



USAID | **RWANDA**
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FIELD TRAINING REPORT

TRAINING LOCAL INSTITUTIONS IN KABUSHINGE AND
NYAMUGALI CELLS ON LAND DISPUTE MANAGEMENT
AND LAND-RELATED LAWS



JUNE 2008

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PREFACE

The purpose of the Rwanda Land Dispute Management Project (LDMP) is to support and strengthen local resolution of land disputes. This effort is particularly appropriate right now because the Government of Rwanda (GoR) is piloting a process for formalizing land rights, with the goal of eventually formalizing land rights nation-wide.

The LDMP is being implemented in two pilot areas with four main activities:

1. Assessing land disputes and existing resolution processes in the pilot areas;
2. Developing/refining land-related dispute resolution processes;
3. Building local capacity for land dispute resolution; and
4. Conducting a public information and awareness campaign in the pilot areas on land rights and mechanisms that support peaceful reconciliation of land-related disputes.

This report is an outcome of Activity 3 of the LDMP. It describes the training of local dispute resolution institutions on conflict resolution methods and relevant land legislation, and includes the curriculum, agenda, and trainee guide. This activity was primarily undertaken by the Rwandan NGO, Rwandan Initiative for Sustainable Development (RISD), in cooperation with ARD, Inc.

ARD, Inc. of Burlington, Vermont, USA is implementing the LDMP, with a grant from USAID's Office of Conflict Management and Mitigation, Contract No. 696-A-00-07-00006-00. ARD's partners are the Rwandan Initiative for Sustainable Development (RISD), the Rural Development Institute (RDI), and the Center for Justice and Peacebuilding (CJP) at Eastern Mennonite University. ARD and its partners work hand-in-hand with the Rwandan Ministry of Natural Resources (MINIRENA) (formerly, the Ministry of Lands, Environment, Forestry, Water, and Mines (MINITERE)).

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DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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ACRONYMS

<i>Abunzi</i>	An elected dispute resolution body at the cell level with initial jurisdiction over most local disputes.
Cell	Administrative level between <i>umudugudu</i> and Sector
CJP	Center for Justice and Peace Building
CMM	Conflict Management and Mitigation
DFID	UK Department for International Development
District	Rwanda's key regional administrative unit. There are 30 country-wide. Districts are divided into sectors.
<i>Gacaca</i>	This is the traditional reconciliatory justice system at the local level which has been adopted by the GoR to handle some categories of genocide prosecutions.
GoR	Government of Rwanda
<i>Imidugudu</i>	Plural of <i>umudugudu</i>
LDMP	Land Dispute Management Project
MINIRENA	Rwandan Ministry of Natural Resources (formerly MINITERE)
MINIJUST	Rwandan Ministry of Justice
NGO	Nongovernmental organization
NWC	National Women's Council
<i>Nyumba Kumi</i>	Before 2006, the <i>nyumba kumi</i> were non-salaried community leaders elected to represent a group of 10 households, including their own.
RISD	Rwanda Initiative for Sustainable Development
RDI	Rural Development Institute
Sector	Administrative until between Cell and District
<i>Umudugudu</i>	Village. The boundaries of <i>umudugudu</i> have been administratively defined and do not necessarily correspond to "traditional" villages. This is the smallest administrative unit in Rwanda.
USAID	United States Agency for International Development

INTRODUCTION

In fulfillment of Activity 3.3 of the Land Dispute Management Work Plan, the Rwanda Initiative for Sustainable Development (RISD) organized and carried out two five-day trainings for local dispute resolution actors, one in each of the pilot cells of Nyamugali and Kabushinge. The original training as per the approved plan by both MINIRENA and USAID was a six-day training, but because there were delays in the approval of the training schedule, the final training schedule was reduced by one day. This change did not affect the training in terms of both content and delivery. See the Annexes for the training programs for both Nyamugali and Kabushinge.

The training was divided into two modules. Module 1 was on dispute resolution methods applied to land-related disputes, and Module 2 was on the Organic Land Law and other land-related laws, including the rights of women and vulnerable groups. The training discussed basic theories and imparted skills in dispute resolution, and strategies towards a fair, peaceful, and effective mechanism for resolving land disputes at the community level, without involving the court. Relevant articles of the Organic Land Law (OLL) and other land-related laws—including Presidential and Ministerial Orders provided for in the OLL, the Child Protection Law, and the Succession Law—were also presented and discussed. Date and Venue of the Training

The training for Nyamugali Cell was held March 17–21, 2008 at the Centre Iwacu Kabusunzu in Kigali, while that for Kabushinge was held March 24–28, 2008 at Rwaza Sector Offices. Please see Annex 2 for the agendas for both trainings.

TRAINING PARTICIPANTS

Nyamugali Cell

In Nyamugali Cell, the training was attended by a total of 39 participants as follows:

- Executive Secretary, Gatsata Sector: 1
- Agriculture Officer, Gatsata Sector: 1
- Coordinator, Nyamugali Cell: 1
- Executive Secretary, Nyamugali Cell: 1
- Cell Land Committee members: 5
- National Women’s Council representative: 2
- Cell legal affairs: 1
- Cell Information Officer: 1
- Mediation Committee (*Abunzî*): 14
- *Umu*dugudu Committee representative: 12

KABUSHINGE CELL

In Kabushinge Cell, the training was attended by a total of 36 participants as follows:

- Executive Secretary, Rwaza Sector: 1
- Agricultural Officer, Rwaza Sector: 1
- Police representative, Rwaza Sector: 1
- Executive Secretary, Kabushinge Cell: 1
- Cell Land Committee members: 6
- National Women’s Council representative: 1
- Mediation Committee (Abunzi): 14
- *Umutugudu* Committee representative: 11

N.B.: Kabushinge Cell has 8 *imidugudu*, so some had more than one representative.

TRAINING AIMS AND OBJECTIVES

The training had the following aims and objectives:

Aim

To enable local institutions to resolve land-related disputes fairly, peacefully and effectively without parties needing to go to court.

Objectives

At the end of the training the participants should be able to:

- (i) Define what conflict and disputes are and be able to analyze their nature;
- (ii) Identify and assess the existing land-related dispute resolution mechanisms in their cell;
- (iii) Describe the actors and their roles in land dispute resolution in their cell;
- (iv) Practice skills in appropriate dispute resolution mechanisms for women and disadvantaged groups;
- (v) Describe the different systems of land administration in Rwandan history;
- (vi) Describe the 2004 Rwandan Land Policy and the 2005 Organic Land Law (OLL); and
- (vii) Describe the linkages among the OLL, The Succession Law, and other laws that govern women and children’s land rights.

SUMMARY OF THE PROCEEDINGS OF THE TRAININGS

The training program in both venues was identical, both in content and facilitators. Barring minor differences due to different sets of participants and local circumstances, this summary applies to both trainings in Nyamugali and Kabushinge, unless specific reference is made.

MODULE I: LAND DISPUTE MANAGEMENT

5.1 DAY ONE

Session 1: Participants' Introductions and Training Program

The session was facilitated by RISD's Director, Annie Kairaba. She welcomed the participants to the training and expressed the hope that they would all seriously take part in the scheduled activities and that they would all have a fruitful week. Participants introduced themselves, mentioning their names and what they do. After the introductions, the facilitator briefly explained the aims and objectives of the training and then went through the agenda for the training program. Participants were satisfied with the program and it was confirmed without any change. The facilitator also led the participants in setting up rules that would govern everyone's conduct during the training and in assigning responsibilities.

Session 2: Understanding Conflict

The facilitator for the session was Lucie Narukundo. Under the above main topic, the facilitator covered the following sub-topics:

- The nature of conflict
- Functions of conflict
- Causes of disputes and conflicts
- Conflict analysis.

The facilitator used stories of land-related conflicts as "codes" to stimulate discussions around the topics. During the group work session, the participants discussed the different types of conflicts/disputes in their community, their functions and causes. Participants expressed their surprise at realizing that sometimes conflicts can serve positive purposes or result in constructive outcomes. They resolved to be more objective analysts of conflicts in the future.

The day's proceedings closed with an evaluation of the activities of the day, whereby the participants filled in an evaluation questionnaire.

5.2 DAY TWO

Session 1: Evaluation Feedback

A report of the previous day's activities was read by the *rapporteur* and confirmed by the participants as a true record of the proceedings. The evaluation feedback was given by Annie Kairaba. She gave a summary of the participants' responses to the evaluation questionnaire of the previous day. Overall the participants were happy with both the content and the facilitation of the day's training.

Session 2: Intervening in Conflict

The session was co-facilitated by Ivan Kayonga and John Muyenzi. The two facilitators presented different aspects of the topic, as indicated below. The official opening of the training was also performed in between the presentations.

Conflict Resolution: Terms and Definitions

This aspect was facilitated by Ivan Kayonga. The following terms that are used when intervening in conflicts were presented and explained:

- Cooperative problem-solving
- Negotiation
- Mediation
- Facilitation
- Arbitration
- Conflict resolution.

Participants actively contributed ideas and suggestions on the proper or approximate Kinyarwanda versions of the terms.

Official Opening of the Training

The official opening of the training in both venues was performed by ARD Project Coordinator, Justine Mirembe. She was welcomed by RISD Director, Annie Kairaba and the Sector Executive Secretaries, Mr. Jean Sauveur Karisa for Gatsata and Mr. Justin Mimi for Rwaza. Ms. Kairaba introduced the Guest of Honor to the participants. She gave a brief presentation on the aims and objectives of the training and the participants' backgrounds. At each venue, the Sector Executive Secretary pronounced a word of welcome for the guests and expressed great appreciation at his area being chosen for piloting the project. They called on the participants to take the training seriously because the rest of the country will be observing their progress in resolving land-related disputes.

The Guest of Honor, Justine Mirembe, thanked RISD for organizing the training. She called upon the participants to be very keen during the training, so as to acquire the necessary knowledge and skills that will enable them to resolve land-related disputes in their area peacefully, fairly, and expeditiously, thus contributing to the sustainable development of their communities. She wished them all a fruitful stay at the training, and declared the training officially open.

