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LAND TENURE IN RWANDA

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## INTRODUCTION

In a country with the highest population density of all Africa, and with 95% of this population dependant on the land, the question of land tenure is inevitably a vital issue. In Rwanda it is becoming even more crucial as marginal lands are cultivated, and competition for land, and thus a livelihood, increases.

The currently prevailing land tenure systems in Rwanda vary from one area of the country to another, reflecting both differences in traditional customary laws, and the adoption, at varying degrees in different regions, of written law in place of customary law.

This report attempts firstly to briefly trace the major developments in these two sources of law in order to provide a background to the present de jure situation, and secondly, as far as is possible given limited data, to describe some aspects of the current de facto land tenure systems.

## THE DEVELOPMENT OF CUSTOMARY LAW

### The Pre-Colonial Era

The development of customary law in Rwanda is closely tied up with tribal history. Although many uncertainties exist in this area, it is generally agreed that the earliest inhabitants of the region were the Batwa, who lived by hunting and gathering in the forests. The first

cultivators to enter the region were the Bahutu, who may have arrived as early as 250 a.d. (1) The advent of the third tribal group, the Batutsi pastoralists, is thought to have occurred circa 1500 a.d. Relationships between the last two groups, Bahutu and Batutsi, formed the basis for many of the customary land tenure laws.

Traditionally, among the Bahutu, land ownership was vested in the lineage chief of those persons who had cleared the land. This chief would allocate plots to his male descendants according to their needs, and they in turn would grant portions to each of their wives. While the land did not belong to the wife, it was "exclusively hers to manage", in other words, she was responsible for cultivating it (2). Thus land was the property of the lineage, and the cultivator, in theory, had only usufructary rights. In some cases, such rights were also granted to persons outside the kin group, in return for tribute such as banana beer or part of the sorghum harvest (3). This practice enabled lineage chiefs to increase their status and authority.

The arrival of the Batutsi with their system of centralised authority concentrated in the all-powerful mwami, transformed the land tenure situation in those areas, particularly central, southern and eastern Rwanda,

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- (1) De La Marieu, Baudouin P., *le Rwanda - Son effort de Développement*, Editions A. de Boeck, Brussels, 1972.
  - (2) Newbury C. and Rwabukumba J., *Political Evolution in a Rwandan Frontier District*, in "Rapport de l'Institut Nationale de Recherche Scientifique du Rwanda pour les années 1965-1970, Butare 1971 pp 93-119.
  - (3) Ruhashyankiko Nicodème, *Le Droit Foncier du Rwanda*, Unpub. paper, Université Nationale du Rwanda, Feb. 1977.

where their influence was widespread. The era of most dramatic change was in the late 19th century when the pastoralists began to settle in certain areas. Prior to this, the Tutsis were engaged in battles, on the king's behalf, to extend and protect their territories against other clans or kingdoms (1). Successful warriors were rewarded with control over hills, cattle, men and women, thus allowing them to build up an army of followers. Relatives of the royal family were also given control on hills or pasture lands, but "all the great lords were army chiefs". (2) Wars between these chiefs were not uncommon, and smaller chiefs sought the protection of a powerful chief in return for gifts of cattle. Thus patron-client relationships developed between Batutsi based on the tribute of cattle, and did not originally involve the Bahutu cultivators.

It was during the latter half of the 19th century, in the reign of the Batutsi king Rwabugiri (1860 - 1895) that land clientage involving the Bahutu became prevalent (3). The mwami Rwabugiri was a despot who sought to make his power absolute and felt his authority was threatened by the great chiefs, who, being the descendants of famous warriors, had built up considerable followings and established themselves in discrete areas of the country. By brutal methods, Rwabugiri broke up this countervailing power, subdivided the territories and installed

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(1) Rwabukumba J. and Mudandagizi V., "Les Formes Historiques de la Dépendance Personnelle dans l'Etat Rwandais". (in Cahier d'Etude Africain) pp 6-10

(2) Rwabukumba and Mudandagizi, p. 15

(3) Rwabukumba, p. 20

his own men. One historian notes that in this process "Aucune des grandes familles ne fut épargnée". (1)

In addition to consolidating his power in areas already occupied by Batutsi, Rwabugiri organized many expeditions to expand the territory into regions of Hutu occupation. By force or by persuasion (the gift of a cow in return for allegiance, or the exchange of pastoral products for agricultural products) the Batutsi gained control of an increasingly large territory. As a result of this, a complex network of dependency relations developed. The traditional bonds of kinship or friendship between the Bahutu lineage chief and his dependants were replaced by the complex hierarchical system of the Batutsi.

