



Sharing scarcity

Land access and social relations in Southeast Rwanda

Margot Leegwater



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Introduction

‘If there is ever violence again in Rwanda, it will be because of land’. This is what a Rwandan friend told me in February 2011, just a few weeks after I returned home from my last period of fieldwork in Rwanda. I nodded more or less intuitively in response because this was in line with what other Rwandans had told me, and some had even said ‘when’ instead of ‘if’; it was only later that I would fully grasp the seriousness of his remark. It should be read in the context of Rwanda’s post-independent history in which ethnic violence dominated, leading to a civil war (1990-1994) and culminating in the 1994 genocide that targeted the Tutsi population.

With still about 90% of the population engaged in subsistence farming, access to land is of crucial importance in present-day Rwanda (Ansoms 2009b: 299). Land remains a scarce resource in a country that has the highest population density in Africa and where many people were displaced as a result of massive violence in the past. It is estimated that the average Rwandan cultivates 0.75 ha (Huggins 2013: 1) but most peasants have only about 0.5 ha and this is spread across several small plots (Huggins 2014a: 2).¹ Because of its importance and its increasing scarcity, land has become a growing cause of conflict in recent years (Musahara & Huggins 2005; Ansoms & Claessens 2011: 4).

During my first fieldwork period in 2008, respondents tended to deny or downplay conflicts over land. Although they more or less confirmed that such conflicts did exist, they rarely admitted that they had been party to any conflict themselves and always stressed that the local authorities had been able to solve these conflicts. However, during my last fieldwork period in November and December 2010, it seemed that land disputes were omnipresent. It was at this time

¹ According to Huggins, statistics on the average size of land holdings vary slightly and the average size decreased by 25% between 1990 and 2000. In a 2012 report used by Huggins (2013: 1), the Ministry of Agriculture and Animal Resources estimated that the average size was 0.76 ha, which was higher than previous estimates.

that land registration, which was introduced in the 2005 (and later 2013) Land Law, was being carried out in the research area and my research assistant and I were often confronted with land disputes. We witnessed them when watching the demarcation procedure during land registration. They were mentioned, often without any probing on our part, by many of the people we encountered: villagers who were queuing to meet the village authority, the authorities themselves and numerous other respondents. Sometimes people even called on us for advice about solving their problems. Most conflicts that came before local mediators also concerned land and, indirectly, these conflicts often had to do with land sharing between the Hutu population and returned Tutsi refugees that took place in 1996 and 1997.

The tensions and conflicts we came across were an indication of the state of social relations among Rwanda's rural population, which were already strained following the 1994 genocide and the ethnically-related violence that occurred around the time of Rwanda's independence.² In addition, recent, but also older, land-tenure policies like the above-mentioned land registration and land sharing seem to have had a negative impact on social relations between Rwanda's various ethnic and social groups. The central question in this thesis is:

How do government policies concerning access to land and land tenure in rural post-conflict Rwanda influence local community relations (including ethnicity) and land conflicts?

The reason why I wanted to research land issues was because I am ultimately interested in Rwanda's current social relations and the role of ethnicity in these relationships. Land access is thus used as a lens through which to look at present-day Rwandan society and its current social tensions.

This introduction is divided into four parts. The first discusses Rwanda's recent history and examines the 1994 genocide that targeted the Tutsi population, the issue of land scarcity and conflict and genocide-related violence. The second section takes us to present-day Rwanda and considers the nature of the Rwandan government, its strong social-engineering policies and the role ethnicity plays in social relations and politics. The third part of the chapter presents a brief introduction to the research area, the research questions and some general remarks about the research itself. It does not, however, delve into the research methods used as these are described in Chapter 2. The last section discusses the way land access is related to social relations and authority in general and applies this to the Rwandan context, before finishing with an outline of the chapters.

² This ethnic violence is described in more detail in Chapter 3.

Living through a Genocide

Twenty years after the event, ‘the horror of the 1994 genocide is still omnipresent in Rwanda. It serves as a foundation for private arguments and public policies; the individual and collective *raison d’être* of the nation and its people is built around the genocide’ (Buckley-Zistel 2006: 136, italics in original). Rwanda’s social fabric was largely destroyed after the genocide and the population is still haunted by memories of both it and the 1990-1994 civil war between the Hutu-dominated government and the Rwandan Patriotic Front (RPF) that was operating from southern Uganda and northeastern Rwanda. The rebel army consisted mainly of (descendants of) Tutsi refugees who had fled Rwanda thirty years earlier when the Hutu majority took over power from the Belgians. The genocide started on 6 April 1994 when the presidential plane with Hutu President Habyarimana on board was shot down near Kigali Airport. Within hours, Hutu hardliners, who had opposed peace negotiations between Habyarimana and the RPF, took power and the first Tutsi as well as Hutu moderates were killed. The violence was restricted to the capital Kigali in the first few days, but the killings then spread to the rest of the country. The genocide ended in early July when the RPF defeated the Rwandan army and took power.³

In southeastern Rwanda where this research took place, Nyarubuye Catholic Church was named as a spot where one of the ‘most devastating massacres of the genocide’ took place (Des Forges 1999: 211). About 35,000 people were said to be killed in or near this church (website Genocide Archive Rwanda)⁴ and some of my respondents described to me how they survived the killings there. Some regions suffered for shorter periods of time because the RPF established power there fairly quickly (Prunier 1995: 261, 702) and it was already in power in my research area by the end of April 1994 (Des Forges 1999: 295). Many respondents recounted how the RPF’s aim had been to establish security by placing the remaining population (genocide survivors and Hutu) in camps.

The genocide was notorious for its cruelty, thorough organization, mass participation and speed. It was a deliberate, systematic and state-led attempt to exterminate the country’s Tutsi minority and can be regarded as ‘the twentieth century’s most rapid extermination campaign’ (Straus 2006: 1). In only 100 days, more than half a million people, mostly Tutsi but also Hutu who opposed the genocidal regime, were killed and almost two million people fled Rwanda. The violence was public (*Ibid.*), with ordinary citizens involved in killing their neigh-

³ For more detailed accounts, see the many publications on the course and causes of the genocide. For example Guichaoua (2010), Mamdani (2002), Verwimp (2013), Newbury & Newbury (1999), Newbury (1998), Prunier (1995), Straus (2006), Wagner (1998) and Fujii (2009).

⁴ http://genocidearchiverwanda.org.rw/index.php?title=Nyarubuye_Memorial&gsearch=Nyarubuye, accessed 21 June 2015.

bours, helped and incited by militia groups formed by various political parties. The most infamous was the *Interahamwe*⁵ – the Presidential Guard and local self-defence groups that had been armed by the authorities in the months preceding the genocide (Zorbas 2004: 31). Every sector of society was involved in the killings: farmers, doctors, nurses, teachers, government officials of all levels and even children, nuns and priests. Tutsi and moderate Hutu were not only killed on the streets and in their own homes but also in schools, hospitals and churches where they sought refuge (Kindiki 2001: 66). The killers often knew their victims as they were neighbours, fellow students and teachers, colleagues or even relatives (Newbury 1998: 78).

Accounts of the massacres are horrific and it is hard to believe that so many ordinary people could have participated in the killings. In the words of Straus, people were killed in a ‘low-tech’ way with ordinary farm tools, such as hoes, machetes and clubs covered with nails (Straus 2006: 1). Many killers did not just kill their victims but took the time to torture them first, to rape and mutilate them, chopping off their limbs, noses and/or breasts. Some victims were burned alive and women were raped, even when they were already badly wounded (Magnarella 2000: 21). In the end, about 75% of the Tutsi population were massacred and, today, even after many Tutsi returned following the RPF victory, only 5% of the current population are survivors of the genocide (personal communication Dr J.P. Kimonyo, August 2004). After its military victory, the RPF inherited a devastated country when it took office on 19 July 1994. In addition to the casualties, who amounted to almost 13% of the population, two million refugees were living abroad. Over one million were IDPs (internally displaced persons), tens of thousands of genocide survivors were deeply traumatized and over half a million Tutsi refugees returned to Rwanda. There was a lot of material damage as a result of the genocide: the country’s basic infrastructure was destroyed, banks and businesses had been plundered, the civil service, healthcare facilities and educational establishments were in chaos and crops and livestock had been lost (Reyntjens 2004: 178).

Straus researched the local dynamics of genocidal violence and interviewed convicted perpetrators who had pleaded guilty. He states that three key factors explained the switch individuals made from seeing people of the other ethnic group as neighbours to seeing them as enemies who should be killed (Straus 2006: 225).⁶ The first was the war (1990-1994) that legitimized violence and led the

⁵ This militia grew out of a youth wing of the then ruling party and translates into ‘those who work together’. After the genocide, the label *Interahamwe* was used for everyone who had participated or was suspected of having participated in the genocide (Ingelaere 2012: 11).

⁶ Straus (2006: 107-108) describes these perpetrators as ordinary adult men in terms of age, education, family status and occupation.

perpetrators to defend themselves against the advancing RPF rebels. As one of his respondents explained: ‘We believed that if the *Inyenzi* [Rwandan word for cockroaches by which the RPF was meant] arrived, they would find no one, that they would no longer have the force to kill us or take power’ (*Ibid.*: 160-161). Furthermore, the war and the assassination of President Habyarimana generated fear, anger and uncertainty, which instigated violence among some Rwandans. Straus believes that the genocide would not have happened if there had not been a war but that the war alone did not cause the genocide. A second essential factor concerns the role of the Hutu hardliners who controlled the state and, after realizing that they were losing the war, decided to exterminate all Tutsi in order to stay in power (*Ibid.*: 224-227). They could mobilize part of the population because ‘the state in Rwanda is a powerful tool for executing decisions and mobilizing citizens. By controlling it, the hardliners had the coercive means to enforce their position nationwide’ (*Ibid.*: 224-225). Related to this is the strong intra-group enforcement and coercion that made many Hutu men feel they had no other choice than to participate in the violence. In fact, intra-ethnic coercion seems to have been a more important determinant than interethnic enmity (*Ibid.*: 148, 151). Interethnic enmity is linked to the third factor, namely collective ethnic categorization, due to widely recognized and pre-existing categories and ethnically based political ideologies (*Ibid.*: 173, 225-226). Without these conditions, the call from the authorities to kill Tutsi would not have ‘resonated’ (*Ibid.*: 226). Many of the perpetrators claimed that ‘the enemy is one, it is the Tutsi’ and Tutsi became ‘a single entity with identical-and permanent-intentions’ (*Ibid.*: 173).

Straus concluded that material gain was only the motivation for a small proportion of the perpetrators, with 5.2% of his respondents naming it as one of several motives for participating in the killings and that, for most perpetrators, the looting and appropriation came only after the killings had taken place (*Ibid.*: 136-138, 149). The next paragraph examines the link between land scarcity and violence in Rwanda.

Land Scarcity and Violence in Rwanda

Rwanda’s history of land access has been characterized by the insecurity of land tenure and increased land scarcity⁷ that have led to growing landlessness⁸ and land conflicts. Many researchers have stressed the context of increasing land scarcity and limited off-farm employment opportunities in Rwanda and pointed

⁷ Growing land scarcity in relation to the implementation of land policies in the research area is discussed in Chapter 4 and Chapter 6.

⁸ According to Huggins (2011: 255, 260, Note 3), at least 11.5% of the population are landless and about 30% of Rwandan households own less than 0.2 ha, whereas the UN estimates that 0.7 ha is necessary to be food secure.

to aggravating factors like overpopulation (435 people per km² in 2012),⁹ rapid demographic growth (of 2.7% average for 2010-2015)¹⁰ as well as environmental degradation. As a result, many plots are too small today to be viable (Musahara & Huggins 2005: 299-301; Pottier 2002: 184; André & Lavigne Delville 1998: 162; Blarel 1994: 71). Chapter 4 discusses the issue of land access and scarcity since the 1980s, while the focus here is on the relationship between land scarcity and conflict in Rwanda, with the emphasis on the 1994 genocide and whether Rwanda was (and possibly still is) in a 'Malthusian trap'.¹¹

During research into the causes and the course of the genocide throughout Rwanda, Des Forges and her team found that people who killed took over and contested the ownership of property of massacred Tutsi families in many parts of the country. This led her to conclude that 'the prompt parcelling out of the victim's land demonstrated the solid advantage to be gained by joining in attacks and no doubt tempted some to kill who would not otherwise have done so' (Des Forges 1999: 300).¹² Rose (2007) interviewed some 120 Hutu prisoners accused of genocide and about 15 prison officers (mostly Tutsi directors and social workers) to hear their perspectives on the appropriation of land during and after the genocide. She found four connections between land and the Rwandan genocide. Firstly she mentions Hutu participation in the genocide to gain land as a reward. A second connection concerns Hutu activities in the genocide that were aimed at preventing any loss of land to the invading RPF that would, it was assumed, redistribute land to returning Tutsi refugees. A third aspect is that both Hutu and Tutsi used the uncertainty and insecurity surrounding land ownership and rights during and after the genocide to seize land. The fourth point concerns genocide accusations following the genocide, which were mostly made by Tutsi in an attempt to take over land owned by Hutu. Although the prisoners interviewed acknowledged all four connections, they mainly complained about the last two, indicating that their imprisonment jeopardized their right to land. (Rose 2007: 53, 65). By comparing prisoners' and prison officers' perspectives on land and genocide, Rose found that both groups agreed that land theft had occurred during all the phases of the genocide and that land seizures were politicized, were orga-

⁹ Source UN Data: <http://data.un.org/CountryProfile.aspx?crName=rwanda>. Accessed 17 December 2014.

¹⁰ Source UN Data: <http://data.un.org/CountryProfile.aspx?crName=rwanda>. Accessed 17 December 2014. Rwanda had the highest fertility rate (8.3) in the world in the 1980s (Musahara & Huggins 2005: 299).

¹¹ According to Malthus, food production would not be able to keep up with population growth and this would result in famine, disease and/or war (Verpoorten 2011: 2). Malthusian can be explained as 'of or relating to Malthus or to his theory that population tends to increase at a faster rate than its means of subsistence and that unless it is checked by moral restraint or by disease, famine, war, or other disaster widespread poverty and degradation inevitably result' (Merriam-Webster Dictionary: <http://www.merriam-webster.com>).

¹² This observation is supported by Prunier (1995: 142) and Mamdani (2002: 197).

nized by local or national leaders and were ethnic in nature. However, the prisoners suggested that the appropriation of land continued after the genocide, and they regarded the villagization and land-sharing policies as examples of organized forms of land theft (see Chapter 4). Officials in turn denied there being any organized, politicized or ethnic aspects behind the land looting and considered the post-genocide theft of land as individual acts. These officials felt that many prisoners had been involved in killings in order to seize their victims' land and that prisoners' land-grabbing accusations were meant to divert attention away from their genocidal crimes (*Ibid.*: 64-65). For their part, the prisoners acknowledged that they had taken the land or other property of Tutsi victims but underlined that this was done randomly and was not premeditated (*Ibid.*: 55-56). While Rose maintains that both during and after the genocide individuals took advantage of the situation to seize land that they would not otherwise have been able to access, her data show that land played a significant role. It was, nevertheless, not the main factor that motivated people to kill others (*Ibid.*: 66).

André & Platteau (1998) have argued that, in the years prior to the 1994 genocide, land inequality and absolute poverty increased significantly because quasi landlessness (especially among young people) and land fragmentation were growing rapidly and most land-poor families were unable to generate additional off-farm income.¹³ They describe how this negatively affected the social fabric of their community of study and led to an increase in (land) conflicts, tensions and violence. Due to these increasing inter- and intra-family land conflicts, they placed the 1990-1994 civil war and 1994 genocide in a context of extreme land pressure and concluded that people took the opportunity to settle old scores during the genocide and/or expand their land holdings. They based their analysis on fieldwork in 1988 and 1993 in a community in north-western Rwanda. When the genocide started, the only Tutsi in this community was the first to be killed. However, many other people died before and during the genocide and can be categorized in two groups: people who were seen as 'troublemakers', and those with comparatively large landholdings (André & Platteau 1998: 38-40).¹⁴ Somewhat hidden in a footnote, André & Platteau (1998: 40) reveal that 'it is not rare, even today, to hear Rwandans argue that a war is necessary to wipe out an excess of

¹³ Their observation is supported by Uvin (1998: 195) who mentions that several studies have shown that people who acquired a significant income from off-farm activities were able to increase their agricultural productivity, thus implying that the inverse was also the case.

¹⁴ The former group was made up of people who were suspected/ accused of poisoning or had a violent nature and were involved in all kinds of conflicts, including land disputes. Almost half of these people were massacred: two out of three suspected poisoners and three of the eight violent persons. The land-rich group consisted of either older people (50+) who had accumulated a lot of land and of whom 18% perished (or 35% if only the men are considered) or younger persons who had purchased numerous parcels with their regular off-farm income and had aroused jealousy and hatred because of this economic success, and of whom one third were killed (André & Platteau 1998: 38-40). Land-rich people had a higher risk of dying violently during or shortly after the genocide (Verwimp 2013: 442).

population and to bring numbers into line with the available land resources'. Although they clearly state that land scarcity and the lack of off-farm employment opportunities were not a direct cause of the civil war and genocide, they also stress that these circumstances can explain why violence spread so quickly and devastatingly throughout the country. They concluded that:

... the prevailing state of land hunger created a troubled environment which made the most desperate people (particularly young people with only bleak prospects) ready to seize any opportunity to change their present predicament or reverse the present order of things. Moreover, the climate of violence which had got a hold over the people in the area produced the right predispositions and circumstances for the slaughter that was to ensue. (André & Platteau 1998: 38)

As the title of their often-cited article 'Land Relations Under Unbearable Stress: Rwanda Caught in the Malthusian Trap' suggests, André & Platteau consider that Rwanda is indeed in a Malthusian trap.¹⁵ However this is denied in Uvin's 1998 *Aiding Violence. The Development Enterprise in Rwanda*, in which the author disagrees with the 'hard' Malthusian argument that overpopulation and land scarcity¹⁶ will unavoidably result in social conflict and communal violence. He concludes that he is also no adherent of the 'soft' Malthusian argument. This 'soft' argument claims that, even though resource scarcity may cause social tensions, outcomes vary because of the nature of social relations and the state as well as other intervening variables. It concludes that the role land scarcity played in processes that led to the genocide cannot therefore be understood in isolation from political processes (Uvin 1998: 180-184).¹⁷ Uvin (1998: 184) is convinced of a third school of thought that does not see a direct relationship between land scarcity and violence 'for the main reason that it does not consider the former to be a natural construct but a social one, the result of human agency'. History, politics and economics are thus the independent variables that influence if and to what extent violence occurs. According to his analysis of the coping strategies of Rwandan farmers and the government, the country's pre-genocide agriculture was very traditional, in 'the very early stages of progress' (*Ibid.*: 195) and additional intensification was still possible.¹⁸ He also claims that the fact that pre-genocide Rwanda had run out of land was not an abrupt, discrete event that took

¹⁵ Interestingly, Verwimp (2013: 27-28) found that President Habyarimana, who was in power from 1973 until his death at the onset of the genocide on 6 April 1994, showed Malthusian beliefs in his speeches in the mid-1980s and referred to the demographic problem several times, claiming that Rwanda's annual population growth was higher than its production growth. Verwimp analysed the relationship between the 1994 genocide and Rwanda's development system.

¹⁶ Uvin used the term resource scarcity but mainly addressed land-related problems and therefore I use the term land scarcity instead.

¹⁷ Uvin is not clear about his opinion of André & Platteau's position as he does not mention them as examples of the 'hard' or 'soft' Malthusian argument.

¹⁸ Uvin (1998: 149), citing Marysse (1982) and Voyame *et al.* (1996), estimates that the budget for agriculture in the 1970s and 1980s never exceeded 5% (which resulted in agriculture coming in 10th place in the government's 1980 budget) and most of it went on promoting export crops.

place in 1994 but was rather a process that, at least until the mid-1980s, had always been coped with quite well.

Uvin presented two hypotheses on the possible link between land scarcity and genocidal violence (*Ibid.*: 195-200). The first states that severe land scarcity and limited off-farm opportunities created strong feelings about land. As a result, land conflicts were frequent and fears of losing land provoked profound insecurity. In turn, fear and intense feelings regarding land could engender violence and conflict ‘either as (perceived) self-defence against threats or through a process of opportunism’ (*Ibid.*: 199). These fears were aggravated by the civil war because the invasion of the Tutsi-dominated Rwandan Patriotic Front (RPF) in October 1990, which is discussed in the next section, instigated anxiety among many Hutu. Especially those farmers who had taken over the land of Tutsi who had fled earlier massacres in the 1960s and early 1970s feared that, in the case of an RPF victory, they would lose land to these Tutsi (*Ibid.*: 198-199). This reasoning was previously suggested by Rose, and Verwimp also argues that several groups within Rwandan society feared they would lose their benefits and that ‘the perspective of losing one’s assets, one’s opportunities or even one’s life can drive people to strike pre-emptively’ (Verwimp 2013: 177).¹⁹

Uvin’s second hypothesis deals with the economic crisis in the mid-1980s that led to a sharp decline in food production and resulted in desperate situations, especially for the younger generation. As the 1990-1994 civil war led to massive displacement and a further decline in food production, ‘the agricultural crisis, compounded by the RPF invasion, set in motion processes of impoverishment and marginalization that provided a fertile breeding ground for extremism and violence’ (Uvin 1998: 199).²⁰

However, in the end, Uvin dismissed these hypotheses as ‘circumstantial’, arguing that the hard facts are missing: there is hardly any ‘micro-information’ about who killed who and for what reason. What is also missing is what Uvin calls ‘automaticity’ because the violence did not spontaneously erupt among the land-poor but needed an external intervention, in this case an urban impetus by the ruling elite and associated extremists. The target was culturally defined because people’s anger did not turn against the political elite ‘whose policies contributed to the crisis and who were visibly enriching themselves and buying up land’. Instead, this elite led the population in the massacres (*Ibid.*: 200). Due to the ecological, economic and political processes that play a role in violent conflicts, Uvin ultimately – and to his own surprise – dismissed the link between ecological scarcity and the genocide. However, he concluded that ‘even though

¹⁹ Verwimp (2013: 177) also explains this fear by referring to interviews with prisoners who said that ‘if we did not act first, the Tutsi would kill us all’.

²⁰ He specifically refers to a new *Lumpenproletariat* of mainly young, urban men who were relegated to begging, a situation that provoked frustration and a loss of self-respect (Uvin 1998: 199).

political conflicts may not be “caused” in any direct way by environmental issues (but rather by long-standing political strategies and social constructions), the dynamics related to ecological resource scarcity will play a role in the conflict’ (Uvin 1996, as cited in Uvin 1998: 201).²¹

Verpoorten (2011: 3) introduces a more moderate view regarding the Malthusian trap, suggesting that a global catastrophe is unlikely but that ‘the world may experience local catastrophes if local market and non-market institutions fail to enable households to meet their subsistence requirements and cannot resolve the tensions that may stem from this failure’. Analysis of the relationship between population pressure and genocidal massacres in 1294 small administrative units found that the death toll was significantly higher in communities where there was high population pressure. Furthermore, in areas where many young men were still single (which Verpoorten considered to be an indication of landlessness),²² fewer Tutsi survived the genocide. These two factors, when combined, contributed to the killings. The question remains as to whether the killers were driven by need, by the opportunity to loot or by the fear that they would lose the little land they had. Other explanations could be that, in densely populated areas, there were more assets to loot or that the elite could more easily mobilize the population because of land and labour-related dependency relations (*Ibid.*: 1-2, 16-19). In line with Uvin’s final conclusion and in support of André & Platteau’s and Rose’s views, Verpoorten (2011: 19) argues that:

These findings do not indicate that extreme scarcity of land resources caused the onset of the genocidal campaign, but they clearly indicate that, once the bandwagon was set in motion, resources were a significant factor in explaining the intensity of the violence.

All these authors highlight the relationship between land scarcity and violence when they conclude that land scarcity played a role in the genocide even though a direct causal link cannot be determined. As Ansoms states in her research on rural poverty in Rwanda, the question as to whether Rwanda will be caught in a Malthusian trap remains unresolved. She suggests that, with all arable land nowadays in use, Rwanda has reached the point of ‘total resource depletion’ and that ‘successfully coping with land scarcity is, therefore, entirely conditional upon the ability of the rural sector to go beyond the current ecological and productivity boundaries of the natural resource base’ (Ansons 2009a: 149). I will return to the question as to whether Rwanda is caught in a Malthusian trap in Chapter 8. The

²¹ his conclusion is supported by Mamdani (2002: 198, italics in original) who claims that ‘we need to keep in mind that there is no *necessary* connection between a drastic reduction in resources and deadly human conflict [...] The connection between the constraints under which we live and the choices we do make is mediated through how we understand and explain these constraints and the resources we can muster to change them’.

²² Young people in Rwanda can only marry after the groom has acquired a plot on which to build a house.

next section is again about violence and deals with the structural violence in which the genocide occurred and with massacres and other acts of violence that took place during and shortly after the genocide.

Genocide-Related Violence

The context of structural violence in which the genocide occurred is an important factor because, according to Uvin, this violence was addressed against the majority of the population and manifested itself ‘in a deep and widening inequality of life chances; corruption, arbitrariness, and impunity; the permanence of social and economic exclusion; lack of access to information, education, health and minimal basic needs; and an authoritarian and condescending state and aid system’ (Uvin 1998: 107). The aid system preserved and contributed to the structural violence, negatively affecting the effectiveness of development programmes (*Ibid.*: 110), while interaction between the population and these systems led to ‘processes of humiliation and disempowerment’ and ‘deprive[d] people of their self-respect and creativity, making them vulnerable to manipulation and simplistic ideas’ (Uvin 1998: 109). He connects this with the genocide when stating that ‘as such, it creates anger, resentment, and frustration, which contribute to the erosion of social capital and norms in society. A population that is cynical, angry, and frustrated is predisposed to scapegoating and projection, vulnerable to manipulation, deeply afraid of the future, and desperate for change’ (*Ibid.*). And he concludes that the context of the economic and political crises in the 1990s increased the danger of structural violence becoming acute (*Ibid.*: 107).²³

In addition to genocidal violence, the country – primarily the north and the east – was also the scene of massacres and other acts of violence against the Hutu population by the RPF that fought the Hutu hardliners (Prunier 1995: 359; Des Forges 1999). Since this violence also took place in my research area, it is important to discuss it too. Des Forges argues that when the RPF advanced to take power after the start of the genocide, hundreds of thousands of civilians fled before its forces arrived, having heard stories about RPF atrocities or because the local authorities ordered them to flee (Des Forges 1999: 702). Amnesty International has investigated killings and abductions committed by the RPF between April and August 1994 and concluded that hundreds if not thousands of unarmed civilians and armed opponents were ‘summarily executed or otherwise deliberately and arbitrarily killed’ (Amnesty International 1994: 3). Most killings took place in northeastern Rwanda but the report also mentions assassinations of unarmed people in the southeast of the country (*Ibid.*: 4). Most of these massacres

²³ In *Aiding Violence. The Development Enterprise in Rwanda*, Uvin (1998) argues that the international development community in Rwanda preserved and contributed to structural violence.

were not committed in combat but during community meetings, for example when people were instructed to assemble to receive salt or food and were then attacked by RPF soldiers (Des Forges 1999: 705-706).

The Gersony Report, which was named after a UNHCR head of mission investigating the speeding-up of the repatriation of the nearly two million refugees, provides a more detailed account of the violence committed by the RPF.²⁴ In a presentation on 10 October 1994 to a UN commission of experts on Rwanda, Gersony stated that the unarmed Hutu population had been systematically killed and persecuted by the RPF, particularly in southern and eastern Rwanda and near Kigali. He estimated that between 5000 and 10,000 people were killed in these regions each month between late April and the end of August 1994 (Gersony 1994). Des Forges estimates that, from the evidence gathered, the minimum number of dead can be put at between 25,000 and 30,000 (Des Forges 1999: 734), although Prunier argues that the number of those killed by the RPF could well have reached 100,000.²⁵ In line with Des Forges's findings, Gersony states that the massacres not only happened at community meetings but also during house-to-house searches, in attacks on villages and displacement camps and among people who were in hiding. He also reported the assassination of returned refugees and of the sick and elderly who were not able to flee or hide and were killed in their own homes. The countryside of southern and eastern Butare and southern Kibungu, where my research took place, was virtually deserted (Gersony 1994).²⁶ Chapter 4 discusses RPF violence used against some of my

²⁴ Amnesty International produced a report in 1994 on the atrocities committed by the RPF: 'Amnesty International has known for several years that the RPF closely monitored and controlled movements of foreigners in areas under its control. Journalists and representatives of humanitarian organizations rarely talked to Rwandese citizens under RPF control without an RPF official being present. This ensured that before the new government came to power on 19 July 1994 very limited information about abuses by the RPA [Rwandan Patriotic Army, RPF's military wing] could be gathered or made public by independent observers' (Amnesty International 1994: 2). However, Gersony and his two colleagues were allowed to travel freely and spoke to many witnesses in Rwanda as the newly installed government believed that the mission's work would support its efforts and encourage refugees to return to Rwanda (Des Forges 1999: 727).

²⁵ Prunier (1995: 360) also mentions the practice of 'corpse confusion' when fresh corpses were laid beside the bodies of genocide victims. This finding is supported by Buckley-Zistel (2006: 138) who quotes a woman whose husband was in prison as saying 'First of all, we cannot identify the people they put into the memorial sites. They took all the bones. And no particular ethnicity died, all Hutu and Tutsi died'. An informant also mentioned an inquiry into genocide memorials in which the population revealed that genocide survivors had been told to exhume the corpses of Hutu victims and put them with Tutsi genocide victims.

²⁶ The results of Gersony's investigations were shared with relevant UN and US representatives. However, as Des Forges states, 'leading authorities at the U.N. and in national [U.S. and Rwandan] governments were troubled by this information. They wanted the slaughter to end but they were reluctant to make any criticisms that might weaken the new Rwandan government' (Des Forges 1999: 731). Although the main findings were leaked to the press, Gersony was told not to write a report or to talk about his findings. UNHCR then only produced a confidential note for internal use and an even shorter statement for the special rapporteur on Rwanda of the Human Rights Commission. Des Forges

respondents in more detail. When the civil war and genocide ended in July 1994, the RPF took power and it has governed Rwanda ever since. The next three sections examine the current Rwandan state in more detail.

Remaking Rwanda

The focus of this thesis is on social relations and the way they are being affected by land and land(-related) policies, and hence the role of the Rwandan state is another dominant theme, especially its engagement in ambitious social engineering (Straus & Waldorf 2011: 8). Referring in their title (*Remaking Rwanda*) and introduction (*Seeing Like a Post-Conflict State*) to James Scott's widely read book *Seeing like a State*, Straus & Waldorf show how the Rwandan government has been engaged in social engineering with high-modernist ambitions and tactics as described in Scott's book. With its 'highly ambitious policy of reconstruction and development', the government not only wants to change governance and economic structures but also to 'alter social identities, cultural norms and individual behaviour' (*Ibid.*: 4). They describe how the RPF intends to radically change the social order that resulted in the genocide and prevent future violence by practising social engineering in four main domains: the political arena, the economic sector, the spatial arena and the behavioural and cultural arena (*Ibid.*: 8-10). Examples of all four arenas are found throughout this thesis.

With regard to the political arena, the current government is using every possible way of dismantling or weakening political opposition, an independent civil society and independent media. In addition, the ruling RPF has been trying to incorporate more ordinary citizens into the party (that they refer to as the *umuryango* [family or lineage]) through recruitment drives and 'animation' sessions. Straus & Waldorf highlight how this policy shows remarkable resemblances to the former Hutu-dominated, one-party regime where all citizens were 'born' members of the then ruling party (*Ibid.*: 10).

Social engineering is being applied to the economy too and this sector is dominated by the RPF's developmental state agenda that envisages Rwanda becoming the 'Singapore of Africa' and a major African ICT hub. The agenda is being determined to fundamentally transform the agricultural sector into larger agribusinesses and ranching enterprises (*Ibid.*: 9-10). With land reform as a central theme in this thesis, we will return to this subject in more detail later.

The third arena involves what Straus & Waldorf describe as the spatial configuration of Rwanda. As an example, they mention the villagization policy that creates village structures 'in order to modernize, rationalize, and control the

(1999: 730-731) shows that when the latter asked for more information in March 1996, the UN High Commissioner responded that the 'Gersony Report' did not exist.

countryside' (*Ibid.*: 9). As this policy was rigidly carried out in my research area, villagization is discussed in detail in Chapter 4. Other examples include the re-drawing of the map of Rwanda in 2005 when the names of many cities, towns and other places were changed and Rwanda's ten provinces were reduced to four with the rather 'rationalistic, legible names' of Northern, Southern, Western and Eastern. As part of its decentralization policy, the state's administrative units were transformed and their powers and responsibilities redistributed. Finally, the government introduced a new flag and national anthem and added English as a national language (*Ibid.*).

Social engineering has also focused on the behavioural and cultural arena. The coercion accompanying the policy of national unity and the reconciliation and re-education programmes with which numerous Rwandans are being confronted have already been discussed.²⁷ In addition, compulsory meetings at *gacaca* courts²⁸ were used to teach the population about the bad governance of the genocidal regime and to promote new social values. The population is also forced to comply with new regulations concerning personal hygiene and appearance. For example, some cultural habits, like drinking banana beer together through a shared straw that was a symbol of reconciliation and social trust, have now been banned (*Ibid.*: 8-9). Chapter 5 will discuss other social obligations and prohibitions that are altering people's behaviour.

Scott has described the government's high-modernity ideology as a 'strong, one might even say muscle-bound, version of the self-confidence about scientific and technical progress, the expansion of production, the growing satisfaction of human needs, the mastery of nature (including human nature), and, above all, the rational design of social order commensurate with the scientific understanding of natural laws' (Scott 1999: 4). This high modernist ideology is considered an important element of large-scale reform programmes like collectivization in Russia or villagization in Tanzania and forms part of Rwanda's aforementioned social engineering strategies. Scott mentions other elements too, such as the administrative ordering of nature and society (that the Rwandan government has also mastered), an authoritarian state that is willing and able to 'use the full weight of its coercive power' to reform (which is also the case in Rwanda) and a 'prostrate civil society that lacks the capacity to resist these plans' (also a reality in Rwanda) and concludes that all four make the state-enforced social engineering project potentially 'lethal' (*Ibid.*: 4-5). This thesis considers various land or land-related reforms, one of which is the villagization that was part of Scott's study, and ex-

²⁷ With regard to re-education programmes for released prisoners, Bouka stresses that ex-prisoners feel intimidated because they are repeatedly told that they have to set a good example, answer immediately when authorities call on them, obey orders and refrain from 'causing trouble' (Bouka 2013: 116).

²⁸ *Gacaca* are local courts that functioned between 2005 and 2012. They were based on a traditional conflict-resolving mechanism that was transformed to try certain categories of genocide suspects.

amines whether these reforms and other state-led social engineering projects are likely to have similar ‘lethal’ outcomes. This rather gloomy question is related to the nature of the current Rwandan government, to which we turn in the next section.

The Rwandan Government: ‘Tutsification’ and RPF Dominance

The most important features of the current government are its ‘Tutsification’ and the dominance of the Rwandan Patriotic Front. Reyntjens (2004: 187-189) alleges that, with the ‘Tutsification’ process, the RPF has ensured that access to wealth, power and knowledge are reserved for Tutsi. As a result, by the year 2000, about 80% of the key office holders (ministers, secretaries of state, governors, ambassadors, MPs, judges, army commanders and CEOs) were RPF members and about 70% were Tutsi.

An analysis of the ethnic breakdown of the current Rwandan government shows Tutsis hold a preponderant percentage of senior positions. Hutus in very senior positions often hold relatively little real authority, and are commonly “twinned” with senior Tutsis who exercise real power. The military and security agencies are controlled by Tutsis, generally English speakers who grew up as refugees with President Kagame in Uganda. The 28-member cabinet is evenly split among Tutsis and Hutus, but most key ministries are in the hands of Tutsis.

This quote does not come from a critical researcher but is the start of a summary of a cable called ‘Ethnicity in Rwanda: Who Governs the Country?’ that was written by the US Embassy in Rwanda on 5 August 2008 and that was published by Wikileaks (US Embassy in Rwanda 2008).²⁹ It includes a list of the then ministers and secretaries of state and concludes that, of the 118 senior positions the embassy analysed, about 65% were occupied by Tutsi. It claims to see a trend as another analysis several years earlier showed a similar 66%: 33% split. Important ministers, the Chief of the Defence Staff, the heads of the army and the air force, military district commanders and the heads of the Rwanda National Police and the National Security Service are all Tutsi and, like President Kagame, grew up in Uganda and are English-speaking (*Ibid.*).³⁰

As for RPF dominance, the current government can be equated with the RPF because Rwanda is in fact a one-party state. In an article in *African Affairs* in 2004, Reyntjens shows that the Rwandan government had become fully dominated by the RPF by 2000: the RPF had monopolized power and eliminated all critical and opposing voices. He (2011: 32) summarizes these processes as follows:

²⁹ <http://www.wikileaks.org/cable/2008/08/08KIGALI525.html>. Accessed 20 December 2014.

³⁰ See also Zorbas (2004: 44) on the dominance of English-speaking Tutsi returnees in the higher political and economic echelons. Chapter 5 discusses the dominance of Tutsi and RPF members in local authorities.

Having eliminated individual domestic and external troublemakers one at a time, he [president Kagame] had neutralized the political opposition by 2003, and civil society by 2004; between 2000 and 2010, the manipulation of elections allowed him to confer a layer of democratic legitimacy on what was in reality the gradual closing off of political space; the introduction of legal instruments allowed his regime to tighten its grip.³¹

His analysis is in line with Longman's, who claims that the government has become an authoritarian regime as it has 'systematically intimidated, co-opted, and suppressed civil society, so that Rwanda today lacks independent social organizations capable of articulating most public interests.'³² The regime tolerates very little public criticism, strictly limiting freedoms of speech, press, and association. Political parties are restricted and intimidated, while constraints and manipulation of the electoral process have prevented elections from being truly free and fair' (Longman 2011: 26). It is within this context of Tutsification, authoritarianism and restriction that we need to look into the issue of ethnicity and the ways Rwandans and the Rwandan government deal with it, also in relation with the past.