Session 2 (continued)

Spectrum of Response to Conflict

The session was facilitated by John Muyenzi. The facilitator presented a list of and explained the differences between the various ways in which people and communities arrive at solutions to conflict. The list goes from the lowest level of mutual participation and agreement (the person/group with the most powerful force wins; the other loses) to one of mutual decision making and satisfaction (win/win). The facilitator showed that, in general, the higher the level of mutual participation in solving the conflict, the more long-lasting and deep-rooted that solution will be. The list of responses is as follows:

- Force Lowest (win/lose)
- Adjudication
- Arbitration
- Negotiation
- Mediation
- Reconciliation Highest (win/win).

Roles Played in Conflict Situations

The facilitator for the topic was Ivan Kayonga. He demonstrated to the participants that people involved in the conflict/dispute resolution process are called upon to play a number of roles. Since the list of possible roles is quite long (up to 17 roles), more focus was concentrated on the roles played by the participants themselves when trying to resolve disputes. After animated discussions and analysis of their involvement in dispute resolution, the participants were pleasantly surprised to find that most of them had played different roles at one time or another. The most common of these roles are:

- Explorer
- Designer
- Communicator
- Unifier
- Envisioner
- Evaluator
- Facilitator
- Enforcer
- Reconciler.

The facilitator emphasized that, in order for the multiplicity of roles to work effectively, there must be Role Integrity and Role Cooperation. Role Integrity relates to ensuring that when a person plays multiple roles, none of the roles compromises the others. Role Cooperation means that all people involved in the dispute resolution (i.e., playing different roles) are working cooperatively towards common goals of peace, justice, and reconciliation.

Cultural Aspects Influencing Conflict Resolution in the Rwandan Context

The topic was facilitated by Ivan Kayonga. The facilitator led the participants in a discussion of the Rwandan cultural aspects that can influence the resolution of conflicts and disputes. The discussion revolved around some of the ways in which the Rwandan culture relates to the following aspects of the conflict resolution process:

- Approach to conflict
- Approach to problem-solving and agreements
- Relationships

- Time
- Space
- Impact of social structures
- Communication
- Interveners.

Participants all agreed that they had never considered these factors or given them any consideration while trying to resolve disputes in their community, and that what they had learned would be of great help to them in the future.

The day's proceedings closed with an evaluation of the activities of the day, whereby the participants filled in an evaluation questionnaire.

5.3 DAY THREE – MORNING

Session 1: Evaluation Feedback

The report of the previous day's activities was read by the day's *rapporteur*. After the participants had confirmed the report as a true record of the proceedings, Abdul Karim Kalisa presented a summary of the previous day's evaluation feedback. As in the first day's evaluation, participants again expressed their satisfaction with the content and facilitation of the previous day's training session.

Session 2: Mediation and Reconciliation

The session was facilitated by Abdul Karim Kalisa. The facilitator divided the subject into two topics as follows.

Active Listening

The facilitator defined what this aspect of the mediation process is, and explained that active listening is a communication skill used by mediators to aid communication by helping parties deliver clear messages and know that their messages were heard correctly. He discussed the objectives and the four levels of active listening as follows:

Objectives of active listening:

- To show the speaker that their message has been heard;
- To help the listener gain clarity on both content and emotion of the message;
- To help speakers express themselves and to encourage them to explain, in greater detail, their understanding of the situation and what they are feeling;
- To encourage the understanding that expression of emotion is acceptable and useful in understanding the depth of feelings; and
- To create an environment in which the speaker feels free and safe to talk about a situation.

The four levels of active listening:

- **“The head”**: listening for facts and other forms of information;
- **“The heart”**: listening for feelings;
- **“The stomach”**: listening for basic human needs; and
- **“The feet”**: listening for intention or will.

Fundamentals of Mediation

Under this topic, the fundamental elements that distinguish mediation from any other form of conflict resolution were presented to and discussed with the participants. This was followed by a step-by-step description of the various stages of the mediation process, which include:

- Introduction: setting the tone of the whole process;
- Description: getting to understand the perspective of each party;
- Problem-solving: its purpose and process; and
- Agreement: its purpose and process.

Group Work

Participants were divided into four groups and asked to discuss the following:

- Their views on the various responses to conflict that had been presented;
- The impact these would have on their management of disputes in future; and
- Any problems they might encounter in adopting/practicing this approach.

Overall, participants felt that what they had learned about conflict resolution would be of great help to them in their work. They recognized that they had been using some of the procedures but in a confused manner, and that what they had learned would assist them in applying a more systematic approach to dispute management. They also recognized that what they had been practicing was a form of arbitration rather than mediation and reconciliation. They, however, requested reference materials to guide them in this new approach. The impact of putting in practice the new techniques would be to reduce the volume of disputes currently reaching the higher levels of the local authorities and the courts. On the problems side, it was pointed out that the Committee of Mediators (*abunzi*) is considered to be part of the court system, leading to the question of whether they are allowed by law to engage in dispute mediation. It was resolved that this question would be considered in Module 2 on the Organic Land Law and other related laws.

This was the end of the morning session of Day Three and of Module 1.

MODULE 2: ORGANIC LAND LAW AND OTHER RELATED LAWS

5.4 DAY THREE – AFTERNOON

Session 3: The History of Land Management in Rwanda

The topic was facilitated by John Muyenzi. The facilitator presented the two contrasting systems of land management that have existed in Rwanda, as summarized below.

Customary and Written Laws

The facilitator presented the different types of land tenure systems in Rwanda under customary and written laws during different periods of the country's history, as follows:

- Pre-colonialism;
- Colonialism; and
- Post-colonialism.

It was pointed out that from colonial times until the current Organic Land Law (OLL) was enacted in 2005, Rwanda had a dual land tenure and, hence, management system, and this made land administration and utilization very difficult, inefficient, and often unjust. The facilitator also explained the different types of property, as defined by law.

Group Work

Participants were divided into four groups to discuss the following questions:

- Why is it important for us to know the Rwandan customary land tenure system? Is it useful to us as leaders in our community?
- What is property as defined by law? Give examples of the different types of property.
- What problems were caused by having a dual land tenure system?

Participants recognized that even today a number of people still considered their land to be held under customary tenure. It was also important to be able to identify the rightful land owners who had acquired their land under customary/unwritten law. That is why participants felt it was important for them to know the customary land tenure system. They all showed that they understood what property is in law, and gave examples of movable and immovable properties.

The day's proceedings closed with an evaluation of the activities of the day, whereby the participants filled in an evaluation questionnaire.

5.5 DAY FOUR

Session 1: Evaluation Feedback

The report of the previous day's proceedings was read by the *rapporteur* and confirmed as a true record of the events of the day. Abdul Karim Kalisa gave a summary of the analysis of the responses to the evaluation questionnaire of the previous day. Overall, the participants were satisfied with the content, facilitation, and other arrangements of the day's training event.

Session 2: The National Land Policy

The session was facilitated by John Muyenzi. The facilitator gave a summary of the contents of the 2004 National Land Policy, as updated in 2007, which included:

- The rationale for the land policy;
- The guiding policy documents, including:
 - Vision 2020
 - Poverty reduction strategies
 - National investment strategy
 - Seven-year government plan
 - International development targets
- The specific issues addressed by the land policy;
- The challenges to and the opportunities for implementation of the land policy;
- The principles guiding the national land policy;
- The objectives and strategies of the land policy; and
- The institutions in charge of implementing the land policy.

Session 3: Organic Law No 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda

The session was facilitated by Me Laurent Nkongoli. This subject being rather large, it was divided into several topics as indicated below.

General Provisions – Principles of the 2005 Organic Land Law (OLL)

This topic covered Chapter One of the OLL concerning the general provisions and principles (arts. 1, 3-8). These include the aim of the law (art. 1), the definition of terms (art. 2), and the principles on which the law is based (arts.3-8), which include:

- The supreme powers of the state to manage all the national land in the public interest, and to guarantee the right of land ownership;
- Gender equality and eradication of all types of discrimination in matters related to land ownership;

- Equal protection of the rights over land acquired from custom and the rights acquired from written law; and
- Establishment of land commissions to manage land administration at national, provincial, district, town, and municipality levels.

Categorization of Land

Under this topic, which covers Chapter Two of the OLL, the facilitator explained the different categories of land, as provided for by the law. These are as follows:

- Urban and rural land (arts. 9 & 10)
- Individual ownership of land (art. 11)
- State land: public domain (arts. 12 & 13)
- Private state owned land (arts. 14 & 15)
- District, Town and Municipality land (arts. 16-18).

The facilitator pointed out that the state has the responsibility to find and allocate land to those who were deprived of their rights to land. Such land is acquired from escheat and vacant land as provided for in Articles 15 and 87.

Management, Organization, and Exploitation of Land

This topic covered Chapter Three of the OLL, which is fairly long (arts. 19-53). For this reason, the facilitator focused on selected provisions that he considered to be the most important. These provisions are summarized below:

- The establishment of a land structural exploitative chart to direct all aspects of land usage (art. 19);
- Approval of consolidation of small plots of land, and prohibition of subdividing agricultural land of one hectare or less, in the interest of boosting agricultural production (art. 20);
- Use of land in accordance with the structural exploitative chart (art. 21);
- The role of the land commissions in the preparation and implementation of the structural exploitative chart and plot division and consolidation (art. 22);
- The right to land ownership is guaranteed by the state in terms of lease of between 3 and 99 years that can be extended (art. 24);
- Procedures for land registration and transfer of land rights (arts. 30-34);
- Protection of the rights to family land of all family members (arts. 35-38);
- Special protection of orphaned children's rights in land lease (art. 41); and
- Land dispute resolution and the role of the mediation committee (art. 53).

Plenary Discussion

After the presentation of the above topics, participants had a plenary discussion on issues of interest arising from the presentation. In both venues, two issues were of much concern to the participants, namely: the provisions of Articles 24 and 53. Concerning Article 24, participants felt that land owners would lose their ownership rights by being given a limited term lease. The facilitator explained that, in the case of individual

land ownership, the lease is 99 years and renewable, as long as the owner fulfils their obligations, as established by the law, and the lease is transferable and can be used in any legal transaction.