Prior to the reign of Rwabugiri, dependency relationships had existed between the mwami and his army chiefs (2) and land chiefs, and between these chiefs and their Batutsi clients and the Bahutu lineage chiefs. These relationships were altered with the introduction of a new layer in the hierarchy - that of local hill chiefs. These chiefs took over the responsibilities formerly held by lineage chiefs, such as collecting tribute, settling disputes and allocating land. The power of the lineage chiefs, already weakened by the subordination of their authority to the army and territorial chiefs, was further usurped by the loss of responsibilities to the newly appointed hill chiefs (3)

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(1) Rwabukumba J., p.20

(2) In general, these chiefs had authority over men and cattle, i.e. they were responsible for providing the mwami with an army of men, and for organizing the payment of cattle tribute to him.

(3) In some cases the territorial chief appointed a powerful Hutu lineage chiefs as hill chief. Later, under the colonial administration outsiders were appointed. (Newbury p. 168)

The transfer of responsibilities, and thus power and authority, from lineage chiefs to hill chiefs, weakened the cohesion of Bahutu lineage groups and led to the development of dependency relationships outside the lineage groups, when individual families changed allegiance to a more powerful hill chief.

The dependency relationships were characterised by the payment of tribute, or the performance of services, in return for the protection of chief, the right to cultivate land or graze cattle in the chief's territory, and his support in the regulation of disputes.

The tribute demanded from Batutsi was generally cattle, or repair work on a chief's residence, in return for pasture rights. Bahutu were obliged to pay tribute in the form of beer, crops, or unpaid labour for up to two days out of a 5 day week cultivating the patron's fields. This corvée was fiercely resented, in part, no doubt, because it eroded the bargaining power of the Bahutu who previously had a monopoly on agricultural goods.

Wealthier Bahutu who owned cattle could pay tribute of a cow in order to be exempt from corvée. The cows value as a status symbol and bride price, as well as its utility in providing milk and meat, was further enhanced by the fact that it could earn exemption from corvée.

In summary, at the end of the pre-colonial era (c. 1900) continued tenure of land was dependant on paying tribute of cattle, crops or corvée, and this tribute was passed along a hierarchical network from Bahutu farmers to lineage chiefs or hill chiefs, and on to Batutsi provincial, chiefs (who also collected tribute from Batutsi clients) and eventually to the court. At each level, the patron kept a proportion of the tribute paid by his clients and passed the rest on as tribute to his own patron.

#### Colonial Influences

During the twentieth century Rwanda was influenced by the Germany, and, to a far greater extent, Belgian, colonial power.

The beginning of the German occupation dates from 1898, and German civil administration was introduced in 1907. During the German period the central court was permitted to reinforce its influence and control by continuing the practice of appointing hill chiefs, who in many instances replaced lineage chiefs as the local authority figure. New settlers who became land clients of a hill chief, rather than a lineage chief, found themselves in a vulnerable position. Lacking the support of a kinship group, they had to rely on maintaining a good relationship with their patron - by paying adequate tribute to ensure security of tenure over the land they cultivated. Thus the development of exploitative relationships, almost entirely based on the ownership or use of land, was facilitated.

In May 1917, after Germany's loss of this portion of East Africa during World War I, the first Belgian Resident of Rwanda was appointed, and the stage was set for further changes in land tenure relationships.<sup>(1)</sup> At this time customary law prevailed, incorporating two systems of land tenure, one pertaining to traditional collective rights vested in lineage heads, and one resulting from Batutsi political penetration into rural areas, giving rise to dependency relationships of an individual rather than kin group nature.