Ethnicity and Ethnicity Politics in Rwanda

Recent violence in Rwanda has mainly erupted along ethnic lines. Ethnicity is still a dominant feature in Rwandan social relations and thus an important theme in this thesis. It is, however, an extremely sensitive issue and difficult to research because it can never be discussed openly. With regard to ethnicity, I follow David & Catherine Newbury's argument that it 'is best understood neither as an enduring, unchanging element to social formations nor as an instantaneous, recent invention. Instead we see it as an identity contextually configured, one which can be understood only through close familiarity with the history of social relations and political power' (Newbury & Newbury 1999: 294). While the genesis of Rwanda's ethnic identity is explored in Chapter 3, this section is dedicated to present-day perceptions of ethnicity and the ethnicity politics of the current government. To show how ethnicity and perceptions of ethnic differences are still playing a role in everyday life, let me start with some personal anecdotes.³³

³¹ Reyntjens's claims are confirmed in Human Rights Watch 2014 World Report that states that 'the government obstructed opposition parties and independent civil society organizations, and threatened its critics. [...] The leadership of one of the last remaining independent human rights organizations was taken over by pro-government elements' (Human Rights Watch 2014).

³² This claim is, in turn, confirmed by Gready (2011: 90), who nevertheless argues that civil society may occasionally have some room that is created by electoral and decentralization politics and development initiatives.

³³ To nuance the role ethnicity plays, I refer to Eltringham (2011: 277) who suggests that if ordinary Rwandans were allowed to freely reflect on ethnicity, it could be nuanced and relativized. To support his claim, he mentions Scott Straus's conclusion that Hutu did not participate in the genocide because they hated Tutsi, adhered to an ethnic nationalist vision of society or because of racism, and argues

Patrice, a driver who worked with me, was a former RPF soldier and had a Hutu father and a Tutsi mother. He told me how one of his friends would sometimes tell him sick jokes in which he claimed that it was a good thing that Patrice's father had died because he had married a Tutsi. His father had to die because he was a Hutu, his 'friend' proclaimed.

My friend Alice, who had been a student at the National University and resident of its campus, told me that students of different ethnicities do not often engage in (romantic) relationships. She gave the example of a female Tutsi genocide survivor who dated a boy who she thought was a Tutsi survivor but broke up with him the moment she found out that he was in fact a Hutu.

On several occasions, my friend Peter argued that there were now hardly any friendships between Hutu and Tutsi. As a Tutsi himself who had returned after the genocide, he admitted that he could never marry a Hutu girl. Even though he might know that she had not committed any crimes during the genocide, he would never know what her family might have done and would feel uneasy because the Hutu might turn against Tutsi at some time in the future. To illustrate this, he added that sometimes when a Tutsi child misbehaves, his family will tell him that he is behaving like an *Interahamwe*.³⁴ This indicates how impossible it would be for such a family to incorporate someone from the other ethnic group.

Peter claimed that behavioural differences between Hutu and Tutsi still exist. As an example, he argued that a Hutu will obey an order without asking questions, whereas a Tutsi will always ask 'why'. He supported this with an anecdote about an American who was involved in the building of the new US Embassy in Rwanda. The labour force was working shifts and each shift had a team leader. The American wanted to know the difference between Hutu and Tutsi and someone volunteered to show him. He asked for a Hutu to come over and ordered him to move some bricks from A to B and then back from B to A. The Hutu completed the task without questioning it. He then called a Tutsi over and asked him to do the same but the Tutsi replied that he was part of the 'cement shift' and only took orders from his team leader. Although this example may seem a bit simplistic, it is still painfully telling because the obedient response of the Hutu popula-

that 'such a discovery, one that should reassure the Rwandan government, was, of course, only possible when ethnicity could be freely discussed'.

³⁴ See Footnote 5 for an explanation of *Interahamwe*. Buckley-Zistel (2006: 141) supports this anecdote with two references to Rwanda's current popular culture in which a rich person, regardless of his ethnic identity, is referred to as 'a Tutsi' and in which the phrase 'I am not your Hutu' is used to fend off exploitation and refers to the servitude status of many Hutu in pre-independence Rwanda. Nyirubugara, who studied what he calls Rwanda's 'memory traps' because he considers that ethnic identities and related memories form a deadly trap, comes with some more proverbs that reveal ethnic ideologies: 'When you lodge a Tutsi in your house, he chases you out of your bed' (Erny 2005, as cited in Nyirubugara 2013: 82) and 'If you teach a Hutu to shoot a bow, he'll shoot an arrow into your stomach' (Twagilimana 2003, as cited in Nyirubugara 2013: 82).

tion to the order to kill Tutsi is often mentioned as an important contributing factor to the outcome of the genocide.

All these anecdotes show that ethnicity is still an important social variable. Having studied the reconciliation process in post-genocide Rwanda, Zorbas (2004: 42) suggests that distinctions between Hutu and Tutsi are more rigid than ever. Buckley-Zistel (2006: 131, 135, 139) also believes that there are long-lasting social, economic and political cleavages between Hutu and Tutsi that are based on unchanged prejudices and antagonisms that run even deeper today than they did prior to the genocide. Any research has thus to take ethnicity into account. Ingelaere (2010) feels this is inevitable because ‘Rwanda *is* a bi-polar society with Hutu (approximately 84 per cent) and Tutsi (approximately 14 per cent) as the main identity groups marking the social and political landscape’ (Ingelaere 2010b: 275, italics in original). To support this statement, he refers to a report by Penal Reform International, an international NGO that claims that Rwandans do not contest that they are all Rwandans but that their feelings of ethnic belonging have not decreased (*Ibid.*: 275-276). In his research on peasants’ perspectives of the post-genocide political transition, he found that respondents’ ethnic identity seems to have influenced their experiences of this transition and how they perceive political representation (*Ibid.*: 291).

Buckley-Zistel (2006: 134, 142) studied how Rwandans remember their past and found that ordinary Rwandans use the coping mechanism of ‘chosen amnesia’. All Rwandans, she claims, whether they are Tutsi survivors, released prisoners, Hutu with family members in prison, Hutu widows who lost their Tutsi husbands or Tutsi returnees, have chosen to ‘forget’ the causes of the genocide and the decades of tension between Hutu and Tutsi since independence.³⁵ In spite of the many difficulties and compromises they face in their daily lives, enabling some form of coexistence means that people refrain from discussing conflicts publicly in order to avoid tensions and the destruction of the still-fragile social balance. Although bad memories may still be ‘stored in their minds’, people deliberately choose not to access them because amnesia serves their current needs better. Remembering to forget is essential for local coexistence because ‘a traumatic event is deliberately excluded from the discourse in order to prevent a sense of closure and to undermine the drawing of fixed boundaries of who is inside and who is outside a particular we-group’ (*Ibid.*: 134).

When looking at the history of the genocide, Buckley-Zistel remarks that Hutu and Tutsi agree on the importance of remembering it and how it targeted the Tutsi as an ethnic group, but the two groups disagree fundamentally about the de-

³⁵ See also Nyirubugara (2013, particularly Chapter 2) for an explanation of parallel remembrances and what he calls ‘self-imposed amnesia’.

marcation between victims (officially supposed to be Tutsi) and perpetrators (officially considered to be Hutu).³⁶ This is because many Hutu feel they were also victims of the war, of the violence in the refugee camps, of post-genocide RPF killings or because they lost family members as a result of the harsh prison conditions. In addition, many Hutu families have endured poverty and sometimes destitution due to the imprisonment of family members as the absence of (male) labour leads to reduced (agricultural) productivity and families have to provide food for imprisoned family members (*Ibid.*: 137, 139). These Hutu often consider themselves as destitute as genocide survivors and feel anger and resentment that affect personal and community relations and perpetuate Hutu and Tutsi cleavages. As a result, ‘a lack of understanding and compassion for the other group prevails amongst survivors on one hand and accused and their families on the other, and discussion about hierarchies of suffering – debating which victim is more severely affected – are common’ (*Ibid.*: 139).³⁷

Another important memory-related problem is Rwanda’s contested past, which is also drawn along ethnic lines. This involves several versions of Rwanda’s history, all of which are closely connected to (ethnic) identities because they revolve around the nature of the cleavages between Hutu and Tutsi (and Twa)³⁸ and the genesis of Tutsi pre-independence domination. In short, the current government, which is dominated by Tutsi returnees, and Tutsi returnees in general adhere to a version of history that claims that Hutu, Tutsi and Twa lived together in harmony until the arrival of their colonizers, namely the Germans and then the Belgians, who manufactured a local Tutsi elite with whom they ruled Rwanda (Zorbas 2004: 41-42). Thomson suggests that the government is able to dictate this version of Rwandan history because it controls all public information. It misrepresents the current level of peace and reconciliation among the population (Thomson 2013: 112), while Pottier argues that the government, with the help of sympathetic and ill-informed academics and journalists, is eager to rewrite Rwanda’s history and history books (Pottier 2002: 127-128).

The current ‘official’ version of history contrasts sharply with what Rwandans were being taught before 1994, when history books suggested that Tutsi were foreign invaders who arrived in the region at some point to subjugate and exploit the Hutu and Twa (National Unity and Reconciliation Commission 2004: 22, as cited by Thomson 2013: 50). Chapter 3 delves into Rwanda’s pre-independence history and discusses a more nuanced version that nevertheless still shows how socio-ethnic tensions prevailed before, during and after the colonial project. Be-

³⁶ See Mamdani (2002: 266-267) for a categorization along ethnic lines.

³⁷ This is mentioned again in Chapter 5 that describes the current social relations in my research community.

³⁸ The Twa, who represent only about 1% of the population, belong to a Pygmy group.

sides different narratives related to Rwanda's pre-independence history, Waldorf points out that there is also a narrative concerning the genocide that was constructed by the RPF. This claims that the 1994 genocide was a culmination of small-scale genocides against Tutsi that were committed in the period around independence. According to Waldorf, the RPF believes that the genocide happened as a result of a colonial policy of divide and rule, bad leadership, extremist political parties and 'a virulently anti-Tutsi ideology, the "hate media" that disseminated this ideology, and an uneducated peasantry steeped in habits of obedience' (Waldorf 2011: 50). This narrative as well as the RPF discourse on Rwanda's pre-independence history are being taught in solidarity and re-education camps and at civic education training courses (Straus & Waldorf 2011: 8; Waldorf 2011: 50).³⁹

Pottier, who studied the current regime's efforts to recontextualize and 're-imagine' Rwanda and Rwandan history, proposes that the Tutsi-led government uses its version of history as a political tool in its representation of an idyllic and harmonious society with no ethnic divisions or ethnic tension. In his view, it has 'glossed over significant social complexities not only to mask the *pre-colonial origins of ethnicity in Rwanda*, but also to intellectually justify a system of leadership by Tutsi minority rule' (Pottier 2002: 110-111, italics in original).

Although people are trying hard to live together again, Buckley-Zistel has found that her respondents took little confidence from any encouraging signs of peaceful coexistence like helping neighbours, sharing a beer or inter-ethnic marriage. They feel they are only managing to coexist as a result of government coercion, fear of the other ethnic group or pure pragmatism, or a combination of all three (Buckley-Zistel 2006: 142). Chapters 4 and 5 deal with issues of pragmatism and fear in detail. Here we will only briefly examine the question of coercion, to which Thomson (2013: 112-113) also refers with regard to compliance with the policy of unity and reconciliation, as it is strongly connected to current politics of ethnicity. Government coercion is geared towards mitigating (the importance of) ethnicity with an official reconciliation discourse that underlines how colonizers invented and politicized ethnicity and that, consequently, claims that ethnicity

³⁹ Rwanda scholar Thomson researched the effects on ordinary Rwandans of Rwanda's national unity and reconciliation policy and was ordered to undergo re-education because the government felt that her research went against this policy and was sent to an education camp. She described re-education as a unity and reconciliation-promoting mechanism that is divided into re-education camps for released prisoners, ex-combatants, former soldiers, prostitutes and street children and solidarity camps for politicians, civil society and church leaders, *gacaca* judges and incoming university students (Thomson 2011). Participants are lectured for twelve weeks about government programmes, Rwandan history (especially the officially recognized version of pre-colonial Rwanda and the genocide) and unity and reconciliation (Thomson 2013: 120).

never even existed.⁴⁰ In addition, Rwanda's National Unity and Reconciliation Commission (NURC) highlighted in its 2000 Annual Report of Activities how the different ethnic groups merely had a socio-political instead of an inborn nature.⁴¹ As a result, all references to Tutsi, Hutu, Twa or ethnicity in general have been suppressed as they are seen as being divisive (Buckley-Zistel 2006: 142). However, 'the official narrative of "national unity and reconciliation" is broadly understood to mean that survivors (read Tutsi) forgive while perpetrators (read Hutu) tell the truth about what they did during the genocide' (Thomson 2013: 114). Mourning is only officially accepted during the recognized official week of mourning in April and this is limited to Tutsi survivors (*Ibid.*: 116). Many of Thomson's interviewees felt that the RPF was manipulating the way the genocide is being remembered 'to maintain their positions of power and wealth rather than truly seeking to unify the country' (*Ibid.*: 117). In addition, Waldorf, recognizing that the government initially made serious efforts to avoid ethnic labelling, even in discourses on the genocide, has observed that ethnicity has been reemphasized in official discourses since 2007. A good example is an amendment to the 2003 Constitution that has replaced the word 'genocide' with 'the 1994 Tutsi genocide'. Waldorf concludes that 'this emphasis on collective Tutsi victimization implicitly imposes collective guilt on Hutu and consequently makes it more difficult to achieve sustainable coexistence in Rwanda' (Waldorf 2011: 49; see also Nyirubugara 2013, Chapter 3). An interesting development in this respect is that President Kagame gave a speech to a group of Rwandan youth in June 2013 in which he claimed that every Hutu was guilty of belonging to a group that killed on his/her behalf and that all Hutus should stand up and apologize.⁴² Thomson too discusses the collectivization of Hutu guilt for the genocide, arguing that it eventually limits the opportunities open to many Hutu when it comes to participating in community life. She also problematizes the accompanying politicization of Tutsi victimhood and individual mourning because, with only Tutsi being officially recognized as victims, the experiences of Hutu who were victims of RPF-led violence or come from ethnically mixed families are silenced (Thomson 2013: 115-118).

Connected to Hutu guilt, collectivization and victimization are the (ex) prisoners and their families who are often neglected as they are a controversial and un-

⁴⁰ See also Thomson (2011: 336) and Warshauer Freedman *et al.* (2011: 301).

⁴¹ For an account of the NURC's policy and practices on reconciliation and unity, see (Zorbas 2004: 38-39; Thomson 2013: 110-125).

⁴² I checked the translation of his speech with two Rwandan acquaintances and they both agreed with the given interpretation and felt it would aggravate an already tense situation. In the same speech, Kagame threatened to hit the Tanzanian president for suggesting starting negotiations with a Hutu rebel group based in eastern DRC that comprises former *génocidaires*. See <http://therisingcontinent.wordpress.com/2013/07/04/kagame-publicly-threatening-to-hit-president-kikwete/>. Accessed 4 January 2014.

popular group. At the height of the imprisonments, the country's prisons contained some 130,000 prisoners and almost every Rwandan had at least one and probably several family members or acquaintances in jail. Tertsakian (2011: 111) describes the horrific circumstances in which prisoners lived and concluded that these unacknowledged abuses would negatively affect the government's reconstruction and reconciliation efforts because:

What Rwanda's prisoners and former prisoners think and do is not a peripheral matter. It affects a significant proportion of the Rwandan population: not only these individuals themselves, but the next generation. Children who have seen their parents imprisoned for years without justice have grown up harbouring feelings of ethnic victimization. Unless these problems are addressed, they will continue to undermine Rwanda's social and ethnic cohesion, and threaten the country's future unity.

In the meantime, the Rwandan government is hoping to promote Rwandan unity by replacing ethnic terms with a discourse of all-inclusive 'Rwandaness' (Buckley-Zistel 2006: 142) or 'Banyarwanda' (Zorbas 2004: 43) and with the slogan 'one Rwanda for all Rwandans' (Thomson 2013: 113). Zorbas (2004: 43, *italics in original*) states that:

References to identities other than the officially sanctioned *Banyarwanda* identity are regularly met with informal public shaming campaigns, labelling any individuals who utter these propositions as *génocidaires* [those who committed genocide] sympathisers and even negationists [concerning the genocide], and can result in formal charges being brought against people on the grounds that they are promoting 'divisionism'.⁴³

There are several legal instruments in place regarding the formal charges that can be brought against people: the 2003 Constitution and the 2003 Law Punishing Genocide criminalize revisionism, negationism and the trivialization of the genocide, while the 2008 Genocide Ideology Law punishes acts and expressions of genocide ideology (Waldorf 2011: 50-56). Although the wording in all three instruments is vague and avoids any clear definitions of the crimes they deal with, the Genocide Ideology Law is especially problematic because, according to Waldorf, its lack of clarity seems to be deliberate and the law 'also purposefully conflates criminal defamation (and a host of lesser offences) with genocide' (*Ibid.*: 55). Waldorf describes how the Rwandan government has used this law to make 'sweeping accusations' of genocide denial and genocide ideology against it critics (Waldorf 2011: 56), including any political opponents, and that genocide-related laws as well as a fierce campaign against genocide ideology were used against national and international human rights and non-profit organizations,⁴⁴ the Voice of America and the BBC's Kinyarwanda radio service. It is argued that

⁴³ See also Eltringham (2011) and Waldorf (2011).

⁴⁴ Trócaire, Care International, Norwegian People's Aid and Human Rights Watch are mentioned in (Waldorf 2011: 48, 53, 56).

this demonstrates the current government's abuse of these laws for personal and political gain (*Ibid.*: 52-59).

This section has shown how ethnicity is a lived reality and that ethnically based antagonisms still exist but are being suppressed in attempts to coexist peacefully. 'Chosen amnesia' and government coercion are playing an important role here. With regard to this amnesia and the different narratives concerning pre-independent Rwanda and the genocide, it is interesting to note that history has not been taught in Rwandan schools since 1994 (Zorbas 2004: 41).⁴⁵ Buckley-Zistel's alarming observation in this context is that, although chosen amnesia may be essential for coexistence, it 'bears the danger of not challenging the social cleavages that rendered the genocide possible in the first place, and so obstructing their transformation in the future' (Buckley-Zistel 2006: 131). In the fight against genocide ideology and negationism, there is an inherent tension between the government's reconciliation discourse that aims to eradicate ethnicity and its genocide narrative that inevitably emphasizes ethnicity (Eltringham 2011, as cited in Waldorf 2011: 49). Instruments that criminalize genocide ideology, revisionism or negationism are often used as a political tool to stifle political opposition and anyone who criticizes the government. With this rather gloomy conclusion we end this part on present-day Rwanda and turn to the third part that discusses the research.

The Research

The findings in this volume are based on fieldwork that was carried out in Mubinda in Southeast Rwanda. How the fieldwork was carried out is described in Chapter 2, while Chapter 4 discusses the post-genocide history of Mubinda and Chapter 5 analyses its current social relations and the role of the state. This section only provides some brief information about the area around Mubinda and a general description of the population of the village. Mubinda is not the real name of the village. To ensure the safety of my respondents, I decided at the outset of my fieldwork to rename the research village Mubinda and not to specify the sector in which Mubinda lies. In addition, I have changed the names of all my respondents, informants and research assistants. They are only mentioned by a fictitious first name, which is often done in monographs on Rwanda. The decision not to mention the real names of my respondents and informants was taken before the research started but it was only during the writing process that I also altered the names of my two research assistants after one of them read parts of the

⁴⁵ Warshauer Freedman, Weinstein, Murphy & Longman (2011) describe their efforts to develop materials and skills to reinstate history teaching in secondary schools and how tensions regarding ethnicity and the official narrative of Rwandan history, which conflict with a critical examination of Rwanda's past, have inhibited curricular reform.

thesis and realized that being so closely associated with the project made her feel uneasy. Chapter 2 explains, to some extent, why she reacted this way and discusses the very significant contribution these assistants made to the quality of the research data.

Map Rwanda



The Research Area

Rwanda can be divided into three main agricultural zones and eastern Rwanda is a virtually flat and relatively low plateau with high temperatures, low annual rainfall and a tree-covered savannah type of vegetation. Eastern Province used to be a region of low population density and attracted many internal migrants who moved there from the centre and the south. This happened in particular around the time of independence in 1962 and again in 1972 when more than half of the Tutsi population fled the country after ethnically motivated violence. Vast tracts of pasture land and wetlands, which had been used for dry-season pasture, were appropriated by the remaining population and newcomers (Cambrézy 1984,

Grosse 1994, Olson 1994, Clay, Reardon & Kangasniemi 1995 and Campbell 1994, as cited in Uvin 1998: 185-187).

Mubinda is a village in Ngoma District in Rwanda's Eastern Province some 20 km from the town of Kibungo.⁴⁶ It is a village of some 5000 inhabitants, with about 1000 houses spread along a long, dirt main road. It is a part of a region that has a market, several primary schools, two secondary schools, two medical centres and five churches. The area is considered to be relatively well-off because of its bananas, which are transported to Kigali for sale on a daily basis. With a few exceptions, the people of Mubinda are peasants who cultivate their fields full-time, mainly for their own consumption. Many of them do not have much land of their own and therefore engage in (temporary) agricultural labour on someone else's field when they can.⁴⁷ Some respondents also own cows and/or goats.⁴⁸

Mubinda's economy is not well connected to economic opportunities beyond the local level. Most people only have access to financial resources by selling part of their harvest or through agricultural labour. Depending on the season, they work as labourers two or three times a week. Wages in 2008-2009 for four hours' work were RWF 500 (the equivalent of approx. € 0.70),⁴⁹ but people are sometimes paid in kind, for instance in beans or bananas. Of the 45 respondents questioned, almost a third indicated that they made use of labourers to cultivate their land or herd their animals. About 20% of these respondents had another job from which they earned an additional income, for example as a bricklayer or repairman.

When the RPF took control of the region in April 1994, many of Mubinda's Hutu residents fled to Tanzania. Shortly afterwards, hundreds of thousands of mainly Tutsi refugees decided to return to the country after many years of exile and settled in the southeast due to its proximity to the border and because it was

⁴⁶ Rwanda's administrative structure is as follows: there are four provinces that are divided into districts with each district containing several sectors. Before the administrative reforms of 2005, Mubinda was part of the smaller Kibungo Province.

⁴⁷ 43 respondents were asked if they knew the sizes of the plot(s) they cultivated. These data led me to conclude that half of the respondents cultivated less than 0.5 ha and about 30% had between 0.5 and 1.5 ha. However, a survey conducted by Gasarasi & Musahara (2004: 34) in the same area in 2004 estimated that, based on 20 interviews, 65% of the population in this region had plot sizes between 0.5 and 1 ha and that no one had less than 0.5 ha, although 10% of the people were landless. I prefer not to specify the exact amount of land people have access to because these figures do not tally and the sustainability of land tenure is not clear as the status of plots, which may be inherited, purchased, on loan or borrowed, was not systematically researched.

⁴⁸ Having livestock, especially cows, is important as they are a form of capital that can be sold in times of need. Their milk provides an additional source of income and animal manure improves soil fertility.

⁴⁹ RWF = Rwandan francs. On 3 December 2008, RWF 500 was € 0.73. Compared to other areas of Rwanda, this is relatively good. For an overview of wages, see Ansoms (2009a: 224-260, Annex 2).

under RPF control. Today Tutsi returnees constitute about 20% of the population.⁵⁰

Research Questions

The central question in this thesis is:

How do government policies concerning access to land and land tenure in rural post-conflict Rwanda influence local community relations (including ethnicity) and land conflicts?

It is important to note that the concept ‘conflict’ instead of ‘dispute’ will often be used in this thesis to show how, as Nijenhuis (2013: 50) suggests, conflict is a social process. I therefore follow her distinction because ‘conflict’ ‘refers to deeply rooted, long-term and on-going differences between values and interests, “disputes” can be considered the specific, identifiable episodes that are part of larger continual conflicts and that may flare up from time to time’.

Social relations are mainly discussed at community level and not within families. When answering the central question, the role and interaction of ethnicity in social relations and in land-related policies are taken into account. In addition, as the quote from my Rwandan contact in the first sentence of this chapter suggests, I plan to reflect on the pertinent question of whether future land-related violence is likely to occur.

The sub-questions are:

1. What is the role of the Rwandan state in land access and tenure?
2. How are land access and ethnicity related historically?
3. What is the influence of the Rwandan state in daily life and how does this affect social relations, including ethnicity?
4. What are the consequences of the recent land reforms and how are they affecting community life?

Relevance and Limitations

In their ‘Review Essay - Bringing the Peasants Back in: Agrarian Themes in the Construction and Corrosion of Statist Historiography in Rwanda’, Newbury & Newbury (2000: 833, Note 3) mention that Rwanda’s bibliography is one of the most extensive in Africa. However, they also argue that as far as historiography goes, ‘politics have often been removed from rural life and agricultural practices separated from political life’ (*Ibid*: 833). They thus plead for ways ‘to bring Rwandan peasants into the understanding of politics and politics into the understanding of rural society’ (*Ibid*.: 834). Even today, most researchers are concerned with state politics and macro-level developments, although quite a few scholars have written monographs and articles focusing on rural matters, for ex-

⁵⁰ This figure is based on Human Rights Watch (2001: 10) research from 1996 that found that the percentage of Tutsi returnees in southeastern Rwanda in late 1996 was about 19%.

ample livelihood conditions (Koster 2008), poverty (Ansoms 2009a), transitional justice and political transition (Ingelaere 2012), resistance to the policies of unity and reconciliation (Thomson 2013), agricultural reform (Huggins 2014b), genocide understandings (Fujii 2009; Straus 2006), prison experiences (Tertsakian 2008) and youth (Sommers 2012). In line with Newbury & Newbury's suggestion, this thesis aims to add to this list of publications by connecting politics with rural life and examining the repercussions for peasants' social relations. These themes are highly relevant for other Rwandan scholars interested in (rural) Rwanda as well as for policy makers who aim to strengthen Rwanda's social fabric and promote economic progress.

Data collected in Mubinda are used to answer the research question. The region of which Mubinda is part (Ngoma District and Kirehe District) has, like every other region in Rwanda, its own specific history of violence, refugee flows and corresponding ethnic composition with, in this case, a high percentage of Tutsi returnees. What is also specific to the research area is that the land-sharing and villagization policies were mainly restricted to this part of Rwanda. Consequently, parts of this thesis that discuss these policies (Chapter 4) and connect them to the 2013 Land Law and land policy (Chapter 6) and the current land conflicts (Chapter 7) are only relevant to the southeastern region, as are parts of Chapter 5 that discuss Mubinda's social life. All the other information in this thesis that helps to answer the above-mentioned sub-questions can be applied to Rwanda as a whole.

The thesis focuses on the socio-political aspects of land access and tenure and limited attention is given to the gender aspects of land, the role of religion and the church in peasants' daily lives, and to conflict resolution regarding land and other conflicts. It also does not examine the cultural aspects of land in depth, although I acknowledge that Rwandans are still attached to their land in a cultural sense.⁵¹ I believe that, due to the widespread violence, the extensive population movements, increased land scarcity, conflicts and policies like land sharing and villagization, Rwandan peasants have had to detach themselves significantly from any cultural connotations they may have had with land and land tenure. In the research area, the two most important groups were the returned Tutsi refugees, who had often grown up in neighbouring Tanzania and who were thus relatively unfamiliar with any cultural aspects, and Hutu families who, because of having to obey policies of land sharing, villagization and land reform, simply

⁵¹ The cultural aspect is noted in a 2013 study of the land registration policy by the Rwandan NGO Rwanda Initiative for Sustainable Development (RISD) that argues that: 'Land is a commodity unlike any other. It has symbolic and social value, works to connect the living to the dead through inheritance and burial, and establishes a person's sense of belonging in place' (Rwanda Initiative for Sustainable Development 2013: 6).

could not afford to consider their cultural attachments to land too much, as this thesis will demonstrate.

Tilling the Land: Peasants or Farmers

Rwandans engaged in agriculture have often been referred to as *farmers* in this introduction but they will mostly be called *peasants* in the rest of this book. Although the word *peasant* is often used in a belittling or degrading manner, this choice was a deliberate decision and was based on Bryceson's criteria that concern *farm*, *family*, *community* and *class*. The *farm* criterion implies that peasants' livelihoods combine subsistence farming with commodity production. *Family* refers to the internal social organization that is based on family labour because the family is the production, consumption, reproduction, socialization, welfare and risk-spreading unit. The *community* that peasants are part of refers to a village settlement and to traditional conformist attitudes, while *class* signifies that there is 'external subordination to state authorities as well as regional or international markets, inferring surplus extraction and class differentiation' (Bryceson 2000: 2).

This thesis will demonstrate that the position of Rwanda's small-scale farmers is reflected in these criteria. Rwandan peasants are merely subjects when it comes to their contacts with local authorities and other government representatives and the 2013 Land Law does not take into account the vulnerable position of these peasants. Chapter 6 suggests that the implementation of programmes like land consolidation and crop specialization is a further threat to peasants' livelihoods, which are also jeopardized by increasing land scarcity. Looking at land tenure and scarcity in Africa in general, Berry (2002: 639) summarizes the situation as follows:

Rapid population growth, environmental degradation, and slow rates of economic development that leave many people dependent on small-scale farming, livestock raising and foraging have transformed Africa from a continent of land abundance in the first half of the twentieth century to one of increasing land scarcity by its end.

Competition for land 'has followed myriad social fault lines' (*Ibid.*). While emphasizing the importance of the historical context in which land relations and conflicts have been shaped, she observes that 'struggles over land in postcolonial Africa have been as much about power and the legitimacy of competing claims to authority, as about control of property per se' (*Ibid.*: 639-640). The next part of this chapter considers how social relations are connected to these concepts.

Access to Land, Social Relations and the Construction of Authority

This chapter previously discussed how increasing land scarcity and the lack of off-farm employment opportunities were factors that drove some Rwandans to use violence against their neighbours. It also showed how land inequality and changing land security affect local communities, possibly causing tensions and (violent) conflicts. It revealed the connection between land and social relations and supports the argument that access and property rights to land are fundamentally about social relations as ‘they are not about the link between a person and a thing (object of property), but rather about the relations between people with regard to a thing’ (Meinzen-Dick & Mwangi 2009: 7). Since land tenure is derived from social relationships and institutions, changed property rights lead to redefined social relationships and this has implications for the entire social fabric of rural communities (Bates 1998, as cited in Berry 1993: 102; Meinzen-Dick & Mwangi 2009: 37).

Peters (2004: 269) expressed her concern about the growing inequality and social conflicts over land, arguing that the current literature on land issues in Africa focuses too much on the ‘flexibility, negotiability and indeterminacy in analyses of social relationships over land’ and finds that ‘the pervasive competition and conflict over land call into serious question the image of relatively open, negotiable and adaptive customary systems of landholding and land use and, instead, reveal processes of exclusion, deepening social divisions and class formation’ (*Ibid.*: 270). Land relations, she feels, are not just socially embedded but are embedded in unequal social relationships (*Ibid.*: 304) and she criticizes others for putting too much emphasis on people’s social agency and too little attention on inequalities within social relations that inhibit certain individuals or groups from advocating their access or property rights (*Ibid.*: 278-279). While analysing the role of the state, elites and international actors in land issues, Peters (*Ibid.*: 294) concludes that:

One may well agree that state action does not determine outcomes, that a multitude of ‘small acts’ can subvert or refashion the promulgations and acts of the mighty, and that the relative autonomy of institutional arenas facilitates renegotiation of social claims and responsibilities. But one must also pay attention to the fact that small acts and even large-scale responses are as often swept away by powerful agencies (as in the villagization schemes of the Tanzanian Ujama policy).

Let us now consider the connection between land tenure and social relations through the access theory of Ribot & Peluso (2003) and the focus on (political) authority and legitimacy with regard to land claims, as explained by Sikor & Lund (2009) and Lund & Boone (2013). To define and analyse access, Ribot & Peluso, who make a strong argument for differentiating access from property,

make a distinction between several access mechanisms with which they refer to the processes, means and relations that enable people or groups to gain, control and maintain access: legal rights-based mechanisms and structural and relational mechanisms. In short, legal rights-based access derives from law, customs or conventions. These can, however, involve ambiguities, for instance when laws issued in the same period contradict each other, when it is not so much rights, but rather privileges that are delegated to the population or when systems of legitimacy overlap (Ribot & Peluso 2003: 159). Illegal access, which is also part of this mechanism, is considered a rights-denying mechanism of access as it is 'a form of direct access defined against those based on the sanctions of custom, convention, or law'. Illegal access through violence or theft is based on notions of morality and legitimacy because what 'one group calls theft can be considered moral or legitimate by others' (*Ibid.*: 164).

Structural and relational mechanisms concern political-economic and cultural frames that shape access to resources. They can be divided into access to technology, capital, markets, labour and labour opportunities, knowledge, authority, social identities and (other) social relations (*Ibid.*: 164-165). Although all these mechanisms may be regarded as forms of social relations (*Ibid.*: 172), the last three categories are those most concerned with the social aspects of land access: access to authority; access through social identity and access through the negotiation of other social relations.

Access to authority is, evidently, of importance as it allows people to gain and/or maintain access to land and other resources and a person's social or economic status may influence their ability to have access to the authorities. Status is closely related to group or community membership and someone's social identity and their ability to gain or control access through this identity. Having a certain identity can facilitate or hinder access to certain resources, for instance when members of a social group are subject to a certain law from which others are exempted (*Ibid.*: 170-171). Access relations are always changing and depend on someone's or a group's position and power in these relationships. The level of power an individual or group can exercise varies according to the relationship as well as over time as 'different political-economic circumstances change the terms of access and may therefore change the specific individuals or groups most able to benefit from a set of resources' (*Ibid.*: 158). Berry (2002: 663) therefore suggests that people who are unable to take their case to the authorities or to court will find that their exclusion in land-claim negotiations reinforces rather than challenges authority. Other social relations embedded in friendship, reciprocity, trust, patronage, dependence and obligations are also important and people tend to invest a great deal in economically based ties to benefit from resources (Berry 1993: 15; Ribot & Peluso 2003: 172).

The connection between access and property to power and authority is also explored by Sikor & Lund and Lund & Boone. The latter underline that, as land issues also involve social and political relationships, land struggles not only deal with access to property but also with the scope and structure of authority and state formation, ‘with land claims being tightly wrapped in questions of authority, citizenship, and the politics of jurisdiction’ (Lund & Boone 2013: 1). Authority is not only represented or reflected by land control and control over political identity but is also produced by it (Lund & Boone 2013: 2; see also Berry 2002: 656-660). If, for example, land is sold as a commodity, the way the transaction is interpreted by the actors involved depends on social relations around land use and the political power of authorities to impose a certain interpretation. The interpretation that prevails not only has implications for the parties involved but also for the institutional arrangements that structure land tenure (Lund & Boone 2013: 3). Prevailing interpretations and power balances can consequently be destabilized by policy changes, administrative reforms or changes in institutions or individuals that deal with land access and dispute resolution. Lund & Boone (*Ibid.*) conclude that:

The politics that generate modifications and change in such interpretations can shape authority relations and the distribution of control over resources in enduring ways. There are consequences not only for the institutionalization of authority but also for economic development, constitution and recognition of social groups, and class formation.

They have distinguished three dimensions of land control in which (political) authority is established and maintained: the categorization of people and groups engaged in land; tenure forms; and land-control jurisdiction. And they define three kinds of jurisdiction: functional (exercised by different authorities); territorial; and jurisdiction over persons (for instance when different tribunals deal with land claims from different ethnic or religious groups). Tenure forms are divided into customary or communal rights, use rights, market-based rights and allocation rights and involve the question as to which authorities enforce and control these rights and with what results (*Ibid.*: 4-8). The final dimension involves the categorization of people and concerns issues of citizenship, political status and political identity. Lund & Boone (2013: 8-9) mention categories, such as insiders/outsideers, nobles/commoners, men/women, different ethnic groups and old/young, that are important when people legitimize land claims. Their (re)production and erosion are thus political processes. As products of social and political processes, these categorizations cannot be regarded as fixed because they are reproduced and change according to changing social and power relations as ‘various actors, both individuals and institutions, actively reproduce these social relations and confirm distinctions, including those pertaining to property rights’ (*Ibid.*: 9).

Territorial jurisdiction is clearly connected to the categorization of people and is mentioned by other authors as an important notion because states exercise power partly through territorial control (Berry 2009: 24) and classification, registration and mapping techniques and policies control the spatial ordering of people. Such ordering and control not only structures physical space but also allows and prevents forms of land use and access and regulates mobility. As territorializing strategies can differentiate rights to resources, they contribute to the 'structuration of citizenship' (Sikor & Lund 2009: 14).

Power and authority are linked to legitimacy. However what is considered to be legitimate or illegitimate can change over time, such as when a government nullifies a legal practice or an established right and turns private land into public land (*Ibid.*: 7). Legitimate or successfully legitimized power determines the authority of politico-legal institutions and authorities that may support property or access claims. As a result of institutional pluralism, state institutions may be incompatible with one another and authority may not always be exclusively vested in the state. Authority can also overlap or change over time, for example when chieftaincy is abolished as a political institution and replaced by another authority that, in turn, results in ambiguity, complexity and uncertainty in access and property relations (*Ibid.*: 8-10). In cases of legal pluralism, i.e. the coexistence of statutory and customary systems (Musahara & Huggins 2005: 285), not only can claimants go 'forum shopping' to find authorization for their claims but institutions too can shop for claims to authorize if they need to compete for authority to build and solidify their legitimacy (Sikor & Lund 2009: 10). In addition, Sikor & Lund (2009: 14-15) conclude that:

... regardless of the origin of access and power, there is an inherent drive to legitimize the exercise of power; to launder power as authority, as it were. But there is no reason to expect that the quest for legitimacy is conducted by legitimate means alone, especially if one recognizes that what may be illegitimate to some may be seen as legitimate by others.