Article 53 raised two concerns. The first, which had been raised in Module 1, was whether the Committee of Mediators (*abunzi*) was to be considered as part of the formal court system. Participants, including local authorities' personnel, were of the view that court process begins with *abunzi*. It was explained that this was not the case since Article 53 provides, *inter alia*, that “[m]atters arising from land disputes are heard by competent courts ... **Before the matter is taken to the court**, the parties to the dispute are required to seek a solution of the problem from the mediation committee at Sector level. *This concerns the land that has no authentic title deeds.*” (Emphasis added). The Mediation Committee therefore does not operate as part of the court system in land dispute resolution.

The second concern had to do with the meaning of the last sentence of the article (in italics above). Did the provision mean that *abunzi* would have nothing more to do with land disputes once all land had been registered and title deeds issued? Participants were informed that the answer to the question was to be found in the organic law governing the Mediation Committee (*abunzi*), which would be presented the following day.

Rights and Obligations of Landowners

The facilitator presented this topic in two parts, the first focusing on rights and the second on obligations, as follows.

Rights of a landowner include:

- Full rights to exploit his or her land in accordance with existing laws and regulations (art. 54);
- Though minerals and any other wealth underground belong to the state, the landowner has first priority to enjoy rights of their exploitation, upon his or her request and if s/he is capable of doing so (art. 55);
- The right to state protection from being dispossessed of the land whether totally or partially (art. 56);
- Unless there is proof to the contrary, all buildings, crops, and other works on the land are presumed to be the property of the landowner (art. 57); and
- The right to request other people to remove illegally installed properties from his or her land and to claim compensation for any damages caused to his or her property by such installation and /or removal. However, should the landowner wish to keep the property, s/he must pay a price equivalent to their value (art. 58).

Obligations of a landowner include:

- Fulfilling the conditions specified in the land assignment, concession, or lease contract (art. 59);
- Respecting other people's rights, e.g., the right of way; the free flow of natural water from other people's land; and the right to draw water from a common well on his/her land (art. 60);
- Obeying laws and regulations relating to protection, conservation, and better exploitation of the land (art. 61);
- Using the land in a productive way and in accordance with its nature and intended purpose (art. 62);
- Not hindering activities of public interest being performed underground or in the space above his/her land. However, the landowner has the right to appropriate compensation in case of loss caused by such activities (art. 67); and
- Paying land tax determined by law (art. 68).

After the presentation on Rights and Obligations of the Landowner, the facilitator also touched briefly on Prescription (arts. 70, 71, 72) and Penalties (arts. 73-85).

Reforms Introduced by the OLL

Due to time constraints, the planned plenary discussion did not take place, however through Q&A, the facilitator established that the participants did not raise any major issues. The facilitator then moved on to the next topic, reforms introduced by the OLL. He showed that the main reforms are as follows:

- Land is part of the public domain of all Rwandans and the state has supreme powers to manage all national land in the public interest aimed at sustainable economic development and social welfare. Individuals can only own land in the form of three to 99-year leases. The state can repossess land which is not properly looked after or not used productively;
- Gender equality on land rights and protection of family interests;
- Equal rights to legal protection of all landowners whether their land was governed by customary or written law, as long as it was obtained in a manner that was acceptable at the time;
- Registration of all land is obligatory to all landowners;
- Penalties for any person who does not look after their land properly, does not make it productive, or who violates other people's rights to land;
- The right to fair compensation before a landowner is expropriated in the public interest; and
- Establishment of land-management institutions, the composition of which is representative of all stakeholders, including the state, civil society, the private sector, and at least 30 percent women.

The day's proceedings closed with an evaluation of the activities of the day, whereby the participants filled in an evaluation questionnaire.

5.6 DAY FIVE

Session 1: Evaluation Feedback

The report of the previous day's activities was read by the *rapporteur* and confirmed as a true record of the events. The evaluation feedback was given by Abdul Karim Kalisa. The participants were generally very positive in their evaluation of both the content and facilitation of the day's training. In both venues, the participants requested copies of the relevant laws, as well as reference materials. The facilitators explained that the relevant laws, including the OLL, would be provided.

Session 2: The Linkage Between the OLL and Other Related Laws

This subject was co-facilitated by Me Laurent Nkongoli and John Muyenzi. It was divided into different topics and presented as follows:

Laws and Orders for Implementing the OLL

This topic was facilitated by John Muyenzi. The facilitator made a presentation of those laws and orders that are related to or needed for implementation of the OLL. The laws and orders already in existence were presented first and they were as follows:

- Organic Law No 04/2005 of 08/04/2005 Determining the Modalities of Protection, Conservation, and Promotion of the Environment in Rwanda;
- Organic Law No 31/2006 of 14/08/2006 on Organization, Jurisdiction, Competence, and Functioning of the Mediation Committee;
- Law No 27/2001 of 28/04/2001 Relating to Rights and Protection of the Child Against Violence;
- Law No 18/2007 of 19/04/2007 Relating to Expropriation in the Public Interest;
- Law No 22/99 of 12/11/1999 to Supplement Book 1 of the Civil Code and to Institute Part Five regarding Matrimonial Regimes, Liberalities, and Succession;
- Presidential Order No 53/01 of 12/10/2006 Determining the Structure, the Powers and the Functioning of the Office of the Registrar of Land Titles;
- Presidential Order No 54/01 of 12/10/2006 Determining the Structure, the Responsibilities, the Functioning, and the Composition of Land Commissions;
- Presidential Order No 57/01 of 15/12/2006 Determining the Structure and the Functioning of Village, Cell, and Sector;
- Presidential Order No 30/01 of 29/06/2007 Determining the Exact Number of Years of Land Lease; and
- Ministerial Order No 001/2006 of 26/09/2006 Determining the Structure of Land Registers, the Responsibilities, and the Functioning of the District Land Bureau.

The laws and orders that were not yet enacted at the time were also presented as follows (orders are the responsibility of MINITERE unless otherwise indicated):

- Laws determining the management, the organization and the exploitation of provisions, mentioned in paragraph one of Article 19 of the OLL;
- Laws determining the allocation and leasing of state land mentioned in Article 12 of the OLL;
- The law determining land tax (art. 68 of the OLL);
- The Ministerial Order determining the procedure to obtain authentic documents of land ownership (art. 6 of OLL);
- Ministerial Orders determining state land which makes up the public domain (art. 12 of OLL) as follows:
 - Land containing lakes and rivers;
 - The length of shores of lakes and rivers;
 - The land occupied by springs and wells;
 - State roads and their boundaries (MININFRA).
- The Ministerial Order listing the district, town, or municipality feeder roads and their edges (MININFRA) (art. 17 of OLL);
- The Ministerial Order determining the modalities of land consolidation and productivity (MINAGRI), (art. 20 of OLL);

- The Ministerial Order determining the procedures to be followed in land allocation and lease (art. 25 of OLL);
- The Ministerial Order determining the requirements to be respected in allocating and leasing District, Town or Municipality, and the City of Kigali land, and land belonging to state parastatals, mining sites, and quarries (art. 27 of OLL);
- The Ministerial Order determining the list of swamps and their boundaries (art. 29 of OLL);
- The Ministerial Order determining the management, the organization, and the exploitation of swampland (art. 29 of OLL);
- The Ministerial Order determining the procedures of land registration (art. 30 of OLL); and
- The Ministerial Order determining the modalities of land sharing (art. 87 of OLL).

The Constitution of the Republic of Rwanda 2003

This topic was facilitated by Me Laurent Nkongoli. He pointed out that the Constitution of Rwanda guarantees gender equality and equal rights for all under the law. This is especially found in the preamble no. 9 and 10, and in Article 26, paragraph 3. For this reason, a number of articles of the OLL refer to the equality of men and women in the management of land. He gave the following examples:

- Prohibition of discrimination either based on sex or origin in matters relating to ownership or possession of rights over land, and equal rights of wife and husband over land (art. 4);
- Equal participation of men and women in land commissions at all levels (art. 8); and
- Being mindful of the rights of spouses and family members in the management of family land (arts. 32, 35-38).

Organic Law for Abunzi 2006

This topic was presented by John Muyenzi. The facilitator focused on the relationship between the OLL and the **Organic Law No 31/2006 of 14/08/2006 On Organisation, Jurisdiction, Competence and Functioning of the Mediation Committee**. The topic also examined whether *abunzi* were expected by law to mediate, since participants were of the opinion that they operated as courts. Hereunder are the main points of the presentation:

- Article 2 sets the jurisdiction of the Mediation Committee at the cell (and not the sector, as was provided for in the 2005 organic law).
- Article 3 defines the Mediation Committee as “...an organ meant for providing a **framework of obligatory mediation** prior to submission of a case before the first degree courts...”
- Article 8 describes the competence of the Committee in civil cases, which includes cases relating to “lands and other immovable assets whose value does not exceed three million Rwanda francs (3,000,000 frw).” It does not limit the competence to lands without title deeds.
- Article 20 describes the process of settling cases as “mediation hearing” and not adjudication or judgment.
- Article 21 provides that the Mediators shall seek first to conciliate the two parties in dispute. Even when this fails, “they take decision based on their conscience in all honesty and in accordance with the laws and customs of the place, provided it is not contrary to the written law.”

- The two articles above and Article 3 clearly show that the Mediation Committee is there to resolve disputes through mediation and conciliation rather than through arbitration.
- As for the apparent clash between article 8 on competence of the Mediation Committee and article 53 of the OLL, it was pointed out that Article 32 of the former states that: “The organic Law No 17/2004 of 20/6/2004 on organization, powers and functioning of the Mediation Committee and **all legal provisions** contrary to this organic law are abrogated.” (Emphasis added.) This therefore means that the provision of Article 53 of the OLL is superseded by the provisions of Organic Law No. 31/2006.

Group Discussion

Participants were divided into four groups to discuss issues of interest arising from the three previous presentations. All participants agreed that they now clearly understood the functions of the *Abunzji*, and that resolving disputes, whether land-based or not, was going to be more effective in their area. Participants raised the question whether the OLL was operational, given the number of laws and orders that were still to be enacted to enable the implementation of many of its provisions. It was pointed out that the OLL is definitely operational since it is the current law in force. According to Article 88 of the OLL, “All previous legal provisions contrary to this organic law are hereby abrogated”; and Article 89 states that: “This organic law comes into force on the day of its publication in the Official Gazette of the Republic of Rwanda.” The OLL was gazetted on September 15, 2005, which is the date it came into force.