The complex regulations and rituals which dictated land tenure relationships under customary law are a source of considerable dispute in Rwandan anthropological literature. The following simplified account presents only the major elements of these relationship, and leaves out the contentious details.

#### Pasture and Cattle Rights

In theory, pasture lands belonged to the cattle and anyone could graze his cows on an area of pasture. In reality, control over pasture lands belonged either to a lineage (collective ownership) or to a political chief or his client (individual ownership). Rights to pasture lands were hereditary, passing to male descendants, and such lands could not be sold or divided<sup>(1)</sup>. However, the chief who controlled the pasture could grant usufructary rights, in return for tribute. He could also install land clients on his pasture to settle and cultivate part of it. In return the client would share his crops, and the chief's cattle

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(1) Newbury P. 242  
(2) Ruhashyankiko, p. 17

could graze on the cultivated area, after the harvest.

The relationships which existed on the basis of the gift of a cow, were of two basic kinds. A chief might present a cow to his client in return for the latter's allegiance. In this case, the cattle of the client would share the pasture land of the chief's cattle, and ownership of all the clients cattle would effectively pass to the chief, although the client maintained usufructury rights.<sup>(1)</sup> More commonly, cattle formed part of the tribute paid by the provincial chiefs to the mwami, the local chiefs to the provincial chiefs, and the Batutsi and Bahutu pastoralists to their local chiefs.

#### Agricultural Land Rights

As with pasture lands, cultivated lands were owned either by lineage heads or by family heads. When owned by a lineage head, land use rights were allocated to each household according to need, and passed down through the male lineage. Following a death without male descendants, or a departure from the area, the land would be reallocated, often to a young married couple<sup>(1)</sup>. Land rights held by family chief were also passed down to male descendants. These chiefs could install their own clients on their land, cultivate the land themselves (i.e. with their wives) or rent it out, the rent being fixed according to the size, fertility and location of the plot.

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(1) See Newbury P 234 - 236

(2) Ruhashyankiko, p. 21

Customary law, then, recognized land rights obtained in one of three ways:

- 1) by inheritance through the male line
- 2) from a chief, in return for tribute
- 3) by clearing new land to which no chief had laid claim.

Both collective ownership and individual ownership was recognized, although the latter became much more prevalent during the colonial era.

As a result of the administrative reorganization of 1926-30, local lineage chiefs were obliged to surrender uncultivated lands to be reallocated by the political hill chief to demarcate the boundaries of the land of each member of their kin group. Thus, in effect, collectively owned lands were replaced by individually owned plots. Landless persons were thenceforth obliged to seek patronage and usufructary land rights from the local political chief.

This disintegration of lineage groups resulted in increasing burdens on clients. Tribute and *corvée*, instead of being a shared lineage responsibility became an individual responsibility and increasingly more oppressive.

### THE INTRODUCTION OF WRITTEN LAWS

The Belgian administration sought to improve the situation of land clients by several measures among which was the limitation of corvée labor to one day in seven (instead of 2 days in 5) <sup>(1)</sup> in 1927, with a further reduction to 13 days per annum in 1933. Also, in 1931, a money payment consisting of an annual tax of 4 FR on each adult male was introduced to replace the tribute of agricultural or other goods <sup>(2)</sup>. This gave a ready avenue of escape for persons who could obtain a salary through employment on public works schemes, in the mines, or on plantations in Rwanda or Zaire.

These tentative initiatives, aimed at improving the lot of the client class, became somewhat more forceful from 1948 on. The impetus behind this has been described as follows:

"At three year intervals from 1948, the Trusteeship Council of the United Nations sent a visiting mission to tour Rwanda-Urundi for several weeks. The report of these visiting missions expressed shock at the inequalities in the Rwandan, social and political structure, and called on the Belgian authorities to undertake a program of progressive "democratisation" to prepare the population for self-government"<sup>(3)</sup>.

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- (1) In fact the 2 days in 5 had been the shared responsibility of a lineage and in some cases obliging every adult male to work 1 day in seven was more onerous.
- (2) Ruhashyankiko, p. 57
- (3) Newbury, M.C. The Cohesion of Oppression, p. 303.