When applying Ribot & Peluso's access theory to Rwanda, it is clear that access relations – and consequently social relations – have constantly changed and become increasingly unequal because of the growing power of the authorities. A strong and centralized state has become the ultimate owner of all land and controlled land tenure, leaving the population little to no room to negotiate land claims. This is described in Chapter 3, which also discusses the history of state centralization and clientelism and shows how land rights, particularly of the Hutu population, weakened considerably. Chapter 5 examines the current nature of state-population relations and will also reveal how, over history, one ethnic group has tried to dominate and rule the other group, jeopardizing the land rights of the group that was being ruled. For instance, when large numbers of Tutsi were killed or fled the country between 1959 and 1964 and again in 1973 as a result of

ethnically motivated killings, the Hutu-dominated government allowed their Hutu neighbours take over Tutsi land and properties. When Tutsi refugees returned after the 1994 genocide, they were not supposed to reclaim their land. This policy had a legal basis because it was part of the peace agreement described in Chapter 4. It contrasts with the 1996-1997 land-sharing agreement between returning Tutsi and the Hutu population, which was not supported by a law or decree and therefore had no legal basis. This latter agreement is still resented by many Hutu families who contest its legitimacy but, as a result of their weak(ened) position *vis-à-vis* the authorities, have no way of challenging it or other land-related policies. These examples, in line with Berry's suggestion, show that authority is merely reinforced and not challenged when authorities or the courts are inaccessible to members of a particular group. From a broader perspective, this applies to the entire peasant population that is today often unable to gain access to the courts. Seen from a historical perspective, it refers to longstanding patron-client relations, in which the Hutu population in particular suffered from an inferior status.

Various observations can be made about Lund & Boone and Sikor & Lund's remarks about power, authority, legitimacy and territoriality. As previously suggested, it is force and coercion that have allowed pre- and post-genocide governments to legitimize their control over land. In turn, authority in Rwanda has been largely produced by land control and control over identity. When analysing the current nature of the state and its relationship with today's population, it is clear that authorities have enough power to impose certain interpretations, which is in line with Lund & Boone's suggestions. The aforementioned land arrangements, which are the result of various massive population movements due to ethnic-related violence around the time of independence, the 1990-1994 civil war and the 1994 genocide, have significantly upset many people's already insecure land rights. Categorization has been an important element in this respect because it was used by the pre-independence Tutsi-dominated and post-independence Hutu-dominated governments to curtail the land-tenure rights of the other ethnic category, making land access increasingly a socio-political affair. Although the present Tutsi-dominated regime seems to be targeting both groups equally with its land policies, many Hutu in the research area feel their rights regarding land access have been greatly reduced and this has problematized relations with local (often Tutsi) authorities. Chapter 6 will show that territorial jurisdiction in the Rwandan context of the Land Law, which introduced land registration, land consolidation and crop specialization, is about the control of space and the physical control of the population and the structuration of citizenship.

Outline of the Chapters

Chapter 2 describes the research methods used and explains how the nature of the Rwandan state and the behaviour of Rwandan respondents affected the research and the researcher. It highlights how these issues inform the rest of the thesis. Chapter 3 analyses Rwanda's pre-colonial, colonial and post-colonial history in a context of power relations, clientship, oppression and violence and focuses on ethnicity, land access and the way these themes interact. Chapter 4 then discusses how, shortly after the genocide, Mubinda's inhabitants were confronted with two land-tenure policies – land sharing and villagization – and the impact these policies had on social relations. Chapter 5 focuses on the role and position of the Rwandan state in peasants' daily lives, the nature of Mubinda's social life and how the two are linked. Chapter 6 describes and analyses Rwanda's current land reform programme with its land registration, crop specialization and land consolidation being the main features of the 2013 Land Law. Chapter 7 is dedicated to the increasing land conflicts in Mubinda, some of which have arisen because of land registration and are connected with land-sharing grudges. Finally, Chapter 8 offers the overall conclusions.

Researching Rwanda

After five months of fieldwork in Rwanda, the day of my departure had come. That day I was in a very bad mood. Due to a misunderstanding, my friend and research assistant Cécile arrived over an hour late to escort me to the airport. Although we arrived in time, I reacted in a rather agitated manner. When I was sitting on the plane waiting for take-off later that day, a thought would not leave my mind: 'I can leave'. After just having said goodbye to some loving friends, I was shocked at this thought and it really upset me. After a stopover in Nairobi a few hours later, I boarded a KLM plane and when I was greeted by Dutch-speaking air hostesses I was so relieved to see them and hear Dutch again that I could hardly resist the temptation to throw myself into their arms.

Fieldwork in Rwanda can be a difficult and exhausting activity. As a researcher, you are your own tool of research and much depends on your physical and psychological wellbeing. After a challenging first fieldwork period in 2008, I gradually discovered that more scholars encounter and describe psychological difficulties during fieldwork. In his article 'Fieldwork Ain't Always Fun: Public and Hidden Discourses on Fieldwork', Lecocq (2002: 274) argues that:

In professional discourse among practitioners of the field, the "just-like-a-holiday" attitude to questions about one's stay in the field serves to maintain or establish one's credibility as a capable researcher. While everyone knows that fieldwork is not always fun, not too many are willing to admit this in public since it might damage their reputation.

In this chapter, I am willing to run this risk in order to provide a better understanding of Rwandan society and my position in it as a researcher.

My fieldwork and research methods are the focus of the first part of the chapter, while the second describes my personal state of mind during and after my 2008 fieldwork. This description is not meant to raise sympathy or compassion from the reader but aims at showing the conditions under which this research was conducted and to offer insight into Rwandan society today. In the third section, I

analyse how the Rwandan state influenced my research both directly and indirectly. The fourth part deals with some important constraints in Rwandan society and how this affected the research and here I have relied heavily on reflections and analyses of fellow (Rwanda) researchers and have combined them with my own experiences. The concluding section describes the consequences of all this for my research.

Fieldwork and Research Methods

I had already had fieldwork experience in Rwanda in 2004 when I conducted research in Southern Province for three months for my MA thesis on Rwanda's *gacaca* courts. When I started my fieldwork for this research in July 2008, I had not decided which part of Rwanda would be the focus for my study of land access. Every region in Rwanda faces different problems related to land, mainly because of their different histories, especially with regard to the war and the genocide. The sub-theme of this research is ethnicity and how it influences land access and this meant that the region under study should have substantial numbers of Tutsi genocide survivors, returned Tutsi and Hutu. After consulting several experts, I decided that the most interesting region would be Eastern Province. Shortly after the genocide, many Tutsi had settled here after returning from exile in neighbouring Tanzania. When the Rwandan Patriotic Front (RPF) took over the region in May 1994, large numbers of Hutu fled to Tanzania. They returned to their homes after two or three years in exile and were settled in newly formed villages alongside returned Tutsi and Tutsi genocide survivors.

Fieldwork

I conducted three periods of fieldwork in Rwanda: five months in 2008, five weeks in 2009 and a final two months in 2010. I held some 100 interviews with peasants, local authorities and local NGO representatives in Mubinda and the wider Ngoma District, and also held interviews in Kigali with representatives of governmental and non-governmental organizations. The first fieldwork period started in Kigali where I arranged several fact-finding interviews in order to establish the research area and the research topic. After moving to Mubinda, my interpreter and I asked if it would be possible to stay overnight but we were told that there were no guesthouses in or near the village. We also noted that respondents' living conditions were too poor to accommodate long-term guests. In addition, we felt that it would be wise to have a certain physical distance between ourselves and the research area so that we could reflect more clearly on the data we had collected and avoid close surveillance by local authorities. I therefore decided to stay in a guesthouse in Kibungo for all three fieldwork periods and

made arrangements with taxi drivers based there to drive me back and forth to the research area.

As respondents spoke neither French nor English and I only have some basic knowledge of the Rwandan language, I worked with an interpreter/research assistant when I interviewed the peasant population and some local authorities. I worked with Cécile in 2008 and 2009 and with Honorée in 2010.¹ Of course the presence of an interpreter always influences one's conversation and the translation can result in a loss of information and/or subtlety because the interpreter paraphrases and summarizes both the questions and the answers. When reading quotes from Mubinda residents in this volume, the reader should note this point. However, in the case of Rwanda, I would argue that the presence of an interpreter also helped a great deal in establishing trust on both sides and in gaining more insight into the lives and circumstances of my respondents and the reasons behind some of their answers or silences. My conclusion is that I ultimately gained a lot from working with an interpreter.

In retrospect, my three fieldwork periods could be compared to diving. My first fieldwork period from July until December 2008 was like an initial plunge into the water when one is just some metres from the still visible surface. During the interviews in Kigali, I learned about land access, land problems and land reforms in general. In Mubinda, I held semi-structured interviews with peasant respondents and some local authorities that introduced me to peasant life. These familiarized me with the economic situation of the peasant population: how much land they had, what they grew, how much they earned and spent, and how they had obtained their land. Issues like land problems, ethnicity, land-related policies and land reforms were sometimes touched on but most people avoided giving details and I felt uneasy probing into these matters. Besides the usual lack of trust in and fear of an unknown white foreigner who they were meeting for the first time, most respondents did not feel comfortable talking about land as it was a sensitive and politicized topic. Political circumstances contributed to this: parliamentary elections in September 2008 and the arrest of a high-ranking government official in Germany in November 2008. These events will be described in the third section. As a consequence, my findings remained close to the surface. However, subconsciously, I learned a lot more about the political and social circumstances my respondents were living in than I was aware of at the time.

During this fieldwork period I worked with Cécile, a woman in her twenties with whom I became friends during my previous visit to Rwanda in 2004. In June 2009, I asked Cécile to hold some interviews in Mubinda on her own. Behind this decision was the need to have some more data, but mostly my feelings

¹ As explained in the introduction, I altered the names of my two research assistants to ensure their safety.

of uneasiness of the lack of trust I had experienced among most of the 2008 respondents. I therefore wanted to find out if people would feel more comfortable talking to Cécile alone. She conducted ten interviews and, after analysing them, I concluded that there were hardly any differences with regard to openness and trust on the part of the respondents.

My second fieldwork period in July and August 2009 lasted five weeks, when I again worked with Cécile and mainly conducted fieldwork in Mubinda. The people who knew me from the first time reacted positively to my return and even though we interviewed mainly new respondents, Cécile and I noticed that people were talking more openly about social and land-related problems. We attributed this to the building up of trust. Because we had returned, people seemed more comfortable talking to us. During these interviews, which were much less structured than in 2008 as this increased openness decreased my need for pre-formulated questions, we were able to find out more about (ethnic) relations, land problems and the way people had received the land-related policies. However, we still felt we had to show restraint when asking sensitive questions or pushing the respondents a bit further. But I felt I was much deeper in the water now, further from the surface and was able to see things that had been 'invisible' before.

I conducted my third and last fieldwork period in November and December 2010 in a period of great political tension that had emerged in the run-up to the presidential elections that were held on 9 August 2010. Grenades had exploded at busy places in Kigali in March, April and May; the independent press had been silenced; a journalist had been murdered; two political opponents were imprisoned; a vice president of an opposition party was assassinated; and an RPF dissident exiled in South Africa survived an assassination attempt. In addition, I heard stories from several sources about rifts at the core of the ruling RPF party from President Kagame's former allies who had fled the country and were speaking out against the regime and calling him a dictator. Rumours were also circulating of a coup attempt by Tutsi from within the RPF. I feared that people would be reluctant to talk to me because of these developments, but it turned out that this was not the case at all. In general, people were very outspoken, including some local authorities and NGO representatives, and I could ask even the sensitive questions I had not dared to ask in previous years. I have three explanations for this change in the attitudes of my respondents. Firstly, it was my third visit to Mubinda and this made people feel that I was genuinely interested in their lives. Secondly, my new interpreter Honorée was much older than Cécile and more experienced regarding research and life in general and she combined thoroughness and wit with experience and empathy. Thirdly, we held our interviews in the weeks that peasants in Mubinda had to register their land, which meant that problems regarding registration were uppermost in their minds during our presence.

The previous fieldwork experiences had helped me to see more clearly what opinions, ideas and emotions people had below the surface and this last fieldwork period was comparable to a deep dive.

Research Methods

The data used in this thesis were mainly collected from structured and semi-structured interviews with respondents and conversations with informants, friends and acquaintances, both Rwandan and non-Rwandan. Observations while visiting, for instance, a community meeting, a land demarcation team and a land consolidation attempt provided additional information, as did books, (newspaper) articles, reports, websites and government documents.

During my MA fieldwork, I had experienced how local authorities attempted to influence my research by suggesting who I talk to. I discussed this with my interpreter at the start of my first fieldwork period and we decided to try to avoid this by restricting our visits to local officials and simply walking around Mubinda and randomly asking people we met in the streets or fields if they would be prepared to talk to us. Most people were willing to be interviewed right away although we sometimes arranged to return at another time. As we drove into Mubinda every morning, we would decide which part of the village we would visit that day. In some cases, we asked a respondent if s/he could introduce us to someone. For example, we asked genocide survivor Spéciose if she could help us find other genocide survivors. Mubinda's authorities tolerated this approach throughout my fieldwork, never once intervening.

The risk connected to this method of interviewing people randomly is that it could have led to some degree of overrepresentation of a certain group if, for instance, most interviewees had turned out to be Hutu. This would have resulted in a subsequent underrepresentation of genocide survivors or Tutsi who had returned after the genocide, or both. After some weeks, we concluded, however, that this was not the case. Of the 43 interviews that I held during my first fieldwork period, 9.3% were with genocide survivors, 46.5% with Hutu and 28% with Tutsi who had returned after the genocide. 4.7% of the interviews were with people of mixed Hutu/Tutsi descent and I was not sure about the ethnic backgrounds of four persons and one couple (11.6% of the interviews) but I inferred that they were Hutu from various comments they made.

As was explained in the introduction, ethnicity is an extremely sensitive topic and a researcher cannot ask about it directly. From answers that the respondents gave to the question about how long they had been living in Mubinda, I could reason that someone who had left the country in 1994 after the arrival of the RPF and had lived in exile for a few years was Hutu, although some Tutsi fled in this period too. When someone stated that s/he had lived in exile in Tanzania for a

substantial period of time and came to Mubinda in 1994, I assumed that s/he was a Tutsi returnee, although there were also some Hutu among these refugees. I carefully correlated data from other sources as well to assess the ethnic background of my respondents but am aware that there may be some inaccuracies here. Most genocide survivors I interviewed were willing to reveal how they survived the genocide.

Initially I had planned to organize a survey among Mubinda's population in order to systematically gather information about their socio-economic status. As indicated earlier, I experienced fear and a lack of trust during my first fieldwork period because land was such a sensitive and politicized topic. In addition, the political situation during my first and third fieldwork periods was very tense and I feared that respondents would give what they considered were socially desirable answers. This made me decide against a large-scale survey. A negative consequence of this was that this thesis does not offer much information about the respondents' livelihoods.²

Fear, distrust and the generally tense political situation also negatively influenced my own well-being during my first fieldwork period, as is described in the next section.

Functional Dissociation and Other Inconveniences

Before my first period of fieldwork in 2008, I was insecure and nervous, presumably just as every other PhD student feels as they embark on their new research project. However I reassured myself that I had fieldwork experience in Rwanda and enough knowledge of the country to proceed as I had done three months of research in Rwanda in 2004 for my MA thesis. I had not encountered difficulties then so I believed that I would still be able to cope with the sadness, trauma and distrust I would encounter in the local population. Despite my bleak research topic in 2004, I had enjoyed fieldwork and felt my overall well-being had been sound both during and after this period. This was not however the case during my 2008 fieldwork when certain thoughts and feelings were evoked that gradually led me to feel uneasiness, fear and dejection. These mainly became manifest after my return to the Netherlands.

The first clear signs of these negative feelings appeared on the day I left Rwanda, as I mentioned at the beginning of this chapter. Some weeks after I returned home, I felt emotionally unstable and depressed: I lacked energy, concen-

² For instance, authors such as Ansoms (2007), Ingelaere (2007) and Thomson (2013) refer to six socio-economic categories that are officially used to define peasants' socio-economic living conditions. These categories are *abatindi nyakujya* (the most vulnerable), *abatindi* (the vulnerable), *abakene* (the poor), *abakene bifashije* (the non-poor), *abakungu* (the wealthy) and *umukire* (the very wealthy) (Ansons 2011: 127).

tration and motivation. I also had feelings of resentment when I thought of Rwanda and the idea that, to continue my research, I had to go back some time soon. One of the first people who noticed my depressed state of mind and emotional state was my dance teacher. When I first saw her after I returned, she looked at me in surprise and before I had said a word about my stay in Rwanda, she uttered: 'I can tell that you have suffered quite a bit!'.

In the following dance class, it suddenly occurred to me that I had not felt welcome in Rwanda. When I discussed my feelings with Erik Flapper, a psychologist, he assured me that it was a normal reaction to abnormal circumstances.³ Erik explained my state of mind by arguing that I had gradually had to change my expectations during my stay there. These expectations mainly concerned notions that a certain amount of trust normally exists, that you are treated kindly or at least neutrally, and are appreciated for who you are and what you do. I constantly had to lower these expectations because of the vast amount of distrust and fear (and sometimes even resistance) I often met. This negative experience had caused too much (and accumulating) stress and I had gradually started to feel fear and distrust myself.⁴ While talking to Erik I became conscious that I also had developed a certain degree of anger towards my respondents because I felt let down. While I was trying to do my research with the best of intentions, they had not been willing to put their trust in me.

Erik also explained why these negative feelings had mostly occurred after I returned from Rwanda. He attributed this to prior functional dissociation, which is the ability to temporarily disconnect from what one feels and what one thinks. It is a subconscious process that enables people to block negative feelings or panic that would otherwise go beyond what one could control. These feelings are only acknowledged and recognized when one's circumstances seem safe once again.

So I gradually learned that, subconsciously, my well-being had severely deteriorated in Rwanda and that I had been able to hide this from myself during most of my first fieldwork period. With this insight, I started to doubt my qualities as a researcher. Why hadn't I maintained a more professional distance from my research subjects? Why hadn't I been able to study them more objectively? I felt I had failed. Only after some months did I begin to realize that I had in a way internalized the fear and distrust that was being felt by the majority of Rwandans all the time. I then also understood that this in itself already contained important

³ Erik Flapper works for the Antares Foundation, a Dutch institute that provides psychosocial support to staff working abroad for humanitarian and development organizations. It is part of a research consortium that conducts academic studies on stress due to humanitarian work. See <http://www.antaresfoundation.org/>.

⁴ Begley (2013) describes similar experiences of fear when she was conducting fieldwork for her research into the government's use of the genocide ideology law.

information for me about how Rwandan society actually works. I will explain this in more detail in the next section.

When the Rwandan State Meets the Researcher

Most researchers have to deal with the state in some way while doing fieldwork, even if only when applying for research permits. Normally these encounters have no influence on the content and course of their research. However Rwanda is one of those states where government control of and even interference with research is a potential risk that can influence one's research directly and indirectly. Authorities can directly interfere, as happened for instance to Susan Thomson when the Rwandan government stopped her research on peasants' everyday acts of resistance to the national reconciliation policy (Thomson 2013). But the authorities can also indirectly influence research when a possible or real threat of control and interference leads to feelings of fear, distrust or anger because the 'personal state of mind not only has an impact on one's view on matters studied, it is decisive on whether or not one does see anything in the first place, or even on whether or not one wants to see anything at all' (Lecocq 2002: 274, 280). This section considers two important features of the Rwandan state: its omnipresence and manipulation and the ways in which they influenced my research and my state of mind.⁵

Big Brother

As mentioned in the introduction, Rwanda is characterized by a strong state that controls the daily lives of its citizens. The state is organized as far down as the *umudugudu*, which is the smallest administrative unit of 75 to 150 households. As a researcher, you have to go through all the levels from ministerial to village ('cell') to obtain permission to do research. The authorities therefore know what you are researching. After permission is granted and researchers start their fieldwork, they are closely monitored, for instance by neighbourhood committees. These consist of a chairperson, who reports to the village authorities, and four coordinators who are responsible for information, security, development and social life. The committee members, who are often just ordinary peasants, know exactly what is going on in their neighbourhood, including when and with whom a researcher has talked. I experienced this monitoring myself when a respondent

⁵ I do not want to suggest that the features described here are typical only for Rwanda, as they also occur in other parts of the world too. My supervisor Sandra Evers for instance had similar experiences in the Seychelles (Evers 2010).

told me that she knew I had talked to several people in her area as she also happened to be the information coordinator.⁶

Experiences of surveillance are not always as innocent as this previous remark may suggest, as two disturbing incidents during my last fieldwork period in 2010 show. Firstly, some men told our driver that local authorities had questioned some people we had spoken to.⁷ These men stated that it was only because the authorities understood that we had permission for the research that they were not imprisoned. After some inquiries, we got the impression that the people in question were an old lady (who I interviewed in 2008 and 2009) and her daughter, who we had only briefly visited just to greet them. After discussing this incident, the respondents involved agreed that, in cases of politically sensitive research, authorities often visit people after interviews and interrogate them. From then onwards I decided to tell respondents that, in case authorities would question them, they should not be too specific in these interrogations about the matters discussed.

The second incident involved some pictures I took in Daniel's backyard. Daniel was a respondent in Mubinda and I took pictures of his kitchen and cowshed whose grass-thatched roofs had been removed. These pictures were taken after he and several other respondents had complained about a government policy that insisted that the roofs of all thatched houses and their annexes be replaced by iron sheets.⁸ People did not agree with the measure and the rigidity with which it was implemented as the policy had left some widows and their children without a roof over their heads during the rainy season. Unfortunately (and unethically) I had not asked Daniel's permission before taking the pictures as he was not at home when I decided to take them. A day later, I was informed that the district authority had passed by to question Daniel about my actions and this had made him feel very uncomfortable.

Another phenomenon linked to the government's omnipresence is spying. This was explained to me at the beginning of my 2008 fieldwork by John Baldwin, a Western journalist who was living in Rwanda at the time.⁹ According to him, every Rwandan is constantly spying on his/her fellow Rwandans and this has become part of daily interaction.¹⁰ People do this because they feel that security

⁶ See also Bouka (2013: 111-112) for similar experiences who also confirms that 'snooping' neighbours facilitate state surveillance.

⁷ Thankfully, this driver was an old friend of my interpreter and willing to share this information with us.

⁸ See Chapter 5 for a more detailed discussion of this policy of removing grass-thatched roofs.

⁹ For reasons of security I prefer not to mention the journalist's real name.

¹⁰ This is confirmed by Bouka (2013: 111) who conducted research among released prisoners of the genocide who states that 'conducting research in Rwanda means learning to mitigate the constant voyeurism of the government and an inquisitive population prone to reporting things to the authorities'.

is vital and they do not want violence to erupt again. People will thus report someone to the authorities if a person says or does something that is not in line with what s/he ought to say or do, as for instance happened in the case of the pictures I took of Daniel's annexes.¹¹ As a consequence, Rwandans do not easily talk about their feelings and opinions in a group and will only voice them among family and close friends. This reluctance to discuss issues publicly is often noticed by journalists when they try to discuss politics in public and find that the interviewee 'fell silent whenever a waiter came within earshot, underscoring widespread belief that restaurant staff are paid to report people's conversations to Rwandan intelligence officials' (Childress 2010).

The government also spies on its citizens with well-equipped and well-staffed intelligence services. According to Dorsey (2000: 323), the intelligence services are the pillar of popular supervision and have succeeded in creating the idea of their omnipresence. Their presence creates self-censorship reflexes. He quotes a Rwandan intellectual as saying: 'if ten young men walk down the street, six of them are from military intelligence'. A Rwandan I met in 2008 was adamant that one in three people had links with the intelligence services and that these people were all Tutsi. Spying is not a new phenomenon in Rwanda and spying and surveillance were common under the pre-colonial monarchy when chiefs used to spy on each other and they themselves were in turn spied on by higher authorities (Vansina 2000, as cited in Straus 2006: 215).

Journalist John Baldwin was convinced that researchers like me were also targets of the intelligence services. By that time, I had interviewed about ten people from different NGOs in Kigali and John estimated that I would be known to the Rwandan authorities because of these interviews. According to him, at least one of the interviewees would be a member of the intelligence services and some others would have reported their interview with me to the authorities and passed on my contact details for further monitoring. Another way of spying on researchers is through their interpreters. Two Western researchers told me they knew of several cases in which interpreters denounced the activities and opinions of the researchers they worked with. Fujii (2008: 22), who did research in Rwanda on local participation in the genocide, had heard stories of authorities imprisoning interpreters and research assistants who had worked with foreign researchers and NGOs.

Manipulation

Spying and the omnipresence of the Rwandan government go hand in hand with manipulation and pressure. For instance, if someone wants a job in the public sector, s/he first has to become a member of the RPF ruling party. A friend told

¹¹ This is mainly a result of coercion and not of trust in the authorities, as Chapter 5 will show.

me the story of her sister who had asked the local authorities for help after someone broke into her house. The authorities reacted negatively by asking what she wanted them to do as she did not adhere to government programmes. Her sister objected saying that she did follow the authorities' orders but they responded by asking 'Did you pay your contribution to the party yet?'. This reaction is a clear example of how the authorities put pressure on Rwandan citizens.

After spending some weeks in Rwanda during my first fieldwork period, I gradually started to feel the pressure and manipulation myself. It was especially tangible in Kigali in September 2008 during the elections. In the three months prior to the parliamentary elections, civil servants had to contribute a third of their salaries to the RPF. Peasants were also targeted and expected to contribute. According to one informant, they had to pay RWF 200 (about € 0.30) but another insisted that it was much more as she argued that some peasants had to sell a goat before they could make their payment. When official campaigning for the elections finally started, the whole of Kigali was covered in the colours and logo of the incumbent RPF. People in the streets were wearing t-shirts and baseball caps bearing the RPF logo, RPF advertisements dominated billboards and public TV screens and there were lists of RPF candidates hanging everywhere. If you had had no prior knowledge of what was going on, you would have been inclined to think that it was a very cheerful and optimistic period. However, John Baldwin and others had warned me that local authorities often forced and coerced the population to vote for the ruling RPF or to become a party member. This did not necessarily happen in a subtle way, as I experienced when I met a respondent in Mubinda who chaired the supposedly neutral local election committee. During our first meeting, he was wearing an RPF cap and at the second he had on an RPF t-shirt. A woman from rural western Rwanda told me about a local training course she had attended and how, at the end of the day, she and her fellow participants were not allowed to go home if they had not yet registered as members of the RPF. She and other informants explained that people simply felt obliged to vote for the RPF because if they did not, they would regret it later when local authorities refused them certain services, as the story of my friend's sister illustrates. In the end, the incumbent RPF won with 79% of the votes, probably after 'reverse rigging'.¹²

Other cases of manipulation were visible in the government's reaction after the arrest of Rose Kabuye, a high-ranking government official who was then Head of Protocol of President Kagame and a former major under his command during the war. She was arrested in Germany in November 2008 as the result of

¹² Reverse rigging means that the RPF victory was downplayed by lowering the percentage of the votes they had won. In reality, the RPF obtained 98% of the votes but this was reduced to 78.76% so that it appeared less 'Stalinist' (Reyntjens 2011: 11).

an international arrest warrant issued by the French judge Bruguière. He had investigated the shooting down of President Habyarimana's plane that marked the start of the genocide on 6 April 1994. He did this on behalf of the families of the French crew members who also died in the crash when the plane was supposedly hit by the RPF, which was then a rebel movement.¹³ Rose Kabuye was arrested on suspicion of sheltering the RPF soldiers who shot down the plane. Eight other senior RPF members, including President Kagame, were on Bruguière's list. In the weeks following her arrest in Germany and detention in France there were demonstrations outside the German Embassy in central Kigali.¹⁴ Billboards, public TV screens, banners, newspapers and all the other government-controlled media vehemently protested against her arrest. A banner attached to the entrance to a shopping centre in Kigali read: 'The management of the UTC centre supports Rose Kabuye and her family'. Various TV screens around the city claimed '60 years after the Holocaust Germany arrests a woman who stopped the 1994 genocide'. And for weeks, the RPF-owned newspaper *The New Times* announced the number of days Kabuye had been detained and had a proverb or slogan on the front page. For instance, 'Day 33: First they ignore you, then they laugh at you, then they fight you, then you win' (*The New Times*, 11 December 2008). Although these protests appeared to be spontaneous and genuine, it emerged that the government was always behind them. Several times, text messages were sent out via the mobile telephone provider MTN to incite the population of Kigali to protest in organized demonstrations during which businesses had to be closed and public life came to a standstill. In the rural areas too, the authorities organized demonstrations and it was understood that, after each demonstration, the authorities drew up lists of people who had not shown up to protest against Rose Kabuye's detention.

In the end, I started to feel very uneasy about these protests, especially when a Rwandan friend explained that both the protests and Kagame's fierce speeches about Kabuye's arrest were not just directed at Germans but at white people in general. I experienced this myself when I was walking in the direction of the German Embassy one day and a group of protesters came towards me. They had obviously finished their protest and were walking to the arranged minibuses that I had already spotted. However, as soon as they noticed me they raised their banners once again and sang their protest songs while looking directly at me, the only white person around. I was concerned and could not help but think: 'I have

¹³ His investigations were reopened by two other judges, Marc Trévidic and Nathalie Poux, who concluded the opposite in early 2012 and indicated that it was the FAR (Force Armée Rwandaise or Rwandan Armed Forces) that fired the missiles and brought down the presidential plane <http://www.france24.com/en/20120111-judicial-report-france-rwanda-investigation-habyarimana-genocide-kagame-diplomacy/>. Accessed 21 December 2014.

¹⁴ The German ambassador had already been expelled by this time.

had nothing to do with this arrest, I am only carrying out well-meant research and these manipulated and ill-informed people are raising their banners and shouting at me!'. In retrospect, I am aware that my assessment was perhaps not totally justified, but what I felt at that moment was a mixture of uneasiness and irritation. Around the same time, my interpreter Cécile also showed unease with the situation when she proposed not asking sensitive questions in Mubinda because she feared it could get us into trouble with the authorities.

The Rwandan authorities are also able to directly influence one's research, as happened to researcher Susan Thomson. She discovered that a representative of a Rwandan local partner association who had recommended possible interviewees told these people what they could and could not say to her. In the end, the authorities were not pleased with her research and forced her to stop (Thomson 2013: 34).

There were two incidents during my 2010 fieldwork when the authorities tried to intervene. One day, Honorée and I wanted to visit a land demarcation team and we asked some local people involved in the land registration process where we could find them. We were then accompanied by a young man who volunteered to take us there. When we reached the fields where the land demarcation team, local authorities and others involved were busy, some of the people concerned explained to us that some land conflicts had emerged in the demarcation process. Then the young man who had taken us to the demarcation team said that we had to leave. He told Honorée it was not good that this 'white person' heard about these conflicts. Honorée explained to him that the chairman of the neighbourhood committee had just read and accepted our research 'approval' letter. When we eventually left the site, another man approached Honorée to say that he was in a position of authority and that she had to give him her phone number. Honorée and I managed to enter our car before the man could further insist.

An experience that could have led to greater government interference occurred at the beginning of my first fieldwork period in 2008 when I had to introduce myself to the Rwandan National Ethics Committee. Through a Dutch colleague who was also working on Rwanda at the time, I had learned that every researcher whose research involved the Rwandan population needed a research permit from this committee. I reasoned that this was a good idea because it would be efficient to have a national research permit that would allow entrance to all the ministries and local authorities.

An ethical dilemma then arose. As mentioned in the introductory chapter, ethnicity is an important theme in this thesis but it is very sensitive and cannot be discussed openly. For this reason, I had never mentioned to the Rwandan authorities that ethnicity was one of my research themes as I was (and still am) quite

sure that they would not have agreed to me researching the ethnic aspects of land access practices and government policies. It seemed, however, not very ethical to withhold this from the National Ethics Committee. After lengthy consideration, I decided that I would hand in an adapted version of my research proposal. I reasoned that I could not take the risk of being denied access to my research field or even to Rwanda. This decision and the following presentation to the five committee members made me very nervous and uncomfortable. A few days afterwards, I received a letter from the Committee that announced that approval was pending. The letter read:

1. We require a Rwandan co-investigator when the PI [Principal Investigator] is foreign to the country
2. The committee would like to receive a copy of your previous publication
3. Provide an approval letter from the Ministry of Land Affairs [Mirena]
4. Please specify the region(s) where you will collect data
5. Provide approval letter from local authorities
6. Provide copy of announcement/recruitment plan

Besides these conditions, I had been told I had to pay a research fee of about € 1000 a year (although a discount for subsequent years was negotiable) and I also had to provide an annual report of my progress and findings.

After reading this letter, I felt trapped. A permit given by the National Ethics Committee would surely give access to ministries and local authorities, but would have a high price both literally and metaphorically. The Committee, and therefore the Rwandan government, would be able to closely monitor my research by reading details about my research area, my progress and any preliminary findings in my annual reports. As a consequence, I would not be able to safeguard the anonymity, and thus the security, of my respondents, which was already difficult due to tight surveillance by the local authorities.¹⁵

The presence of a co-investigator, which is not common in anthropological PhD projects, would also have influenced my research. This may be understandable from the perspective of the National Ethics Committee that might expect something in return from a foreign researcher. I felt, however, that it would be uncomfortable discussing my sensitive research with a Rwandan researcher, especially in view of what I had been told about interpreters sometimes spying on foreigner researchers they were working with. I would also worry that interviewing respondents in the presence of a Rwandan co-investigator could increase distrust and fear in my respondents and influence their answers. I decided to meet

¹⁵ Historian Jan Vansina has done extensive fieldwork in Rwanda. In his 1996 book *In Pursuit of History*, which discusses historians' fieldwork in Africa, he argues that many African governments began to use research permits after independence as a tool to control field access, monitor researchers and limit the research topics that were acceptable (Vansina 1996: 134).

the conditions formulated under points 2, 3 and 4, protest against the co-investigator (point 1) and the research fee, and ignore points 5 and 6 for the time being. When I got the letter of approval from the Ministry (point 3) some weeks later, I decided to use this to start my local fieldwork. After much consideration, I decided to break off contact by not contacting the Committee again and I continued my research.

The descriptions in this section concerning the omnipresence, spying and manipulation by government officials show how they can directly and indirectly influence research and researchers. In my case, the indirect effect was substantial as they affected some of my choices, behaviour and feelings. For instance, after I heard stories of spying by interpreters, I decided not to look for an experienced but unknown interpreter and chose to go for a friend I knew I could trust. With Rwandans from national organizations and NGOs, I was cautious not to be too open about my research, my opinions and my intentions. And when dealing with authorities, I always described my research as briefly and vaguely as possible and avoided talking about sensitive topics like land conflicts and ethnicity. On the day of the parliamentary elections, I was, unfortunately, not sufficiently careful. At the end of the afternoon, I phoned a friend and talked about the expected election results with overtones of irony. We were then suddenly disconnected and I had to redial. I made some other slightly sarcastic remarks and the connection was again broken off. Then my friend phoned back sounding worried and suggested that we postpone the conversation.

Following these experiences, I began to behave like an ordinary Rwandan, always on my guard, trying to guess the intentions, thoughts, position and behaviour of my interlocutors. Like Rwandans, I would be aware of my surroundings at all times and whenever I had a conversation about Rwanda in public or on the phone, I would avoid using sensitive and charged words like Hutu, Tutsi, survivors or Kagame, even if I was speaking Dutch. Even with a Rwandan host with whom I became friends, I avoided talking about politics at first. Experiences like these and my change in behaviour also affected my emotional well-being and I started to gradually develop feelings of anxiety, paranoia,¹⁶ distrust and fear. These feelings increased significantly when a Rwandan friend, who used to work for an international human rights NGO, told me in September 2008 that he feared for his life and left Rwanda in a hurry because he had learnt that the government was looking for him. Although I was well informed about disappearances and detentions of government critics, this person's situation shocked me as it con-

¹⁶ By paranoia, I do not mean the medical term that describes a psychological disorder but rather the feeling that one is constantly being observed.

cerned someone I cared about. My emotional well-being was seriously affected by his sudden departure.

In retrospect, I realize that the behaviour and emotional changes I underwent were unpleasant but they also gave me important information about the way Rwandan society works. They allowed me to gain additional insight into the fear and distrust that the majority of Rwandans face every day. In the next section we will turn to constraints in Rwandan society and how they affect research.

When Rwandans Meet the Researcher

In the previous chapter and in those that follow, I describe how the Rwandan population is living in a repressive and oppressive environment where the government has a rigid structure, a strong hierarchy and excessive control. Distrust is rampant within society as well as towards outsiders. As a consequence, researchers in Rwanda often have difficulty establishing the true feelings and opinions of Rwandan respondents. Although this is not often dealt with in the literature, scholars researching the Great Lakes Region have recently started to reflect on the issue. For instance, Bouka's interviews with released prisoners, who lived under constant surveillance by the authorities that created a feeling of constant fear of being sent back to prison, revealed that many respondents use a variety of strategies to 'covertly relay their intended message so as not to directly affront the authorised discourse [on justice]' (Bouka 2013: 108). Fujii (2010: 233) states that the degree or level of access a researcher can achieve is determined by the way s/he is identified by respondents. 'If people suspect the researchers are state agents, informants may invoke a party line in interviews and conversations rather than reveal their deeper thoughts'. King (2010) did research in Rwanda on the relationship between formal schooling, violent conflict and peace building. Regarding communication with respondents, she claimed that 'problems such as historical memory and selective telling illuminate political structures, group relations, and societal cleavages'. These problems should not, therefore, be regarded as data problems but as 'data points' (King 2010: 127; see also Bouka 2013). Fujii (2010: 232) points to the same issues with her concept of 'metadata' as she problematizes the trustworthiness of narratives that are generated in politically sensitive, post-violent contexts. Metadata are 'the spoken and unspoken expressions about people's interior thoughts and feelings, which they do not always articulate in their stories or responses to interview questions'. These include rumours, inventions, silences, denials and evasions and are valuable because they are data in themselves and 'indicate how the current social and political landscape is shaping what people might say to a researcher' (*Ibid.*; see also Bouka

2013). This section aims to connect some of my experiences with Fujii, King and Bouka's observations and with James Scott's (1990) public and hidden transcript theory. I will also describe related features, such as the role of secrecy in Rwandan culture and the use of the Rwandan language Kinyarwanda. We first turn to the issue of keeping up appearances.

Appearance or Reality?

A Rwandan friend once explained that Rwandans always try to look smart and impeccably even though in reality they may often not be doing well at all. As an example, she explained how her neighbours made fun of her old, worn-out furniture. Recently these neighbours had bought new furniture and a big television but my friend knew that, as a result, they could only afford one decent meal every two days. Another example she gave was of a woman she knew who wore beautiful dresses, but they were all borrowed. I had similar experiences during my fieldwork in 2008 when walking around Kigali's city centre. Unlike on my previous visit in 2004, I noticed that everyone in Kigali was wearing shoes and I did not see any beggars or informal economic activities. But my observations were always contradicted by explanations discrediting these seemingly positive developments: wearing shoes was now compulsory; beggars had been transported to the outskirts of town; and informal economic activities had been officially banned. However, these activities took place after dark as I saw myself when Cécile took me to the city centre one evening to help me buy a shirt.

