were originally a part of the National Park, had been repossessed by RPF officers after the civil war, and had often been a source of trouble with the local inhabitants; damage to crops caused by cattle was an especially serious problem. Local inhabitants generally appreciated the dismantling and redistribution of these ranch lands. (Interview in Cell R in January 2009. See also, *New Times*, 31<sup>st</sup> January 2008, “Kagame winds up land re-distribution launch,” as well as *Economist Intelligence Unit*, Country Report: May 1<sup>st</sup> 2008, “The political scene: The president oversees land redistribution under new law.”)

<sup>49</sup> Our research is not sufficient to examine the policy agenda in rural areas. It will be necessary to connect our study with other surveys covering larger samples. In addition, our research on *Abunzi* has just begun and it should be continued to bring more convincing results.

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### **Newspapers, Journals**

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## Abstract (in Japanese)

### 要約

紛争はしばしば大量の難民の流出入を引き起こす。帰還した難民にどのように土地を配分するかは、政治的に大きな問題となる。本稿では、ルワンダ内戦による土地所有の変化とその背景について、フィールドワークで得られたデータに基づき分析した。ルワンダでは、1994年の内戦と虐殺に伴い、大量の難民の流出入があった。内戦に勝利した「ルワンダ愛国戦線」(RPF)は、1962年の独立前後に流出した難民の二世代を中核とし、そのエスニック集団は主に少数派のトゥチであった。RPFが政権を樹立すると、旧政権の政治指導者は多数派エスニック集団フトゥの一般市民を引き連れ、周辺国に逃れた。入れ替わりに、RPFと同じ政治的背景を持つ、大量のトゥチ難民がルワンダに帰還した。帰還したトゥチ難民の多くは、難民となって逃れたフトゥ農民の所有地を利用し、生活を始めた。フトゥ難民の多くは1996~97年に帰還したが、政府当局はその時、1994年以来彼らの所有地を使用しているトゥチ帰還民との間で土地を折半し、半分を移譲させた。内戦後のルワンダで、トゥチ帰還民に対する土地分配に極めてラジカルな政策がとられた理由として、RPFが武力で内戦に勝利したこと、そしてトゥチ帰還民がRPFと同じ政治的背景を持つことが指摘できる。今日まで、RPFが主導する政権は安定しており、土地分割に対する目立った抵抗運動は生じていない。しかし、土地分割を余儀なくされた住民に不満がないとは考えにくく、トゥチ難民が新たに獲得した土地の所有権はRPF政権の安定性によって政治的に担保されているに過ぎない。ルワンダの歴史を振り返ると、政治権力による土地所有への介入が繰り返され、時に紛争に結びついてきた。土地所有権が安定するためには、民衆が政権の正当性を認めることが不可欠であり、それを促す政策が必要である。