In 1949, the year after the first mission visited Rwanda, the Belgians issued an edict abolishing corvée, though a money payment was substituted. Five years later, in 1954, the system of cattle clientage was abolished.

The extent to which these laws were implemented is, however, open to question. In the first place, illiteracy was almost universal among the tenant class, and knowledge of the new laws had to be transmitted by bush telegraph. In the second place, those responsible for implementing the laws had a vested interest in not doing so, since they were the patron class. Nevertheless, Ruhashyankiko claims that "by the end of December 1956, about 60,000 ubuhake (cattle clientage) contracts had been terminated, and about 200,000 heads of cattle divided"<sup>(1)</sup>, i.e. given into the private ownership of the former patron or client. The equity of the division, however, is not known.

Further steps towards improving the lot of land clients were taken by the Special Provisional Council, established in 1960, which consisted of Bahutu and Batutsi members. This council considered the tenancy question of both pasture lands and cultivated lands. For the former it decreed that private rights to pasture land were suspended and that these lands were to be provisionally collective. The mwami having refused to sign this decree, the Belgian Resident did so.

The council appointed a Commission of Enquiry to look into the question of cultivated lands, particularly in the north west. This Commission drew up two decrees, one for Gisenyi and one for Ruhengeri. The former recognised the predominance of Bahutu customary law over Batutsi political law, but

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(1) Ruhashyankiko, p.

admitted the principle of "acquired gains", i.e. the fact that the Batutsi had acquired certain advantages in good faith and according to their laws. The repercussions of strictly applying the principle of the dominance of customary law on the lives of persons and families settled in the area had to be considered. The Gisenyi decree also prescribed division of land between patron and client, where possible ensuring that each had a "vital minimum" of 2 to 3 hectares. Indemnities to be paid by a tenant to his patron for ownership of the land which he cultivated was fixed in terms of a certain number of years rent.

The Ruhengeri decree differed only in some minor respects, and, in fact, the two decrees were incorporated into a single act to apply to both prefectures, by the Council of Rwanda, which was set up in October 1960, following the dissolution of the Provincial Council.

#### THE POST-INDEPENDENCE ERA

The land tenure regulations which had been introduced by the Belgian administration and the various Rwandan Councils were recognized as binding after Independence by the Rwandan Constitution of 1962 (Article 108).

Ruhashyankiko summarised these laws as follows: (1)

- 1) Lands occupied by the original inhabitants were to remain in their possession.
- 2) All unoccupied lands belonged to the State.
- 3) All sales or gifts of land had to be approved by the Territorial Governor of Rwanda-Burundi (later changed to the Minister of Agriculture) and

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(1) See Ruhashyankiko PP 100 -102

- 4) Lands belonging to persons who were not the original inhabitants had to be registered.

The country was divided into circumscriptions, each administered by a Registrar of Land Titles, who was responsible for the registration of lands. Ownership was not legally established for non-traditional inhabitants, unless there was a registration certificate delivered by the Registrar.

On the basis of these laws, three principal forms of land tenure existed:

- 1) Tenure of the traditional inhabitants, whose customary rights were recognized
- 2) Tenure of the non-traditional inhabitants, to whom written law applied, and whose legal rights were dependent on registration
- 3) State lands.

Traditional land tenure relationships have been discussed above. The regulations pertaining to non-traditional inhabitants and State lands will be discussed below.<sup>(1)</sup>

Registered lands, which in fact are extremely rare outside of the urban areas, are regulated by written law and are subject to ownership rights, real rights (jus in re) and personal rights (jus ad rem).

Real rights (jus in re) entitle a land owner to claim land which is legally his without regard to the person actually holding the land.

Personal rights (jus ad rem) give the holder the prerogative of claiming the land of another - in payment of a debt, for instance.

(1) The following discussion relies heavily on Ruhashyankiko pp.105-108.

Ownership rights entitle the owner to dispose of his property as he wishes, subject to the normal legal limitations. One limitation (the importance of which will be discussed later) on the owner's rights permits the infringement of these rights in cases where this is indispensable in order to evade an imminent danger, incomparably greater than the harm to the property owner.