Questions regarding appearance or reality occurred at a political level too. For example, people who were rallying to support the ruling Rwandan Patriotic Front during the 2008 parliamentary election campaign seemed to be paid to do so. And after Rose Kabuye's arrest in Germany, women erected a tent in front of the German Embassy to protest against her detention. Eventually, various informants told me that it was not on their own initiative but that the government had paid these women to protest. Not everything was as it initially appeared.

Rumours and Covert Communication

In her description of how the genocide unfolded, Des Forges (1999) talks of the power of rumours, for instance that spread by local authorities that Tutsi were supporting the RPF and were ready to kill their Hutu neighbours (Des Forges 1999: 372; see also Verwimp 2013: 184-185). Oldenburg studied decision-making by the citizens in the DRC city of Goma when they were threatened with renewed violence and argues that rumours are highly situational, as they usually occur in times of uncertainty and can therefore be seen as symptoms of societal crisis (Oldenburg 2010: 70; see also Begley 2013). In line with Oldenburg's analysis, Fujii argues that rumours play a prominent role in periods of extreme

uncertainty because they reflect insecurities that linger from past violence. One of Fujii's respondents explained that rumours in Rwanda were part of everyday life and that 'even if you stay at home, you always hear rumours about yourself'. Rumours can be the root cause of fears about talking to a researcher. For example, one male respondent in prison revealed that other prisoners had warned him that Fujii wanted to take the prisoners to the International Criminal Tribunal for Rwanda (based in Tanzania) to be tried for genocide (Fujii 2010: 232-233).

Most of the rumours I became familiar with involved the state and were often connected to the above-mentioned appearances issues. For example, in the case of people rallying for the RPF and women protesting an official's arrest, there was no clear evidence that people were indeed being paid to do this. Another quite persistent rumour I heard was about the 2008 so-called 'One dollar campaign' when every Rwandan was supposed to donate a dollar to help construct houses for orphans of the genocide. Several times people told me that the campaign involved building houses for only about 200 orphans but as the campaign had raised more than US\$ 1 m, it was suggested that the RPF would use the rest of the money for their election campaign. Rumours also surrounded the land registration that took place in Mubinda in 2010. Several respondents indicated that they did not know the government's objectives regarding registration and feared that ultimately the state would take their land. These examples highlight the insecurities and uncertainties felt by Rwandans: they do not trust and in fact often fear the intentions and activities of their government.

A more personal rumour I heard supports Oldenburg's statement that rumours are symptomatic of societal crisis. It demonstrates how rumours can have a negative impact on one's well-being. The narrator and victim of this rumour was Françoise (not her real name), a Hutu mother of four who successfully managed to give all of her children a university education abroad. One of her sons studied in India where he died in the summer of 2010 following a car accident. After his death, Françoise heard a rumour circulating in her neighbourhood that her son had died because he had been pushed out of a window (or off a balcony) by some Rwandan genocide survivors after he had denied the genocide. After hearing the rumour, she was naturally very shocked and felt uneasy for some time. She investigated the circumstances of his death in more detail to be sure that it had indeed been a car accident. Gradually she realized that all her neighbours knew of the rumour and she suspected that it came from some genocide survivors she knew. She was so upset about this that she arranged a meeting with some of these genocide survivors and a local RPF chairman. At the meeting, the RPF representative told Françoise that she had to prove to the party that her son had died in a car accident. On hearing this, Françoise became very angry and told everyone present that it was the fault of Rwandan politics that such vicious rumours arise.

A few days after the meeting, she decided to phone the survivors who had been present to explain to them that it had not been her aim to hurt them. To her surprise and horror, she then learned that the survivors had intended to go to the authorities to accuse Françoise of menacing them but that, because of her phone call, they now would refrain from doing so. It also upset Françoise that some of the people involved were later present at her son's funeral.

The rumour concerning Françoise's son's death had been invented to hurt her feelings and it goes without saying that it succeeded in doing so. The incident demonstrates how social relations are still very strained, to the extent that people are playing unpleasant tricks on others involving jealousy, resentment and hypocrisy. It also shows the often powerful position of the genocide survivors and the way they and others view and relate to Hutu who, in turn, can be marginalized by or with the help of local (RPF) authorities.

With regard to rumours involving my research assistant and/or me, one respondent in Mubinda warned me during the first weeks of fieldwork in 2008 that fear and distrust could easily evoke such rumours. He told me that the recorder I was using would make respondents suspicious and reluctant to talk because they would assume that I was a BBC journalist or was from Voice of America, both of which broadcast in Rwanda, and that their stories would be aired. After these comments, I decided not to use the recorder anymore.

Rumours can be informative and denials, silences, lies and evasions should not be regarded as obstacles but as valuable data. In Fujii's interviews, Hutu women used to deny that there had been violence in Rwanda between 1990 and 1994. Instead they focused on the 1997 violence that the RPF committed against them. Through these denials, Fujii (2010: 235-238) learned that these women were indicating a social division between genocide survivors and the Hutu population that had suffered RPF violence. Silence can also show how conditions in the present shape narratives of the past. This is the case when people are reluctant to talk about their involvement in pillaging during the genocide because they fear they may have to compensate the victims.

Fujii (2008: 231) noted how the stories people tell, whether they are lies, inventions or not, 'are valuable because they reflect the speaker's state of mind, aspirations, and desires', while Berckmoes (2013: 137), who studied urban youth in post-war Burundi, found that lies have different meanings and motives and are 'part and parcel' of post-conflict social relations. Fujii (2010: 231, 234-235) gives the example of a woman who was (presumably) Hutu but was targeted in 1994 because her mother was Tutsi. She told Fujii how she managed to escape and survive the genocide but that she is currently not regarded as a genocide survivor. After a few interviews, Fujii started to question whether her story about her escape was true. However, she gradually learned that the woman's narratives

hinted at the value she placed on being recognized as a survivor and victim. Her story was probably not about what was, but rather about what should have been, according to this respondent. Such a narrative can embody all sorts of truths (emotional, psychological and moral) and understanding it is crucial in researchers' analyses.

My respondents' lies, silences, denials and evasions contained similar interesting data. When discussing land-tenure policies, respondents mainly focused on the technical process. They avoided talking about their personal feelings and opinions and stated that there had been no problems. The usual answer to questions concerning Mubinda's social life was also positive: 'social relations were good'. This attitude sometimes led to strange twists in my interviews. I spoke for instance with a Hutu couple, Daniel and Beatrice, who were very outspoken about government policies and felt deprived because the Tutsi with whom Hutu had to share their land never gave anything in return. They argued that after they had shared their land and moved to the village, they had remained poor, while Tutsi who had received land had become (relatively) rich and that current policies were aggravating their situation. When we then asked about current social relations, Beatrice answered: 'You cannot regain lost time, there is no way we can change things. We had a nice house, property, what can we do? But we have good relations.'¹⁷ Daniel, however, admitted their denial and evasion indirectly by adding: 'In Rwanda we have learned to make things go over our heads. We tread on eggs without breaking them.'¹⁸ This statement is telling as it reflects the way people deal with tense social relations and government policies. Many Hutu feel vulnerable and see themselves as victims of the Tutsi-dominated government. It also reveals people's lack of trust and their fear about openly criticizing the authorities, why they give politically correct answers and their nostalgic feelings for the time when social relations were still good.

Despite this lack of openness, some respondents explained their silence or evasion by stating that they had previously been unwilling to speak frankly with me. These statements reflected their distrust of my position and objectives as a researcher and were voiced mainly in 2008. Sometimes they addressed me directly, like local authority and genocide survivor Spéciose, who stated that she used to hate white people because of what the French did during the genocide but that after she got to know me better, she started to develop positive feelings towards

¹⁷ Bouka (2013: 118-119) had similar experiences with ex-prisoners who responded that there was no problem (*Nacibazo* in Kinyarwanda) even though they sometimes felt they had been wrongly accused. This often happened after they had given detailed accounts of their suffering in prison or of injustices. *Nacibazo* was also repeated in my interviews. After a man told Bouka about the impact on him of his lengthy pre-trial detention and his eventual conviction for stealing a goat, he ended with 'As you can see, all is good' (*Ibid.*: 119). This is similar to Daniel and Beatrice's concluding remark.

¹⁸ Interview with Daniel and Beatrice, December 2010.

me. Respondent Jean meant to address only Cécile when he said: ‘Of course in our country there are hypocrites. For instance with your friend here [meaning the researcher] to whom you should not say everything because they [the Whites] also were behind the genocide.’¹⁹ Sometimes they make fun of us.’²⁰

Public and Hidden Transcripts

Fujii’s metadata show how people resort to self-censorship. This issue was also raised when discussing the role of spying. Self-censorship is closely connected to Scott’s notion of public and hidden transcripts. Public transcripts occur when ‘the power of social forms embodying etiquette and politeness requires us often to sacrifice candor for smooth relations with our acquaintances.’ (Scott 1990: 1). These acquaintances are seen as people who may be able to harm or help us in some way. Thus, in a situation of social subordination, the public discourse of the subordinate will normally be shaped to appeal to the expectation of the powerful out of prudence, fear and the desire to find favour. The concept of public transcript describes the open interaction between subordinates and those who dominate and is unlikely to tell the whole story about power relations. Furthermore, the greater the power inequality between the dominant and the subordinate and the more arbitrarily power is exercised, the more the public transcript of subordinates will take on a stereotyped, ritualistic cast. So when power is more threatening, the mask becomes thicker and disguise and surveillance play key roles in power relations (*Ibid.*: 2-3). A public transcript is, therefore, in close conformity with how the dominant group would wish to have things appear.

The opposite of public transcript is hidden transcript, which refers to the discourse that takes place ‘offstage’. It is beyond direct observation by power holders and ‘consists of those offstage speeches, gestures, and practices that confirm, contradict or inflect what appears in the public transcript’ (*Ibid.*: 4-5). Scott does not, however, want to argue that what is said in power-laden contexts is false and what is said offstage is true nor that the former is a realm of necessity and the latter a realm of freedom. What is clear is that the hidden transcript is produced for a different audience and under different constraints of power than the public transcript. The discrepancy between the two reveals the impact of domination on public discourse (*Ibid.*). In most circumstances, the hidden transcripts of the dominant and the subordinate are never in direct contact. Each participant will thus be familiar with the public transcript and the hidden transcript of his group but not with the hidden transcript of the other (*Ibid.*: 15).

¹⁹ Both Jean and Spéciose hinted at the role of the French government that supported the regime before the genocide by training militias and supplying weapons.

²⁰ Interview with Jean, October 2008.

In the case of Rwanda, the public transcript is clearly visible, for instance in politically correct answers given in meetings when the population does not dare to contradict the local authorities or ask critical questions. As the power inequality gap between the authorities and ordinary citizens is big in Rwanda, Scott's observation of disguise and surveillance plays an important role. At the same time, pronouncing the hidden transcript is problematic because of the high level of distrust, grievances and fear. Even amongst close friends there is not enough trust. An example here is that of a good friend who is a genocide survivor and then lived with several other survivors with whom she was very close. In a private conversation, she explained why she strongly objected to becoming a member of the RPF in order to have greater job opportunities. I asked her about her friends' ideas on this moral question. She then looked at me with a mixture of surprise, disappointment and disapproval and said she could not discuss this with them because you keep these thoughts to yourself in Rwanda. Only to me, as an outsider and friend with an interest in her well-being did she dare to talk about such an issue.

Secrecy and Language

The problem of pronouncing the hidden transcript and low levels of trust are connected to secrecy and Kinyarwanda, the Rwandan language. Secrecy is an important component of Rwandan culture, as anthropologist De Lame (2005: 14) described in her study of a Rwandan community in the 1980s. According to her, secrecy is pervasive and Rwandans skilfully hold back information to keep outsiders at a distance, particularly by using linguistic codes. Secrecy is not something exceptional but is present in ordinary life, for instance in the vague descriptions of the location of one's house or in the way the rooms of a house are set up to conceal one's stock and property.

Secrecy persisted as a cultural habit well beyond pre-colonial and colonial Rwanda where people, subjected to a climate of constant insecurity, were at the mercy of capricious chiefs whose intrigues affected their lives. (Codere 1962, as cited in De Lame 2005: 15)

This insecurity was also evoked by spying among chiefs and high-ranking authorities. One of Thomson's respondents referred to secrecy when he criticized the current government's programme of unity and reconciliation:

Peace is for those with power; not [poor] people like me. All I can say right now is that I don't know any Hutu who hold hatred for their Tutsi brothers like the government says they do. If they did, how would I even know? Rwandans keep secrets easily. And my [Hutu] brothers are hardly going to tell me about their inner secrets [...] (Thomson 2013: 53)

The role of secrecy can partly be explained by examining the role of Kinyarwanda in social relations. Historically, what someone said did not necessarily correspond with reality. Before colonization, Rwanda was a traditional, complex and

hierarchical society with different social classes. Every Rwandan was confronted with at least three chiefs above them and these chiefs had to report to other chiefs who were at a higher level again. People had to maintain good relations with their chiefs as well as maintaining or improving their own social position. Communication served and was directly defined by the relationship and status between them or by the broader socio-political context in which the conversation took place. In this power game, communication played an essential role and served mainly as a survival strategy. One had to internalize a specific communication code to be able to match the interests and demands of the different authorities. It was not important that someone provided objectively correct information but that s/he consolidated his/her social position and put the superior in the right mood to be granted favours. Communicating was a means to an end instead of an end in itself. Therefore one would only communicate what one thought was useful to oneself and would serve one's own interests and goals. This meant that what one said did not necessarily correspond to what one thought and made the Rwandan communication system esoteric because what people said revealed and yet concealed things. This is expressed in the Rwandan proverb 'What is inside the drum is known to the drummer and the owner of the drum', which means that nobody knows the secrets of a person but himself and his confidant. The drummer may communicate through drumming but the drum will not reveal his secrets. He can reveal but at the same time hide something and can even be saying something different than the words in fact suggest. So no one can gain total insight into the motives of someone else. Since the drum in Rwanda symbolizes power, the proverb also refers to the fact that rulers use communication to stay in power (Ingelaere 2007a: 25; Overdulve 1997: 272; see also Rukebeshu 1985).

According to Overdulve (1997: 272-275), this impenetrable and vague form of communication has always characterized Rwanda and created an environment of distrust and extreme caution that has penetrated the everyday lives of every Rwandan citizen. The fact that it has become second nature to Rwandans is acknowledged by present-day institutions like the Rwanda Chamber Foundation that promotes business and investments in Rwanda. It established some communication rules and expectations on its 'Rwanda Etiquette' webpage and warns:

Rwandans may avoid telling the truth if it might hurt or upset the person they are speaking with. While it may be seen as lying by some, most Rwandans feel that they are being sensitive to the person's feelings' and that 'Rwandans tend to be very indirect, talking around issues instead of discussing them directly.'²¹

The high degree of self-censorship that the population has developed is what Ingelaere calls 'rehearsed consensus'. This is the dominant and dominating pub-

²¹ The Rwanda Chamber Foundation is a private independent organization. See <http://www.rwandachamber.org/rwanda+etiquette>. Accessed 1 April 2011.

lic transcript in post-genocide Rwanda that authorities are passing on to the population in sensitization campaigns, commemoration ceremonies, speeches, re-education programmes and communal labour activities. Rehearsed consensus is reflected in the Kinyarwanda word *ubwenge*, which is a specific way of communicating whereby what one says does not necessarily correspond with what one thinks. Instead, it is the status of (and connection between) the partners in a conversation or their relationship with the surrounding socio-political environment that needs to be served in a conversation. With this communication code, truth and lies stand in a dialectical relationship (Ingelaere 2010a: 53). Thomson also found that Rwandan culture has strict codes about who can speak out against injustices when they interact with local authorities.

Indeed, there is no strong historical record of individuals speaking out against the oppressive actions of others who are more socially or economically powerful than they are. Individual facility in the art of disguising and concealing one's real feelings or opinions on a given matter is self-taught and culturally sanctioned; dissimulation and acquiescence are both common. This leads outsiders, as well as RPF élites, to conclude that ordinary Rwandans are obedient and comply without any reflection to their demands. (Thomson 2013: 144)

Rwandans are experts in the use of euphemisms that convey and disguise their true intentions. During the genocide, killing was often referred to as 'tree felling', 'bush clearing' or 'pulling up the roots of bad weeds', while people nowadays may refer to the war and genocide as 'the events'. References like these to agricultural labour served to disguise the horror and, at the same time, reminded people of their duty to obey and take part in it (Hintjens 1999: 268). Another important characteristic connected to the use of language is self-control and controlling one's sentiments and emotions. These are among the most important values in Rwandan social life. Erny argues that Rwandans control their emotions, both positive and negative, and can just as easily greet their friends as their enemies. In general, people tend to suppress spontaneity too (Erny 1983, as cited in Overdulse 1997: 278).

Foreigners cannot know this place. We cheat. We repeat the same little things to you over and over and tell you nothing. Even among ourselves we lie. We have a habit of secrecy and suspicion. You can stay a whole year and you will not know what Rwandans think or what they are doing. (Gourevitch 2000: 256)

When communicating with strangers, most Rwandans are even more reserved and cautious. They usually do not react unexpectedly or without thinking, but are cautious in everything they do. If you ask a Rwandan a question, s/he cannot respond before s/he has understood why the question is being asked. If a person has to take a decision or make a judgement, s/he will not pronounce categorically and clearly what s/he thinks. Nor will s/he confirm nor deny anything but will instead manage the situation. This results in a form of 'social hypocrisy' in which a person can say 'yes' when 'no' is meant and 'no' for 'yes' in order to not compro-

mise oneself (Erny 1983, as cited in Overdulse 1997: 278). This analysis was confirmed by my (Dutch) Kinyarwanda teacher who had also noticed in her encounters with Rwandans that they never said what they meant as a way of avoiding being cornered.

A more recent notion of the problematic communication between strangers and Rwandans is expressed in the Kinyarwanda word *amalenga* that Rwandans use to qualify what Whites cannot understand and therefore do not know because it is not meant for outsiders (Willame in Reyntjens 1995: 7; Hintjens 2001: 41). Pottier refers to *amalenga* as ‘coded language’ (Pottier 2002: 193). He also mentions ‘La parole est à deux personnes’ by which he means that, in a conversation, no knowledge is safe in the presence of a third person. This proverb refers to the Rwandan chiefs and king before and during colonial times who would speak to their subjects in private one-on-one conversations because ‘his information and knowledge never belonged to the public sphere’ (Pottier 1989: 474).

Conclusion

This chapter has considered various themes that provide data and insight into Rwandan society and its political culture. As a consequence of the government’s omnipresence, manipulation and spying activities, there is a Rwandan attitude of distrust and fear in which metadata like rumours, appearances, silences and lies emerge. These, as well as problematic features of Rwandan society like self-censorship, secrecy and the role of language, show how most respondents cannot easily talk about sensitive and controversial topics in the current power constellation. Instead, most respondents censor their answers and stick to safe public transcripts when discussing topics like social life, matters of ethnicity and the consequences of the land-sharing and villagization policies. Asking too direct a question at an untimely moment could easily have jeopardized this research as respondents could have clammed up out of fear or distrust because they knew that they are not allowed to say anything negative and might end up in trouble if the authorities find out what they have been saying. However, researchers also have to be careful as people may turn out to be in a position of authority or connected to the authorities. It was fortunate that, for reasons previously discussed, people were more willing to reveal hidden transcripts during my final fieldwork period.

Another important aspect that contributed to the collection of metadata came from the feelings of uneasiness, stress, fear and agitation that I encountered, especially during my 2008 fieldwork. These proved ultimately to be a valuable source of information concerning the way Rwandan society works and made me realize that the Rwandan population has to deal with situations of oppression, manipulation and deception on a daily basis.

At this point, readers may wonder if it is possible to do research at all in such a tense political climate with an omnipresent state that spies upon, manipulates and represses its citizens and does not shy away from intervening in outside research. The answer to this question is 'yes', if the research is conducted with great care and an awareness of the situation and the risks involved, and provided that necessary precautions are taken. Following my previous research experience in Rwanda, I was well aware of the sensitivity of my research topic and the overall socio-political situation. I took precautions by avoiding too much contact with local government officials, living some distance from Mubinda and selecting my interpreters from among my friends. Respondents were interviewed in their own homes. I also decided to conduct fieldwork during three shorter periods instead of one long period so as to build up trust over time. Of course some luck was also involved and my interpreters turned out to be able to put respondents at ease and encourage them to talk. In addition to this, frustration among my respondents was so rampant during the third and final fieldwork period that they were much more outspoken than before and were eager to speak about their problems. Thanks to my interpreters, I was also able to assess the socio-political situation and interpret rumours, denials and the like and discuss public and hidden transcripts and language matters. These precautions, my former knowledge, metadata, hidden transcripts and an analysis of my own positioning meant that I was able to understand and interpret what appears in the following empirical chapters.

Coercive Clientelism: Kings, Clients and Land

Certain themes emerge when studying the history of Rwanda: power, clientship, oppression and violence.¹ They all come together in Codere's 1962 article 'Power in Ruanda' that challenges the assumption that, within a particular society, a minority cannot ruthlessly and enduringly monopolize and use power. She argued against the then dominant anthropological theory that an African society was a 'functioning whole continuing in time through its mutually reinforcing structures and institutions and its vast web of reciprocities which benefit and obligate every one of its members' (Codere 1962: 49) in which power was controlled by rules and reciprocities 'at the service of the governed and with their consent' (*Ibid.*: 51). In the case of Rwanda, she argued that:

power can be held and exercised by a *minority* against the interests and without the consent of the governed; that this state of affairs can last for long periods of time, that power is a factor that can be independent of the social order or capable of shaping a kind of social order that becomes the only kind known to the people; and lastly, that revolution is a possibility. (*Ibid.*: 51-52, italics added)

The word 'minority' here refers to the pre-independent Tutsi elite that ruled over their subjects, the majority of whom were considered to be Hutu. Such a classification is central to Rwanda's history and this chapter tries to explain how and why it came about and what the consequences were. Tutsi rule, exercised by a strong and well-organized kingdom through clientship and the oppression of its subjects, eventually led to the 1959 Hutu Revolution and the ethnic violence that ultimately resulted in the 1990-1994 civil war and the 1994 genocide.

¹ These themes are obviously not limited to Rwanda and, in many African countries, clientship relations developed in which power was not exercised over territory but over people, and violence and oppression played a significant role. See, for instance, Abbink (2004).

Newbury, who examined ethnicity and clientship in Kinyaga in southwestern Rwanda, describes clientship as a formalized instrumental friendship between two persons of unequal socio-economic status where the patron exchanged his protection for services from the client. The claims and obligations involved could vary according to the individual status of the partners and the political context (Newbury 1988: 74). In the words of Lemarchand, clientship in Rwanda could be seen as a 'highly personalised, precarious relationship' between a patron and his clients that involved the exchange of certain commodities and services (Lemarchand 1970: 36). In return, the client would receive certain privileges, mainly usufruct rights to cattle and agricultural land, and also protection, something that was of utmost importance to clients because of the hierarchical and centralized political structure (*Ibid.*: 36-37). Lemarchand compared clientship in Rwanda to the economic and close personal ties that linked a European medieval lord to his vassal. Codere too felt that the use of the term 'vassalage' was justifiable and she classified Rwanda as being among history's most oppressive feudal regimes (Codere 1962: 53; Codere 1993: 95).

Besides giving a historical context to my research on land issues and social relations in southeastern Rwanda, this chapter aims to demonstrate how and why Rwanda has developed into an extremely hierarchically structured society. Nowadays, one of the most important features of its governance is the power and omnipresence of the Rwandan state and the coercion it exercises. After having examined the origins of Hutu, Tutsi and Twa, the second and third section of this chapter explore how the power of the state and its structure developed over time and are reflected in socio-political relations past and present. It will be seen that clientship was an important element here and resulted in unequal political and social relationships when, from the reign of King Rwabugiri, power became centralized and monopolized. The sections that follow discuss the political nature of ethnicity to show how power and, hence, clientship became ethicized with Tutsi authorities controlling land, cattle and people.² The resulting socio-economic inequality in which Hutu held a subordinate status led to the emergence of ethnic awareness. The chapter finishes with the Hutu-Tutsi swap of power.³

² For reasons of clarity I preferred to explain Rwanda's political structure and its different forms of clientship first and then go into the political nature of ethnicity and the ethnic dimensions of clientship.

³ Although central power is the main focus of this chapter, it is important to acknowledge Rwanda's numerous regional variations with nine regions, which all have their own autonomous histories. In their 2000 essay on historiography in Rwanda and its emphasis on hegemonic (elite, court) history, Newbury & Newbury (2000: 851) claim that for several regions, its autonomy continued well into the 19th century and, for some, even into the colonial era.

The Origins of Hutu and Tutsi

Much has been written about the origins of Hutu and Tutsi (and Twa) and the way these groups migrated into the region and assimilated or integrated with each other to create a single cultural community that shares the same language, religion and cultural habits. It is widely believed that the Twa, a pygmy people of hunters and potters, were the first inhabitants of the region and were followed by Hutu who were Bantu-speaking agriculturalists. Then the pastoralist Tutsi, often considered to be of Ethiopian origin, arrived in the area some time before the 15th century (Codere 1962: 47-48; see also Lemarchand 1970: 19). Others, however, find analysis of the genesis of the three groups difficult. Catherine Newbury (1988: 10), for instance, mentions that the labels 'Hutu' and 'Tutsi' are probably very old, while Mamdani (2002: 79) argues that Tutsi may have migrated from outside Rwanda but that they do not claim any foreign origin in their royal myths.⁴ Vansina, in a 1993 article on Tutsi origins, draws several conclusions about their migration into Rwandan territory. Based on archaeological research in ceramics, he claims that Tutsi migrated from northern Tanzania in about the 8th century, while analysis of biological data shows that Tutsi are a distinct biological group. In addition, Vansina found that the word '-tuusi', which exists in the languages of northern Tanzania and refers to nomadic herders who do not inter-mingle much with the agriculturalist population, is related to the word Tutsi. 'Tutsi' is known in the languages of Rwanda, Burundi, Buha and Sumbwa (the latter two are former Tanzanian principalities) and is used to indicate people who belong to the highest social group (Vansina 1993). In another publication, he stresses that it is most likely that Tutsi referred to a social class and political elite among pastoralists. He claims that, in the 17th century, when farming was the normal way of life in Rwanda, the terms 'Twa', 'Hima' and 'Tutsi' were used to indicate smaller groups that did not farm and that, by the end of the 19th century, the ruling class called all pastoralists Tutsi as opposed to farmers (Vansina 2004: 36).⁵

As Vansina (2004: 37) puts it, 'the growth in prestige of the term "Tutsi" went hand in hand with the growth of the [Nyiginya] kingdom. Gradually all nontrans-humant herders in the kingdom claimed this designation even if their social condition was modest'. Vansina (1993: 320, Note 1) argues that Tutsi – and, therefore, also Hutu – are not a caste or ethnic group but merely a politically significant social class, whereas scholars such as Lemarchand (1966: 608) and Codere

⁴ They do claim, however, a sacred origin (Mamdani 2002: 79-80). This is shown in a royal myth about sacred King Kigwa and his sons Gatwa, Gatutsi and Gahutu, which is described in the next section.

⁵ According to Vansina (2004: 36-37), the label 'Tutsi' originated from the south and 'Hima' from the north. He claims that it is not clear if the word 'Tutsi' was applied to all herders at the time but that gradually the Nyiginya Kingdom abandoned the ethnonym 'Hima' in favour of 'Tutsi'.

(1962: 47-48; Codere 1993: 94-95) think that the use of the term 'caste' is justified because of Tutsi dominance over other groups, their occupational specialization, cultural differences, racial distinction and endogamy due to a lack of inter-marriage between the three groups. Maquet, an anthropologist who headed a research institute in Rwanda in the 1950s, agreed with them (Maquet 1954, as cited in Newbury 1988: 3). However, Lemarchand argues that Maquet in his later work linked Rwanda's castes with a class system because he felt that the relations of dominance and subordination between castes were a reflection of unequal access to economic resources between different classes (Lemarchand 1970: 6).

The significance of social and economic distinctions between the three groups is emphasized throughout this chapter. The fact that many of these scholars, whose fieldwork was carried out primarily in the turbulent socio-political period of Rwanda's independence, are ambiguous in their interpretations of the nature of the group distinctions indicates, in my view, the political nature of ethnicity.

The Kingdom of Rwanda

As mentioned above, Tutsi pastoralists are assumed to have arrived in Rwanda and gradually infiltrated the indigenous Hutu societies from the 15th century. According to Lemarchand (Lemarchand 1970: 19; Lemarchand 1966: 598-599, 605), these Tutsi initially established a peaceful and symbiotic relationship with Bantu-speaking Hutu agriculturalists and either became minor chiefs who controlled a few hills or they entered into commercial relations by exchanging cattle for agricultural products, progressively assimilating Hutu customs and traditions into their culture. He argues that, 'this period of peaceful coexistence was usually brought to an end by a series of brutal encounters resulting in the pacification of the conquered territories and the establishment of military rule' (Lemarchand 1966: 599). An embryonic administration was then installed and, at a later stage, it was strengthened and regular army contingents were brought into peripheral areas to maintain order. How the assimilation of newly conquered regions happened depended on the ethnic composition of the area under siege. If a dominant Tutsi lineage ruled the area, rapid assimilation was often the result (*Ibid.*: 599-600). The political organization of Hutu-dominated societies was diverse, with societies organized in autonomous lineage groups that existed side by side with small-scale centralized kingdoms. These kingdoms had in many respects the same political structure as neighbouring Tutsi states and, while conquering them, the Tutsi adopted some of these kingdoms' rituals and political symbols, like the royal drum. Despite the similarities, Lemarchand claims that absorbing these Hu-

tu societies was most likely a long and difficult affair (*Ibid.*: 599, 605).⁶ Using a distinction of Max Weber, he argues that traditional Rwanda was a mix of two distinctive situations: ‘a situation of optimum functional integration, characterized by a caste structure; and a situation of “ethnic coexistence”’ (*Ibid.*: 608).

With the assimilation of other Hutu- and Tutsi-dominated areas, an amalgamation of some autonomous Tutsi kingdoms resulted in a bigger kingdom that was led by a royal Tutsi lineage.⁷ This transformation probably took place in the region of present-day Kigali in the 15th century under the reign of King Ruganzu Bwimba (Lemarchand 1970: 19). He died around 1480 (Newbury 1988: 229) and was the first Rwandan king for whom oral data exist (Vansina 2004: 10).⁸ A second phase started in the 16th century when neighbouring areas were incorporated. King Ruganzu Ndoli, who founded the Nyiginya Kingdom in the 17th century, then launched several invasions against formerly independent Hutu societies and created what could be called a unitary state (Lemarchand 1966: 598). The territory of Rwanda was at that time limited to what is nowadays regarded as central Rwanda and was still divided into several small political entities, often comprising only a few hills, that were ruled by kings and their queen mothers (Vansina 2004: 23, 38-39). People lived on these hills at a certain distance from each other and, as marshy areas surrounding them were difficult to cross, each hill formed an isolated geographical unit where people felt they belonged to a neighbourhood set apart from other areas (*Ibid.*: 15, 23, 25).

The population consisted of a minority of herders, who were sedentary because of their relatively small herds of about fifty cows, and a majority of farmers who also often owned one or two cows.⁹ Herders’ pastures were on the slopes so they lived separated from the farmers but the activities of both groups were interwoven and needed some form of coordination (Vansina 2004: 23-25). Mamdani (2002: 51) is less pronounced about this division of labour and states that both farming and herding were carried out jointly as many Hutu had cattle and Tutsi tended to also be farmers. It is, therefore, too simplistic to divide the

⁶ To illustrate this, Lemarchand (1966: 600) explains that Tutsi penetration in some areas was difficult because of natural barriers or resistance, which resulted in minimal contact between the Hutu population and the Tutsi rulers. It was only in the early 1920s, and with the help of the colonizers, that a unified administration could finally be established.

⁷ According to Lemarchand (1966: 601), little is known about the circumstances that led to this shift in power allocation but the history of neighbouring countries, like the Buganda Kingdom in present-day Uganda, shows similar processes.

⁸ Several Tutsi kings preceded Ruganzu Bwimba. The first known king, Ndahiro Ruyange, ruled around 1370 while the last, King Kigeri Ndahindurwa, was deposed in 1960 (Newbury 1988: 229; Vansina 2000: 51). However, Mamdani points out that the founding date of the Rwandan kingdom is contested, with dates ranging from 1312 to 1532 (Mamdani 2002: 61). Newbury suggests that the royal chronology might be quite different and shorter than that presented in official sources (Newbury 2009, Chapter 11).

⁹ Vansina (2004: 23, 36) also mentions the Batwa or Twa, a pygmy people of nomadic foragers, who were a small minority and lived mostly in forest and marshland areas and are not considered here.

population into the agriculturalist Hutu and the pastoralist Tutsi. Although it was much more egalitarian then, Rwanda has always known social classes and had a wealthy elite that enjoyed better living standards than the majority of the population. Wealth was measured mainly in cattle and all social payments, like bride wealth, fines, debts and dues, were paid in cattle (Vansina 2004: 32).

With regard to ethnicity, it is interesting to describe one of the many royal myths that tries, in the form of a poem, to justify 'a divinely ordained social structure in which each individual was assigned a specific caste, and each caste a specific rank' (Lemarchand 1970: 33). The poem starts with the reign of Kigwa who descended from heaven and had three sons: Gatwa, Gahutu and Gatutsi. To find out which son should succeed him, King Kigwa gives them the task of watching over a pot of milk during the night. The next morning it turns out that Gatwa has drunk all the milk, Gahutu has fallen asleep and spilled it, and only Gatutsi has stayed up and carefully watched his milk. King Kigwa now knows that his son Gatutsi is most suitable to succeed him and that he should be freed of any menial tasks, while Gahutu should be his serf. As Gatwa proved to be unreliable, his position in society should be that of a pariah. According to Lemarchand, this myth gave the moral justification for a society in which a small minority ruled and exploited the majority of the Rwandan population (*Ibid.*).¹⁰

It is also important to touch on the issue of the eighteen clans to which Rwandans belonged. Contrary to lineages that only go back some four or five generations and have a link to a recognized ancestor, a clan and its common ancestor were supposed to go back many more generations. While a lineage could be seen as a political unit that enjoyed solidarity between its members and had a head who had powers to, for instance, preside over collective activities or judge internal disputes, a clan did not have a leader or collective activities and its members did not show internal solidarity (Mamdani 2002: 54-55). An important and rather puzzling feature of these clans was that they were ethnically mixed and were comprised of Hutu, Tutsi and Twa, which raises the question 'how could such unchanging descent groups each include members of different descent groups?' (Newbury 2009: 189). Newbury concluded that clans should not be regarded as a biological descent group but seen as having a social and, therefore, changing identity. The clan was a tool of incorporation in newly conquered areas and allowed people to be integrated into a new political domain. They were, therefore, included in one of the eighteen major clan groups that were associated with

¹⁰ Lemarchand (1970: 34) argues that neighbouring former kingdoms had similar myths to justify distinctive social categories. However, 'Rwanda is unique in the sheer abundance of traditions purporting to show the superiority of the Tutsi over the other castes, and in the cumulative impact of these traditions on society as a whole'.

Rwanda's political culture (Newbury 2009: 190; see also Mamdani 2002: 55-56).¹¹

Rwanda's Early Political Structure

Land already became a scarce resource in pre-colonial Rwanda. According to Vansina (2004: 41-42), this was mainly because of the growth of herds that all needed pasture. Maquet & Naigiziki (1957: 340, 348), who wrote about land rights in pre-colonial Rwanda in 1957, argued that it was under the reign of King Yuhi Gahindiro in the early 1800s that land came to be considered as property and that the king was the ultimate owner of all land that was exploited collectively. From the 17th century until the mid-19th century, Rwanda's political structure was founded on two types of land tenure: *ubukonde* and *igikingi-isambu*.

Ubukonde tenure was held by the lineages that arrived first and cleared the land. They were regarded as the owners of that terrain and held rights collectively. Lineage chiefs granted long-term, exclusive usufruct rights to individual households and these could only be passed on to sons through inheritance. If land was unused or abandoned, the lineage held alienation rights and could grant the land to another lineage household. Families that migrated into the region at a later date became land-tenure clients as they were granted land by lineage chiefs and had to pay 'rent' by providing certain food products and sometimes labour for their land patron (Newbury 1988: 79-80; see also Vansina 2004: 39-40 and Blarel 1994: 80). According to Maquet & Naigiziki (1957: 355-357), these late-comers could also become tenants and both tenants and clients considered each other as collaborators as they had close relations that did not involve many obligations. *Ubukonde* initially led to some sort of 'agricultural nomadism' because lineages would abandon land they had cleared and went deeper into the forest if their land became degraded or if officials tried to make them their clients. They suggest that the king and his entourage let these lineages carry on their reclamation efforts because they resulted in larger areas of productive land. However, the court anticipated that it might be difficult to subdue such autonomous lineage chiefs, who could become dangerous opponents, and they therefore made them representatives of the king. By adopting this policy, the court attempted to integrate *ubukonde* and another type of land tenure, namely *igikingi-isambu* land tenure.

Igikingi and *isambu* land tenure became common at the beginning of the 19th century and gradually replaced the *ubukonde* system. *Igikingi* and *isambu* in-

¹¹ For similar explanations, see also Vansina and Catherine Newbury (Vansina 2004: 33-35; Newbury 1988: 96). Newbury adds that members of certain clans did occasionally perform ritual functions like the termination of a mourning period (Newbury 1988: 266, Note 4). To my knowledge, clans do not play a role in ordinary Rwandans' social life anymore.

volved land that was granted by the king to a cattle-owning lineage, often his army chiefs or other favourites. These chiefs in turn could allow others – pastoralists for *igikingi* and agriculturalists for *isambu* – to live on their land but they were then expected to provide labour, cows or other services to their patrons (Newbury 1988: 79-80; see also Maquet & Naigiziki 1957: 344-345). Maquet & Naigiziki (1957: 345-346) relate how an *igikingi* client was obliged to give one or more heifers to his patron (who was also a political authority) and this gift had to be repeated whenever a new chief took over. The lineage let its lineage herd graze on certain allocated land and the lineage chief had the right to allow others to graze their cattle on this land in return for rent (a jar of beer for a season, a bull calf for a year and a heifer for two years) and/or other privileges. Only sons were allowed to inherit land from their client fathers, while patrons always had the right to reclaim a client's land for personal use or to pass it on to another lineage.