Succession Law 1999

The topic was facilitated by Me Laurent Nkongoli. The facilitator focused on the linkages between Law No 22/99 of November 12, 1999, to supplement Book 1 of the Civil Code and to Institute Part Five Regarding Matrimonial Regimes, Liberalities, and Succession referred to herein as the Succession Law, and the OLL. The main points of the presentation are as follows:

- Matrimonial regimes: community of property; limited community of acquests; and separation of property;
- Implications of matrimonial regimes on the management of family land;
- Land as property that can be inherited;
- Equality of all children in succession of land.

The Rights and Protection of the Child

This topic was facilitated by Me Laurent Nkongoli. The facilitator presented the most important articles of **Law No 27/2001 of April 28, 2001, Relating to Rights and Protection of the Child Against Violence**. These include Articles 1 and 4-9 that define who a child is and spell out the various rights a child should have. The facilitator showed that the provisions of this law are in harmony with both the Succession Law and the OLL.

Questions and Answers

This session was co-facilitated by Me Laurent Nkongoli and John Muyenzi. Most questions from the participants were of a routine nature, seeking clarification or details of certain facts in the presentations. One question however was of particular importance as it referred to the apparent ambiguity between the Succession Law and the OLL on the issue of succession of land. The Succession Law, Article 90 states: “The partition and donation of an estate forming part of the property in succession are subject to land regulations.” The OLL, Article 33 on the other hand says: “Without prejudice to provisions of article 20 of this organic law relating to the area of land which cannot be divided, land is an immovable property included on the list of

properties that are inherited. Succession of land is allowed, and it shall be conducted in accordance with procedures of succession provided for in the law that governs succession.” It was explained that there was no ambiguity. What is meant is that land inheritance follows the same legal procedures as any other immovable property as provided for by the Succession Law, with the proviso that in case of partitioning, this should be in accordance with the OLL provisions.

Mentoring Plan

The session was facilitated by Annie Kairaba. Its aim was to plan the next steps after the training. The facilitator briefly shared the highlights of the LDMP and what was expected of the participants after the training they had received. She then sought their input on a general framework for a follow-up and mentoring activities’ plan. The following is a summary of the framework for both Nyamugali and Kabushinge:

Dispute Resolution Program

Level	Time
<i>Umudugudu</i>	Different days according to each <i>umudugudu</i> ’s convenience
Cell	Fridays: 3.00 to 6.00 PM
Sector	Wednesdays: The whole day from 9.00 AM
<i>Abunzi</i>	Sundays: 2.00 to 6.30 PM

At Cell level, the land committee participates in cases involving land disputes.

The Dispute Resolution Committee at the Sector level is composed of the following:

- Executive Secretary
- Legal Affairs Officer
- Agricultural Officer
- Social Affairs Officer
- Security Officer .

Project Working Group (WG)

The members of the WG were selected as follows:

- Sector Executive Secretary 1
- Cell Executive Secretary 1
- Mediators 3
- Land Committee members 3
- National Women’s Council members 1
- *Imidugudu* representatives 8
- Opinion Leaders 3

Final Evaluation

The final evaluation was done by participants filling in a questionnaire designed for this purpose. The overall evaluation of the training in both venues was very positive on all counts. Participants recommended that more trainings of this nature be organized to keep improving their ability to mitigate and manage land disputes and other conflicts in their communities.

Presentation of Certificates and Official Closing

Gilbert Mwenedata of USAID presented certificates of participation to the training participants, with assistance from the host Sector Executive Secretary and the Director of RISD.

Before the official closing, there were addresses from the participants' representative, the Director of RISD, and the host Sector Executive Secretary. The official closing was performed by ARD Project Coordinator, Justine Mirembe.

ANNEX I: FIELD TRAINING CURRICULUM

USAID/Rwanda: Conflict Management & Mitigation Land Dispute Management Project

FINAL FULL DRAFT – MARCH 5, 2008

Prepared by Rwanda Initiative for Sustainable Development (RISD) Field Training Curriculum on Land Dispute Management for Nyamugali and Kabushinge Cells

This activity is part of the USAID/Rwanda Conflict Management and Mitigation project, otherwise known as the 'Land Dispute Management Project' (LDMP). ARD, Inc. is the recipient of a USAID grant, implemented in partnership with the Office of the Registrar of Land Titles at the Rwanda Ministry of Lands, Environment, Forestry, Water, and Mines (MINITERE). To implement the project, ARD, Inc. has subcontracted with Rwanda Initiative for Sustainable Development (RISD) as the local agency to implement project activities, as well as with the Center for Justice and Peacebuilding (CJP) at Eastern Mennonite University and the Rural Development Institute (RDI).

One major activity of the project is building the capacity for local land dispute resolution processes. The main aim of this activity is to enable local institutions in two government priority pilot areas of Gasabo District in Gatsata Sector, Nyamugali Cell and Musanze District, and Rwaza Sector and Kabushinge Cell to resolve land-related disputes fairly, peacefully, and effectively.

BACKGROUND

Since 1994, the Government of Rwanda (GoR) has made significant progress in reconciliation, governance, and land tenure. With donor support, the GoR established MINITERE in 1999. In the same year, the GoR established the Unity and Reconciliation Commission, which is responsible for resolution of conflicts and disputes, including those related to land. Thereafter, the GoR drafted a National Land Policy in 2000, passed the Policy in February 2004, gazetted the Land Law in 2005, and recently, in 2007, the Office of the Registrar of Land Titles was established. Throughout this process, the GoR has actively facilitated the reintegration of pre- and post-genocide exiles into Rwandan society, introduced *Imidugudu* (grouped settlement) as a means to address land use and human settlement problems, developed the *Gacaca* program to offer the potential of justice and reconciliation, and put in place village-level mediators (*Abunzi*) to hear disputes, especially land disputes.¹

¹ The *abunzi*, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than three million frw, which means over most land disputes. The *Abunzi* also have mandatory jurisdiction over succession and boundary disputes involving less than three million frw.

Land-based reconciliation efforts will require resolving land disputes, increasing tenure security through land rights restitution and formalization, adjudicating land rights, and strengthening systems of dispute resolution. Given that 90 percent of the Rwandan population depends on land as their main source of livelihood, peaceful resolution of competing land claims is critical to continued peace.

The GoR is keenly aware of the danger of devising solutions that could destabilize the country. The government continues to peacefully absorb and reintegrate demobilized soldiers, former prisoners, and returnees (including women and children) into communities, in a situation of increasing land scarcity due to high population growth.

MINIRENA's (MINITERE) current land-related initiatives are focused on implementation of the Organic Land Law, including piloting a land rights formalization process, drafting the necessary implementing laws and decrees, and developing land administration capacity. (These are all part of the DFID-funded *National Land Tenure Reform Program* (NLTRP)). In addition, USAID is providing legal and gender-specific implementation assistance to MINIRENA under the PLACE IQC, Task Order: Property Rights and Resource Governance, *Rwanda Land Law and Policy*.

The LDMP is contributing to all the above efforts, and specifically will:

- (i) Support and strengthen local capacity to resolve land disputes that may arise in Kabushinge and Nyamugali cells as part of pilot areas where land rights have been formalized; and
- (ii) Educate individuals in Nyamugali and Kabushinge, who are responsible for resolving land disputes, about the land law and avenues for seeking relief, with the goal of reducing and preventing the recurrence of land-related disputes.

In implementing the activities, LDMP focuses particular attention on women and disadvantaged groups to help ensure they have access to an appropriate land dispute resolution process, and that dispute resolution actors are aware of those groups' land rights. As preparation for this field training, ARD, CJP, and RDI conducted two "training of the trainers" for RISD on conflict resolution theory and methods and on the law governing land rights, including the rights of women and children.

The establishment of tenure security, through appropriate legislation and socially inclusive land rights formalization, backed by effective mechanisms for land adjudication and dispute resolution, will provide for reconciliation and further prevention of conflict.

COURSE DESCRIPTION

RISD will conduct a six-day field training in each of the pilot areas, that is in Nyamugali Cell in Gatsata Sector, and in Kabushinge cell of Rwaza Sector. The training is on dispute resolution methods applied to land-related disputes, and on land-related laws, including the rights of women and disadvantaged groups. The six-day training will discuss basic theories and skills in dispute resolution, and strategies towards a fair, peaceful, and effective mechanism for resolving land disputes.

COURSE CONTEXT ANALYSIS

Context analysis reveals that these are the needs of the participants and society at large to resolve land disputes without going to court, by using locally available mechanisms, such as the Abunzi, Land Committee and the National Women Council (CNF), to mention a few.

The training has been identified as a need because of the existing knowledge gaps in the roles and needed skills of conflict resolution mediators, such as the Abunzi, Land Committees, Land Adjudication Committee, and CNF.

Abunzi and Land Committees are new institutions in Rwanda who have not benefited from relevant trainings, including understanding their own roles and the dispute resolution and management mechanisms, which is a key component of their effectiveness. Whereas the National Women Council is expected to handle various disputes and gender-based violence issues that affect women and other disadvantaged groups, they do not have the requisite knowledge to deal with problems of their constituency, including land rights disputes and related violence. The training, therefore, will benefit different actors in understanding the existing land laws and skills in peaceful resolution of land disputes in both Nyamugali and Kabushinge cells, and so benefit the communities who will not have to go to court.

USER ANALYSIS

The users of this curriculum are the training participants from the two project pilot areas of Nyamugali and Kabushinge cells, which include The Abunzi, Cell Committees, Land Committees, Land Adjudication Committee, CNF, and other community leaders who informally resolve disputes. These institutions and individuals have been identified for the training based on their current role in resolving land disputes. In order to achieve the overall aim of the activity, which is to enable local institutions to resolve land disputes fairly, peacefully, and effectively, all of these identified institutions must be very familiar with the content of the land law, specifically the Organic Land Law, the Child Protection Law, the Succession Law, and their implementing decrees. For example, an analysis by the Ministry of Justice (MINIJUST) (2006) reveals that 80 percent of cases that are taken to court are less than 1,000,000 frw in value, and most of these cases are related to small offenses that can be handled at the community level, like the grassing land, demarcation, etc. When these small offenses are left unresolved over a long period of time, as is common, these small offenses may escalate into family and community disputes and conflicts. This possibility is the reason that the GoR institutionalized the Abunzi: to deal with such community offenses valued up to a maximum value of frw 3,000,000. However, as revealed by both MINIJUST and the CMM/LDMP, the capacity of the Abunzi, for example, needs to be strengthened. The Abunzi needs to understand their critical role in dispute resolution as well as basic principles of dispute management and land law.