Other rights which are recognised in relation to private property include usage rights and leasing rights. Tenure rights pertaining to State lands are obviously also governed by written law. These State lands can be classified into 1) the public domain, which includes public buildings, roads, river and lake beds and borders, and 2) the private domain, including unregistered <sup>(1)</sup> and vacant lands, mines, and plots of land registered in the name of the State (e.g. for state officials).

A rather special category of tenure is that of lands belonging to the scientific, philanthropic, and religious communities, the last named of which has given rise to violent controversies <sup>(2)</sup>. The heart of the problem lies in the fact that the extensive terrains occupied by some of the Christian missions are apparently in contradiction of a 1962 edict concerning non-profit organisations, which specifies that such associations cannot own more land than is necessary to achieve the object for which they were created, and cannot in any case exceed 10 hectares except with ministerial approval <sup>(3)</sup>

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(1) Lands rented for less than 9 years do not have to be registered.

(2) Rubashyankiko p. 114

(3) Edict of April 25, 1962, published in J.O.R.R. 15, May '62.

The missions defend their rights on the grounds that the lands were given or purchased subject to legally binding contracts. The mission of Save, for instance, bought 230 hectares from the mwami Musinga in February 1900 for 450 rupies, and the Zaza mission bought 160 hectares for 300 rupies in the same year. These transactions were registered by the German administration. However, the legality of these transactions is contested since customary law relating to land tenure was then in force, and this did not recognise private ownership. In view of the critical shortage of land for farmers it has been suggested that mission lands should be reallocated, possibly invoking the "immanent danger" clause, (see page - 14), although the legality of such a measure is open to doubt.

#### COMMENTS ON THE DE JURE LAND TENURE SITUATION

The existence of a dual system of customary and written law, and the lack of codification of laws relating to land tenure has caused grave problems at a time when land disputes are common.

The confusion in the legal situation can be attributed to three principal factors:

- 1) Written law is superseding customary law to different degrees in different areas of the country
- 2) Customary law itself differs from one region to another, depending on the tribal history of the area. (A circular of June 8, 1961 from the Minister of Justice relatively to judgements on land

tenure instructed judges to base legal decisions on recognized and accepted customs in the region where the land was located.) Written law is also subject to regional differentiation insofar as there is a special decree for Ruhengeri and Gisenyi.

- 3) Many of the written laws are provisional in nature. For example, a 1961 edict suspended but did not abolish certain privileges of chiefs such as the right to graze their cattle on a clients fallow land, or the right to appropriate some land from each client once in the latter's lifetime. Similarly, a 1960 decree only suspended private rights over pasture land.

These problems were not addressed in the 1976 law, the only post-independence legislation concerned with land tenure, the provisions of which are:

- 1) All lands not appropriated according to written law belong to the State,
- 2) Lands subject to customary law, or rights of occupation granted legally, cannot be sold without prior permission from the Minister responsible for lands, and after the Communal Council <sup>(1)</sup> has expressed an opinion on the transaction.
- 3) The Minister can only grant such authorisation when a) the seller has at least 2 hectares remaining, b) the buyer does not possess more than 2 hectares.
- 4) Contraventions of the above provisions are punishable by a fine of 500-2000 francs and the loss of customary rights or rights of occupation of the land.

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(1) Rwanda is divided geographically and administratively into 10 Prefectures which are subdivided into a total of 143 communes. The Commune Council consists of both elected and appointed officials and is headed by a bourgmaster appointed by the President.

There is evidence that land sales which are not strictly in accordance with this law do, in fact, take place. For instance, a man with excess land, or who has no sons, or whose sons do not wish to cultivate the land can, with the agreement of his family, and the consent of the bourgmaster, sell his land. In such cases a record of the transaction is kept in the Commune Office, but the land is not generally surveyed.

The Ministry of Agriculture has been studying the question of land reform for several years and proposals for an agrarian reform have been drawn up and are presently being discussed. However, it will probably be several years before agreement is reached and these proposals become law.