In *isambu* clientship, the client chief was allocated a certain amount of land on which he could cultivate whatever crops he wished or he could rent it out (for part of its harvest, beer, hoes or small cattle) or allocate it to sub-clients.¹² Sons could inherit the allocated land from their father. However women were in a weak position because daughters could not inherit from their fathers, widows without children could not claim any right to their deceased husband's land and widows with children could only exercise rights through their sons. As with *igikingi* land, the client had to pay dues (agricultural products, jars of beer, fabric) and the patron could always decide to take back his land (*Ibid.*: 348-355).

The introduction of *igikingi* and *isambu* had an important effect on land tenure as lineage control over occupied and unoccupied land changed to control by the king and his authorities. Land that had been occupied and used by several generations was now 'granted' to these lineages (Newbury 1988: 85; Mamdani 2002: 66; Newbury 1978: 20), which broke the power of lineage heads and enhanced the extractive capacity of the state (Pottier 2002: 183). Lineages no longer held usufruct and alienation rights collectively as it was the political chief who now held alienation rights and allocated usufruct rights individually. This chief took over the important functions of the lineage chief and became responsible for distributing unoccupied land, resolving land conflicts and regulating access to formerly communal land (Blarel 1994: 80; Newbury 1978: 20). As a result, land tenure was primarily based on political decisions instead of on notions of kinship

¹² Maquet & Naigiziki (1957: 348-355) argue that *isambu* clientship developed when lineage or family members who encountered land conflicts on their collectively worked land turned to a political or otherwise powerful authority for arbitration. To end conflicts, this person would then allocate land to different claimants and end its collectivity. Although most authors stress the coercive aspect of the *igikingi-isambu* land tenure system, it is possible that in some regions this clientship system started voluntarily and only later became more oppressive. However, as Newbury points out, Maquet & Naigiziki's results could represent the view of the central court on how the system was 'supposed' to have functioned as they probably based their analysis on Tutsi informants.

and was, therefore, less secure than the *ubukonde* tenure system (Blarel 1994: 80).

In addition to land clientship, there were two forms of cattle clientship. The first – *ubugabire* – dated from the 17th century and was when cattle-poor lineages joined the service of cattle-rich lineages in exchange for a cow. The client had to give back calves on a regular basis and had to work for his patron whenever needed. Despite their unequal relationship, both parties could end the clientship (Vansina 2004: 32-33). *Umuheto* clientship started in the mid-18th century and its growth reflected central government efforts to exercise influence as it linked client lineages to patrons who were central chiefs and acted as protectors of the lineage's cattle, for which they received dues or services. In an early stage, only cattle-owning lineages or other wealthy lineages that could provide luxury items like honey, fibre bracelets or mats were sought as clients, while other lineages were obliged to pay *umuheto* dues later on. However, obligations in this form of clientship were moderate and were shared by an entire lineage. A client lineage had to send a cow to its *umuheto* patron every one or two years. *Umuheto* clientship normally lasted for several generations. Being a form of mutual alliance with reciprocal obligations, it was characterized by strong affective ties between lineages and their patron and by mutual respect (Mamdani 2002: 66-67; Newbury 1988: 75-78, 125; Newbury 1978: 18-19). According to Newbury (1978: 19), '*Umuheto* clientship initially resulted from local status considerations; it indicated, rather than bestowed, prestigious status. *Umuheto* was an alliance, a bond of elites, rather than the arbiter of hierarchical status differences'.

The political structure changed drastically during the reign of King Rwabugiri who ruled from 1876 until his death in 1895 (Vansina 2004: 211-212). Using military force, he significantly expanded his kingdom and dismissed long-time authorities to consolidate and strengthen his hold on power. He then appointed people from outside the region who became directly dependent on him.¹³ These newly installed local chiefs were frequently transferred or dismissed to ensure that 'no chief could become powerful enough to oppose the king. The stakes were high, official positions were well rewarded but risky, since the penalty for losing favor was often death' (Newbury 1988: 40). Frictions emerged in the recently conquered Kinyaga region as newly appointed chiefs from central Rwanda felt disdain or total mistrust towards the local Kinyagans, regarding them as crude and boorish, and they feared being poisoned by eating local food (*Ibid.*: 50). The new chiefs acquired privileges and appropriated control over people, cattle and land by dividing and weakening the autonomy, unity and size of the lineages under their control (*Ibid.*: 39). The status of lineage groups and their

¹³ For an overview of Rwabugiri's military campaigns, see Chapters 5 and 6 in *The Land Beyond the Mists* (Newbury 2009).

relations with political authorities subsequently changed and social identities were affected (*Ibid.*: 108).

King Rwabugiri appointed provincial chiefs in each province who appointed hill chiefs to govern the populations of one or two hills. Hill chiefs would collect dues in the form of food products or other items from the population in return for access to land. The hill chiefs gave a portion of these dues to their superiors who, in turn, sent a part to the central court. Hill chiefs replaced lineage heads as local authorities and thereby weakened the latter's political role. A hill chief had quite a different position as, unlike a lineage head, he was appointed from above and needed support from politically more powerful superiors rather than from the lineages he ruled. Later, smaller administrative units were consolidated into larger ones and the smaller units were then headed by sub-chiefs. These sub-chiefs were appointed from local lineages at first but were replaced by non-locals under colonial rule. At the beginning of the 19th century, the royal court decided to divide the provinces into districts, which were headed by a land chief and a pasture chief who were positioned between the provincial chief and the hill chief (*Ibid.*: 42, 108). In addition to these territorial chiefs, the *umuheto* or social army chief, who often lived in central Rwanda, also collected dues. As the land and pasture chief were also supposed to collect dues that would be sent to court, this could potentially create conflict. With these appointed chiefs and their increased power at the expense of lineages and their lineage chiefs, King Rwabugiri installed a hierarchy of authority from top to bottom. Newbury (1988: 83-84) describes how a *umuheto* chief called Ntiizimira was installed in Kinyaga and delegated the collection of dues to representatives from wealthy Kinyagan families who, in turn, would instruct others to collect them. Officials at each level took a portion of everything collected as a reward, which made these positions highly alluring.¹⁴

The introduction of clientship and the need to pay services to patrons in return for access to land led the population to realize that chiefs were controlling the land, something that had not been the case in the past when lineages controlled their land. Newbury thus claims that the new forms of clientship were often met with resistance by the local population and dues had to be collected by force or at least the threat of force (*Ibid.*: 85-86).¹⁵

With these major changes in Rwanda's political structure, the nature of clientship relations changed significantly when the newly appointed authorities increased

¹⁴ Each official was allowed to keep a third of the dues he collected (Codere 1962: 60).

¹⁵ This claim is supported by René Lemarchand (1966: 606) who gives the example of a revolt that broke out after the appointment of a new (Tutsi) chief and of some chiefs who decided to leave their posts because they felt resistance towards them was too great.

their control even further by introducing two new forms of clientship: *ubuhake* and *uburetwa* (*Ibid.*: 82).¹⁶

*Ubuhake*¹⁷ clientship gradually replaced *umuheto* cattle clientship and significantly altered relations between patrons and clients. In an *umuheto* clientship, the client lineage gave cattle to its patron in return for protection, but the transfer of cattle was reversed under *ubuhake*, with the patron giving a cow in usufruct (but not ownership) to clients. While *umuheto* clientship was primarily limited to lineages that were wealthy in cattle and had a relatively higher status, *ubuhake* tended to involve people who had not previously had cattle. Furthermore, the reversed transfer of cattle from patron to client strengthened the dependency of the client as he risked having his cattle confiscated (Mamdani 2002: 65; Vansina 2004: 47; Newbury 1988: 75-78).¹⁸

Another important difference was the fact that, in *umuheto*, the client was normally an entire lineage and *umuheto* clientship could thus reinforce small-scale horizontal ties. In *ubuhake*, on the other hand, the client was usually an individual and if several members of a single lineage had different patrons, this could weaken local solidarities (Newbury 1988: 98; see also Mamdani 2002: 65). Although Mamdani and Vansina both suggest that reciprocity was eroded with *ubuhake* and inequality and coercion in the patron-client relationship intensified, Newbury argues that *ubuhake* clientship still offered the client some form of protection and symbolized a special status in relation to the patron despite the unequal relationship (Mamdani 2002: 65; Vansina 2004: 47; Newbury 1988: 136, 140). The early *ubuhake* forms linked elites because lineages that entered into *ubuhake* relations benefited because:

for such lineages, alliance with Ntiizimira [a local powerful chief] offered the chance to broaden their political network; they could expect not only enhanced prestige but also greater access to resources with which to enlarge their personal followings- increased power in the local context. (Newbury 1988: 90)

However, the lineage member who had to collect dues on behalf of the patron was not always the lineage head and this could cause competing leadership claims within lineages. Reinforced by its individual nature, the introduction of

¹⁶ According to Vansina, *ubuhake* clientship had existed in central Rwanda since the 17th century, while Newbury suggests that this form of clientship was introduced much later when peripheral areas came under the central kingdom's control (Vansina 2004: 47-48; Newbury 1988: 82). Like Newbury, Vansina (2004: 130) also dates *uburetwa* as starting in the late 19th century.

¹⁷ *Ubuhake* means a cattle contract or contract of pastoral servitude. This form of clientship existed in Burundi as well where it was, contrary to Rwanda, separate from and subsidiary to the political structure. It involved fewer clients and a system of dues that was much less burdensome than in Rwanda (Lemarchand 1970: 36, 39-40).

¹⁸ Interestingly, Newbury explains (1988: 78) that the Rwandan court considered all cattle as the 'King's cattle' and could thus confiscate them. The population was not concerned with this distinction and considered them to be personal property as they were often acquired through marriage or as a gift, reward or purchase.

ubuhake thus led to internal divisions in lineages and eroded their unity even further. When *ubuhake* was extended to a larger part of the Rwandan population at the end of the 19th century,¹⁹ it further reduced the autonomy and political role of lineages and the authority of lineage heads (Newbury 1988: 98-111; Newbury 1978: 22).

With the introduction of *ubuhake*, a chief would often also be a patron, and chieftaincy and clientship became 'two faces of the same coin' (Lemarchand 1970: 37). This 'substitutability of roles' (Lemarchand 1966: 594) frequently set the pattern of power, with economic and political power being in the same hands (Lemarchand 1970: 38). Newbury thus concluded that this development led to the growing control of land by the chiefs and 'to an increasing dependence of the population on political authorities, and an increasing power of the chiefs over the population through fragmentation of local social units' (Newbury 1978: 22). A chain of clientship emerged from which the king alone was exempted and that ran from those who were simultaneously vassal and patron to the majority of the population who were only clients (Codere 53). The next section on the political nature of ethnicity will demonstrate how clientship became ethnic in nature because most patrons were Tutsi.

The development of a sophisticated clientship and administration structure had some other consequences too. For instance, the co-existence of several chiefs of approximately the same rank (land chief, pasturage chief, *umuheto* chief) created structural competition and tension as each chief tried to increase the number of his own clients at the expense of the others (Newbury 1988: 46). This hierarchical administration led to spying and sabotage. According to Vansina (2000: 55), the land chief and the pasturage chief spied on each other and were, in turn, spied on by their chief, while the provincial chief was sabotaged by all other authorities except for his sub-chiefs whom he appointed himself. As a result of this diffusion and fragmentation of power, which ultimately served the king, clients could try to avoid exploitation by playing one chief off against another. But ultimately *ubuhake* clientship had a negative effect on the position of clients (Lemarchand 1966: 603).

Around 1870, the position of clients deteriorated again with the introduction of *uburetwa* clientship, where relations involved little reciprocity and became essentially exploitative (Mamdani 2002: 66; Newbury 1988: 90, 140; Vansina

¹⁹ It remains unclear what percentage of the population was eventually involved in *ubuhake*. Newbury suggests that it was only about 20% (Newbury 1988: 98-111; Newbury 1978: 22), a figure based on a 1974 study by Jean-François Saucier in southern Rwanda (Newbury 1988: 134; Newbury 1978: 27, Note 15).

2004: 134).²⁰ *Uburetwa* was imposed when patrons started to consider their land clients as tenants, who were then subjected to all sorts of obligations as payment for occupying the land. Farmers had to give away a significant part of their crops and to work for their patron for about half of their time. Certain chiefs exploited the farmers mercilessly (Newbury 1988: 111; Vansina 2004: 134; see also Codere 1962).

During the period of German administration²¹ between 1899 and 1916, the central court continued and extended the role of hill chiefs. Their power continued to grow, to the disadvantage of their clients. With German support, many of these hill chiefs, who were responsible for collecting goods and services, managed to increase their wealth as ‘chiefs, their kinsmen, and their clients used power to extract surplus from the common people, or forcibly to create surplus where there was none’ (Newbury 1988: 127-128). When the Belgians arrived in 1916 and the Germans were forced to retreat, new demands were made on the rural people that again strengthened the hill chiefs’ coercion. Every resident was made to perform *akazi* or *corvée* (unpaid labour), for example by making or maintaining paths and secondary roads. A head tax was introduced in 1917 and increased regularly from 1926 onwards. Seen by the Belgians as administrative tools, these obligations often turned into political weapons in the hands of the chiefs (*Ibid.*: 131-132). The major reason behind the chiefs’ increasing power was that they combined two distinct roles – of socio-political patron and administrative chief – and this resulted in a much reduced capacity for clients to bargain and manoeuvre (Newbury 1978: 22). In addition, this development led to numerous abuses, such as when chiefs made people work for them instead of for communal projects or when they put collected cattle into their own herds. It also resulted in a decline in land tenure security, ‘since refusal to comply with any of the demands the hill chief made would expose a person to the possibility of losing his land [...]’ (Newbury 1988: 132). It was often in the direct interests of the chief to expel a local landholder because his successor would be directly dependent on him, while the farmer expelled had to then present himself to another chief elsewhere (Newbury 1980: 105).

The institutions and developments described above show how the rural peasant population faced declining (lineage) autonomy and land tenure security be-

²⁰ According to Mamdani (2002: 66), *uburetwa* could be imposed because most cultivators had lost their land rights when *igikingi-isambu* replaced *ubukonde* and lineage control over land changed to being under the control of the king and his officials.

²¹ Lemarchand (1970: 47) stresses that Western and Arab influences were late in arriving in Rwanda (and Burundi): ‘At a time when the Zanzibar Arabs were already plying their trade deep into Congo, the people of Rwanda and Burundi continued to live in a state of splendid isolation, owing as much to the natural bulwark of swamps and mountains as to the fearsome reputation they had earned among their neighbours’. The Germans only established a military station in Burundi’s Bujumbura in 1899 and had but a handful of administrators to rule the two countries (*Ibid.*: 48-49).

cause they were forced to enter into clientship relations and had to comply with the demands of newly installed chiefs. Under King Rwabugiri, a strong hierarchical state emerged but society became more fragmented and individualized, driving the masses into a position of powerlessness amid fear and insecurity. This was related to ethnicity.

The Political Nature of Ethnicity

Although the origins and categorization of the three ethnic groups Hutu, Tutsi and Twa may remain contested and appear of limited relevance, as suggested by Mandani,²² many authors agree on the political significance of ethnicity. Catherine Newbury argues that ‘the meanings attached to these categories and the political significance of membership in them changed significantly over time’. In line with Vansina’s observations, she found that the label ‘Hutu’ had little political importance before central Rwandan rule was introduced in the Kinyaga region in southwest Rwanda (Newbury 1988: 10) and that:

... it would seem that Hutu identity (at least in this area) emerged only recently, becoming a strong identitive category cutting across clan and lineage divisions only when there had occurred social and political transformations which facilitated horizontal linkages beyond the limits of ‘traditional’ social groups. (Newbury 1978: 17)²³

In accordance with both Vansina and Newbury, Mamdani (2002: 73) argues that the ethnic identity of Tutsi may have preceded the formation of the Rwandan state under King Rwabugiri and this Tutsi identity was further reinforced by state mechanisms. Hutu identity was constructed by the state because ‘if subject populations only came to be defined as Hutu after being incorporated into Rwandan state structures, we cannot speak of these as Hutu before that incorporation’.

King Rwabugiri’s state-building efforts made the population increasingly aware of ethnic differences and, under his rule, Hutu and Tutsi became political labels and a form of classification. Ethnicity gained political importance because it determined someone’s chances and relations with regard to authorities. Being considered a Tutsi was not so much a matter of descent but more an issue of wealth (particularly in cattle) and control over political power. Cattle-rich lineages that were or had links to powerful chiefs were regarded as Tutsi and this category became self-defined as an elite, while other lineages were considered to

²² He criticized the idea held by mainly Western historians that ‘development’ in Africa had to be the result of an external impulse, like migration, with one-way assimilation. He argues that even if historical research shows that Hutu and Tutsi have separate origins (a possibility he does not deny), the fact that both groups lived on the same territory in shared cultural communities with the same language and religious practices should not be ignored (Mamdani 2002: 49-50).

²³ According to Newbury (1978: 18), traditional social groups with political significance were lineages and neighbourhood groups and the principal political authorities were the lineage heads.

be Hutu (Newbury 1988: 11-12, 51-52). In newly conquered Kinyaga, Newbury found that:

... with the arrival of Ndugan [central Rwandan] authorities, lines of distinction were altered and sharpened, as the categories of Hutu and Tutsi assumed new hierarchical overtones associated with proximity to the central court - proximity to power. Later, when the political arena widened and the intensity of political activity increased, these classifications became increasingly stratified and rigidified. More than simply conveying the connotation of cultural difference from Tutsi, Hutu identity came to be associated with and eventually defined by inferior status. (Newbury 1988: 51; see also Newbury 1978: 21)

The two ethnic categories became state-enforced identities that were merely political by nature (Mamdani 2002: 73-74) as a result of the powerful Rwandan state. It was able to restructure social relations and 'a whole array of institutions - from the army to clientship - enforced and undergirded the reproduction of Hutu and Tutsi as polarized political identities' (*Ibid.*: 56).

Social polarization between Hutu and Tutsi emerged with state centralization that allowed an increase in the powers of the Tutsi king. And certain social processes, particularly changes in clientship, led to the social degradation of Hutu and changed Hutu and Tutsi into bipolar political identities (*Ibid.*: 73-74). Three ideological and social institutions played a role in this process:

... the court rituals (*ubiiru*) through which important Hutu lineages were incorporated into the court as ritualists (*abiiru*), the patron-client relationships through which the pastoralist hierarchy was organized, and the military and administrative systems that were the true backbone of the state- as they changed over the next century. Together, these changes suggest both a centralization of state power and a reorganization of society along hierarchically exploitative lines. (*Ibid.*: 63)

Social relations and clientship changed drastically under the reign of King Rwabugiri. The shift from *ubukonde* land tenure, i.e. land held by lineages that had arrived first and cleared the land, to the *igikingi-isambu* tenure system where the king became the owner of the land, 'most certainly led to a decline in the social position of the Hutu' as many lineage heads who formerly acted as land chiefs were Hutu (*Ibid.*: 66) and were replaced by Tutsi patrons. While *umuheto* cattle clientship mainly involved cattle-rich families and therefore mostly Tutsi lineages,²⁴ *ubuhake* tended to involve people without cattle and resulted in many more Hutu becoming individual clients of Tutsi patrons (Mamdani 2002: 65; Newbury 1988: 76). There were, in fact, two *ubuhake* systems for Hutu and Tutsi clients: Hutu clients found themselves in a position of exploitation and coercion, while clientship was much more profitable for Tutsi as it involved a social and political alliance (Codere 1962: 54-55; see also Newbury 1988: 260, Note 2).

As was previously mentioned, *Ubuhake* clientship ultimately had a negative effect on the position of clients and meant that all Hutu needed to have the pro-

²⁴ Newbury (1988: 84) describes how *umuheto* was extended to include non-cattle-owning lineages that were expected to give hoes or luxury items and were referred to as 'Hutu'.

tection of a patron to avoid being at the mercy of Tutsi and this led to ‘the internalization of a set of values which tended to reflect and perpetuate a situation of inequality’. Interestingly, both Hutu and Tutsi inclined to identify social justice with power because, as Lemarchand put it, ‘in the value system of Rwanda might and right are but two faces of the same coin’ (Lemarchand 1966: 603). If a patron is powerful, he – and therefore also his client – is right, but if the patron is weak, both are wrong (Mair 1962, as cited in Lemarchand 1966: 603).

Ubutwa clientship, which was first imposed on selected lineages, came to involve individual adult Hutu men. This changed relations considerably as *ubutwa* clientship underlined the serf-like status and social degradation of the Hutu population (Mamdani 2002: 66, 74; Newbury 1988: 111-112). Poor men of low status endured real hardship and insecurity as they would be called to do the least desirable jobs (Newbury 1988: 10-11).²⁵ The burden of *ubutwa* on Hutu cultivators grew and affected increasing numbers of Hutu families due to the unwillingness of the Belgian administrators to replace the system with a monetary payment and the forced cultivation of coffee as a cash crop. This discriminatory measure polarized the social distinction between Hutu and Tutsi (Mamdani 2002: 66). As a coercive and exclusive system in which the essential social norms of reciprocity and interchange were denied, *ubutwa* created a rupture in society (Newbury 1980: 110). The Rwandan state appeared to be increasingly based on Tutsi power (Mamdani 2002: 66), and bitterness among Hutu at the arbitrary rule of their Tutsi chiefs grew (Newbury 1978: 25).

To understand the social degradation and rising resentment, a better understanding of the position of the Hutu population is required. It was extremely rare for a Hutu to be a patron and Tutsi clients had a more profitable position because they received more cows from their patron than Hutu and carried out less onerous tasks. In contrast, a Hutu client was subject to ‘heavy, menial and despised work’, to humiliating acts like giving his daughter or unmarried sister to his patron as a concubine or house servant, deprivation of movement as he was not allowed to leave his district, and severe punishment, or even death, because of (alleged) incompetence or disloyalty or for no reason at all (Codere 1962: 54-55). As a result of the constant power of patrons, clients (Hutu and Tutsi alike) needed to always show their loyalty, for example by providing patrons with useful information about the conduct of other clients. In turn, the survival of Tutsi patrons and chiefs depended on their persistent use of power and intrigue (*Ibid.*: 53, 55, 59). The power that Tutsi exercised over their Hutu clients was ruthless. In-

²⁵ According to Newbury (1980: 100-101), *ubutwa* was usually performed by the poorest Hutu who could not afford to provide food supplies and therefore needed to give their labour. Hutu who were less poor often sought *ubuhake* clientship because, as a *ubuhake* client, they were not required to perform *ubutwa*.

terestingly, Codere (1962: 57-58) sees this as a direct result of fierce internal power struggles because of the multiple power positions and an overlap of jurisdiction that caused every chief or councillor to fear deposition, deprivation, torture or death²⁶ but also resulted in the maximum surveillance of Hutu and the extraction of dues. Codere concludes that 'the use of power among the Tutsi was frequently of such ferocity that it should have served to further intimidate the Hutu, if they required anything more of the kind' (*Ibid.*: 57). However, Lemarchand (1970: 34) nuances Codere's argument of violent Tutsi power and the powerless position of clients with the observation that the existing stratification was based on a shared image of society that was rooted in a 'universally accepted code of values', with strong support from Rwandan mythology in which Tutsi were depicted as a godsend. 'Endowed with superior military skill, extraordinary courage, great wealth and commensurate intelligence', they helped in ordering socio-political relations. As evidence, he argues that after the political reforms, many Hutu remained loyal to their patrons, which suggests 'a deep cultural commitment to status differences as a natural and proper form of social organization' (Lemarchand 1966: 604). However, with regard to the powerless positions of clients, he also suggests that the political system was perhaps stable but not static and allowed for 'occasional shifts in the balance of forces' (Lemarchand 1970: 38) because Hutu often had room to manoeuvre by gaining the support of one chief while resisting another, or by turning away from one patron and finding a different protector. Another important argument given is that the structure of power, and therefore the strength of the Tutsi chiefs, could vary and was sometimes different at hill level from higher levels. As a result, Hutu lineages remained strong in some areas, had an important voice in the administration and could keep the power of local chiefs in check, while at a higher level, the authority of old Hutu kingdoms continued to be recognized by Rwandan Tutsi kings (Lemarchand 1966: 603-605).

Concerning the administrative and military systems, the most important positions, i.e. the king, army commanders and chiefs of pasture who ruled over grazing land and collected dues from stock and provincial chiefs, were held by Tutsi. Sometimes land chiefs who were in charge of agricultural land and collected dues were Hutu while lower-level administrators could be Hutu, Tutsi or Twa (Mamdani 2002: 68-69).²⁷ Mamdani (*Ibid.*: 68) argues that Rwanda's military system 'combined economic, political, and military functions in a single organi-

²⁶ Violent and constant intrigue was significant at the royal court, with the King using merciless violence against fellow Tutsi (Codere 1962: 59).

²⁷ Contrary to Mamdani, Pottier argues that pasture chiefs were Tutsi and land chiefs were Hutu, and that they worked independently of each other. The Hutu population was able to benefit from this situation because both chiefs engaged in continuous reciprocal surveillance and had to listen to each other's complaints to safeguard or extend their own power (Reyntjens 1985, as cited in Pottier 2002: 14-15).

zation through a combination of state cattle keeping, provincial government, and fighting'. This military system began to develop in the mid-18th century with *umuheto* groups or social armies that were mostly made up of Tutsi and were required to do some form of military service. Gradually, all the social groups were incorporated into the army but Hutu occupied merely administrative positions and had to provide dues on a permanent basis. Only later were they deployed in a fighting capacity. Through *umuheto* groups, every Rwandan was tied to the state structure (*Ibid.*: 66-68).²⁸ Although Mamdani suggests that the greater fighting role among Hutu in the Rwandan army mitigated polarization for some time, the newly conquered territories brought in new Tutsi chiefs. This resulted in an accumulation of cattle and land in the hands of Tutsi while the Hutu population lost land and had to engage in patron-client relationships (with Tutsi) to gain access to land. This led to Hutu being associated with and defined by their inferior status (*Ibid.*: 66, 70).

Although differences in the social status of Hutu and Tutsi became significant, both Mamdani and Newbury explain how Hutu and Tutsi were initially flexible categories and social mobility was possible (Mamdani 2002: 70; Newbury 1988: 12-13). Mamdani (2002: 70) claims that two words were important to this mobility: *kwihutura* or 'shed Hutuness' for those Hutu who were able to accumulate cattle and become Tutsi, and *gucupira* or 'loss of status' that referred to a Tutsi who had lost property and thus also his Tutsi status and became Hutu. From an elite perspective, Lemarchand (1966: 605) claimed that some of these 'new' Tutsi were from powerful Hutu lineages that were absorbed into the Tutsi group the moment they gained enough power to threaten Tutsi supremacy. However, this enforced the differences in their social status because:

the very fact that a Hutu who successfully made his way up the social ladder should ipso facto be assimilated into the Tutsi caste, and henceforth regarded as a Tutsi, shows that as a group the Hutu were inevitably destined to remain in an inferior position. A Tutsi could be both client and patron; but a Hutu could only be a client. (Lemarchand 1970: 39)

Another important point Mamdani made was that Hutu and Tutsi were merely socio-political, and not ethnic or socio-economic, identities because of

the '*petits* Tutsi' who could not be told apart from many Hutu in their socioeconomic circumstances [...] At the same time, the *petits* Tutsi could always be told apart from the Hutu socially, on account of both the petty privileges and the more substantial exemption from forced labour (*ubureetwa*) they were entitled to as Tutsi under Rwabugiri. (Mamdani 2002: 74)

²⁸ According to Newbury (1988: 43, 47-48), each lineage had to contribute one or two men. From the mid-19th century onwards, the function of *umuheto* groups in patron-client relations became more important than their military functions, as collecting dues became more important than mobilizing people for military service, as was discussed above.

The *petits* Tutsi were often as poor in cattle as Hutu were, while the *moyens* Tutsi frequently combined herding cattle with farming (*Ibid.*). This observation is shared by Newbury who points out that economic specialization was not as clear-cut because both Hutu and Tutsi engaged in herding activities and cattle were esteemed by both groups (Newbury 1988: 11-12).

Despite the flexibility and social mobility related to the bipolar Hutu and Tutsi ethnic categories, the main features of Rwandan society during and after King Rwabugiri's reign were the unequal political and social relationships that resulted from the centralization and monopolization of Tutsi power and control over land, cattle and people by Tutsi political authorities (*Ibid.*: 23, 40). While Tutsi held all the important positions in the civil service and the military, powerlessness was the fate of almost all Hutu (Maquet 1954, as cited in Codere 1962: 60). How the weak position of Hutu came about is explained by Codere (1962: 84), who argues that:

... had the Tutsi been merely a comfortable and secure aristocracy they might well have developed slack and easy-going ways, but the brutal and relentless struggle for power among them kept them harsh and undistracted in their use of power, and thereby maximized the power they held as a group.

The next section demonstrates how the weak position of Hutu continued after Rwanda's colonization.

Clientship and Land Tenure under Colonial Rule

Before the arrival of the Germans and then the Belgians, land and *uburetwa* clientship varied from region to region depending on the degree of central government penetration.²⁹ During colonial control, these clientship systems became uniform and much less flexible (Newbury 1980: 101). From 1917 onwards, Belgian colonizers started collecting head tax while *akazi* (unpaid labour for public works and compulsory cultivation) became common in the 1920s. In 1926 they officially abolished *umuheto* clientship (Newbury 1988: 112). By that time *igikingi* land tenure that was granted to cattle-owning lineages was also abolished because hill chiefs, appointed from outside, took over these lands to turn them into agricultural plots, which were subsequently distributed by sub-chiefs (*Ibid.*: 133). This caused growing personal insecurity so more people turned to *ubuhake* cattle clientship for protection and access to cows³⁰ and thus to patrons' grazing land.³¹

²⁹ Although centralized land control and loss of autonomy by the rural population were common throughout Africa during colonial rule, Newbury (1980: 107) emphasizes that *uburetwa* existed only in Rwanda.

³⁰ 'For people who owned cattle, *ubuhake* clientship was a means of "protecting" that cattle. For those who did not own cattle, *ubuhake* could serve as a means of obtaining a cow to be used for bridewealth or for increased status; a cow was not an end in itself, but rather a means to a social goal' (Newbury

Ubuhake clientship increased during the colonial period due to the political circumstances in which 'the increased power of the chiefs and their arbitrary use of this power created conditions of great insecurity; consequently the motivation to accept clientship often resulted from direct or indirect coercion' (*Ibid.*: 134-135). This insecurity is illustrated by the statements of two of Newbury's informants:

At Rukunguri in Abiiru, a certain Rubaba became a client of Gisazi to protect his three cows; had he not become a client, he would have risked losing the cows [Informant 1]. And Seekayanje, grandfather of a Kinyagan in Abiiru region, lived at Mururu when Rubago was hill chief there. Seekayanje found it necessary to become a client of Rubago because the chiefs and patrons at that time 'were like robbers'. The man [Informant 2] named three members of his lineage who had been arrested and had their belongings seized. (*Ibid.*: 139)

Clientship had been associated with long and affective ties between a patron and his client in the past but, in the colonial period, clients frequently had several successive patrons because hill chiefs, appointed from outside, were often replaced. As the administration and clientship relations became more integrated, clients began to identify clientship with the administration (*Ibid.*: 140).

By 1934, the Belgians had replaced all dues in agricultural and other products and different forms of labour with taxes that had to be paid in cash (Mamdani 2002: 97; Newbury 1988: 112).³² However, the Belgian administrators were always imposing new forms of unpaid labour with the explanation that they were 'anti-famine' or 'development' measures (Mamdani 2002: 97). In addition, the much-hated *uburetwa*³³ that targeted only the Hutu population became an individual instead of a lineage obligation and was not converted into a monetary payment (Newbury 1988: 112; Mamdani 2002: 97; Prunier 1995: 27).³⁴ There were two main reasons why *uburetwa* was not converted into a tax. The first was economic, as free *uburetwa* labour helped to expand the cultivation of coffee and other cash crops, lining the pockets of both the Belgian authorities and local chiefs who were pulled into the money economy as commercial entrepreneurs. The second reason was political: unpaid labour was seen as an expression of

1988: 136). However, another form of *ubuhake* also occurred that concerned land clientship relations in which no cattle were exchanged (*Ibid.*: 135-136).

³¹ Newbury (1988: 134-135) nuances this increase in *ubuhake* clientship (at least in Kinyaga) when she mentions that, with some 20% of the population involved in *ubuhake*, this form of clientship was limited because it involved mainly Tutsi lineages and some lineages successfully evaded it.

³² The first official act of the young King Rudahigwa was to abolish all dues in kind. He replaced his father King Musinga in 1931 after the latter was removed by the Belgians. As the chiefs and sub-chiefs could access some of the taxes levied, this greatly stimulated tax collection (Newbury 1988: 156).

³³ Hutu would call *uburetwa* '*ubunetsi*', i.e. 'an obligatory corvée from which a person cannot escape and from which he receives no profit for himself' (Pagès 1949, as cited in Newbury 1980: 110).

³⁴ The Belgians tried to limit *uburetwa* in 1927 by issuing a decree proclaiming that such service should be carried out 52 times a year instead of on 146 days as in the past, and the number of days was further reduced to 13 days a year in 1933. Although this suggested that the Belgians wanted to prevent abuse, the individualization of the system meant that male Hutu had to perform *uburetwa* more frequently (Newbury 1980: 103).

obedience among the Hutu population. The Belgian administration reasoned that its abolition would undermine the chiefs' authority over their populations (Newbury 1988: 112, 141-142; Mamdani 2002: 97; Newbury 1980: 104). According to Mamdani, *uburetwa*

... testified to the existence of Tutsi privilege in colonial Rwanda and highlighted the social separation between the *petit* Tutsi and the average Hutu [...] Tutsi privilege in colonial Rwanda set *all* Tutsi apart from *all* Hutu in their relation to power. (Mamdani 2002: 98, italics in original)

Around 1950, *ubuhake* cattle clientship and *uburetwa* were both formally abolished³⁵ but the chiefs' exploitative character was not affected and they still held control over pasture land and, in many parts of the country, they continued to force the population to perform *uburetwa* services. With the help of Belgian administrators, a Tutsi elite had managed to control labour, land, wealth, and access to education and the administration (Newbury 1988: 147). The nature of political power and the structures of Rwandan society had changed radically by the 1950s and made it:

... possible (officially) to abolish the most evident symbol of exploitation under Tutsi colonialism, but to leave the essential structure of this exploitation intact. Abolishing the institution still left power in the hand of Tutsi chiefs. Pasturage was still controlled by Tutsi, so a person could not own cattle without coming to those with power over land on their terms. (*Ibid.*: 146-147)

With regard to land tenure, German colonizers had introduced a third system in addition to the *ubukonde* and *igikingi* land tenure systems. This involved private access and the occupation of land belonging to European citizens and religious missions that had been obtained from the king by gift or purchase and came under written law (André 1998: 143).

During the first half of the 20th century, land tenure changed under Belgian influence. Making use of the (royal) political administration, the Belgians planned to rationalize and standardize it into an even more oppressive system, which broke the fragile equilibrium between pastoral and agricultural relations and facilitated the abusive exertion of land privileges by political officials who expelled and confiscated land at will. At the end of the 1950s, *ubukonde* lineages³⁶, especially those from regions that were recently or only partly integrated into the Rwandan state, protested against attempts at expulsion by reclaiming access rights to their ancestral land. Previous owners or occupants protested against the private property rights of religious missions. In regions where *ubukonde* still existed, *ubukonde* land clients also asked their patrons for more secure land rights. According to André, these protests led to violent conflicts against government or lineage authorities at times. To lessen peasants' land-tenure insecurity, the Bel-

³⁵ *Uburetwa* was abolished in 1949 and replaced by a compulsory tax (Newbury 1988: 146).

³⁶ Lineages that had come first and cleared the land.

gians took positions in favour of land clients and demanded that the authorities involved limit the rights and privileges of patrons.

Various legal measures were taken around 1960 that changed land access considerably and strengthened individual access and occupation rights. *Ubukonde* land clientship was abolished in 1961 and the state, which now replaced the King and *ubukonde* patrons, gave former land clients usufruct rights over the land they occupied.³⁷ *Igikingi* was suppressed in 1960 and pasture lands were declared communal land or were redistributed to peasants, and the ownership of cattle was transferred to cattle clients (*Ibid.*: 142-145). However, Musahara & Huggins (2005: 296) argue that, despite claims by the first independent government that clientship structures were dismantled and replaced by a more equitable land tenure system, the new elite more or less continued their practices of '(mis)using their power and influence to gain access to land as well as cheap agricultural labour'. Struggles over access to land continued and land remained a source of local conflicts, also after Rwanda gained independence in 1962 (Newbury 2011: 227).

With the abolition of the (pre-)colonial land tenure systems, a decree issued on 11 July 1960 declared that all land, registered or unregistered, was now regarded as state property. The decree regrouped land in two categories: that governed by written law and that by customary rights. Land owned by the state, land allocated to missions³⁸ and land registered in urban areas was all regarded as freehold property and governed by written law. All land in rural areas regardless of whether it was occupied or not was subject to customary rights. However, this was not freehold property but was leasehold, and the person who used and derived profit from it had inviolable usufruct rights, which meant that it could not be expropriated without compensation. Usufruct rights were given to individuals who occupied and exploited land over a certain period of time, those who were allocated land by the state or from another individual either temporarily or permanently, individually or collectively or as a loan or a gift, and those who gained access to it via the land market or inherited it (Blarel 1994: 81; André 1998: 145-148). Partially developed pastoral and other lands, marsh lands and some afforestation lands were declared communal land that local authorities could allocate. They managed these lands by afforesting them or granting part as a loan or for rent or keeping it for communal projects. They could also grant some areas of

³⁷ André (1998: 145) notes that *ubukonde* was not abolished in Gisenyi and Ruhengeri provinces but only limited and this resulted in the co-existence of two land tenure systems. This is confirmed by Pottier (2002: 123).

³⁸ This was sometimes contested by families that regarded mission land as their property under customary law and certain families managed to reclaim some mission land even after 1994 (André 1998: 153).

communal land, often that on slopes, to young households for their permanent use to set themselves up (André 1998: 161-162).

The 1960 decree also proposed unifying the two land tenure systems by registering customary rights and granting individual usufruct rights, as stated by written law. Other reforms in 1967, 1978 and 1991 again proposed registering land and unifying land law into a uniform written law in order to convert customary land rights into private and individual property rights. However, such accompanying measures were never taken³⁹ and, except for a certificate of occupation, rural lands were never formally registered (*Ibid.*: 145-146, 163-164).⁴⁰ Land was still regarded as leasehold property but the state tried to influence tenure by proposing projects to intervene and impose intensification, and by limiting land transactions. For instance, a 1976 decree determined that sales were only permitted if the seller had at least a minimum of 2 hectares afterwards and with the authorization of officials to avoid the unequal distribution of land and the marginalization of parts of the population due to transactions on the land market (*Ibid.*: 146). The regulations all failed as they were not respected in rural areas and (distress) land sales increased (*Ibid.*).