Because the targeted institutions in the two pilot cells reflect the structure at the national level, piloting the training of these institutions ensures the effectiveness and sustainability of the project, since replication in other parts of the country will be easier and more effective when dealing with the same structures.

COURSE CONTENT ANALYSIS

RISD staff developed this curriculum from the training of the trainers it received and from the findings of a participatory assessment conducted in both Nyamugali and Kabushinge cells. The aim of the assessment was to identify the existing processes for resolving land disputes, and the existing knowledge in the community on land-related laws, skills, and structures that deal with land disputes. Hence, the content of the training is a result of the participatory assessment where the community in the pilot areas identified and agreed on the institutions that deal with land disputes. The assessment also identified needs and gaps of these institutions in terms of their role in resolving the land-related issues in Nyamugali and Kabushinge fairly, peacefully, and effectively. Therefore, the training content includes knowledge and skills in conflict resolution and management, skills in community participation and dialogue in dispute management, and knowledge of organic law and other land-related laws.

TRAINING SUITABILITY ANALYSIS

Training is an educational process that involves the creation and acquisition of knowledge, skills, and attitudes. The project identified this training as the best starting point for a long-term strategy of dealing with land-related disputes in Kabushinge and Nyamugali cells as pilot areas for the GoR. The long-term strategy is to systematically document lessons, knowledge, skills, and attitudes learned from Kabushinge and Nyamugali

for MINITERE to consider replication in other parts of Rwanda, which will influence the change towards effective community land-related dispute management without going to court.

COURSE AIM

To enable local institutions to resolve land-related disputes fairly, peacefully, and effectively.

COURSE OBJECTIVES

At the end of the training the participants should be able to:

- 1) Define what conflict and dispute are and be able to analyze their nature;
- 2) Identify and assess the existing land-related dispute resolution mechanism in Nyamugali and Kabushinge;
- 3) Describe actors and their roles in land dispute resolution in Nyamugali and Kabushinge;
- 4) Build knowledge skills in appropriate dispute resolution mechanisms for women and disadvantaged groups;
- 5) Describe different systems of land administration in Rwandan history;
- 6) Describe the 2004 Rwandan Land Policy and the 2005 Organic Land Law; and
- 7) Understand the linkages between the Organic Land Law, the Succession Law, and other laws that govern women and children's land rights.

COURSE CONTENT

Module I: Dispute Resolution

I.1 To define what conflict and dispute are and be able to analyze their nature

This objective covers the theoretical part of this course. It seeks to assist participants to understand the nature of conflict as a natural and necessary part of their lives, by examining the positive and negative aspects of conflict.

The module also includes critical review and understanding of the concepts of conflict and disputes. Functions of conflict will also be discussed.

One of the advantages of this training is that it is fully conducted in the local language, Kinyarwanda, which is understood and used by all participants from both Nyamugali and Kabushinge. As a starting point of the whole training, participants will be facilitated to define some common concepts that will be used throughout the training like Dispute, Peace, Mediation, Reconciliation, etc. This exercise is important to be clear at the beginning of the training so that both the participants and the trainers have a common understanding of the major concepts.

I.2 To analyze land-related disputes in Nyamugali and Kabushinge cells

Through case studies, the content of this objective will cover identification and analysis of existing land-related disputes in Nyamugali and Kabushinge cells. The causes of the land disputes in the two cells will also be identified and analyzed. The trainer will emphasize learning from actual case studies from Nyamugali and Kabushinge cells by facilitating the participants to come up with the case studies themselves.

This content is critically important, because in order to have a strategy for dispute resolution intervention, one has to understand the categories of disputes, which is covered under this content. The content also includes facilitating dispute analysis among participants, with an aim of looking critically into the specific disputes, causes, context, participants, and stakeholders.

The content also seeks to understand the relationships involved in the dispute by using a dispute mapping tool that reveals types of disputes and then considers the functions of conflict.

The session will be facilitated through both lecture and exercises through role plays and case studies conducted in both small and large groups to ensure the interaction of trainees, for better interactions.

1.3 To identify and assess the existing dispute resolution mechanisms

The content of this objective will include analysis of existing dispute resolution mechanisms in Nyamugali and Kabushinge cells. The analysis will include identifying and assessing existing institutions and their roles. The content will also analyze the strength and weakness of the existing dispute resolution mechanisms.

Tools used by the facilitator in the session will include brainstorming, and working in groups to identify the existing dispute resolution mechanisms in both Kabushinge and Nyamugali. Participants will be encouraged to identify through brain storming some land-related disputes in the area. Then the facilitator will assist the groups in demonstrating in writing the existing mechanisms for land-related dispute resolution using identified cases.

The facilitator will then present a lecture on conflict resolution methods, including explaining working terms and definitions, such as “negotiation,” “facilitation,” “mediation,” “cooperative problem-solving,” “arbitration,” etc.

Participants will again work in groups to work on other identified case studies, trying to answer questions such as:

- What methods of dispute resolution are applied in the case-study?
- Who has the power?
- Who decides the outcome and how?

1.4 To describe actors and their roles in land dispute resolution

This content involves analysis of stakeholders in the dispute resolution and how participants define their roles.

This session is also facilitated through a mixture of lecture, brainstorming, and group work. Participants will be facilitated to define their roles in terms of institutions they represent, e.g., the role of the Abunzi, the role of the Land Committee, etc.

The group’s work will be complemented by the presentation of circle processes of different roles of different actors in dispute resolution so that participants can mirror themselves.

This session is important for participants to gauge the knowledge and skills they are gaining during the training. The session is scheduled towards the end of the training to assist participants in understanding their unique roles and different responsibilities as peace builders.

1.5 To apply appropriate dispute resolution mechanisms, with special attention to women and vulnerable groups

This content emphasizes the practical aspects of dispute resolution related to the land rights of women and disadvantaged groups. Participants will identify a common dispute, analyze it, and develop an appropriate strategy from the theory already provided under 1.1 – 1.4 above.

This session is facilitated through case studies. The trainer will facilitate participants to work through groups on case studies identified by participants. These will most likely be real issues from both Nyamugali and Kabushinge cells. The aim of this session is to put emphasis among participants on the importance of paying special attention on land dispute-related cases that deal with women and disadvantaged groups.

Through group discussions, participants will be encouraged to discuss real cases, which present the opportunity to deepen participants' understanding of and appreciation for the unique land-related issues that women and disadvantaged groups face, as well as methods for dealing with such cases. To the extent appropriate, actual cases will be documented and followed up after the training.

Module 2: Laws relating to Land

2.1 Describe different land administration systems in Rwandan history

This content examines the history of Rwandan land administration and management systems, before, during, and after colonialism. The trainer will highlight key issues under each system, with an aim of assisting the participants in identifying key challenges and opportunities associated with the prior resolution mechanisms under in each system.

After the lecture, the trainer will facilitate the participants to form small groups to discuss the different land management regimes, asking the participants to identify additional opportunities and challenges and possible dispute issues in different regimes.

Making this session the starting point of Module 2 is logical because participants start thinking in terms of linking the dispute management of Module 1 to Module 2.

2.2 The 2005 Organic Land Law and the Land Policy of 2004

This content is key in Module 2 on land-related laws. The content introduces the land policy, which guided the formulation of the Organic Land Law and continues to shape policy decisions. The Organic Land Law is the main law that influences all other land-related laws. The trainer will spend enough time first to summarize the policy, most of which will have been covered under 2.1 above. The trainer will then move to the Organic Land Law, explicitly explaining relevant articles of the law, and giving enough time to participants to ask questions. In these sessions, the available by-laws implementing the Organic Land Law will be discussed, and the ones yet to be completed will also be mentioned.

In every session of the training, there will be a trainer and a note taker. Taking notes in this particular session is key because these questions and answers will form issues for discussion in the small group discussions.

2.3 Assess the linkages between the Organic Land Law, the Succession Law, and other laws governing land rights

This objective will be achieved through the guided presentation and discussion of the Organic Land Law, the Succession Law, and other laws governing land rights. The session will also include a discussion of relevant provisions of the Constitution and relevant provisions of international conventions.

This content covers property rights, especially those of women, children, and disadvantaged groups, and laws that protect children and women from violence. The trainer will facilitate the participants to discuss specific

land rights issues in Nyamugali and Kabushinge and be able to relate them to relevant types of disputes and what laws apply.

This session gives participants an opportunity to link land disputes and dispute resolution mechanisms learned in Module 1. Case studies will be used—the trainer also will facilitate the participants to reflect to some of the already used case studies under Module 1 above.

TRAINING METHODOLOGY

All participants are adults, which requires that the learning methodology be based on participatory adult learning models, drawing from Paulo Freire’s ‘Problem Posing Education’ model. This model is based on inquiry and analysis from the participants’ knowledge, experience, and perspectives. During the training, different modes of engaging participants will be applied, including role plays, storytelling, group tasks, concept presentations through mini-lectures, and case study analyses and discussions. Kinyarwanda language will be used throughout the training, which is a powerful tool in peace work as the language used by everybody in both Nyamugali and Kabushinge cells.

TIME

The two training modules are proposed to be conducted under the following schedules:

March 10, 11, and 12 - Dispute Resolution training in Nyamugali Cell

March 13, 14, and 15 - Dispute Resolution training in Kabushinge Cell

March 17, 18, and 19 - Organic Land Law and Other related land laws in Nyamugali Cell

March 25, 26, and 27 - Organic Land Law and Other related land laws in Kabushinge Cell

CRITERIA FOR TRAINING EVALUATION

The project will request that the participants evaluate training content and methods. The project will use different methods for evaluating the training all aimed at assisting RISD, as the trainer, to analyze whether the objectives of the training have been achieved, i.e., whether participants have gained the desired knowledge and skills from the training.