#### THE DE FACTO LAND TENURE SITUATION

The current land tenure pattern in Rwanda is characterised by small, fragmented holdings, resulting from the overall shortage of agricultural land. Two attempts to alleviate the problem of land scarcity are represented by :

- 1) individual migrations on the farmers own initiative
- 2) Paysannat schemes, organised by the Government, with foreign aid funding, to encourage resettlement in less populated areas.

#### Shortage of Land and Fragmented Holdings

Shortage of agricultural land, which has been a relative problem for decades, is today reaching critical proportions. In spite of the increasing cultivation of marginal lands, the reduction of fallow periods and the encroachments on to forest reserves, the average holdings per family in 1979 was little more than 1 hectare <sup>(1)</sup>

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(1) Ministry of Agriculture "Conference Mondiale sur la Réforme Agricole et le Développement Rural (1979), Rapport National de Synthèse, Kigali, June 1978, p.2

The median family acreage has been estimated at around .5 of a hectare.

The shortage of land has given rise to an increase in the number of commercial land transactions, particularly in those prefectures, notably Ruhengeri and Butare, of greatest population density. A recent survey undertaken in Ruhengeri has revealed that the practice of renting land for a number of years is increasingly common. (1). This same survey revealed incidences of Ruhengeri farmers purchasing land in Zaire, while maintaining residency and owning additional land in Rwanda.

In the face of a steady increase in population, the increasingly inadequate supply of land will unquestionably entail an increase in land tenure litigation. Although more intensive agricultural techniques may temporarily and partially stave off the problem, there is a limit to the productivity of one hectare of land, and farmers wishing to improve their economic situation will, in the absence of employment possibilities in the secondary or tertiary sector, require an extended acreage. To permit the courts to efficiently handle an increasing number of land tenure disputes, the codification of tenure laws is imperative.

The problem of land scarcity is related to that of fragmented holdings. The latter is partly caused by inheritance laws, which decree that upon

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(1) Information obtained from Dominique Franche, a doctoral student undertaking research in Ruhengeri.

a death land is subdivided among the male heirs. When the subdivision becomes too small, another plot of land must be cleared or bought. With increasing land scarcity, farmers have to go further afield to acquire new land, and holdings become more dispersed.

In some cases, there are sound economic reasons for fragmented holdings. It is quite common, for instance, for a farmer to cultivate one plot on a hillside, and one on marshland. This reduces climatic risks and enables complementary cropping throughout the year.

Although some exchanges of land do apparently take place in the communes, difficulties exist in evaluating plots of land, and there is presently no legal basis for such changes. The agrarian reform, which is presently under consideration will undoubtedly contain provisions dealing with this problem.

### Migrations

The problem of land scarcity has given rise to considerable <sup>(1)</sup> migrations. Internal migrations fall into three basic categories:

1) The largest stream of migrants is probably that flowing from overpopulated areas into regions which, due to poor soils, lack of water supplies, tse-tse infestation, etcetera, were previously underpopulated. Thus, for example, the population of the Bugesera region, which was formerly a practically uninhabited woodland, increased from 20 persons per Km<sup>2</sup> in 1960 to 120 persons per Km<sup>2</sup> in 1978.<sup>(2)</sup> Two of

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(1) But presently unqualified, so far as the writer knows.

the three communes in this area have now been almost completely deforested, and the third is rapidly being cleared as immigrants move in to cultivate new land.

2) A second group of migrants consists of those who, unable or unwilling to earn an adequate living in rural areas, seek work in the urban areas (1). Shortage of land is probably only a secondary reason for this phenomenon and applies mainly to adult males who seek employment, sometimes temporary and sometimes permanent, to supplement their rural incomes. Many rural-urban migrants are young people who, having had several years of schooling, do not wish to work on the land.

Although rural-urban migration in Rwanda is on a far smaller scale than in many African countries, it is posing serious problems, particularly for farmers installed in proximity to town or city perimeters. Demand for this land is high, particularly from government officials and wealthy commercants. Having constructed and rented out one house, or commercial building, sufficient income is generated to finance further constructions. This process has led to the development of concentrations of wealth based on land ownership. Although the former owner may have been paid the equivalent of two or three years income, having sold his land, he is constrained to seek a new plot elsewhere, probably of a poorer quality, and he may, in fact, have to resort to becoming a day laborer on someone else's fields or take menial employment in the town.