Although these measures suggest that the state wanted to secure land access, the opposite happened. Insecurity was provoked by a growing individualization and exclusion with regard to access and occupation rights, by the development of a land market, and the co-existence of written law and a customary land system. The latter was the population's main system of reference and was subject to evolving principles and local practices. In addition, certain former land clientship relations, even though they had been banned, reshaped themselves in monetary clientships that enabled clients to connect to financial resources (André 1998: 146).

Another observation that is important here with regard to land insecurity is Rwanda's lack of attention to peasants' perspectives. A study by Leurquin into rural living standards in the mid-1950s showed that there were no significant differences in income and access to food between rural Tutsi and Hutu, with Tutsi households having only slightly more access to cattle than Hutu. The divide was between rural and urban areas (Leurquin 1960, as cited in Newbury & Newbury 2000: 867).

³⁹ The reason behind it was a lack of political will at various levels (Musahara & Huggins 2005: 296) and Pottier (2002: 185). also argued that, at the end of the 1980s, President Habyarimana was not committed to ensuring food and livelihood security for the population as he did not regard it as the state's responsibility. Pottier personally observed that during a famine in the less fertile south, food aid remained in warehouses in Kigali.

⁴⁰ In certain regions from the late 1980s onwards, peasants themselves started to register land and land transactions informally by putting in place local cadastres that were kept by local wise men as well as by local authorities and peasants who measured and demarcated plots (André 1998: 174).

Tutsi Power and Colonial Rule

Newbury & Newbury's (2000) essay on historiography stressed the assumption of 'corporate ethnicity' by outsider observers, including the German and Belgian colonizers, as they applied the physical characteristics of Rwanda's ruling aristocratic Tutsi lineages (tall, slender, small hooked noses and fine hair) to all Tutsi and considered them to be members of the political elite (Newbury & Newbury 2000: 838-839). The Hutu population was supposed to be short, sturdy, dark-skinned and less intelligent because

while all Tutsi in this racial matrix were seen as 'refined' and 'born to rule' – as befit the 'governing classes' – all Hutu were seen as 'native', 'stalwart', and 'easy-duped' – as befit the labouring classes, in this sociological-cum-racial wonderland. (*Ibid.*: 839)

As a result and while Belgian rule expanded and strengthened central administration, Belgian administrators were beginning to favour Tutsi to create a ruling class by the end of the 1920s (Newbury 1988: 115).⁴¹ Hutu chances were restricted as they could only participate in the administration in subordinated positions and were overtly discriminated against in Catholic schools, which offered the best education during the colonial period (*Ibid.*: 115-116). 'Such changes in the government structures and educational system represented a marked reduction in status for Hutu, and introduced a more marked stratification between ethnic groups than had existed before'. This led to sharpened ethnic divisions and the emergence of Hutu as a broader identity group 'based on the resentments of the dispossessed' (*Ibid.*: 116).

While Newbury stresses the ethnic aspect of the socio-economic Hutu-Tutsi divide that became increasingly marked under Belgian rule, Mamdani (2002: 99) argues that 'Belgian power did not arbitrarily cook up the Hutu/Tutsi distinction. What it did do was to take an existing sociopolitical distinction and racialize it'.⁴² He describes the origins of what came to be known as the Hamitic Hypothesis in which African pastoralists groups, such as Ethiopians and Maasai were regarded by German, Belgian as well as English colonizers as 'African Caucasians' or 'whites in black skin' and were seen as being different from Bantu people.⁴³ These African Caucasians were seen as the great civilizers of Africa but also as

⁴¹ However, it is important to mention Prunier (1995: 28), who argues that 'By "the Tutsi" we mean here those members of the high lineages who were in a position to play ball with the Belgian administration and to benefit from it. They were a minority among their own people'.

⁴² Interestingly, Codere, who conducted fieldwork in 1959-1960 in a period of social and political turmoil, presumed that race had been a feature of Rwandan society and its political structure since ancient times (Codere 1993; Codere 1962).

⁴³ See *Racializing the Hutu/Tutsi Difference* for a detailed explanation of the Hamitic hypothesis and its consequences (Mamdani 2002, Chapter 3). I do not intend to contribute to the discussion about race or ethnicity here but I use Mamdani's analysis to point out the growing Hutu/Tutsi divide and to show how this affected social relations between the two groups.

alien to the regions where they were found, and constituted a minority among the 'Negro population' (*Ibid.*: 79-87). Mamdani also classifies Rwanda's colonization (and that of Burundi for that matter) as being halfway between direct and indirect rule. It resulted in the fatal flaw of all direct-rule colonies as 'it constructed the colonized along a majority/minority axis, an indigenous majority and a so-called nonindigenous minority' (*Ibid.*: 100).

As a result of this distinction, Belgian administrators started to identify Tutsi as a race that was different from the indigenous Hutu of Bantu origin. This was reflected in an 'Information Bulletin on Ruanda-Urundi' that was issued by the Belgians in 1960 in which the inhabitants of Rwanda were described as 'two main racial groups: the Tutsi feudal stock-breeders, comprising 14% of the population, and the Hutu farmers, amounting to 85%' (*Ibid.*: 99). Mamdani adds that 'only in Rwanda was the notion that the Tutsi were a *race* apart from the majority turned into a rationale for a set of institutions that reproduced the Tutsi as a *racialized* minority' (*Ibid.*: 87, italics in original).

According to Prunier (1995: 38-39), the racialization of Tutsi implied a racialization of consciousness that affected everybody. Hutu who were repeatedly told that they were inferior and deserved their fate eventually believed this and consequently started to hate all Tutsi, while 'even the "small Tutsi" who did not benefit from the system in any way, started to believe they were indeed a superior race and that under the same rags as their Hutu neighbours wore, a finer heart was beating'. Mamdani identified three institutions that inspired, embedded and reproduced this ideology: the Catholic Church, the educational system and the state administration.⁴⁴

The Catholic Church had great difficulty Christianizing the Tutsi elite. It took over three decades and only came about after King Musinga was deposed in 1931. He had been reluctant to give up his important role in traditional religion and was hated by the Catholic Church because he tried to use the missions for his own political benefit. After Musinga was removed, the Tutsi hierarchy converted because they understood the importance of doing so if they were to become part of a new elite. The Hutu population, believing that it was the new King Rudahigwa who had given the order, then converted *en masse* to Catholicism (Mamdani 2002: 92-93; Prunier 1995: 31).

From the early 1930s onwards, the Catholic Church became the main provider of education after government schools were phased out and were replaced by mission schools. Church leaders and the Belgian colonizers both favoured Tutsi and discriminated against Hutu. The aim was to turn Tutsi into an elite by creating schools and education programmes specifically for Tutsi chiefs' sons to pre-

⁴⁴ Newbury & Newbury (2000: 847) also refer to the alliance between these three parties.

pare them for citizenship and future positions in the administration. If Hutu were admitted to these schools, they were simply educated to do manual labour. Their education would only underline the political fact that even educated Hutu were not meant for full citizenship (Mamdani 2002: 89-90; see also Lemarchand 1970: 74-75 and Newbury 1988: 115). When it came to post-secondary education, Hutu had no other choice than to become theological students at one of the two existing seminaries but after graduation they were often not able to find suitable employment (Prunier 1995: 33).

A major reform of the state administration took place in the 1920s. Power shifted from the Rwandan king to local authorities and their power was reorganized in such a way that it made them only accountable to the colonial power and the 'Tutsification' of chiefs became institutionalized (Mamdani 2002: 90-91). In 1959, towards the end of Belgian rule, 43 (of the 45) chiefs and 549 (of the 559) sub-chiefs were Tutsi (Chrétien 1985, as cited in Prunier 1995: 27). These measures led to the reinforcement of colonial power in a despotic fashion. By replacing the land chief (often a Hutu), the pasturage chief (always a Tutsi) and the *umuheto* chief (usually a Tutsi) with a single chief, who was always Tutsi and had often been educated to perform this task, the chiefs' power was centralized at the expense of the power of the king, who could no longer appoint his chiefs. Ordinary peasants were now unable to play the chiefs off against each other or appeal against a verdict. Mamdani suggests that, as chiefs were also granted judicial powers, local administrations became despotic in nature (Mamdani 2002: 90-92; see also Lemarchand 1970: 72-76). Helped by the local hierarchy of despotic Tutsi chiefs, the Belgians created what Mamdani (2002: 93) called a 'regime of compulsions' in which:

... the despotic machinery was enabled by a highly administrative version of 'customary law', one which sanctified as 'customary' any exercise of force by authorities simply because they too were considered 'customary'. (*Ibid.*: 94)

By emphasizing agriculture and individualized taxes, the Belgians wanted to promote economic development, and coercion was an integral part of their strategy. Unpaid labour and taxation increased significantly between 1920 and 1940 and led to enforced sales of food and export crops. Local chiefs had to deal with targets and were made to understand that, in order to meet them, they had to whip Hutu workers or risk being whipped themselves.⁴⁵ However, they benefited significantly as they added their own demands to the list of 'customary' exactions

⁴⁵ Prunier (1995: 35, Note 83) confirms that a UN Trusteeship Mandate Delegation on a visit in 1948 learned that, of the 250 peasants interrogated, 247 had been beaten (often many times). Although non-elite Tutsi were also subject to forced labour (except *uburetwa* and sometimes the compulsory growing of crops), they were often in a better position to escape this, for instance through *ubuhake* clientship. Alternatively, they would receive supervisory roles (Newbury 1980: 105).

(both labour and money) and applied the force required to ensure compliance (*Ibid.*: 95-97).

Although the Belgian administrators made some attempts to humanize the rule of the Tutsi chiefs and sometimes threatened to depose them because of their abuses, Newbury notes that ‘such abuses were central to the way the system of chiefly rule functioned; they were not occasional aberrations, products of individual moral “lapses”’ (Newbury 1988: 151). And the Belgians had to recognize that it led to fixed economic targets being achieved (*Ibid.*: 151, 169-170). Impositions on the rural population gradually increased, especially during the economic crisis in the 1920s and periods of famine when the Belgian colonizers attempted to increase agricultural production. Labour recruitment for plantations, construction work, mines and other enterprises increased and reinforced the chiefs’ power. They could decide who would be engaged and, until the beginning of the 1930s, often took the wages of recruited workers. Eventually there was a situation of near-slavery where workers who ‘deserted’ their work before the end of their contract were first whipped and then forced to return to work, while their wives were sometimes forced to engage in unpaid labour or else their property would be taken (*Ibid.*: 167-171).⁴⁶

An historically important event occurred in 1933 when the Belgians carried out a census in which they classified the entire population into Tutsi, Hutu and Twa and consolidated ethnic labels. This act is often mentioned with regard to the genocide, as identity cards enabled the *Interahamwe* militia and other killers to identify their targets more easily. It remains unclear, as Mamdani argues, which criteria were used in the census to distinguish Hutu and Tutsi. Many argue that the labelling was based on the ‘ten cows’ rule, i.e. anyone with ten or more cows was classified as Tutsi. According to Mamdani (2002: 98-99), this rule was applied but was not the main method used to identify Tutsis as information from churches, who knew their congregations well, and physical characteristics were also taken into account. Des Forges and Pottier have different views on the ‘ten cows’ rule. Des Forges (1999: 37-38) claims that each Rwandan was asked to declare his group identity and that, although taxation distinguished between owners of ten or more cattle, the census did not take cattle ownership into account. While the recording of ethnicity highlighted its importance and rigidified it, some Hutu managed to become Tutsi soon after the census was completed. Pottier (2002: 117) dismisses the ‘ten cows’ theory because it ignored existing unequal patron-client relations and ethnically-based inequalities that had led to a ‘distinc-

⁴⁶ Formerly, contract workers and their families could pay their *uburetwa* services in cash in order to attract them into the labour market (Newbury 1988: 170).

tion between overlord and serf [that] did not hinge on a “cow or two”’.⁴⁷ Des Forges (1999: 38) has concluded that the census led to the tendency that:

... the ruling elite, most influenced by European ideas and the immediate beneficiaries of sharper demarcation from other Rwandans, increasingly stressed their separateness and their presumed superiority. Meanwhile Hutu, officially excluded from power, began to experience the solidarity of the oppressed.

Towards the End of Colonization

The above-mentioned developments regarding the increasing exploitation and coercion of the peasant population by chiefs and the overt discrimination against Hutu led to anger among the rural masses as well as aspirant Hutu leaders. According to Mamdani (2002: 106-114), a Hutu (counter) elite, which emerged in the 1950s, developed from three groups: the pre-colonial elite from regions in Rwanda that had been relatively recently incorporated into the Rwandan state; Hutu peasants who had escaped servitude by entering the labour market in Congo and Uganda; and the few Hutu who had managed to complete their education (mainly in seminaries). These Hutu, with local Hutu in better positions such as traders, transporters or catechists, were to join hands with peasants as:

Aspirant Hutu leaders needed to link up with the simmering rural discontent which began to be overtly expressed after World War II, and which by the mid-1950s was reaching a boiling point. It was this rural anger which gave energy to the emergent national Hutu leadership and party organization. (Newbury 1988: 181)⁴⁸

As a reaction to growing rural discontent as well as pressure from the UN,⁴⁹ the Belgians decided that reforms were necessary and they abolished *uburetwa* and *ubuhake* (Mamdani 2002: 114-115). Lemarchand (1966: 602) argues that, with the abolition of *ubuhake*, the structural roots of stratification were destroyed and Rwanda's political structure was affected because

clientship served as the linchpin which held the political system of Rwanda together, and [why], once it was abolished, the entire structure collapsed, ushering in a bitter struggle for supremacy between Hutu and Tutsi.

⁴⁷ Pottier (2002: 118-119) regards the ‘ten cow’ rule as a perfect ‘soundbite’ for the current Tutsi-dominated government to rewrite Rwanda's history by proclaiming that ‘the ‘silly business’ of ethnicity was just a question of cows, a colonial mistake’ and it sees it as ‘an exceptionally effective way of conveying to the world that the RPF is above ethnicity’. See his remarks about the rewriting of Rwanda's pre-colonial history in the introduction.

⁴⁸ In another article with David Newbury, and making use of research done by Leurquin (1960) and Dorsey, she concluded that ‘rather than resulting from “ethnic differences”, rural class differentiation preceded and served as a catalyst for ethnic identity. Economic insecurities, therefore, contributed to political mobilization along ethnic lines’ (Newbury and Newbury 2000: 868).

⁴⁹ Although Rwanda was administered by Belgium, it was a UN trust territory from 1945 until 1962 (Mamdani 2002: 114).

The Belgians organized local elections in 1953 and general elections in 1956. However, the local elections were indirect and, therefore, did not open up political space for the Hutu population, while the general elections were only direct at the lowest administrative level but indirect at the higher levels (Mamdani 2002: 114-116; Newbury 1988: 183-185). These reforms were very limited and it was the taste of reform instead of its absence that led the Hutu elite to believe that radical changes were necessary to end the Tutsi hold on social, economic and cultural resources (Mamdani 2002: 115-116; see also Reyntjens 1985: 196).

The Catholic Church had, in the meantime, decided to change sides and support the Hutu and their demands for power. There were two reasons for this. First, the Church felt it was losing control as the Tutsi they had educated and employed had obtained more power within the Church while the broader Tutsi elite were starting to develop independency aspirations. Second, Belgian clerics, who had replaced earlier leaders and were more often Flemish than Walloon, came from a more humble social background and sympathized more easily with the oppressed Hutu (Prunier 1995: 43-44).⁵⁰

In early 1957, the Rwandan High Council, which was dominated by Tutsi and heavily influenced by the King, proclaimed its desire for self-governance. A month later, on 24 March 1957, nine Hutu leaders responded to this statement, which completely ignored discrimination against Hutu, by issuing their own Bahutu Manifesto that called for recognition of the Hutu-Tutsi problem (Mamdani 2002: 116; Newbury 1988: 191). It stressed the severity of the racial problem between Hutu and the foreign 'Hamitic' Tutsi and the latter's monopoly of power, and stated that they needed to be liberated from these 'Hamites' as well as the Belgian colonizers (Mamdani 2002: 116). The text of the Bahutu Manifesto showed that this racial ideology had become commonplace and was being used to explain a socio-political problem. To make matters worse, in 1958, court notables declared that since successive kings had conquered Hutu, there could be no fraternity between Tutsi and Hutu (Prunier 1995: 46-47). These same notables also appointed a new king after King Rudahigwa's sudden death in July 1959, which demonstrated the Belgian administration's failure to control the situation. It was in this tense and ethnicity-oriented context that four political parties were set up between 1957 and 1959 to run in local elections scheduled for mid-1960. MDR-PARMEHUTU and APROSOMA were dominated by Hutu and UNAR

⁵⁰ Pottier (2002: 123-124) argues that the Church did not suddenly stop supporting the Tutsi aristocracy but, unlike the Belgian administrators and the Tutsi aristocracy, it had foreseen the Hutu struggle for democracy for some time and saw it as a people's struggle for liberation.

and RADER were Tutsi-dominated (Mamdani 2002: 119-123; Prunier 1995: 47-48; Newbury 1988: 193).⁵¹

Before the elections could be held, ethnic violence erupted in 1959 in what came to be known as the Rwandan Revolution or the Hutu Social Revolution. It started with reprisal killings by Hutu after a MDR-PARMEHUTU sub-chief was attacked by young UNAR members. The violence resulted in some 300 deaths, 1231 arrests and 22,000 internally displaced people by mid-1960 (Prunier 1995: 48-51; see also Mamdani 2002: 123-124 and Newbury 1988: 194-195).⁵² The population was by then so opposed to Tutsi rule and refused to obey their chiefs' orders that the Belgians decided to replace Tutsi chiefs and sub-chiefs with Hutu to restore order (Newbury 1988: 197). These new chiefs organized the persecution of the Tutsi population, which led to a mass exodus of about 130,000 Tutsi to neighbouring countries (Prunier 1995: 51). The 1960 communal elections saw a big victory for the MDR-PARMEHUTU party. Some 3126 Hutu chiefs and about 25,000 other people then assembled in Gitarama on 28 January 1961 and abolished the monarchy and proclaimed a republic (Mamdani 2002: 124; Prunier 1995: 51-53). Since the Tutsi-dominated monarchist UNAR party rejected the Gitarama coup, elections and an official referendum were held in 1961. This resulted in a rejection of the monarchy and was a huge victory for MDR-PARMEHUTU (78%) (Mamdani 2002: 124-125).⁵³

The Hutu-Tutsi Swap

Rwanda was formally independent from 1 July 1962. Hutu were now in power and the country was governed by two Hutu presidents until 1994. The period until the 1994 genocide can be divided into the First Republic under President Grégoire Kayibanda and the Second Republic under President Juvénal Habyarimana, who succeeded Kayibanda in 1973 following a coup. This period was marked by continuing violence and discrimination against Tutsi and a growing refugee problem under President Kayibanda, and economic decline and civil war under Presi-

⁵¹ The Mouvement Démocratique Rwandais / Parti du Mouvement et de l'Emancipation Hutu (MDR-PARMEHUTU) emerged from the cultural Mouvement Sociale Muhutu that had been established two years earlier and the Association pour la Promotion Sociale de la Masse (APROSOMA) was a nationalist party that claimed to be open to both groups and spoke on behalf of the poor. The Union Nationale Rwandaise (UNAR) was a monarchist and conservative party, and the Rassemblement Démocratique Rwandais (RADER) was more moderate and accepting of the Belgian presence (Mamdani 2002: 119-123; Prunier 1995: 47-48; Newbury 1988: 193).

⁵² According to Codere (1962: 64), the total number of deaths in this period did not exceed 1000. Many of the dead were Hutu.

⁵³ This short account of the revolution stresses the anti-Tutsi sentiments of the time but Pottier (2002: 123-124) argues that the revolution was not anti-Tutsi as such but mainly anti-monarchy and anti-Tutsi aristocracy and that there was some degree of inter-ethnic solidarity because a number of the Tutsi clergy advocated social change.

dent Habyarimana. Prunier describes post-independent Rwanda as an ideological state in which the new rulers just inversed the ideological construct of Tutsi as the foreign invaders and excluded them from citizenship. He argues that, in the new version of this ideology:

... the Hutu had been the 'native peasants, enslaved by the aristocratic invaders: they were now the only legitimate inhabitants of the country. Hutu were the silent demographic majority, which meant that a Hutu-controlled government was now not only automatically legitimate but also ontologically democratic'. (Prunier 1995: 80)

Like the *petits* Tutsi had experienced before, Hutu peasants also felt that because they were now governed by Hutu they somehow shared in their leaders' power (Prunier 1995: 80-81).

According to Mamdani, Prunier underestimated and played down the differences between the First and Second Republics. Mamdani claims that the Second Republic marked a shift from seeing Tutsi as a race foreign to the country to viewing them as an ethnic and historically privileged minority indigenous to Rwanda. This change meant that Tutsi did have rights in the civic sphere and were allowed to participate in the political sphere but only insofar as it fitted their minority status (Mamdani 2002: 136-141, 314, Note 34).⁵⁴ Both authors agree that everyday life for Tutsi in the Second Republic was, as long as they refrained from political activities, 'quite tolerable' (Prunier 1995: 75-76), also because of the absence of anti-Tutsi violence (Mamdani 2002: 141-142; see also Reyntjens 1993: 213). Prunier (1995: 58) considered that President Kayibanda adopted the leadership style of the former Tutsi kings during the First Republic as

... the old monarchic patterns of governance (a narrow circle of leadership recruitment, regionalism, lineage competition, favoritism, corruption) were quickly fused with the new ones explicitly derived from the 'democratic revolution' (social equality, justice, progress, moralism).

While most Tutsi were able to maintain their involvement in education,⁵⁵ business, church and government, they could no longer enter the political arena, which was now confined to Hutu who represented the majority of Kayibanda's 'Hutu nation' (Mamdani 2002: 134). From late 1960 until 1964, there were violent attacks by small groups of exiled Tutsi who operated from Uganda and whom Hutu labelled *inyenzi* (cockroaches). These attacks, in turn, led to violent reprisals on Tutsi civilians who were considered to be active or potential supporters of the *inyenzi*. Many Tutsi fled into exile in neighbouring countries between 1959 and 1964 and again in 1973 (Mamdani 2002: 129, 160; Prunier 1995:

⁵⁴ Despite these restrictions, Tutsi did participate politically, although they were prevented from joining the army and the local state (Mamdani 2002: 141).

⁵⁵ Although only 10% of Tutsi were entitled to receive post-secondary education, university enrolment in the 1960s was nearly 90% Tutsi (Mamdani 2002: 136).

54, 57).⁵⁶ The last wave of refugees was caused by a bloodless coup in 1973 that was led by General Juvénal Habyarimana following growing criticism of Kayibanda's policy on education and employment opportunities.⁵⁷ One of his first acts was to ban political parties and introduce single party rule, forcing every Rwandan into his *Mouvement Révolutionnaire National pour le Développement* (MRND) (Prunier 1995: 76-77).

Under this new dictatorship, the authorities had unlimited power and were only accountable to their superiors as there were no electoral checks-and-balances (Mamdani 2002: 152). The country became very tightly governed from the top down. It was divided into ten prefectures with a prefect and 143 communes that were governed by a mayor. Each commune contained four or five sectors that, in turn, were divided into ten cells of ten households (Reyntjens 1985, as cited in Mamdani 2002: 314, Note 39). Both the prefects and the mayors were appointed from above and ruled like the colonial chiefs and sub-chiefs, with forced crops and labour and patron-client relationships (Mamdani 2002: 144). Prunier describes the effects of dictatorship as follows:

All *bourgmestres* and *préfets* were chosen from among party cadres. The party was everywhere; every hill had its cell, and party faithfuls, hoping for promotion and a professional boost, willingly spied on anybody they were told to spy on and a few others as well [...] Administrative control was probably the tightest in the world among non-communist countries. (Prunier 1995: 76-77, italics in original)

Agricultural production decreased significantly in the mid-1980s and famine hit several parts of the country as food insecurity grew (André & Platteau 1998: 3; see also Uvin 1998: 53-54). Newbury & Newbury pointed out the growing inequality and distress in this period, with wealth and power concentrated in the hands of urban elites. They concluded that those in power and those close to them 'were implicated in the reproduction of inequalities that permeated Rwanda society' (Newbury & Newbury 2000: 873-874; see also Verwimp 2013: 249-250). In addition, Pottier (2002: 185) argues that, by the end of the 1980s, President Habyarimana was no longer committed to ensuring food and livelihood security among the population as he did not regard it to be the responsibility of the state. Pottier personally observed that food aid remained in warehouses in Kigali during a famine in the less fertile south. And Verwimp (2013: 112) felt that the main reason for Habyarimana's non-response was that it did not comply with the

⁵⁶ Prunier estimates the total number of Tutsi refugees living in exile to have been between 600,000 and 700,000 while Mamdani argues that estimates generally range between 400,000 and 600,000 (Prunier 1995: 63; Mamdani 2002: 161). Uvin (1998: 187) is less specific with his claim that more than half of Rwandan Tutsi departed (by death or flight).

⁵⁷ The coup was bloodless but Kayibanda was sent to prison or placed under house arrest and died in 1976, probably of starvation (Prunier 1995: 82). See for more details about the events preceding Habyarimana's coup Reyntjens (1985).

ruling principle of food self-sufficiency, which was the regime's 'flagship policy objective'. He concluded that:

... towards the end of the eighties it became clear that the institutions built during the Habyarimana regime, meaning the monopoly power of the MRND party and its president over all party and state institutions, together with the policies undertaken by these institutions (such as *umuganda*⁵⁸, coffee policy and food self-sufficiency policy) were unable to prevent crisis, famine, rising poverty, corruption and self-enrichment. (*Ibid.*: 250)⁵⁹

According to Newbury (2011: 227), rural grievances concerning land access and agrarian policies 'boiled to the surface' as many peasants were unable to make ends meet, while 'corruption and accumulation increased among some high government officials'. Coffee and tin export revenues plummeted and affected both Rwanda's economy and the country's political stability.

In this vulnerable context, some Western governments and donors, influenced by the collapse of communism, started to demand political reforms (Mamdani 2002: 152-153; Prunier 1995: 84, 89-90). These would include giving Tutsi refugees the right to return to Rwanda, something they had previously been denied. However, by the time this right was proclaimed, a section of the Tutsi refugees in Uganda had become a significant military force. They were now the Uganda-based refugee movement known as the Rwandan Patriotic Front (RPF) and were preparing an armed invasion for October 1990. This was to start a civil war that would last until the end of the genocide in July 1994 (Mamdani 2002: 153, 159).

Conclusion

In an article on ethnicity in Rwanda, Newbury wrote in 1978 that:

... for many Kinyagans [Southwestern Rwandans] today, the word "Tuutsi" is associated primarily with central government power and institutions, and particularly with the exactions of chiefs backed by central government. The Tuutsi who came with Rwabugiri imposed land prestations and *ubureetwa*, and made the majority of the population (classed as 'Hutu') feel inferior. (Newbury 1978: 21)

In line with Newbury's findings, Codere (1993: 107) experienced similar reactions to a photo questionnaire she conducted during the revolutionary year of 1959-1960. Rwandans turned out to be very aware of their ethnicity (which she refers to as 'caste') and 'saw caste with the eyes of caste, and did so with prejudice and strong feelings'. Telling examples are the reactions of all three groups to

⁵⁸ *Umuganda* was weekly communal labour that was compulsory for every adult male. It was a system of labour taxation, partly for the common good, that was also intended to control and mobilize the population. Due to its success, churches, development projects and civil organizations copied the policy. According to Verwimp, attendance at *umuganda* meetings dropped when the population realized that Habyarimana's position was weakened when he had to accept a multi-party system (Verwimp 2013: 250, 253, 255). Monthly *umuganda* communal labour still takes place today (in 2015).

⁵⁹ See also Verwimp (2013: 97-117, Chapter 5) on agricultural policy during the Habyarimana regime.

a picture of a seated Tutsi diviner who is being brought a pot of beer by two Hutu who consult him, which was generally interpreted as a scene of clientship with Hutu clients presenting their patron with beer (*Ibid.*: 99). A Hutu woman of 29 reacted to the picture of the diviner as follows:

The Tutsi well know how to act the great lord. You can see it clearly here. They are lordly and between them there is a Hutu holding a beer pot. He is looking at it thirstily. He is the one who has done everything, but he doesn't even look like the owner of the pot. Progress has been good', while a Tutsi woman of 56 said: 'What is this? They are making fun of the Tutsi, that is all. Is there any Tutsi now who is drinking beer brought to him by his vassals. Is it that once again we can be at peace?' (*Ibid.*: 103-104)

In response to a picture of a Hutu mother giving her child some beer, a Tutsi woman of 56 stated:

This Hutu woman is drinking and giving a drink to her child, because they are at peace. Anyway their shortcomings will never go away. They will always stay the Hutu I have known. How dirty that woman is! How hideous! She never washes herself. Even though they are the Hutu of the Whites, they will always be Hutu'. The reaction of a Hutu woman of 38 was totally different: 'That must be a Hutu woman giving beer to her child. What do you expect? We are the only women who care for their children. In the past a Tutsi woman wouldn't take care of her own child. It is because of that I said it was a Hutu woman. I wonder how the Tutsi women could even pretend to love their children when they did not even want to touch them out of their pride and laziness. After all that, now they are going to feel that we are like them'. (*Ibid.*: 105)

One of the aims of this chapter was to explain how Newbury's and Codere's respondents came to the associations and feelings described above. The chapter analysed how patron-client relations and ethnicity became the most important features of Rwanda's political structure and manifested themselves in a hierarchically and top-down governed society that became dominated by one ethnic group at the expense of the other. It described a history of frustration, hatred and violence that culminated in civil war and a terrible genocide. In addition, the chapter considered the fragmentation and individualization of the population and the penetration and use of centralized control and coercion directed against it. The coming chapters will investigate how these characteristics and Rwanda's troubled past explain and still influence more recent events.

This chapter also described the history of land tenure, with land starting off as a collective asset that was scarce even in the pre-colonial era and turned into an individualized item of which the state ultimately became the owner. With regard to the themes of social relations and the construction of authority, the introduction already mentioned that social relations changed drastically in the pre-colonial, colonial and post-colonial eras and became increasingly unequal for many peasants who were unable to raise their voice against a strong and coercive state. This chapter aimed to show that what happened throughout Rwanda's history is what Peters (2004: 270, 304) warned against when she argued that land

relations are embedded in unequal social relations that are characterized by exclusion, class formation and deepening social divisions. The development of several clientship forms and the accompanying obligations also show how closely property rights and state formation processes are linked; how authority is reflected as well as produced by control over land and over political identity; and how both authority and political identity change over time. For instance, when the Hutu took power after independence, the political identity of the Hutu majority also changed as they felt that, like the *petits* Tutsi before them, they shared this power to some extent. With power moving into the hands of Hutu, the political identity of Rwandans under President Habyarimana also shifted as the Tutsi were gradually regarded as an ethnic minority rather than a foreign race. However, categorizing people into clients and patrons under Rwandan kings, and thus as Hutu and Tutsi, remained a significant feature of land control and influenced access to authorities and, consequently, to the land that peasants had. This underlines the political nature of identity as a person's status depended on the ethnic group they belonged to and determined their ability to gain access to land and other resources.

Sharing Scarcity: Land Sharing and Villagization after Exile

By focusing on two policies that were implemented following the 1994 genocide, this chapter analyses how changes in land-tenure arrangements have had an impact on land access and social relations in Mubinda. The policies involved (i) the compulsory sharing of land by the Hutu population with Tutsi refugees; and (ii) the forceful resettlement of the entire population from dispersed settlements in the hills into a group village structure. These policies can be regarded as forms of spatial engineering, as described in the introduction, and once again show the authority of the Rwandan government over land and its connection to identity. In addition, both policies have significantly influenced local land access and land relations, and have led to increased land scarcity among the majority of the population. To put the policies into context, the post-genocide population movements and the RPF violence that Mubinda's population faced during and after the genocide are also discussed. However, the recent (agricultural) history of Rwanda cannot be studied without assessing the increasing scarcity of land. This is the theme of the next section.

Land Access and Scarcity since the 1980s

While Chapter 3 discussed land tenure and clientship under colonial rule, this section focuses on the more general issues of land access and land tenure as well as the increasing land scarcity and land conflicts in Rwanda since the 1980s. Land access at the local level was controlled by the family chief and, in areas where lineage chiefs were still in place, these chiefs controlled (access to) land and ensured that it was exploited and transmitted according to community rules.¹

¹ Chapter 3 describes how their power diminished because of the appointment of hill chiefs.

All land sales were conducted in the presence of lineage chiefs and wise men, family members and witnesses (André & Lavigne Delville 1998: 168-169).

Until the 1999 Succession Law was enacted, only sons could inherit land from their father. A son would receive *umunani* land when he became an adult and was preparing to get married and this would enable him to provide a house for his family and to feed them. If a family did not have sons, *umunani* land would be granted to grandsons. After the death of both parents, any remaining family land, now called *ingarigari*, would be divided among the sons (Veldman & Lankhorst 2011: 21). Women were not able to inherit land but they could receive it as a gift, regardless of whether they were married or not. A father might grant a small parcel of land to a daughter when she gave birth or a parent could give her *amalira* land ('land for the tears') to console her after the death of a parent (André & Platteau 1998: 36).² Additionally, a father would often keep a parcel of land for emergencies and give this land (also called *ingarigari*) to a 'troubled daughter' (Pottier and Nkundabashaka 1992, as cited in Pottier 2002: 190-191; see also Jones-Casey, Dick & Bizoza 2014).

Although land distribution was monitored by the community and performed in the presence of a community's wise men, it was the father who controlled it (André & Lavigne Delville 1998: 169). When he passed away, the eldest son would become responsible for managing the land in the interests of the family, which meant that he would give his younger brothers enough land for them to make a living and would, for instance, take care of a divorced (and thus returning) sister and her children (André & Platteau 1998: 34; André & Lavigne Delville 1998: 169). Since the youngest son had the responsibility of caring for his parents in their old age, he held a special position and was entitled to an additional plot of land and had first choice when it came to the final distribution of his father's land after his father's death (André & Platteau 1998: 35). André & Lavigne Delville (1998: 169) described how, when the amount of paternal land available decreased in the 1980s, inheriting sons became less willing to accept the allocation system and its inequalities and began to demand the equal distribution of parcels. Their protests often led to a redistribution of all the family plots after the father's death.

With ancestral land becoming more limited, other ways of gaining access to land emerged and peasants acquired land through loans or gifts, the allocation of communal land,³ or by renting or purchasing it (*Ibid.*: 170).⁴ In certain regions of

² Veldman and Lankhorst (2011: 22) refer to this custom as *icyamarira* or *impozamarira* (which more closely resembles the word *amalira* if you bear in mind that Rwandans tend to swap the 'l' and the 'r'). For more examples of women's access to parental and marital land, see Jones-Casey, Dick & Bizoza (2014), Veldman & Lankhorst (2011) and Chapter 6.

³ Blarel (1994: 77-78) claims that land that was allocated by the government at independence relieved some of the population pressure but that its importance varied across regions and decreased over time.

Rwanda, 10% to 15% of plots were acquired through gifts, while gifts dropped gradually to about 1% of all land in other areas.⁵ For a certain period of time, local authorities gave part of the communal land to young households with little land, or to immigrants. In some areas, these allocations were an important source of land and up to 30% of cultivated land was obtained through allocation in one region in the 1980s. Renting allowed peasants to adjust the amount they had, depending on the labour available and their economic needs. Households with small plots benefited in particular from this (*Ibid.*: 170-171).⁶ André & Lavigne Delville suggested that 'these rents thus play a fundamental role in the re-stabilization of land inequalities and the economic stabilization of families' (*Ibid.*: 171, translated from French). The importance and nature of land purchases varied between regions and ranged from about 30% of cultivated land to only 3% or 4%. Land sales and purchases led, unlike with renting, to growing land inequalities as households that already possessed relatively large parcels were able to purchase more land (*Ibid.*: 170-171). By 1984, half of all land was owned by 15% of the country's landowners (Musahara & Huggins 2005: 296; Pottier 2002: 184).

As a result of growing land distribution inequalities, informal land sales at the beginning of the 1990s resulted in greater economic as well as judicial insecurity regarding tenure. Economic insecurity was provoked by distress sales and resulted in the marginalization of families selling land, as they were unable to earn any income from subsistence farming, while wealthier families with off-farm incomes purchased these lands (André & Lavigne Delville 1998: 175; see also André & Platteau 1998: 21-27).⁷ Judicial insecurity was partly due to the fact that there was no official land market that could protect people involved in land sales and purchases and guarantee their rights or respond to developments such as the growth in distress sales. Another source of insecurity was the co-existence of customary and legal conflict resolution bodies, of which the latter gradually replaced local institutions and undermined the authority of local officials (André & Lavigne Delville 1998: 175). A new owner frequently wanted to keep this newly acquired land for his own personal use as a kind of pension fund that could not be claimed because he did not regard it as part of the inheritance or as being sub-

⁴ According to Blarel (1994: 77-78), non-market land transfers, for instance when the extended family borrowed or gave land to relatives, were especially important to households that inherited little or no land as they provided a safety net and reduced landlessness.

⁵ However, André & Lavigne Delville (1998: 170) suggest that these gifts were often clandestine sales.

⁶ This is supported by Blarel (1994: 73) who calculated, based on data from three densely populated areas, that more than two-thirds of land-poor households (with less than 0.37 ha) increased their land by 67% through renting, while land-rich households (with 1.5 or more ha) reduced their land by about 7% on average because they rented out 'surplus' land.