Hence, the evaluation methodology will include requesting that participants complete a written evaluation form at the end of each day. The information from these forms will assist trainers to analyze the level of understanding of the participants, whether the participants appreciate the training, whether the training environment is appropriate, etc. This method will help trainers monitor progress and, where necessary, modifications can be made to continuously make the training more effective.

Observation is another method that will be used to evaluate the effectiveness of the training. The trainers will observe how the participants apply the skills and knowledge taught. This observation is analyzed through class work discussions, role plays, and case studies.

The third method for evaluating the training is asking participants to complete another written evaluation form at the end of each module and at the end of the two modules. The information on these evaluation forms will be an important feedback to the training on how trainees rated the training in terms of achieving the training objectives and how they found the training contributing towards building their skills.

The fourth method is through a mentoring process. At the end of the training, RISD will follow up with the trainees to monitor how they apply the skills and knowledge learned in the real situation with their relevant communities. Mentoring will take place over three months, and lessons will be clearly documented. The

documented information will benefit the trainees as a feedback on what is working better, what needs improvement, and what is not working from the skills and knowledge learned. The documented information will also benefit MINIRENA—as a contribution towards an improved process of formalizing land rights and managing related land disputes—before those processes are implemented across the country in 2009.

ANNEX II: TRAINING AGENDAS

USAID/Rwanda: Conflict Management & Mitigation Land Dispute Management Project

TRAINING PROGRAMME

On Land Dispute Management and Land-Related Laws For Nyamugali Cell in Gatsatsa Sector, in Gasabo District

Held March 17–21, 2008

At Iwacu Kabusunzu

Facilitated by Rwanda Initiative for Sustainable Development (RISD)

COURSE DESCRIPTION

RISD will conduct a five-day field training in Nyamugali Cell in Gatsatsa Sector, in Gasabo District. The training is on dispute resolution methods applied to land-related disputes, and on land-related laws, including the rights of women and disadvantaged groups. The five-day training will discuss basic theories and skills in dispute resolution, and strategies towards a fair, peaceful, and effective mechanism for resolving land disputes. Participants will also be able to describe the Organic Land Law and other land-related laws, especially the by-laws provided for in the Organic Land Law, the Child Protection Law, and the Succession Law.

COURSE AIM

To enable local institutions to resolve land-related disputes fairly, peacefully, and effectively without going to court.

COURSE OBJECTIVES

At the end of the training, the participants should be able to:

- 1) Define what conflict and dispute are and be able to analyze their nature;
- 2) Identify and assess the existing land-related dispute resolution mechanism in Nyamugali;
- 3) Describe actors and their roles in land dispute resolution in Nyamugali;
- 4) Build knowledge skills in appropriate dispute resolution mechanisms for women and disadvantaged groups;
- 5) Describe different systems of land administration in Rwandan history;
- 6) Describe the 2004 Rwandan Land Policy and the 2005 Organic Land Law; and

- 7) Understand the linkages between the Organic Land Law, the Succession Law, and other laws that govern women and children's land rights.

PARTICIPANTS

The training participants from Nyamugali Cell include 15 members of Abunzi, 8 representative from each *Umuugudu* of Nyamugali, 2 representatives from CNF, 5 members of the Land Adjudication Committee, 5 members of Land Committees, the Cell Coordinator, the Cell Executive Secretary, and the Sector Executive Secretary. These institutions have been identified for the training based on their current role in resolving land-related disputes.

TRAINING CONTENT

The training content includes knowledge and skills in conflict resolution and management, skills in community participation and dialogue in dispute management, and knowledge of organic law and other land-related laws.

DAY I		MODULE I: LAND DISPUTE MANAGEMENT	
Mon 17 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.30	Arrival and registration of participants		Abdul Karim Kalisa
08.30 – 08.45	Participants introduction and Training Program		Annie Kairaba
08.45 – 09.45	Understanding conflict: Nature of conflict	To define what conflict and dispute are and be able to analyze their nature	Lucie Narukundo Co-facilitator: Annie Kairaba
09.45 – 10.30	Causes of disputes and conflicts		
10.30 – 10.45	T E A B R E A K		
10.45 – 12.30	Conflict and violence analysis		
12.30 – 13.00	Questions & Answers and Group Formation		
13.00 – 13.45	L U N C H		
13.45 – 15.00	Group work		
15.00 – 15.15	T E A B R E A K		
15.15 – 16.15	Group work presentations and discussions		
16.15 – 16.30	Evaluation		
16.30	End of day I		

DAY 2	MODULE I (cont....)		
Tues 18 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.05	Evaluation Feedback		TBD
08.05 – 09.00	Intervening in conflicts: Conflict resolution: terms and definitions	- To identify and assess the existing land-related dispute resolution mechanism in Nyamugali	Ivan Kayonga Co-facilitator: John Muyenzi
09.00 – 10.00	Group work	- To describe actors and their roles in land dispute resolution in Nyamugali	
10.00 – 10.30	Official Opening		
10.30 – 11.00	T E A B R E A K & G R O U P P H O T O		
11.00 – 13.00	Spectrum of response to conflict		
13.00 – 13.45	L U N C H		
13.45 – 15.00	Roles played in conflict situations: more specifically the roles of the participants in dispute resolution		
15.00 – 15.15	T E A B R E A K		
15.15 – 16.15	Cultural aspects influencing conflict resolution in the Rwandan context		
16.15 – 16.30	Evaluation		
16.30	End of day 2		

DAY 3 AM		MODULE 1 (cont...)	
Wed. 19 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.05	Evaluation feedback		TBD
08.05 – 09.00	Mediation and Reconciliation: Active listening	To build knowledge skills in appropriate dispute resolution mechanisms for women and disadvantaged groups	Abdul Karim Kalisa Co-facilitator: Annie Kairaba
09.00 – 10.30	Fundamental aspects of mediation and Dialogue		
10.30 – 10.45	T E A B R E A K		
10.45 – 12.00	Group work		
12.00 – 13.00	Group Presentation and Discussions		
13.00 – 13.45	L U N C H		
END OF MODULE 1			

DAY 3 PM		MODULE 2: ORGANIC LAND LAW AND OTHER RELATED LAWS	
Wed. 19 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
13.45 – 15.00	The history of land management in Rwanda: Customary and Written Laws	To describe different systems of land administration in Rwandan history	Mr. John Muyenzi Co-facilitator: Me. L. Nkongoli
15.00 – 15.15	T E A B R E A K		
15.15 – 15.45	Group work		
15.45 – 16.15	Group Presentation and Discussion		
16.15 – 16.30	Evaluation		
16.30	End of day 3		

DAY 4	MODULE 2 (cont...)		
Thurs 20 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.05	Evaluation feedback		TBD
08.05 – 09.30	The 2004 National Land Policy	To describe the 2004 Rwandan Land Policy and the 2005 Organic Land Law	John Muyenzi
09.30 – 10.00	General provisions - principles of the 2005 Organic Land Law		Co-Facilitators: Annie Kairaba Me. L. Nkongoli
10.00 – 10.15	T E A B R E A K		
10.15 – 11.15	Categorization of land		
11.15 – 12.30	Management and use of land		
12.30 – 13.00	Discussions		
13.00 – 13.45	L U N C H		
13.45 - 14.45	Rights and obligations of land owners		
14.45 – 15.00	Discussions		
15.00 – 15.15	T E A B R E A K		
15.15 – 16.15	Reforms introduced by the Organic Land Law		
16.15 – 16.30	Evaluation		
16.30	End of day 4		

DAY 5	MODULE 2 (cont...)		
Friday 21 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.05	Evaluation feedback		TBD
08.05 – 09.00	The linkage between the Organic Land Law and other Related Laws: Laws and Orders for implementing the Organic Land Law	To understand the linkages between the Organic Land Law, the Succession Law, and other laws that govern women and children's land rights	Me. L. Nkongoli Co-facilitators: John Muyenzi Annie Kairaba
09.00 – 09.30	Constitution 2003		
09.30 – 10.30	Organic Law for Abunzi Law 2006		
10.30 – 10.45	T E A B R E A K		
10.45 – 11.30	Group discussion		
11.30 – 12.00	Group work presentations		
12.00 – 13.00	Succession law 1999		
13.00 – 13.45	L U N C H		
13.45 – 14.30	The rights and protection of the child against violence 2001		
14.30 – 15.00	Questions and answers		
15.00 – 15.15	T E A B R E A K		
15.15 – 16.00	Mentoring Plan		
16.00 – 16.15	Final Evaluation		
16.15 – 16.45	Presentation of Certificates and Official Closing		
END OF MODULE 2			

**USAID/Rwanda: Conflict Management & Mitigation
Land Dispute Management Project**

TRAINING PROGRAMME

**On Land Dispute Management and Land-Related Laws
For Kabushinge Cell in Rwaza Sector, in Musanze District**

Scheduled March 24–28, 2008

Facilitated by Rwanda Initiative for Sustainable Development (RISD)

COURSE DESCRIPTION

RISD will conduct a five-day field training in Kabushinge Cell in Rwaza Sector, in Musanze District. The training is on dispute resolution methods applied to land-related disputes, and on land-related laws, including the rights of women and disadvantaged groups. The five-day training will discuss basic theories and skills in dispute resolution, and strategies towards a fair, peaceful, and effective mechanism for resolving land disputes. Participants will also be able to describe the Organic Land Law and other land-related laws, especially the by-laws provided for in the Organic Land Law, the Child Protection Law, and the Succession Law.

COURSE AIM

To enable local institutions to resolve land-related disputes fairly, peacefully, and effectively without going to court.

COURSE OBJECTIVES

At the end of the training the participants should be able to:

- Define what conflict and dispute are and be able to analyze their nature;
- Identify and assess the existing land-related dispute resolution mechanism in Kabushinge;
- Describe actors and their roles in land dispute resolution in Kabushinge;
- Build knowledge skills in appropriate dispute resolution mechanisms for women and disadvantaged groups;
- Describe different systems of land administration in Rwandan history;
- Describe the 2004 Rwandan Land Policy and the 2005 Organic Land Law; and
- Understand the linkages between the Organic Land Law, the Succession Law, and other laws that govern women and children's land rights.