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(1) The population of Kigali is increasing by 9% p.a. according to the Ministry of Planning's report entitled: "Situation Economique et Conjoncturelle, 1979, p.20.

3) A third group of migrants, those who move onto the "paysannats" are discussed in the next section.

In addition to these three internal flows of migrants, a small number of emigrants go to Zaire, Uganda and Tanzania, in search of land, or employment.

### Paysannats

Having undertaken several paysannat schemes in Zaire, the Belgian administration, in 1952, decided to implement similar projects in Rwanda. A primary purpose of the original Rwandan paysannat schemes alleviate the situation of land clients who had inadequate land, or who had no security of tenure over the land they cultivated. Additional objectives, which, perhaps, are more important today, are increasing agricultural productivity, particularly of cash crops, and encouraging population transfers from overpopulated to underpopulated areas (1). Paysannats were located in uninhabited or sparsely populated areas, and the first settlers had to clear the land.

In Rwanda, the paysannat schemes are divided into approximately 2 hectare plots, ( a little less on very fertile soils, and more on poorer soils), which, in theory, must be cultivated by a single, monogamous family and not subdivided, rented or sold. The head of a household may, however, and often does, hire labourers and hold a non-agricultural job himself. Although each household is entitled to only

(1) See: République Rwandaise, Evaluation des Projets de Développement Rural Intégré - Les Paysannats du Mayaga-Bugesera, March 1977, p.22.

one plot, a son of 18 years or older (in practice sometimes younger) may be given his own plot. In return for free and secure tenure, the cultivator must adhere to certain rules regarding the layout of his plot, the planting of cash crops, and the employment of recommended agricultural techniques. Agricultural extension services and inputs, water supply systems, and medical, educational, and social facilities are provided by the government.

The families installed in paysannat schemes are undoubtedly in an advantageous position vis-à-vis non-paysannat, rural families. In the first place they have easier access to agricultural services and inputs which enable greater efficiency. (Although, in fact, their productivity per hectare has not been conclusively shown to be greater than non-paysannat families) Secondly, they have security of tenure over a larger than average plot of land. And thirdly, female heads of families, who rank among the poorest of the poor, and who formerly had no inheritance rights and virtually no possibility of buying land, can obtain secure tenure of a plot of land within the paysannat.

The major disadvantage for the paysannat family is the question of inheritance, since the plots cannot be subdivided.

The overall contribution of the paysannat schemes to alleviating the land tenure problem is questionable. For the paysannat families, particularly those headed by females, the benefits are obvious. However, these families, comprising about 86,000 households in 1979 (1) represent less than 10% of the total population.

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(1) Ministry of Agriculture, Annual Report, 1979, p.69

The non-paysannat majority, who at present average only about 1 hectare of land per family are condemned to increasingly smaller plots, and poorer extension and social services in many cases. Thus, it is not unforeseeable that the paysannat farmers will in fact become a relative elite, especially those who have outside employment and who pay day labourers to cultivate their land.

### CONCLUSIONS

From a legal, economic, and social point of view, the land tenure situation in Rwanda leaves much to be desired. Always a sensitive issue, being a source of livelihood for the poor, and a source of power for the rich, the land question in Rwanda is particularly delicate because of the very narrow choices available. The supply of land is almost exhausted. The population is growing rapidly and will continue to do so at least for the next decade. And opportunities for employment in the secondary and tertiary sector are extremely limited.

An agrarian reform, based on a codified system of land tenure laws which limits the subdivision of holdings below a minimum economically viable size, and which provides for the consolidation of scattered plots, would contribute much to the process of rationalising the agricultural sector. Limits on the maximum size of individual holdings may be required in the interests of equity.

The implementation of these laws will be a major task, involving extensive surveying and registration of plots.

However, without the widespread practice of intensive cultivation, and more employment opportunities outside of the agricultural sector even the most equitable and efficient system of land tenure will be of little avail in improving the lot of the Rwandan farm family.