⁷ According to Musahara & Huggins (2005: 296), traders with government connections would often buy these lands and act as absentee landlords.

ject to social obligations, for instance with regard to a divorced sister or an illegitimate child. If those excluded protested against their exclusion, this could result in violent conflicts (André 1998: 149-151). Eventually, increasing individualization and privatization began to reflect a remodelled social fabric in which power relationships seemed to define occupation of and access to land (André & Lavigne Delville 1998: 175). This gave André reason to conclude that:

Power relationships determine the manner of land access and occupation. Tension and conflicts are created in each of these systems [customary and written law] while they become exclusive and the excluded feel threatened in their subsistence. The law for its part is also not capable of better guaranteeing land access and occupation. On the contrary, in certain cases, it produces new insecurities. (André 1998: 154, translated from French)⁸

At the end of the 1990s, land scarcity and tenure insecurity increased even more. It was young households that were mostly the victims as they were unable to support themselves financially because they had little land.⁹ Selling family land was only allowed in cases of extreme hardship but informal land sales and purchases increased significantly. Many peasants who sold their land became landless and, with a growing number of young men who were denied their inheritance, they had to eke out a living outside agriculture in an area where non-farm opportunities were rare.¹⁰ Land scarcity and the institutional insecurity resulting from a land tenure system that could not keep up with Rwanda's rapid social, economic and demographical changes also led to vulnerable groups that had previously held familial rights facing exclusion or restrictions. Returning emigrants, orphans, the handicapped, young men who lacked status, illegitimate wives and their children, and divorced or widowed women (and their children) experienced how people disregarded social obligations and norms (*Ibid.*: 149-152).¹¹ Pottier (2002: 192) argues that widows who had not had bride wealth and were therefore considered to be married in a non-customary way were also part of the group that lost their entitlement to land.¹² While brothers of a 'troubled daughter' in the mid-1980s would not bully her and grant her *ingarigari* land, by the early 1990s they would be putting pressure on their sister to relinquish such land. This led

⁸ André (1998: 154) explained, for example, how custom recognized polygamy and protected the access rights of illegitimate women and their children to land, while the law did not.

⁹ André argues that, compared to older couples, young couples had little land. Those between 20 and 30 years of age had, on average, five times less land than households aged between 50 and 60 (André 1998: 151, Footnote 27).

¹⁰ The introduction already explained that, in communities where there was high population pressure and many unmarried young men (whose unmarried status was seen as an indication of landlessness), fewer Tutsi survived the genocide. This highlights the desperation of some of the landless.

¹¹ For example, first-born sons who were supposed to take care of certain family members refused to fulfil these obligations (André & Lavigne Delville 1998: 175).

¹² Pottier (2002: 192) explains that, in the 1980s, more women got married in a non-customary way because their parents were unable to pay bride wealth.

Pottier to conclude that ‘women without husbands will be women without land, except where they have grown-up sons’ (*Ibid.*: 191).

In the 1990s, customary law was no longer able to assure all community members of access to land and, hence, to economic subsistence. In the words of André & Platteau (1998: 3), whose 1998 article about Rwanda being caught in a Malthusian trap was discussed in the introduction:

... growing land concentration and rising poverty do not only take place through disequalizing market transfers but also through the gradual erosion of customary social protection following the commoditization of land (when land is acquired through the market, it becomes exempt from customary rules and restraints).

Local officials and institutions had trouble responding to social and land tenure changes and controlling land conflicts. These increased and were not only related to inheritance but also to rent arrangements, boundaries, problems between pastoralists and agriculturalists, and land transactions that took place without the consent of all concerned. In some areas, up to half of local conflicts involved land, while cases concerning land accounted for more than 80% of all cases in certain courts (André & Lavigne Delville 1998: 173-175).

‘If I Hadn’t Fled, I Would Have Been Killed’

The introductory chapter to this volume described RPF violence that was targeted mainly at the Hutu population during and after the genocide and how this created population displacement, especially in southern and eastern Rwanda. Many Hutu in Mubinda had also fled to Tanzania when the RPF took control of the region. According to Overdulse and also Gersony, the media at the time reported that the northern and southern parts of the country were nearly empty (Overdulse 1997: 54). Hilhorst & van Leeuwen (1999: 37) found a provincial document that stated that, of the estimated 600,000 inhabitants of Kibungo Province, only 200,000 had remained. Guillaume and Agathe, an old Hutu couple I interviewed in Mubinda, estimated that maybe 5% of the population had stayed, while the rest fled into neighbouring Tanzania. They were among the few respondents who were prepared to share their personal experiences with Honorée and me. Guillaume remembered how many people had already left by the time the RPF arrived at the end of April and that people were leaving every day. Those who chose to stay had to hide from the RPF. He explained that, personally, he and his wife did not want to leave and hid in a pit in the forest for about a month with virtually no food. Agathe recounted how thirteen of their twenty children were killed by the RPF:

The RPF came. ... We could not expect security after the killings of Tutsi and before that also in Kigali with the plane crash and important people who were killed; we could not hope for peace. ... Mostly people spent the night together in the bush and that is where they mas-

sacred us. They noticed that people did not spend the night in their homes. They besieged us and the men ran when they were chased. If I hadn't fled, I would have been killed.¹³

As an example, she mentioned the case of her daughter and her daughter's husband. They were in hiding and when the RPF found her husband, her daughter had to watch while he was cut open and died. In the end, a nephew returned from Tanzania to pick up Agathe who then went back with him to Tanzania where displacement camps had been set up for Hutu refugees. Guillaume followed sometime later. Agathe stated that, in addition to her thirteen children, the RPF also killed seven of her brothers and six of their children. She could not even recount how many of her nieces, nephews and in-laws lost their lives.

Since the story of Guillaume and Agathe is in line with the more general accounts produced by Amnesty International, Human Rights Watch and Gersony's team, which was mentioned in the introduction, it cannot be ignored as being just anecdotal. Guillaume and Agathe's account was also supported by a (Hutu) informant who was in Rwanda during the genocide and did not go into exile. When sharing some of his own experiences, he claimed that the RPF committed crimes in which many families lost relatives and that sometimes entire families were wiped out. He told me that he lost several family members. Some other family members had to move into a camp but asked if they could go to a specific camp where they knew other people were going. The military told them that this was not a good idea because the inhabitants of that camp would be killed two days later, as was indeed the case. In his mother's community, all the inhabitants were assembled and a genocide survivor had to say who had not participated in the genocide. The informant's family and three other families were pointed out as non-participants and all the others were subsequently killed.

Whilst talking to respondents, it became obvious that the memories of the genocide and its bloody aftermath are still vivid in present-day Mubinda, also among the Hutu population. Another of Agathe's quotes shows the enormity and intensity of the violence:

You cannot find a family here that has not been touched [by the war and genocide]. Concerning the Hutu, if they were not killed by the RPF, they were killed in exile. That is also an effect of war, isn't it? ... You cannot know how many Hutu were killed. We told ourselves that with the death of Tutsi there would be no Tutsi left and they thought it was the same for us. I have to say that the genocide destabilized me a lot. True friends were killed.¹⁴

Mention of the traumatic experiences suffered by Agathe, Guillaume and the informant is necessary here to provide the context for the following sections on the

¹³ Interview with Guillaume and Agathe, 8 December 2010.

¹⁴ Interview with Guillaume and Agathe, 8 December 2010. By 'true friends' she meant both Hutu and Tutsi families, as she had made clear earlier in the interview.

land-sharing and the villagization policy.¹⁵ Although it is not often dealt with in the literature concerning the genocide, it should be stressed that both Tutsi and Hutu families have suffered enormously in this particular research area. Of course I do not want to suggest that the Hutu massacres can be equated with the genocide directed at the Tutsi population. However, by pointing out the distress of the Hutu population during and after the war and genocide, I want to argue that this must have influenced their reactions to and experiences of the land-sharing and villagization policies. Furthermore, their feelings of distress and the fact that the issue of the Hutu massacres is highly sensitive and cannot be openly discussed have an enormous impact on inter-ethnic social relations.

Population Movements

When the RPF took power after the genocide ended, hundreds of thousands of refugees decided to return in the immediate aftermath.¹⁶ These were mainly Tutsi and their descendants who had fled earlier episodes of violence against Tutsi between 1959 and 1973. They were labelled ‘returnees’, ‘old caseload refugees’ or ‘59-ers’ and they are referred to in this thesis as ‘1959 Tutsi refugees’ or ‘1959 refugees’. They went back to Rwanda shortly after the genocide when many Hutu were still in neighbouring countries. Most of these exiled Hutu, who will be referred to here as ‘1994 Hutu refugees’ or ‘1994 refugees’, returned to Rwanda in 1996 and 1997.¹⁷ This period is marked by various events and measures that impacted heavily on land tenure and social relations. This section discusses the historical events between 1993 and 1997 but starts with some short personal stories about life in exile.

Jean, a 1959 Tutsi refugee: ‘When we left Rwanda [around 1968], I was still a child. We left our father and his two brothers behind and they were killed soon after we left. When they were killed, we immediately went to Congo but we did not stay there for long and we continued to Burundi and then arrived in Tanzania. In Burundi we were sent to a forest that had tsetse flies and we decided to leave the forest to go into exile in Tanzania in 1968. And then in 1994 we returned to Rwanda. We came as far as Mubinda and I ask myself if I am not still a refugee as I did not return to Butare [his original place of residence in the south].’¹⁸

Pacifique, a genocide survivor: ‘The killings started in the Nyarubuye church [on 14 April] at 3 pm and night fell before the killers had finished the massacre. They said to each

¹⁵ They also contextualize the next chapter on social life in Mubinda and the population’s interaction with the state.

¹⁶ It is not clear how many people returned. Des Forges (2006) speaks of 600,000 returning Tutsi refugees, while Bruce and Jones both put the number at 700,000 (Bruce 2007: 9; Jones 2003), Hilhorst & van Leeuwen (1999: 9) estimated the number to be closer to 800,000 and Musahara & Huggins (2005: 271) thought there were about a million refugees.

¹⁷ In his research on ordinary Rwandans’ perceptions of the political transition, Ingelaere (2010b: 280) noted that this category was no longer appropriate and replaced it with the categories ‘released prisoner’, ‘those accused in *gacaca*’ and ‘those not accused and never imprisoned’.

¹⁸ Interview with Jean, October 2008.

other “we cannot finish this today, we will return tomorrow”, and left. Young people who still had strength and were not wounded left around 7 pm and went to Tanzania. ... The Tutsi genocide survivors went to Tanzania when the Hutu population was still in Rwanda. The Tanzanian authorities set up camps for us and we stayed there for a month. Then the Tanzanians told us that the RPF had taken the whole of Kibungo and that security had been reinstated and we were safe to return. We sold everything that we had received and rented a vehicle. We were pleased that the RPF was there, and we were well received by them at the border and taken to another camp. We left this camp after four months. We were scared to return to our hill but after the return of the [1959] Tutsi refugees we decided to live together.¹⁹

Mercia, a 1994 Hutu refugee: ‘We left for Tanzania in May 1994 when we heard fighting between the RPF and the army. ... We stayed in a refugee camp where life was not good as we were strangers in someone else’s country. However, UNHCR gave us enough food. In the beginning there were a lot of illnesses like cholera and diphtheria and this took many lives. In the camp they [other exiled Rwandans] told us all the time not to return to Rwanda because the Tutsi were mean and would kill us. The people who said this were those who had committed genocide and they frightened us continuously so as to prevent us from leaving. And we, innocent people who had left because we were afraid of weapons, never felt at ease and we wanted to return. But as we were with others who told us that there was no peace in Rwanda and said that they would kill us there, we stayed in the camp for three years.’²⁰

Each of these stories shows the fear and distress the respondents faced before, during and after their life in exile. Their accounts are representative of the experiences of the larger group, many of whom were confronted with exile.²¹ This exile ranged from one or two months (among genocide survivors) to two or three years (1994 Hutu refugees) and sometimes to more than 25 years (1959 Tutsi refugees).

Peace and Property

Before the genocide and during the war, President Habyarimana and the RPF negotiated and signed a peace agreement: the 1993 Arusha Accords. However, the Accords failed to bring peace and, with the start of the genocide, the RPF resumed the war. The 1993 Arusha Accords supposedly affirmed the inviolability of property but it was also feared that returning 1959 Tutsi refugees who reclaimed their former land would cause serious conflicts. The Accords therefore

¹⁹ Interview with Pacifique, December 2010.

²⁰ Interview with Mercia, July 2009.

²¹ In the case of Hutu refugee Mercia, it should be noted that it is not clear if her fears about returning to Rwanda were due to intimidating extremists or whether they are representative of all 1994 Hutu refugees’ experiences. On the one hand, Pottier (2002: 147-148) argued that UNHCR believed that refugees did not return because they were being held hostage by Hutu extremists and the former Rwandan army but that the political reality in the different refugee camps was not the same and the notion of a hostage crisis was misleading. Prunier, on the other hand, mentions that militia and former government officials used stories of RPF violence to keep refugees under their control and prevent them from returning and that ‘tales of violence coming out of Rwanda were a boon to the killer *bourgmestres* [mayors]’ (Prunier 1995: 301, italics in original).

‘recommended’ that refugees who had lived in exile for more than ten years would not reclaim their abandoned properties.²² In return, the government would provide them with land and housing (Des Forges 2006: 361).²³ Jones (2003: 204) felt that it was understandable that this recommendation was part of the original agreement because the signing parties feared that Tutsi refugees reclaiming their former properties would lead to wide-scale violence:

... and perhaps provoke an escalation of the conflict the Accords were designed to stop. It is also possible that they did not think that huge numbers of refugees would repatriate, as it is debatable whether, had the Arusha Accords actually been implemented, the Tutsi refugees would have returned in the same overwhelming number as they did after the RPF came to power in 1994.

After the war and genocide, the new RPF-led government adopted the Arusha Accords, including the ten-years-of-absence rule (Bruce 2007: 10). Jones (2000: 135) suggests that the majority of the Tutsi refugees accepted this rule as a pragmatic solution because they recognized that it was not possible to regain their former properties. Instead, their desire to return to their home country and shake off the label of ‘refugee’ was much stronger than the wish to recover their family homes and land. In addition, the then Ministry for Agriculture and Livestock issued a ministerial decree about property inviolability in September 1996 that also declared property rights.²⁴ In this case, the decree seemed to confirm the rights of more recent (Hutu) occupants over earlier (often Tutsi) owners of the property concerned and stated that the rightful owner could reclaim his property via the local authorities who would assist in its retrieval (Human Rights Watch 2001: 46-47; Jones 2000: 137).

The new government was hoping to place returning 1959 refugees into camps in Rwanda but the mass return of these refugees turned out to be uncontrollable and they flowed into Rwanda in large numbers (Bruce 2007: 9). The government had accepted responsibility for providing unoccupied land to the 1959 Tutsi refugees and reallocated (parts of) national parks and forests, land belonging to certain state-owned projects, woody areas on fertile land, pastures and areas near shallow sections of marshlands (Hajabakiga 2004, as cited in Bruce 2007: 10). Only a small number returned to their former properties and most 1959 Tutsi refugees occupied the houses and plots that had been recently abandoned by 1994 Hutu refugees (Des Forges 2006: 359). In addition, many of the 1959 Tutsi refugees believed that the 1994 Hutu refugees would not return and made little effort to move to land they had in fact been allocated (Bruce 2007: 10). This is con-

²² Jones (2003: 202) argues that ‘despite the conditional wording, the provision has largely been treated as mandatory in its implementation’.

²³ For a detailed account of the Arusha Accords and the protection they gave to returning Tutsi refugees, see Jones (2003).

²⁴ The Ministerial Instruction on the Temporary Management of Properties (Jones 2003: 208).

firmed by Jones who argues that for most 1959 Tutsi refugees, the ten-year rule was almost irrelevant as they just took over the homes and lands they wanted and felt free to choose with impunity (Jones 2003: 206). The spontaneous and uncontrolled settling on Hutu property was regulated by the above-mentioned ministerial decree that entrusted the land abandoned by Hutu to the local authorities that could allocate it to secondary occupants, preferably 1959 Tutsi refugees, for temporary use during the owner's absence (Jones 2000: 137-138). Let us now turn to the east of Rwanda where many 1959 Tutsi refugees settled after returning in 1994.

Settling in the East

Eastern Province was the first to receive large numbers of returning 1959 Tutsi refugees as it was among the first to be occupied by the RPF (Gasarasi & Musahara 2004: 3). In the end, most of these refugees settled in the former provinces of Umutara and Kibungo because of their proximity to the border crossings with Uganda, Tanzania and Burundi and because they were well suited to cattle pasturage (Human Rights Watch 2001: 9) and agriculture. Most of the 1959 Tutsi refugees occupied the houses and parcels of still-exiled 1994 Hutu refugees. The former Kibungo Province, of which Mubinda is a part, mainly received refugees from Burundi and Tanzania (Gasarasi & Musahara 2004: 3) and according to estimates by Hilhorst & van Leeuwen (1999: 37), some 110,000 Tutsi refugees arrived in the area. In late 1996, 1959 Tutsi refugees accounted for about 19% of the population of Kibungo Province (Human Rights Watch 2001: 10). Gasarasi & Musahara claim that a significant number of these 1959 refugees were former Kibungo residents, while many others had their origins elsewhere in Rwanda and settled spontaneously on land parcels abandoned by 1994 refugees. They argue that the motives of the refugees who were foreign to the region were twofold:

First, the land they had left behind when they fled the country several years before had been expropriated by the authorities of the time and given to others. They now felt it was their turn to be given the land and homes of the 1994 refugees, most of whom they labelled as *génocidaires* who would not dare return to the country. Second, the homes and crops on the abandoned land were absolutely needed mainly for immediate survival, but also for short to long-term settlement. (Gasarasi & Musahara 2004: 3, italics in original)

Several survivors and 1959 Tutsi refugees in Mubinda explained that survivors and 1959 refugees often decided to live together. As most genocide survivors' houses had been destroyed, they decided to occupy the homes of the exiled Hutu population and also stay in each other's proximity in order to feel safe.

At the time when the ministerial decree about property inviolability came out in September 1996, the Rwandan government was trying to convince 1994 Hutu refugees to return to Rwanda and it used the guarantee of property as an incen-

tive (Human Rights Watch 2001: 47-48). Rumours started circulating in this period about the imminent return of some 270,000 Hutu refugees from refugee camps in Tanzania, most of whom were from Kibungo Province.²⁵ The majority did indeed return, starting in November/December 1996 and this continued throughout 1997 (Bruce 2007: 11).

The Return of the 1994 Hutu Refugees

Chaos, mistrust and fear surfaced when the 1994 refugees returned. Over the course of a few weeks, nearly 1.3 million people crossed into Rwanda, with many finding their houses destroyed, damaged or occupied.²⁶ According to Jones, the situation led to a 'potentially volatile mix' of two refugee groups, some of whom laid claim to the same properties while the government did very little to respond to these claims. Some of the claimants successfully regained their properties but most did not (Jones 2003: 208). Many Hutu realized that they were at a significant disadvantage when it came to reclaiming land and other property (Huggins 2009a: 70). Jones argued that Hutu refugees 'recognized the new social balance of power in the community and simply resigned themselves quietly to their loss'. The climate of fear in Rwanda at that time cannot be underestimated:

... for a combination of political, legal and emotional reasons, nearly every allegation of someone's involvement in the genocide must be acted upon by the authorities, even when the community is aware that an allegation is unfounded, and often results in a period of imprisonment. This gives incredible power to individuals to take extreme action against neighbours or other members of the community for personal or non-genocide related reasons, such as property disputes. (Jones 2003: 208)²⁷

People would denounce 1994 Hutu refugees as being a *génocidaire* without any supporting evidence in order to appropriate land, houses or tools.²⁸ Huggins cites the Special Rapporteur of the UN Commission of Human Rights René Degni-

²⁵ Earlier, in July and August 1996, many Hutu had returned from refugee camps in (then) Zaire after being attacked by the Rwandan army. These refugees often faced few problems reclaiming their property and land (Bruce 2007: 11).

²⁶ Huggins (2009a: 69), citing a 1997 UN report on human rights in Rwanda, claims that 32,958 houses in Kibungo were occupied.

²⁷ This is also supported by Rose (2007) and is described in the introductory chapter. Jones (2003: 209) also refers to Rwandans who claimed that, by the end of 1997, many 1959 Tutsi refugees had decided to vacate the house they had been occupying. These Rwandans argue that this happened after a speech by then Vice President Kagame who warned the occupants that they would be evicted if they did not leave of their own accord. Many of them therefore left and some took all the items they had found in the house with them.

²⁸ This statement is supported by Wagner's observations that, shortly after the genocide, the word *génocidaire* (someone who committed genocide) 'rolled off tongues easily in Rwanda' and that all those rounded up as genocide suspects would certainly deserve their fate as they were considered guilty by popular perception (Wagner 1998: 26).

Ségui who stated in 1997 that ‘violations of property rights take the form of illegal occupation of property and lead to arbitrary arrests and detentions as a result of malicious accusations and to land disputes ending in murder’ (Huggins 2009a: 70).

One Mubinda respondent and genocide survivor, Pacifique, referred to the different claims to land and the unequal balance of power between the 1959 Tutsi refugees and the 1994 Hutu refugees as follows:

At first there was a terrible conflict when the returnees of 1959 said ‘We had land, you chased us away [between 1959 and 1963], you took over our land and now we also took yours when you left. That will do!’ So it was problematic, there were tensions.²⁹

Pacifique’s account is supported by that of Olive, a Hutu widow, who recalled that, at the time, 1959 Tutsi refugees said that returning Hutu should not have access to their land as the latter had been able to reap the fruits of it for thirty years while Tutsi refugees had suffered in exile. I discussed the situation upon her return to Mubinda with Yolande, a Hutu widow of about 65 whose husband and eldest child had died in a Tanzanian refugee camp. She remembered it vividly:

We came here [to Mubinda] and were received in a transit camp just next to here [her current house]. We did not spend a lot of time in this camp, about one or 1.5 months. ... Very few people were provided with sheeting as there was not enough.³⁰ ... There were people who could buy it [sheeting], even new, and that is why poor people did not have sheeting. The rainy season started and sheeting was distributed, but not to everybody, and the sheeting that we had brought from Tanzania was used too much. Because of this, we did not stay in the transit camp for long. People slept in the open. That is why we went to our neighbourhood of origin, to our homes. We went there without the authorities and we found that our house was occupied by 1959 Tutsi refugees and people from here. They had only informed us about this occupation in the transit camp here in Mubinda. When we were in Tanzania, we didn’t know about it.³¹ We constructed small huts³² out of straw or banana leaves and we built this new shelter far from the house to avoid meeting the people in our house.³³

Sylvestre, a 1994 refugee in his fifties, recalled that the situation was very tense:

We were not allowed to take the house or the harvest. They [authorities] put us in a tent instead. ... We could not enter the house and take things. ... If you would for instance peek into your house or when children threw a stone, it was seen as a crime. It was tense. ... Sometimes the 1959 refugees were mean; your children could die of hunger. They had the right to harvest, but sometimes they gave us some bananas. ... The 1959 refugees could sell the har-

²⁹ Interview with Pacifique, December 2010.

³⁰ Yolande refers here to the plastic sheeting that was provided by the humanitarian agencies.

³¹ I am not certain if this is true. Pottier (2002: 133), for instance, described the life in camps in eastern Congo and claimed that refugees knew whether their house was occupied or not and what chance they had of successfully reclaiming it.

³² Yolande, as well as others describing this period, used the French word *blindé* to describe the makeshift shelters they constructed. Ironically, *blindé* means tank or armoured personnel carrier in French and this meaning contrasts markedly with the fragile structures people made out of wood, leaves and pieces of plastic sheeting (Human Rights Watch 2001: 16).

³³ Interview with Yolande, November 2010.

vest and you could die of hunger. ... It was hard; we did not say or reclaim a lot. ... People could take you at night and beat you up. There was a lot of insecurity.³⁴

Hutu widow Olive shared the analysis when she remarked: 'There were times when a [Hutu] plot owner and his family were starving and that he took something from his plot and that a 1959 Tutsi refugee who was on his plot would quarrel with the land owner and this could end in fights and even in killings'.³⁵ Edouard was one of the 1959 refugees who occupied the house of a 1994 Hutu refugee and had clear memories of the arrival of the 1994 refugees:

[On our return,] the authorities showed us where we should stay and provided us with land parcels. We entered the houses of the 1994 Hutu refugees. These were vacant and it was better to go inside instead of being in the rain. When the 1994 refugees arrived in 1996, the 1959 refugees started to abandon their houses as we were given parcels in the village and wood and iron sheets. Then we left the house and the 1994 refugee could take it. In my case, I was in the house when I saw people coming. The owner of the house came to me and said: 'If it is you who has taken the house, you have to leave, as I have returned.' But earlier there had been meetings to reassure us 1959 refugees to make sure that we had no fear if we were asked to abandon the house. They [the authorities] told us that we would not do this immediately, but that they [the 1994 Hutu refugees] would have to wait. I explained this to the house owner and said: 'We will leave, but we have to follow the orders of the authorities. You will be informed.' The owner was angry; he left and built a tent for himself, his wife and children, and the next day we started to build a new house in the village.³⁶

Edouard also explained that he did not feel scared because the population patrolled at night and the military was omnipresent. He acknowledged, however, that the overall climate was fearful, with mutual mistrust between the two refugee groups. Genocide survivor Françoise also described the climate of fear when she lived in the house of a returning Hutu family.

There was fear amongst the genocide survivors towards these people [returning Hutu]. You slept in his house while he was in his tent, it was traumatizing. Then a dialogue started between some of these Hutu and there were some who very much regretted the genocide and that relieved the genocide survivors. Also the time that we spent with the 1959 refugees meant we got to know them and learned that there were certain family ties. This was a relief for us. To be honest, for the Hutu of my hill, I found that there were several who were kind and who did not participate in the genocide and that also relieved us.³⁷

Francine, a 1959 refugee, also recalled how fear reigned and stressed that the 1959 Tutsi refugees were also afraid. Since they came from outside and did not know who had committed crimes, they feared everyone. She argued, however, that the Hutu population was afraid too, in such a way that in the 1959 refugees' perception they were not dangerous anymore. Genocide survivor Pacifique had similar memories and stated that, although he and other survivors were afraid of

³⁴ Interview with Sylvestre, July 2009.

³⁵ Interview with Olive, July 2009.

³⁶ Interview with Edouard, November 2010. The villagization policy he refers to is explained later in this chapter.

³⁷ Interview with Françoise, December 2010.

the returning 1994 Hutu refugees, he realized that the government would no longer support these returning Hutu.³⁸ The authorities also warned the 1959 Tutsi refugees and the genocide survivors that they should not aggressively address the returning Hutu refugees, as it was up to the state to punish the culprits and not to individuals. He explained: ‘We said “if there are people [1994 Hutu refugees] who act aggressively towards us, we will beat them.” But upon their arrival, these Hutu were too afraid because they knew what they had done. They felt really ashamed and fearful towards us and they did not dare to look at us’.³⁹ So the situation in Mubinda was quite tense.

Land Sharing

It became clear after the mass return of 1994 Hutu refugees to Kibungo Province that the authorities had to find a solution for the housing and land problem before major conflicts arose. The Governor of Kibungo Province, Protais Musoni,⁴⁰ reportedly asked 1959 Tutsi refugees to share the land they occupied with returning Hutu refugees (Bruce 2007: 11-12; Human Rights Watch 2001: 45).⁴¹ The idea was that every family would eventually have one hectare each. Musoni organized community meetings before and after the return of the 1994 refugees in which the population was consulted and sensitized about the returning 1994 Hutu refugees. Land sharing was the result of these consultations (Gasarasi & Musahara 2004: 4-5). According to Human Rights Watch, local authorities declared, however, that the land-sharing policy was imposed from above and they had no choice but to implement it (Human Rights Watch 2001: 45; see also Huggins 2011: 258). Nevertheless they tried to persuade the Hutu population to share their land willingly by arguing that the 1959 Tutsi refugees had nowhere else to go and had a right to share in the national patrimony (Human Rights Watch 2001: 45).⁴² What is certain is that the policy was proclaimed without any legislation having been passed that would outline procedures or provide any legal basis for it (Des Forges 2006: 363; Huggins 2009a: 70). Huggins also concludes that ‘although there is a popular belief that there was a set of written principles to guide the land-sharing process, key government institutions are unable to provide copies, and it seems that they may never have existed in the first place’ (Huggins 2009a: 89). André (1998: 161) points out that the absence of any legal basis also

³⁸ This is a reference to the new balance of power the returning Hutu refugees faced that was previously discussed.

³⁹ Interview with Pacifique, December 2010.

⁴⁰ Protais Musoni was a prominent RPF politician for many years but was sacked in May 2013.

⁴¹ The practice of land sharing was also implemented elsewhere in Rwanda, mainly in the eastern but more northerly former Umutara Province and the region around Kigali (Human Rights Watch 2001: 45).

⁴² This government discourse was often repeated by Mubinda respondents.

concerned the status of the land transfer itself as it remained unclear if it would be temporary or permanent and, if the transfer was permanent, what judicial security and guarantees both parties would be given.

Land Sharing in Practice

Except for people with very little land, every Hutu family had to share what they had and each parcel was supposed to be shared equally. Regardless of how they had obtained it (through inheritance, as a gift or a purchase), people who lost land after sharing it were not compensated in any way.⁴³ To supervise the implementation process, each community established a land-sharing committee comprised of seven persons: someone from the local authority (often a genocide survivor); two 1959 refugees; two Hutu (1994 refugees or people who had not left Rwanda); and two genocide survivors. We spoke (separately) to two men who had been members of such a committee, genocide survivor Pacifique and Daniel, a Hutu who never left Rwanda.⁴⁴ According to Daniel, the local people did not choose these people to represent them but they were instead appointed by the authorities in the sector. He explained that there were tensions from time to time when people were unwilling to share land and that, in such cases, the sector authorities were asked to intervene. Genocide survivors were not involved in land sharing, although some of them did share some of their land with 1959 refugees, especially family members.⁴⁵ In theory, the original (Hutu) owner of the plot was allowed to choose which (part of his) plot he wanted to keep. This practice was confirmed by various Hutu refugees and categorically denied by other respondents. Among those who denied it was a priest who was residing in the Mubinda region at the time. He remembered that it was the committee that took the decisions and that the owner did not usually have the right to choose which plot(s) he would share.

As the plan was to ensure that every family had one hectare, this meant that someone with two hectares would have to give up one of them and could keep the other part or other plot. However, there were people who lost much more than one hectare. Paul, for instance, who is a Hutu respondent and spent ten years in prison on genocide charges before being released in 2006, returned to Mubinda only to discover that all his land and that of his family members had been shared out. He used to have 15 parcels with banana trees and 14 of them had been divided among the same number of Tutsi refugee families. Nowadays he, his wife and their six children have only a small parcel of 80 m x 100 m. He

⁴³ According to Huggins (2009a: 70), this makes the policy essentially 'a form of uncompensated expropriation'.

⁴⁴ Daniel had been part of the sharing committee in a community neighbouring Mubinda.

⁴⁵ Several respondents stated that genocide survivors were exempted as they were considered to have suffered enough as a result of the genocide.

deeply regretted this situation but as an (ex-)prisoner, he has never dared to protest. On the other hand, Hutu with little land themselves often did not have to share what they had. Some of them, and also genocide survivors with little land, even received extra land in order to also have one hectare. However, it is not clear if every party eventually received the proposed one hectare. According to 1959 Tutsi refugee Séraphine, much depended on the initial size of the plot one occupied. If it was big, you were lucky. She set herself up on a small parcel and, after sharing it, received only half a hectare. Land sharing also depended on the number of 1959 Tutsi that had moved into a neighbourhood. Respondents therefore argued that land sharing in some areas took place on a much wider scale than in other parts of Mubinda.⁴⁶

Sharing (with) Fear and Distrust

There is very little on Rwanda's land-sharing policy in the literature. It is thus difficult to make any analysis of the way land sharing was introduced. Huggins found two opposing views, with some people claiming that the practice of Tutsi genocide survivors sharing spontaneously with Tutsi 1959 refugees was made compulsory by the provincial authorities, while others claimed that authorities had come up with the policy. The origins of the policy thus remain unclear (Huggins 2009a: 70). Valentine worked in Kibungo Province for the Lutheran World Foundation (LWF), an international NGO that was active in Rwanda, and she recalled that:

Here we are close to Tanzania and Burundi, and many 1959 Tutsi refugees came here. This is a specific problem in Kibungo Province. There were problems finding houses and land parcels. These 1959 refugees found bananas, beans etc. and did not want to move any further. ... When this idea [of land sharing] of Governor Protais Musoni came up, we did not see how we could do it. The sensitization campaign said: we have to live together and have land, so we needed to share. The 1994 Hutu refugees [when in exile] had lost hope of ever returning to the country. They were obliged [to share] so they were fearful in the beginning. The 1994 Hutu refugees said: 'Go to your region of origin to regain your lands!' But the authorities said: 'No, we cannot allow this'. So there were a lot of meetings to sensitize the population. Another idea that the local population came up with was to put the 1959 Tutsi refugees somewhere and the 1994 Hutu refugees somewhere else. But the 1994 refugees feared the RPF [and the 1959 refugees too] and did not like this segregation. They were afraid that they would not be safe. So the majority [of 1994 Hutu refugees] saw that there was no other solution possible [than land sharing].⁴⁷

She added that she thought it was impossible to put the 1994 Hutu refugees together with the Tutsi genocide survivors (and the 1959 Tutsi refugees somewhere else) because the survivors feared that there were killers among the Hutu refu-

⁴⁶ One respondent revealed, for instance, that no land parcels had been shared in her neighbourhood. This was confirmed by another respondent who argued that about half of the land owners in some neighbourhoods were 1959 Tutsi refugees, while in other parts none were to be found.

⁴⁷ Interview with former LWF employee Valentine, December 2010.

gees. Mubinda respondent Mathias, a 1959 Tutsi refugee, also remembered that the authorities had threatened the Hutu population to give the 1959 Tutsi refugees land in a national park north of Kibungo Province, suggesting that these refugees would then live in peace, while the Hutu population would have to find a way to live together again with the Tutsi genocide survivors. Another former LWF employee spoke of fear of segregation when he argued that Tutsi survivors expressed their wish to move with the 1959 Tutsi refugees as they did not want to live close to people who had murdered their families. In line with Valentine's observations, he referred to existing feelings of insecurity and fear among Hutu when he added that the Hutu population protested, arguing that segregation would make them feel isolated.

Although these three accounts are not similar, they all show that the authorities tried to persuade the population to support the land-sharing policy and that they often made use of the existing fear and mistrust of and between 1959 refugees, 1994 refugees and genocide survivors.⁴⁸ Although the level of fear and distrust was high, 1959 Tutsi refugee Domitilla demonstrated that some 1959 refugees were able to feel empathy for the 1994 Hutu refugees:

In those days we also understood them, imagine someone who comes back from exile and had a bad life and he finds people using his belongings. When they returned, they were afraid of us and we were also afraid of them and we said 'My God, these *Interahamwes*⁴⁹ will kill us' and they said 'We can say nothing even though they have taken our goods and the government is going to support them and even protect them'.⁵⁰

With her reference to Hutu refugees' perceptions of the government's position towards them, Domitilla underscores the point previously made by Jones and respondent Pacifique that many Hutu refugees felt they had to resign themselves to the new social balance of power in which 1959 Tutsi refugees and genocide survivors were being supported by the local authorities.

The land-sharing arrangement was proposed in a climate of mutual fear and distrust. This is understandable, and Sylvestre's and Olive's previous remarks on the tension and violence highlighted the high level of insecurity. In addition, many Hutu were already very fearful when they returned to Rwanda, as Domitilla expressed, some because they had committed atrocities and others because they feared reprisals, and many of them did not expect to regain their former proper-

⁴⁸ It was not only the authorities that used the climate of fear and mistrust but the population too sometimes made use of it. A clear example of this is the above-mentioned account by 1959 Tutsi refugee Edouard who related how he told an angry 1994 Hutu refugee whose house he was occupying not to reclaim his house but to wait for the authorities' instructions.

⁴⁹ *Interahamwe* is a militia that carried out and supported a lot of the killings of Tutsi during the genocide. It means 'Those who stand together' or 'Those who fight together'. The term is often also used for ordinary Rwandans who took part in the massacres.

⁵⁰ Interview with Domitilla, October 2008.

ties. Mercia, an older Hutu widow whose story was recounted above, was asked how she felt when she had to live in a tent on her land and why she did not ask the Tutsi family to go and live in the tent instead so that she could have her house back. She answered:

There was nothing we could do; it was an order. And because we feared the things they had told us all the time in the refugee camp [that they would be killed upon their return because there was no peace in Rwanda],⁵¹ we respected everything we had to do, as it was compulsory. Even if you were against it, there was nothing you could do.⁵²

Yolande, another Hutu widow who had returned with one child from a refugee camp, argued that she did not have any hope of regaining her house and plots when she returned from Tanzania and said that she thanked God that she even got a small piece of land after land sharing.

The climate of mutual fear and mistrust that existed in which both Hutu and Tutsi refugees were too traumatized and fearful to object to any government proposal could suggest why, ultimately, the population willingly participated in land sharing. However, the following section shows that this is a premature conclusion.

Voluntary or Compulsory?

During the first and second periods of fieldwork undertaken, most respondents were quite reluctant to discuss the land-sharing issue and many stuck to standard, socially acceptable answers:

1959 Tutsi refugee Nadia: 'There was really the wish to share. Even for those people who had not this desire, there had been instructions on the subject in such a way that the land sharing was well done. And it was also mandatory for those who did not want it, but the majority did it willingly.'

Q: 'Do you have a good relationship with the person with whom you shared the land?'

N: 'There are no real problems with this person; we have a good relationship with him. And especially because sharing was voluntary, there are not many problems concerning land sharing.'⁵³

1994 Hutu refugee Consolata: 'There is no problem [with land sharing] because they [1959 refugees] are Rwandans like us. They have the right to have land as they had their plots before they left for Tanzania and on their return they found other people on their land and did not reclaim it. That is why we are happy to have shared our parcels with them.'

Q: 'Do you have a good relationship with the people that took over your land after land sharing?'

C: 'No problem.'⁵⁴

⁵¹ This remark is supported by Pottier's observations in Congolese refugee camps in 1995 where people showed genuine concern about their safety as they had heard about killings, arbitrary arrests and ill-treatment by the new RPF authorities (Pottier 2002: 132).

⁵² Interview with Mercia, July 2009.

⁵³ Interview with Nadia, December 2008.

Despite the suggestion made by some respondents that people were willing to share their land voluntarily after ‘sensitization’, many people, especially the 1994 Hutu refugees, stressed the fact that sharing was compulsory and ‘a law’, and some readily argued that they disliked the policy. Mercia, for instance, was quite open about her feelings:

I was not pleased when we had to share. To give a plot to someone you don’t know when it is not your will is something that really hurts. There are times that you lack something that you can find on the field that you gave and it is you who planted this and the other person will not give it to you. You gave this field for free and he even refuses to give you this thing. This really hurts. But because it was compulsory you had to do it.⁵⁵

Although land sharing was not supported by legislation or a decree, Mercia’s remark shows that many respondents regarded it as compulsory. To explain this, a priest working in the region at the time of land sharing explained that people did not contest the policy because the same word in Kinyarwanda is used for ‘law’ and ‘order’.