PARTICIPANTS

The training participants from Kabushinge Cell include 15 members of Abunzi, 8 representatives from each *Umudugudu* of Kabushinge, 2 representatives from CNF, 5 members of the Land Adjudication Committee, 5 members of Land Committees, the Cell Coordinator, the Cell Executive Secretary, the Sector Executive Secretary, and 1 representative of the Police in Rwaza. These institutions have been identified for the training based on their current role in resolving land-related disputes.

TRAINING CONTENT

The training content includes knowledge and skills in conflict resolution and management, skills in community participation and dialogue in dispute management, and knowledge of organic law and other land-related laws.

DAY I		MODULE I: LAND DISPUTE MANAGEMENT	
Mon. 24 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.30	Arrival and registration of participants		Abdul Karim Kalisa
08.30 – 08.45	Participants introduction and Training Program		Annie Kairaba
08.45 – 09.45	Understanding conflict: Nature of conflict	To define what conflict and dispute are and be able to analyze their nature	Lucie Narukundo Co-facilitator: Annie Kairaba
09.45 – 10.30	Causes of disputes and conflicts		
10.30 – 10.45	T E A B R E A K		
10.45 – 12.30	Conflict and violence analysis		
12.30 – 13.00	Questions & Answers and Group Formation		
13.00 – 13.45	L U N C H		
13.45 – 15.00	Group work		
15.00 – 15.15	T E A B R E A K		
15.15 – 16.15	Group work presentations and discussions		
16.15 – 16.30	Evaluation		
16.30	End of day I		

DAY 2	MODULE I (cont...)		
Tues. 25 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.05	Evaluation Feedback		TBD
08.05 – 09.00	Intervening in conflicts: Conflict resolution: terms and definitions	- To identify and assess the existing land-related dispute resolution mechanism in Kabushinge	Ivan Kayonga Co-facilitator: John Muyenzi
09.00 – 10.00	Group work	- To describe actors and their roles in land dispute resolution in Kabushinge	
10.00 – 10.30	Official Opening		
10.30 – 11.00	T E A B R E A K & G R O U P P H O T O		
11.00 – 13.00	Spectrum of response to conflict		
13.00 – 13.45	L U N C H		
13.45 – 15.00	Roles played in conflict situations: more specifically the roles of the participants in dispute resolution		
15.00 – 15.15	T E A B R E A K		
15.15 – 16.15	Cultural aspects influencing conflict resolution in the Rwandan context		
16.15 – 16.30	Evaluation		
16.30	End of day 2		

DAY 3 AM		MODULE I (cont...)	
Wed. 26 March			
08.00 – 08.05	Evaluation feedback		TBD
08.05 – 09.00	Mediation and Reconciliation: Active listening	To build knowledge skills in appropriate dispute resolution mechanisms for women and disadvantaged groups	Abdul Karim Kalisa Co-facilitator Annie Kairaba
09.00 – 10.30	Fundamental aspects of mediation and negotiation		
10.30 – 10.45	T E A B R E A K		
10.45 – 12.00	Group work		
12.00 – 13.00	Group Presentation and Discussions		
13.00 – 13.45	L U N C H		
END OF MODULE I			

DAY 3 PM		MODULE 2: ORGANIC LAND LAW AND OTHER RELATED LAWS	
Wed. 26 March		Theme/Topic	Objective/ Expected Outcome
13.45 – 15.00	The history of land management in Rwanda: Customary and Written Laws	To describe different systems of land administration in Rwandan history	Mr. John Muyenzi Co-facilitator: Me. L. Nkongoli
15.00 – 15.15	T E A B R E A K		
15.15 – 15.45	Group work		
15.45 – 16.15	Group Presentation and Discussion		
16.15 – 16.30	Evaluation		
16.30	End of day 3		

DAY 4	MODULE 2 (cont...)		
Thurs. 27 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.05	Evaluation feedback		TBD
08.05 – 09.30	The 2004 National Land Policy	To describe the 2004 Rwandan Land Policy and the 2005 Organic Land Law	John Muyenzi
09.30 – 10.00	General provisions - principles of the 2005 Organic Land Law		Co-Facilitators: Annie Kairaba Me. L. Nkongoli
10.00 – 10.15	T E A B R E A K		
10.15 – 11.15	Categorization of land		
11.15 – 12.30	Management and use of land		
12.30 – 13.00	Discussions		
13.00 – 13.45	L U N C H		
13.45 - 14.45	Rights and obligations of land owners		
14.45 – 15.00	Discussions		
15.00 – 15.15	T E A B R E A K		
15.15 – 16.15	Reforms introduced by the Organic Land Law		
16.15 – 16.30	Evaluation		
16.30	End of day 4		

DAY 5	MODULE 2 (cont...)		
Fri. 28 March	Theme/Topic	Objective/ Expected Outcome	Facilitator
08.00 – 08.05	Evaluation feedback		TBD
	The linkage between the Organic Land Law and other Related Laws:	To understand the linkages between the Organic Land Law, the Succession Law, and other laws that govern women and children's land rights	Me. L. Nkongoli Co-facilitators: John Muyenzi Annie Kairaba
08.05 – 09.00	Laws and Orders for implementing the Organic Land Law		
09.00 – 09.30	Constitution 2003		
09.30 – 10.30	Organic Law for Abunzi Law 2006		
10.30 – 10.45	T E A B R E A K		
10.45 – 11.30	Group discussion		
11.30 – 12.00	Group work presentations		
12.00 – 13.00	Succession Law 1999		
13.00 – 13.45	L U N C H		
13.45 – 14.30	The rights and protection of the child against violence 2001		
14.30 – 15.00	Questions and answers		
15.00 – 15.15	T E A B R E A K		
15.15 – 16.00	Mentoring Plan		
16.00 – 16.15	Final Evaluation		
16.15 – 16.45	Presentation of Certificates and Official Closing		
END OF MODULE 2			

ANNEX III: TRAINEE GUIDE

TRAINEE GUIDE ON LAND DISPUTE MANAGEMENT & LAND-RELATED LAWS

Prepared by the
Land Dispute Management Project
USAID/Rwanda

This guide is intended as a reference for those local leaders who participated in the USAID-supported Land Dispute Management Project (LDMP) trainings on dispute resolution methods and basic land law. The guide includes basic concepts covered in the LDMP training and is not a comprehensive treatment of the subjects.

Objectives of training

At the end of the training the participants should be able to:

- Define what conflict and disputes are and be able to analyze their nature.
- Identify and assess the existing land-related dispute resolution mechanisms in their Cell.
- Describe the actors and their roles in land dispute resolution in their Cell.
- Practice skills in appropriate dispute resolution mechanisms for women and disadvantaged groups.
- Describe the 2005 Organic Land Law.
- Describe the linkages between the Organic Land Law, and other laws that govern women and children's land rights.

I. OBJECTIVE: DEFINE WHAT CONFLICT AND DISPUTES ARE AND BE ABLE TO ANALYZE THEIR NATURE

Nature of Conflict

Conflict can tear us apart or it can bind us together. Therefore, the challenge is not to eliminate conflict but to effectively address it when it arises.

Conflict Analysis

To analyze a conflict, ask the following questions.

- 1) Who are the parties relevant to the conflict situation?
- 2) What are the positions of each party in the conflict?
- 3) What are the needs and interests of each party? [In other words *what are they saying without saying? What lies beyond the spoken word?*]

- 4) What are the relative power, status, and resources of each part in the conflict?
- 5) What are the processes they are using to pursue their interest in conflict with others?
- 6) Within what framework, structure, or system is the conflict taking place?
- 7) How are decisions made and conflict resolved/transformed in the situation?
- 8) What external factors impact the conflict?
- 9) What outcome does each party expect?
- 10) What are the possible changes as the result of the resolution/transformation of the conflict at following levels:
 - a. personal
 - b. relational
 - c. structural/systems
 - d. culture/traditions
 - e. spiritual.

Conflict Interventions

In general, the higher the level of mutual participation in solving the conflict, the more long-lasting and deep-rooted that solution will be. The top of this list has low mutual participation, and the end of the list has high mutual participation.

Level of mutual participation in search for solution

- **Force.** Parties have virtually no opportunity to present their case.
- **Adjudication.** Parties have opportunity to present case but third party, appointed by state, imposes solution.
- **Arbitration.** Parties can choose arbiter and whether the outcome will be binding. However, solution is imposed by outsider and may be imposed by law.
- **Negotiation.** Parties formulate issues and find resolution. However, the final solution might depend on the relative power of the parties.
- **Mediation.** Mediator tries to eliminate obstacles to negotiation that may include power imbalances. The parties determine the outcome.
- **Reconciliation.** The process searches for solution but also fundamentally alters relationships. All parties must equally invest and participate.

2. OBJECTIVE: IDENTIFY AND ASSESS THE EXISTING LAND-RELATED DISPUTE RESOLUTION MECHANISMS IN THEIR CELL

Trainee to complete this section. What are the land-related dispute resolution mechanisms in your cell?

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

3. OBJECTIVE: DESCRIBE THE ACTORS AND THEIR ROLES IN LAND DISPUTE RESOLUTION IN THEIR CELL

Trainee to complete this section. Who are the dispute resolution actors in your cell and what is their role?

Actor _____
Role _____

4. OBJECTIVE: PRACTICE SKILLS IN APPROPRIATE DISPUTE RESOLUTION MECHANISMS FOR WOMEN AND DISADVANTAGED GROUPS

The importance of listening

One of the deepest needs of all human beings is to feel understood and be accepted by others. Offering understanding to another person is a potent form of empowerment. We need not agree with others to empower them in this way; we need only to make it clear through our eyes, body posture, and tone of voice that we want to see the world from their perspective. Our interactions with others must come from a point of deep, non-judgmental interest. The key is to grasp the why behind what is being said or done in order to gain insight into the deeper interests and needs of the person with whom we are communicating. From the moment that people feel you are truly seeking to understand, they begin dealing with problems and other people more constructively. Good listening skills are used throughout any process designed to constructively resolve conflict. Good listening is, perhaps, the most significant skill a mediator or facilitator brings to assist parties in conflict.

ACTIVE LISTENING

Active listening is important in context, but is critical when dealing with people who may not be accustomed to speaking in public, or who may feel that they are not being listened to, or who do not expect to be heard.

Objectives of active listening

- To show the speaker that his/her message has been heard.
- To help the listener gain clarity on both the content and emotion of the message.
- To help speakers express themselves and to encourage them to explain, in greater detail, their understanding of the situation and what they are feeling.
- To encourage the understanding that expression of emotion is acceptable and that it is useful in understanding the depth of feelings.
- To create an environment in which the speaker feels free and safe to talk about a situation.

The four **levels** of listening: Active listening takes place on four levels:

- **'The head'**: listening for facts and other forms of information.
- **'The heart'**: listening for feelings. Conflict is often associated with strong feelings such as anger, fear, frustration, disappointment, etc. Strong feelings often block the way to rational discussions and therefore have to be identified and dealt with before proceeding to substantive matters.
- **'The stomach'**: listening for basic human needs. Identify what basic needs are driving the conflict and distinguish between needs and satisfiers.
- **'The feet'**: listening for intention or will. Identify in which direction the person/group is moving and how strong their commitment

STAGES OF MEDIATION

Stage 1: Introduction

Remember that when parties arrive they are often:

- Anxious and tense
- Suspicious of the other party and their motivations
- Fearful of being manipulated or taken advantage of
- Unclear about what happens in a mediation session and what to expect from the mediators
- Afraid that things will escalate out of control.

The purpose of the Introduction Stage is to deal with and allay these fears, in order for people to feel comfortable participating in and trusting the process. The beginning of the mediation session affects the tone of the whole discussion. People usually agree to mediate because they hope that talking might improve things. Getting things off on the right foot in an atmosphere of negative emotions is a critical first step in mediating. Getting people to agree to meet and talk is itself a major challenge.

Remember that the Introduction Stage is your time - the rest of the mediation belongs to the parties. It is up to you to set the tone, be firm, direct the process. All of this will increase the confidence of the parties that their concerns will be taken care of.

Stage 2: Description

The Conflict Description stage presents an opportunity for the mediator to begin to understand the perspective of each party, and to start formulating in his/her mind the crucial issues that need to be addressed, and a way to proceed. Even more importantly, through communication skills such as active listening, the mediator allows parties to feel that they have been heard, and assists parties to hear each other—sometimes for the first time. This represents a turning point in many conflicts, for parties who have not understood the effect of their actions on others, and have not been able to express what they in turn have been feeling.

Process

- 1) Each party explains the situation from their perspective while the other party listens.
- 2) Mediators summarize briefly and empathetically as each party finishes, reflecting facts, feelings, interests and needs.
- 3) Mediators may ask, or invite other parties to ask, questions to clarify various points.
- 4) The mediators identify and list issues.

Stage 3: Problem-solving

The problem-solving stage is the most challenging part of mediation, for it is now that the first serious efforts at resolution are made. Although we propose a sequence of activities that will give you some idea of things that might take place, there are no rules about how to go about this stage.

Process: Two basic tasks occur in this stage—working with problems through rational efforts at problem-solving and negotiation, and working with people—through good listening and skill in handling bruised feelings.

Suggested Sequence:

1. List issues for parties to see
2. Point out commonalities
 - common frustrations
 - common commitments
 - inter-dependency
 - common good intentions, even if outcome has been unsuccessful, try to find something positive to highlight, but make sure it is believable.
3. Generate ideas to resolve the issues. It is often helpful to structure option generation by focusing on one issue at a time; however, there are situations where it is more constructive to group similar issues together and discuss them as a block.
 - Use the Conflict Description format for each issue
 - Continue with standard problem-solving approach:
 - a. identify interests/needs
 - b. ask for ideas to resolve
 - c. evaluate ideas
 - d. choose and plan implementation
4. People skills used throughout
 - Attentive listening
 - Highlight commonalities and good intentions
 - Acknowledge feelings
 - Coach direct dialogue and paraphrasing
 - Draw people out in caucus
 - Affirm parties and celebrate progress

Clarifying the Issues

One of the most useful contributions of mediators is to clarify the issues in conflict. This is often first done after each party has told their side of things in Conflict Description, as a way of focusing the discussion that will follow in the Problem-solving Stage. By clarifying the issues, the mediation process can be improved in several ways:

- Often parties are themselves confused about what the conflict is actually about. Party A may think one problem is the cause, Party B may think a different problem is the cause.
- Frequently parties think that their divisions are greater/more numerous than they actually are. Clarifying the issues may help make the conflict seem more manageable. “*I was surprised when you made that list on the board.*” A party once commented near the end of a mediation session, “*Before we started it seemed like we had more than three issues between us.*”

It is difficult to maintain control of the discussion if the parties have not agreed to a list of issues for discussion. Having a written “agenda” of issues is the mediator’s most powerful tool in establishing an atmosphere of impartiality and maintaining control over the discussion process. Not having a written agenda increases the risk of parties simply bouncing from one issue to another, trading accusations but never penetrating deeper to the underlying needs.

Stage 4: Agreement

The purpose of the Agreement Stage, is to solidify the outcome of the Problem-solving Stage, and to ensure that any agreements reached are clear, specific, realistic, and proactive.

Process: The agreement should state clearly **WHO** is agreeing to **WHAT, WHERE, WHEN, and HOW**. The disputants' wording can be used whenever possible.

An effective agreement should:

Be specific

Avoid ambiguous words (e.g., ‘soon’, ‘reasonable’, ‘co-operative’, ‘frequent’) as they can mean different things to different people. Use specific words and dates that will have the same meaning to both parties.

Be clear about deadlines

State clearly all times and deadlines.

Be balanced

Everyone should ‘win’ something, and agree to do/not do something. For example, “*Party A agrees that... Party B agrees that...*”

Be realistic

Can the disputants live up to their agreement? Ideally the agreement speaks only for the disputants themselves, i.e., actions over which they personally have control.

Be clear and simple

When possible, use the disputants’ language. While agreement details are very important, making agreements too complicated can lead to misinterpretations or misunderstandings which create further conflict.

Be proactive

Include provision for later review, or set up a monitoring mechanism, or agree on a procedure for dealing with problems that may arise.

Be signed by everyone present

Upon completion, read to the parties and get their responses. Does it cover all issues? Do they pledge to live up to it? Should we agree on some way to review progress in the near future? Then sign and date the agreement and give copies to both parties.

5. OBJECTIVE: DESCRIBE THE KEY FEATURES OF THE 2005 ORGANIC LAND LAW

The main provisions of the Organic Land Law are:

- The state has the supreme power to manage land in the public interest.
- The state guarantees the right to private ownership, via long-term leases (called an *emphyteutic lease*, most of which are for 99 years and are renewable).
- Discrimination based on gender or ethnicity in all matters related to land is prohibited.
- Land acquired by custom and land acquired by law is treated equally.
- Land commissions will be established and there will be procedures for land registration and the transfer of land rights.
- There are different categories of land, and each has different rules governing it:
 - Urban and rural
 - Individual ownership
 - State land; public domain
 - Private state land
 - District, Town, and Municipality land.

Rights of landowner in the Organic Land Law:

- Right to exploit land in accordance with the law.
- First priority to enjoy rights to mineral or other wealth under the ground, which otherwise belongs to the state.
- Right to protection from being dispossessed of land.
- Right to own all buildings, crops, and other things that are on the land (unless proof exists to the contrary).

Obligations of land owner in the Organic Land Law:

- Obligation to obtain consent from those in the family who share rights in land before any transfer of land rights (by sale, mortgage, lease, etc.).
- Obligation to respect the land rights of others.
- Obligation to obey laws and regulations related to protection, conservation, and exploitation of land.
- Obligation to use land in a productive way.
- Obligation to not hinder activities of public interest being performed under ground or in the space above his/her land. However, such landowner has a right to appropriate compensation in case of loss.
- Obligation to pay land taxes determined by law.

6. OBJECTIVE: DESCRIBE THE LINKAGES BETWEEN THE ORGANIC LAND LAW AND OTHER LAWS THAT GOVERN WOMEN AND CHILDREN'S LAND RIGHTS

Rwandan Constitution

The Constitution guarantees gender equality and equal rights for all under the law.

Law on Matrimonial Regimes, Liberalities, and Successions

This law determines how property is to be managed in the family and how property will be managed and inherited if one or both spouse(s) die. It also determines who shall be "heirs" and in what order they inherit.

- The type of matrimonial regime chosen determines how property will be divided when one spouse or both spouses die.
- Types of matrimonial regimes:
 1. *Separate property* regime: All property of each spouse is owned separately.
 - If one spouse dies, the surviving spouse does not inherit from the deceased.
 - If one spouse dies, the heirs of the deceased inherit.
 2. *Community of property* regime: All property, no matter how acquired, is owned equally between the spouses.
 - They each have a 50 percent ownership share in all property.
 - Any transfer of property rights (e.g., mortgage, sale, lease, and gift) must have the consent of both spouses as they are co-owners.
 - If one spouse dies, the surviving spouse retains his/her ownership share of 50 percent.
 - The widow/widower has the right to use 100 percent of the marital property, until he/she dies or remarries.
 - The heirs of the deceased own the 50 percent share of the deceased, but do not have the right to use the property until the widow/widower dies or remarries.
 - Because the heirs are owners at this time, their consent must be obtained before any transfer of property rights.
 3. *Limited community of acquests*: Some property owned separately, other property owned jointly.
- The couple decides whether each property is held separately or under the community of property regime, and each property is treated accordingly.
- The couple may select which of the three regimes will govern their marriage. If no selection is made when they marry, their marriage is governed by a community of property regime.
- Under the community of property regime, when one spouse dies, the surviving spouse retains his/her 50 percent ownership stake, and the heirs of the deceased own the remaining 50 percent. However, the surviving spouse has the right to use 100 percent of the marital property until he/she dies or remarries, and the heirs do not have the right to use the property.
- All children, sons and daughters, inherit equally.

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