Due to the sensitivity of the subject, many respondents (1959 Tutsi refugees and 1994 Hutu refugees alike) would only cautiously express their frustrations with land sharing.⁵⁶ A major complaint from many 1994 refugees was that, after sharing, they remained with little or no land. Rosalie, for instance, said that she and her family owned twelve plots and that after their return they discovered that the authorities had already shared all of their land with others. A second complaint was that the authorities did not always share equally but favoured 1959 Tutsi refugees, a third party or often themselves.⁵⁷ According to Aloys (a genocide survivor), this made the population very angry and higher authorities had to intervene and establish a commission to chase away corrupt authorities and redistribute plots that had been shared unfairly. A third complaint concerned the behaviour of 1959 Tutsi refugees. According to 1994 refugee Sylvestre, some 1959 Tutsi refugees (he did not want to say exactly how many) returned to their area of origin and successfully reclaimed their former land there or they sold the plot they received in Mubinda and moved to a region where there was more land available.

A remark that Hutu respondents often made after they complained about land sharing was that there was ‘nothing they could do about it’. There was a certain

⁵⁴ Interview with Consolata, October 2008.

⁵⁵ Interview with Mercia, July 2009.

⁵⁶ In interviews with peasants from the northeastern part of Eastern Province in 2007, Huggins found that land sharing had also caused grievances (Huggins 2011: 258).

⁵⁷ This complaint is supported by Huggins and Gasarasi & Musahara who state that land-sharing problems were not related to land sharing as such, but to the way it was implemented. Gasarasi & Musahara also argue that authorities were not held accountable for malpractices that included: unfair land accumulation (also by local authorities), too much imposition, bribery, favouritism, arbitrary land distribution and the unnecessary uprooting of people by the local authorities (Gasarasi & Musahara 2004: 6; see also Huggins 2009a: 71).

degree of resignation more than real acceptance of the land-sharing policy. Oda, for instance, stated: 'No, it made no sense to be angry because it [land sharing] was compulsory and there has been a lot of sensitization concerning this and, above all, the good things of sharing are often shown. This is why people were not dissatisfied with this.'⁵⁸

Most 1959 Tutsi refugees benefited from the sharing policy because with the ten-year rule in the Arusha Accords, they were discouraged from reclaiming their former plots. As the main beneficiaries of the sharing policy, they referred to fewer, and different, problems. Interestingly, their remarks also give a clear picture of the tense social relations at the time. One remark, for example, stressed that some Tutsi genocide survivors had taken land off exiled Hutu too and that they were later forced to return it. Other comments were that, after sharing, some 1994 Hutu refugees moved the boundaries to extend their land at the expense of the part given to a 1959 refugee or that they lied about the number of plots they had in order not to have to share all their land. Some 1959 refugees referred to resistance among the 1994 Hutu refugees and declared that many were still frustrated and angry that they had to share their land. Séraphine, for instance, recalled that, after sharing, some 1994 Hutu refugees showed their anger by saying: 'You can continue eating our things, but know that you will not finish it!'⁵⁹ While many Hutu respondents had been rather reticent about expressing their feelings towards land sharing and the 1959 Tutsi refugees, Séraphine's remark shows that some Hutu did, in fact, dare to demonstrate their true feelings.

To evaluate the land-sharing arrangement, Gasarasi & Musahara felt that one has to take into account what might have happened if the arrangement had not been implemented. They were convinced by land-sharing supporters who claimed that the land-sharing agreement prevented potential land conflicts between the 1959 and the 1994 refugees as well as revenge by genocide survivors against the returning 1994 Hutu refugees (Gasarasi & Musahara 2004: 6-7).⁶⁰ However, the stories and opinions displayed in this section clearly show that the implementation of land sharing in Mubinda was not without its problems. Although the accounts given do not always match, they indicate that the sharing initiative was controversial, people had to be persuaded by authorities who took advantage of the reciprocal fear and mistrust, and that sharing was not voluntary

⁵⁸ Interview with Oda, December 2008.

⁵⁹ Interview with Séraphine, July 2009.

⁶⁰ Later on in their study, they admit grudges among the 1994 Hutu refugees may have developed over the years because, as a result of sharing, their children could not inherit land or, in periods of shortage, people felt that they could produce less than before or might feel jealous if they turned out to be less successful than their 1959 Tutsi refugee neighbours (Gasarasi & Musahara 2004: 43). These grudges are dealt with in Chapter 7.

but compulsory. Although not often expressed, a few accounts also demonstrated that, in some cases, land sharing took a violent turn. Despite the controversies, it can be concluded that both parties felt obliged to accept the land-sharing policy as it enabled the benefiting 1959 Tutsi refugees to gain access to land while the Hutu population felt it just had to abide by a new, unfavourable balance of power. Chapter 5 shows how grudges related to land sharing are still problematic and aggravated during the land registration process in 2010. Moreover, the policy has had an enormous impact on land-tenure security as well as access to land, both of which increased for some (1959 Tutsi refugees) but decreased for the majority of the (Hutu) population. In the end, it remains unclear whether people who had to give up part(s) of their land blame the authorities, who ultimately instigated the initiative and sometimes violated the rules, or the 1959 Tutsi refugees. When asking about the current relationship between people who shared land, both givers and receivers would usually say that there were ‘no problems’, carefully sticking to the ‘public transcript’, as explained in Chapter 2.

Villagization Policy⁶¹

The previous section discussed the 1993 Arusha Accords that the RPF government adopted after the genocide. These regulated the fact that 1959 Tutsi refugees who had been exiled for more than ten years could not reclaim their former land. Instead, the Rwandan government would compensate and resettle them by providing them with land and housing elsewhere. The authorities were to provide the 1959 refugees with building materials so that the latter could build their own houses, and the resettlement sites were supposed to be modelled as villages in an attempt to break with traditional patterns of scattered housing (Jones 2000: 137; Jones 2003: 205-206). These new settlements would include health centres, schools, roads and access to water. According to Human Rights Watch, it was the RPF negotiators at the Arusha Accords who were determined that the new houses would be built in villages, as they argued that dispersed housing had resulted in rural poverty in the past. They believed villages would promote economic development. In the immediate aftermath of the genocide, there was no housing crisis as many returning 1959 Tutsi refugees were able to settle in the houses of Hutu who had previously fled. Nevertheless, the RPF government was beginning to draw up plans for a villagization policy (Human Rights Watch 2001: 7-8) that had little to do with a possible housing crisis (Des Forges 2006: 361). Then a lot of 1994 Hutu refugees returned in the final months of 1996 and in early 1997,

⁶¹ The villagization policy is also called the National Habitat Policy, the resettlement policy and the *Imidugudu* policy. *Imidugudu* (singular: *umudugudu*) is the Kinyarwanda word for grouped settlement.

which led to an acute housing crisis,⁶² especially in the eastern part of Rwanda where many 1959 Tutsi refugees had settled. The government officially launched its villagization policy in December 1996 (Human Rights Watch 2001: 11) but it was never discussed or endorsed in Parliament and its implementation had no solid legal basis (Bruce 2013: 130).

The policy was based on two documents: the National Habitat Policy of December 1996 and the Temporary Instruction on Housing of the Ministry of Public Works and Energy of January 1997 (Human Rights Watch 2001: 11; Jones 2000: 139). Although the government initially intended to provide accommodation for returning 1959 Tutsi refugees and other homeless people, it linked the housing crisis to the policy's aim to regroup the entire rural population in villages. This meant that people who had a house of their own were also supposed to move to a village (Hilhorst & van Leeuwen 2000: 266-267). The Temporary Instruction was clear about this and issued a statement announcing that a grouped village was the only acceptable form of settlement and that all construction outside any village was forbidden. The Instruction also declared that all Rwandans would receive plots on which to construct their own houses and local authorities would be expected to inform local residents about the advantages of living in a village structure. However, the Instruction did not mention the implementation procedures, which land could be used for the villages and how plots would be allocated, what the nature of tenure would be and what compensation would be offered (Jones 2000: 140). According to a 2001 report by Human Rights Watch, the villagization policy violated the rights of tens of thousands of Rwandan citizens (Human Rights Watch 2001: 2).⁶³ However, the policy met with little protest because the government defined villagization as a security issue – a monopoly of the state – that touched on psychological perceptions as well as lived realities. According to Newbury (2011: 230), 'Rwandans hesitated to question villagization openly, for such opposition could be – and often was – interpreted as unwillingness to recognize the losses, trauma, and fears of genocide survivors'.⁶⁴ In addition, the policy seemed to be built on a modernist ideology. Several government officials assured Newbury that Rwandans living in scattered settlements

⁶² According to Hilhorst & van Leeuwen (2000: 266), the number of families in immediate need of housing was estimated at between 250,000 and 300,000.

⁶³ According to Human Rights Watch (2001: 2), rights were violated as people were compelled to 'reside other than where they choose, by arbitrarily and unlawfully interfering with their homes, by obliging them to destroy or cede their property without due process and without compensation, by punishing those who spoke out against this policy and by failing to provide adequate remedy for those whose rights were violated'. Jones (2000: 143) also argues that, with the implementation of the villagization policy, human rights were sometimes violated because of the massive pressure to move, fining and forced relocations. Human Rights Watch (2001) gives numerous examples of coercion and the use of force.

⁶⁴ Newbury (2011: 229) also states that Rwandan civil society did not dare oppose the policy.

were 'primitive' and that living in a village would make them more 'modern' and 'developed' (*Ibid.*: 230-231).

Initially, UNHCR and other non-governmental organizations funded the villagization policy as an emergency measure. Human Rights Watch claims, however, that these NGOs then realized that the emergency settlement programmes were intertwined in a villagization programme to reorganize rural life that violated people's rights (Des Forges 2006: 361; Human Rights Watch 2001: 2). By 2001 and under international pressure, UNHCR and other international donors withdrew their financial support (Bigagaza, Abong & Mukarubuga 2002: 76; Huggins 2009a: 72).⁶⁵ Although the villagization policy had to stop due to a lack of finances, the government has remained committed to the policy. Huggins noticed signs that it was being resumed in 2007 with the use of unpaid community labour (Huggins 2009a: 72).⁶⁶

Villagization in Theory and Practice

Rwandans without a home, many of them 1959 Tutsi refugees but also genocide survivors, willingly moved to these new settlements. They were the first to be relocated and received houses or building materials, mostly from foreign NGOs. However, people who moved later often received little or no assistance (Human Rights Watch 2001: 1). The villagization policy⁶⁷ was based on the assumption that resettling the population in villages would facilitate economic development and the provision of services, like schools and healthcare, and contribute to national security.⁶⁸ Regarding economic development, the policy put forward five objectives: (i) to reduce pressure on land by creating non-agricultural employ-

⁶⁵ For a more detailed explanation of the withdrawal of NGOs, see Bruce (2013).

⁶⁶ According to Bruce (2013: 133), the policy met opposition within government and an attempt to revitalize the programme through a draft law on habitat was eventually withdrawn in December 2006. The programme did not therefore expand but concentrated on the provision of services to existing villages instead. Only a limited number of people in other areas live in a village structure nowadays, with the exception being the former provinces of Kibungo and Umutara (90% of the population), Ruhengeri (more than 50%) and Gisenyi (13%) (Bruce 2009: 117).

⁶⁷ For a more detailed account of the villagization policy, its implementation and consequences, see Human Rights Watch (2001), Hilhorst & van Leeuwen (1999, 2000), Jones (2000) and Newbury (2011). For a comparison of the Rwandan villagization policy with those in Mozambique, Tanzania and Ethiopia, see van Leeuwen (2001).

⁶⁸ There were security threats in some parts of Rwanda in 1997 and 1998 as former militia, who were responsible for many of the massacres during the genocide, attacked the northwest as part of an insurgency. In these cases, authorities often exploited the threats in an attempt to force people to move to a village. However, they also used the security argument in areas where such threats did not exist (Human Rights Watch 2001: 25-26). With regard to national security, Jones noted a hidden aim of the Rwandan government as 'it is clear that in areas such as the North-West, where security has been an overriding concern, there was intense pressure on the population to relocate to *imidugudu* [villages], not only to protect the residents but also to monitor and control them' (Jones 2000: 144). This is supported by André (1998: 160) who argued that young landless people who were forced to live in a village saw this as a way of controlling the population.

ment; (ii) to counter the dispersion in a move to facilitate sensitization;⁶⁹ (iii) to redistribute land and create terracing to reduce land scarcity; (iv) to protect the environment; and (v) to improve transportation and distribution networks (National Habitat Policy document, as cited in Human Rights Watch 2001: 11). As the policy aimed to benefit every group in society equally, villagization was also meant to contribute to reconciliation and reintegration. In the newly constructed villages, 1959 Tutsi refugees, 1994 Hutu refugees and Tutsi survivors would live close together and this integration would ideally lead to more relaxed inter-ethnic relations (Hilhorst & van Leeuwen 2000: 268). In addition, the policy was supposed to enable a more efficient and centrally controlled use of rural space that would result in improved land management. Space for habitation would be separated from agriculture and grazing, while houses would be built on the least fertile arable land (Hilhorst & van Leeuwen 2000: 267, Van Hoyweghen 1999: 363). This would increase productivity because better land would be available for agriculture and because housing people in close proximity to each other would facilitate cooperation (Musahara & Huggins 2005: 327). Finally, the government intended to create modern, larger-scale agricultural production methods. Distancing peasants from their fields, a deputy reasoned, would cut their emotional attachment to the land and make them treat it more as an economic good valued only in terms of its productive capacity (Human Rights Watch 2001: 39).

The villagization policy was carried out first and most rigorously in the eastern part of the country, largely because the prefect of Kibungo Province played a major role in its implementation (*Ibid.*: 15-16). Nowadays, some 90% of the population live in a village and authorities claim that the policy has been most successfully implemented in this part of the country (Jones 2003: 217).⁷⁰ The idea of villagization was not new to the region, as the colonial authorities had introduced the concept of *paysannats* back in the 1950s. In these small rural settlements along main roads, each family received two hectares of land for housing and agriculture to stimulate the production of cash crops. People with land in a *paysannat* were not allowed to sell or divide their land. Many *paysannats* were established in the southeast of the country (*Ibid.*: 200,217) but they were not very popular and did not result in the development of villages because the population preferred scattered housing (Jones 2000: 130-131).⁷¹

⁶⁹ This aim should be seen as a way of forcing the population to comply with government orders and directives and is therefore much more far-reaching than the term sensitization suggests (Des Forges 2006: 361).

⁷⁰ Overall, some 14% of the Rwandan population had moved to a village by the end of 1999, mostly (60%) in the northeast (Human Rights Watch 2001: 18).

⁷¹ See Uvin (1998: 119-122) for an analysis of the negative outcome of a *paysannat* project in the former Mutara Province.

The recent villagization policy had many consequences. It enabled 1959 Tutsi refugees to gain property⁷² but many others, especially the Hutu population, experienced resettlement as a loss and felt that their situation had deteriorated because, ultimately, hundreds of thousands of people were obliged to leave their homes to move into villages (Hilhorst & van Leeuwen 2000: 274). These people were forced to destroy their old homes while the newly built houses were often of an inferior quality (Huggins 2009a: 71). Those who constructed a house outside a village or were unwilling to move were fined or arrested (Human Rights Watch 2001: 1, 34). According to observations and informal conversations with UNHCR personnel in Tanzania and Kibungo, people who refused to leave their home were accused of being killers (Eltringham & Van Hoyweghen 2000: 238).

Many Hutu objected to the policy and resented being displaced from their farmland. The main reason for this was that, after resettlement, they lived much further from their fields because the intended redistribution of land never took place. Hilhorst & van Leeuwen's study suggests that people who had been relocated put in fewer working hours in their fields and harvested less because of the difficulty of transporting the harvest home and taking manure to the fields. They were also less able to protect their fields from animals or theft.⁷³ They felt that the resettlement policy served the interests of the 'others', meaning the 1959 Tutsi refugees, and a lot of them were frustrated by the way they were treated by the authorities, many of whom were also Tutsi (Hilhorst & van Leeuwen 2000: 274-276). A survey of land use and villagization that was carried out jointly by the Rwandan NGO Rwanda Initiative for Sustainable Development (RISD) and Oxfam in 1999 confirmed the problem of declining production due to the distance to farmland and also a scarcity of fuel wood, poor sanitation and bad housing conditions as a result of rushed construction (Rwanda Initiative for Sustainable Development 1999: iv).

The sensitivity of the topic meant that only a few Mubinda respondents were willing to comment on the villagization policy. Mercia's remark, for instance, supports Hilhorst & van Leeuwen's analysis and is illustrative of the general feeling of resentment among Mubinda's Hutu population:

I do not need this village, it is better if the 1959 [Tutsi] refugees were here because they did not have fields [and houses] before. I could stay on my hill, where I was born, near my fields. Nowadays it is very far, it takes 2 to 2.5 hours to get there. You work, but not like someone who can be next to his field. There are even times that you plant something and later someone has already stolen this because it is too far [to guard it]. ... At present we suffer

⁷² Note that for the 1959 Tutsi refugees in the eastern provinces, the land-sharing policy enabled them to gain property as they were granted land.

⁷³ These findings are in line with those of Human Rights Watch (2001), Huggins (2009a: 71) and Newbury (2011: 234), who adds that the new settlements lacked space and pasturage to keep goats, cows and other livestock.

because we always have to buy food because we do not produce, the harvest is not like it used to be because it is far away and going there takes a lot of time. ... The village does not help a lot, even when they say that it is development.⁷⁴

Esther also regretted being unable to ensure her plots were secure as they were too far away. She even spoke of a 'culture of looting' and recounted how thieves would frequently come with small trucks to steal bananas before selling them. Mercia and Esther's resentments were supported by former Lutheran World Foundation worker Valentine, who argued that living in a village had more disadvantages than advantages for the majority of the population.⁷⁵

Mercia argued that she felt the village was more suitable for the 1959 Tutsi refugee newcomers because they had not had properties before. Many new villages in some areas of Rwanda were indeed inhabited by Tutsi (genocide survivors or 1959 Tutsi refugees) because local authorities did not recognize Hutu as victims of the war and the genocide. However, this corroborated the suspicion that the villagization policy aimed to compensate Tutsi genocide survivors and 1959 Tutsi refugees for not being allowed to repossess property under the Arusha Accords. In these areas, experiences with villagization resulted in the villagization policy being perceived as ethnically discriminatory and in feelings of resentment that were expressed in ethnic terms and led to increased social tension (Hilhorst & van Leeuwen 2000: 275-276).

New houses in the village were often built on farmland. The policy stated that people whose land was taken to allow construction of the village had to be compensated. However, the government decided that it was not the state but fellow villagers who received these parcels of land who should be the ones to provide this compensation, but this rarely occurred (Human Rights Watch 2001: 43; Huggins 2009a: 71; see also Bruce 2013: 130). The policy suggested that villagization would make more land available for cultivation but, after moving to a village, many people lost land in real terms (Human Rights Watch 2001: 42; Rwanda Initiative for Sustainable Development 1999: 15), and this led to new or aggravated land conflicts (Newbury 2011: 232). A nationwide study in 2000 by the Rwandan human rights organization ADL⁷⁶ showed that 66% of the population living in a newly constructed village said they had no land,⁷⁷ while some

⁷⁴ Interview with Mercia, July 2009. Her opinion about the disadvantages of the villages was shared by Yolande, an old Hutu widow who had found that moving to a village had no advantages for old people.

⁷⁵ This view is supported by Des Forges (2006: 363): 'The perception of many residents of these settlements is that they are poorer now than they were before they moved'.

⁷⁶ ADL is the French abbreviation for Rwandese Association for the Defence of Human Rights and Public Liberties (Rwandan Association for the Defence of Human Rights and Public Liberties).

⁷⁷ Before they moved to a village, only 47% of these people were landless (Human Rights Watch 2001: 42).

21% claimed they had smaller parcels than when they were living in their previous houses (Human Rights Watch 2001: 42).⁷⁸ A related problem was that flat fertile land was often used for houses, which meant that only steep slopes were left for cultivation. And many villages lacked basic services too (Huggins 2009a: 71).

A considerable number of people in Mubinda already lived in a village structure near the main road and the rest of the population were allocated plots of 20 m x 30 m on or near this road when they moved. As already mentioned, houses were sometimes built on land belonging to other villagers and compensation was often not paid. A good example is Hutu widow Josephine. As she already lived near the main road, the authorities took most of her plot to distribute among families who had moved to the village and her land was reduced to about 75 m x 100 m. 'Here on the plot I had before, there are at least five houses and further down, near the road, there are three houses and there are again four houses that are a bit higher up. All these houses stand on our [former] plot but I did not receive money'.⁷⁹

Integration or Segregation?

As mentioned above, 1959 Tutsi refugees and Tutsi genocide survivors were the first to move and they received either houses or building materials. Those who moved later were mainly Hutu and were given little or no support and were frequently made to abandon solidly built homes. Many of these people had no resources to build a new house and 'cobbled together temporary shelters of wood, grass or leaves, and pieces of plastic' (Human Rights Watch 2001: 1). Some lived in temporary shelters for two years or longer and more than half a million village residents lived in such shelters or in unfinished houses (*Ibid.*: 1-2).

The villagization policy was carried out in the eastern part of Rwanda in the same period as the land-sharing policy and the two policies affected each other. According to Hilhorst & van Leeuwen (1999: 38), the authorities did not go to any great lengths to ensure that the 1994 Hutu refugees could reclaim their houses because, ultimately, everybody was supposed to move to a village. The 1959 Tutsi families were encouraged to build new houses in the village while Hutu refugees had to remain in provisional housing. When the Hutu regained their houses, they could not live there for long as they were also obliged to move to a village. Human Rights Watch noted that they had to destroy their old houses and many took iron sheets and doors with them to their newly allocated village plots.

⁷⁸ Newbury (2011: 234) argues that with people having smaller plots, they were unable to have a garden or small banana grove around the house to provide shade and protection against the wind and there was also not enough space or building materials available to build adequate latrines.

⁷⁹ Interview with Josephine, October 2008.

Respondents were not very willing to discuss the villagization policy in detail during my first two fieldwork periods due to the sensitivity of the subject and the lack or low level of trust.⁸⁰ Only gradually did we understand what happened, although respondents would often not discuss matters in detail. Some diplomatic comments by respondent Séraphine, a 1959 Tutsi refugee, in July 2009 were a first indication.

The idea of the village is good. ... Nowadays it is good, we are together. If you have a problem, you talk about it with someone. Before it was not good, we were scared because of the great distance to the other, we were afraid to be killed, also because of the situation. There was fear as we were in a difficult situation because we were in the house of another. As this owner had killed before he had left, we were afraid of being killed. Nowadays, while living together, we feel secure.

When we asked more directly about how the different groups (genocide survivors, 1959 and 1994 refugees) managed to live together in the village, she again diplomatically stated that, with time, the fear and problems had decreased and that since 2000/2001 the situation had been better. We then asked Séraphine if 1959 Tutsi refugees and 1994 Hutu refugees actually lived near each other and received an unexpectedly outspoken and revealing answer:

This neighbourhood is for Tutsi; down there it is for Hutu. The Tutsi have chosen before [the Hutu where to live in the village] and did not want to mix [with Hutu] because they were afraid. We did not know who had committed genocide.⁸¹ Nowadays it is better, they [Hutu] can come and ask for things that we will give, but we do not visit each other.⁸²

In line with Séraphine's account, other respondents also indicated that the genocide survivors were the first to receive iron sheets and to build new houses in the village.⁸³ Sometime later the 1959 Tutsi refugees were given building materials and then the two groups moved to the village, even if their houses were not completely finished. After genocide survivors and 1959 Tutsi refugees moved, 1994 Hutu refugees were able to repossess their houses. While some respondents claimed that these 1994 refugees then decided to follow the 1959 refugees immediately and moved their makeshift houses to the village, another respondent, Scholastique, estimated that only some 30% of the Hutu families did so. This respondent, a widowed 1994 Hutu refugee, confirmed that the 1959 Tutsi refugees went to the village first and that some 1994 Hutu families moved with them. She, however, regained her house and lived there for about six months. Daniel, a Hutu who had not left the country, recounted: 'The 1959 Tutsi refugees went

⁸⁰ This was also the case with land sharing.

⁸¹ During a second interview in December 2010, Séraphine made a similar statement: 'Each group [Tutsi genocide survivors, 1959 Tutsi refugees and Hutu] felt at ease within their own group. We were regarded as savages, while we considered them to be killers. There was even distrust between genocide survivors and [Tutsi] returnees'.

⁸² Interview with Séraphine, July 2009.

⁸³ They were often assisted by NGOs like the Lutheran World Foundation that constructed houses or helped to build them for genocide survivors and other vulnerable people.

first. ... After the 1959 Tutsi refugees had moved to the village, the others could regain their house'.⁸⁴ However, his wife Beatrice intervened at this point telling him that he should not lie. According to her, most Hutu went directly to the village and when Hutu families decided to regain their former house it was only for a couple of months.⁸⁵

SérAPHINE openly mentioned that the way the villagization policy was enforced in Mubinda caused some degree of physical segregation within the village. Former LWF employee Valentine explained that many (widowed) genocide survivors decided to live together in the village for security reasons. In addition, I was able to distinguish between a neighbourhood with a lot of 1959 Tutsi refugees and another with mostly Hutu families in one area of Mubinda. I noticed this after I had interviewed some of the neighbours of Spéciose, a genocide survivor and local authority who lived on the main road. After interviewing her, Honorée and I decided to interview her grandfather, a 1959 Tutsi refugee, who we had met at her house. We then interviewed two of his neighbours who turned out to be also 1959 Tutsi refugees. One of them, Esther, explained: 'Everyone made his own choice about where to build his house. For instance in 1995 the [Tutsi] returnees took this area while others went elsewhere'.⁸⁶ While Spéciose's neighbourhood seemed quite well-off with solidly built houses near or on the main road, Mercia's area looked different. This outspoken 1994 Hutu refugee respondent lived in a neighbourhood off the main road which seemed generally much poorer than Spéciose's area and where the majority of the people appeared to be Hutu. These observations were supported by Gérard, a Hutu respondent who lived in Mercia's neighbourhood, who stated:

Here a bit further up, there are two persons who came from Uganda [1959 Tutsi refugees]. They are the only ones. I don't know if they came later [after people had settled in the village]. Tutsi returnees and related genocide survivors are together in the best areas. They isolate themselves, how could you enter there?⁸⁷

This physical segregation within the village was also mentioned in interviews with other respondents. For instance, Guillaume and Agathe, an older Hutu couple, confirmed Esther's statement that all the people living near Spéciose were 1959 Tutsi refugees. In their own neighbourhood, the segregation between these refugees and the Hutu population could also be seen. According to Agathe, the 1959 Tutsi refugees had taken the better parts of the village while she and her

⁸⁴ Interview with Daniel and Beatrice, December 2010.

⁸⁵ It is not clear how long most Hutu lived in their houses after regaining them. Most respondents mentioned several months to six months, while Valentine, who worked for the NGO LWF that supported the building of houses for vulnerable people, declared that people stayed for up to 1.5 years.

⁸⁶ Interview with Esther, November 2010.

⁸⁷ Interview with Gérard, December 2010.

Hutu neighbours lived on poorer land, as the many tree stumps in the land around her house indicated. In line with this, Daniel and his wife Beatrice stated that most of the houses on the main road were solid (built of bricks, cement and iron sheets) and inhabited by 1959 Tutsi refugees, while the Hutu population lived hidden away behind them in houses of an inferior quality. These statements matched our own observations.

While there is some sort of physical segregation in Mubinda between neighbourhoods in the newly constructed village, Human Rights Watch noted that across Rwanda in general, new villages were mostly comprised of one ethnic group. It concluded that ‘the move to *imidugudu* [villages] may even have promoted ethnic segregation by disturbing previously existing housing patterns, which were often ethnically diverse (Human Rights Watch 2001: 61).

In ethnically mixed villages, more resources were often available to Tutsi than to the Hutu population because donors considered that 1959 Tutsi refugees and Tutsi genocide survivors should be the main beneficiaries of their aid (*Ibid.*: 61–62). In Mubinda, the discussion about resources concentrated on who had received iron sheets and wood to construct their new houses. Genocide survivor Pacifique was certain that everybody had received iron sheets and that people were allowed to take construction wood from the state forests. He had, however, been a member of a land-sharing committee and claimed to have also been involved in the implementation of the villagization policy. For this reason, it was not clear if his account was totally impartial. When asked why there were still so many grass-thatched houses inhabited by Hutu families, he claimed that it was most likely that these families had sold their iron sheets because, at that time, there were a lot for sale in the markets, especially in Kigali. Françoise, another genocide survivor, was less convinced that all the 1994 Hutu refugees had received iron sheets. She thought that some of them had iron sheets and others were able to buy them, while many were not able to do so and had to live in grass-thatched houses instead. Other respondents, most of them 1994 Hutu refugees, denied having received iron sheeting. According to Guillaume and Agathe:

The iron sheets [on the current house] came from our former house. They [authorities] publicly gave us iron sheets and afterwards they took these sheets away again. There have been families who received sheets, thirty per family, but those were only 1959 Tutsi refugees.⁸⁸

Daniel and Beatrice, who did not leave Rwanda in 1994, had a similar story. ‘The 1959 Tutsi refugees went first [to the village]. In general, they had the means to construct a house and the state also gave them iron sheets after the authorities had made up lists, and they were given wood’. His wife then intervened to add that the original (Hutu) residents did not receive any iron sheets. Daniel continued:

⁸⁸ Interview with Guillaume and Agathe, December 2010.

Some two months [after regaining the house], residents like me who had not moved [into exile in 1994] left [to resettle in the village] and our houses were destroyed by the state. The state demanded that everyone destroyed their home. If they didn't, the authorities did it. This was to bring the population closer together. There were threats: if you did not move, you would be killed. The country was not yet at peace, there were many killers.

And his wife Beatrice added:

We destroyed our houses and we had a strong house. We destroyed it ourselves and we paid people to destroy it so we could take the doors and iron sheets. Everyone had to go into the village. There were no houses yet, we were given a plot [by the authorities]. We made a tent with banana leaves. There was malaria all the time that would not cure, miscarriages and malnutrition caused by diseases. The rain was falling.⁸⁹

In the previous section on land sharing, several respondents argued that this was implemented in a climate of fear, desperation and insecurity. The comments above by Daniel and Beatrice and other respondents indicated that this was also the case with the villagization policy. Scholastique, a widowed 1994 Hutu refugee, stated: 'On my hill there were many problems: people who committed genocide were arrested, and people who were arrested during the night died. During daytime, people were put in prison'. When we asked how the people arrested at night died, Scholastique answered:

Unknown people came and asked the husband to come out of the house and he did not come back. When people cried out for help, they [the authorities] said 'Go to the village to have more security'. Since we are all in the village, there has not been this kind of action anymore.

The problem was that only about 30% of the Hutu families in her area moved to the village with the Tutsi 1959 refugees and the Tutsi genocide survivors immediately.

The rest followed later. The last people came after accusations of harvest thefts from people who already lived in the village. There were community meetings about these accusations and people were forced to move [to the village] as they were thieves. ... You have to understand that the people who stayed [on the hill] were Hutu. These people were treated like people who disputed state policies, especially the villagization policy. Within the village there were night patrols, so there was security. On the hill there was chaos; we had to envy this security. People who had moved to the village were not supposed to go back to the hill at night to steal [because of better surveillance].⁹⁰

Within a climate of fear, mistrust and insecurity, the inhabitants of Mubinda were forced to abandon their homes. Although the villagization policy intended to contribute to reconciliation and integration, the stories told by Mubinda respondents show that, in fact, the opposite occurred. A number of people lost land only to see it allocated to new village inhabitants, while many more are still suffering to this day from the negative consequences of being (much) further from their

⁸⁹ Interview with Daniel and Beatrice, December 2010. While she was talking, her husband gestured to her to stop as he believed that she was being too outspoken about the villagization policy.

⁹⁰ Interview with Scholastique, December 2010.

fields. These findings are in line with other studies, for example, those by Human Rights Watch and Hilhorst & van Leeuwen.

Conclusion

This chapter started with a description of the land situation in the 1980s and 1990s and the increased individualization, privatization, land scarcity and landlessness where access to land was defined by power relations. This situation was characterized by ambiguities, such as those mentioned by Ribot & Peluso, because customary law in rural Rwanda was unable to keep up with the social, economic and demographic changes that were happening and proved to be incapable of ensuring people's access to land. In addition, legal institutions were replacing local arrangements and undermining the authority of local officials. With regard to Ribot & Peluso's structural and relational access mechanisms, which were mentioned in the introductory chapter, it was seen that after the genocide many Hutu families returned from exile only to find that their access to land had decreased drastically while Tutsi 1959 refugees had been able to access land. This was due to the different positions of both groups *vis-à-vis* the mostly Tutsi local authorities that had weakened the position of members of the Hutu community and strengthened the position of 1959 Tutsi refugees and Tutsi genocide survivors. The recognition of a new balance of power is clearly reflected in Ingelaere's study on the rural population's perceptions of Rwanda's political transition that asked Rwandan peasants how they experienced political representation. The findings show that since the RPF came to power, Hutu feel much less represented than before the war and genocide while 1959 Tutsi refugees see themselves as being the most represented. As injustice and prejudice are important features of political representation, this implies that many Hutu feel that they are experiencing injustice and prejudice (Ingelaere 2010a).

This chapter discussed the population movements that were a result of the genocide and the assumption of power by the Tutsi-dominated RPF. An important aspect here for Mubinda's Hutu population was the distress they experienced due to the violence committed against them by the RPF and the resulting mass flight into exile. Their feelings of anguish only intensified with the forceful implementation of the land-sharing and villagization policies that took place amid a climate of mutual fear, distrust and insecurity. For a majority of the Mubinda population, both policies have led to a decrease in their access to land and to an increase in land-tenure insecurity. They have also resulted in feelings of deprivation among many Hutu who think that the 1959 Tutsi refugees have gained enormously at their expense. Such feelings correspond to a remark made in the introduction about Hutu prisoners who believed that the land-sharing and

villagization policies were state-organized land-seizing initiatives. Another important consequence of the villagization policy in Mubinda is the physical segregation that now exists to some degree between the 1959 Tutsi refugees, genocide survivors and Hutu families and that has further intensified feelings of deprivation among the Hutu population and fear and mistrust among all three groups. It can, therefore, be concluded that both the villagization and land-sharing policies have had a hugely negative impact on social relations between the different refugee groups. It is to these social relations and the role of (local) authorities that we turn in the next chapter.

This chapter has demonstrated that the land-sharing and villagization policies are clear examples of social engineering by the Rwandan government and they have not only had a political and economic impact on ethnicity and livelihoods, but have also significantly influenced spatial, behavioural and social structures (Straus & Waldorf 2011: 4).⁹¹ Newbury's comments on the implementation of the villagization policy allow us to conclude that all the aspects of high modernism came together: 'a highly bureaucratic state apparatus, a belief in the need for social engineering, an authoritarian political culture, and a disorganized civil society lacking the capacity to influence policy collectively' (Newbury 2011: 229).

Ironically, the villagization policy did not contribute to reconciliation and reintegration in Mubinda as the government had envisaged it would, but led instead to the physical segregation of Hutu and Tutsi, at least in some areas. And this again reinforced the political and economic nature of people's ethnic identity and demonstrated the unequal balance of power. The new social balance of power that was established after the genocide resulted in 1994 Hutu refugees not daring to protest the occupation of their land and houses and the land-sharing and villagization policies. This situation, together with the coercion and even violence that were used in the implementation of the policies and the fact that land sharing and, to a lesser extent, the villagization policy did not have any legal basis, gives reason to question how the legitimacy of the policies is perceived by the majority of Rwanda's rural population. This issue is considered in the next chapter on social relations and the role of (local) authorities.

⁹¹ Recently (in 2013), land sharing was being carried out in northeastern Eastern Province and in Northern Province among newly returned refugees (Bruce 2013: 137).

Photo 1 Plots in the area of Mubinda.



Photo 2 Land consolidation and crop specialization in Mubinda. The peasants on this photo were ordered by the local authorities to grow maize. Due to unforeseen weather conditions, the harvest was going to fail.



Photo 3 Removed grass-thatched roofs as part of the Bye Bye *Nyakatsi* programme
Authorities forced the inhabitants of Mubinda to demolish the grass-thatched roofs
of their houses and annexes and replace them with iron sheets as part of a national
programme to improve the health of the population.



Photo 4 Main road in Mubinda.



Fearing Fines: Social Relations and the Rwandan State

The previous chapter discussed Rwanda's recent history of violence and how the war and the genocide have traumatized many Rwandans. Most of the underlying networks and the social fabric that held Rwandan society together were destroyed, thereby producing a fragmented and atomized society in which people continue to be suspicious of each other (Fisiy 1998: 23). Ingelaere (2012: 249) observed how:

The genocide, the war and its violent aftermath left communities not only devastated economically but deeply divided along ethnic lines. Accordingly the degree of confidence towards people belonging to the 'other' ethnic category dropped dramatically, especially in the recollections of Tutsi respondents.

In a context of fear, despair and distrust, the population has had to re-establish their livelihoods and find a way of living together. This has resulted in a form of 'living apart together' (sometimes literally, as was suggested in the previous chapter) with people avoiding interaction with others, hiding their true feelings and pretending that relationships are good. Not much has changed since the war, although several Mubinda respondents stated that the feelings of mutual fear and distrust have somewhat decreased.

It is within this problematic context that we have to explore Mubinda's current social relations and the role the Rwandan state now plays in rural daily life.¹ Current social relations in the research area are strained and are characterized by a lack of communal solidarity, a great deal of covert suffering and also tensions, especially between people from different ethnic groups. Regarding the role of the state, it should be noted that Rwandan local authorities penetrate citizens' lives at all levels and their strong, authoritarian modes of governance have destabilized

¹ For a similar analysis of the interplay between state power and peasants, see Ingelaere (2012: Chapter 10).

communities. This is leading to frustration and financial insecurity and has consequently resulted in strained relations with these authorities. Communal solidarity is also deteriorating. To analyse how the Rwandan authorities interact with and influence the rural population, this chapter will first analyse the recent Bye Bye *Nyakatsi* programme that has significantly affected the poorer peasant population in recent years.

The Rwandan State in Action

At the end of an interview on 2 December 2010, a respondent, Paul, mentioned that some of the grass-thatched houses in his neighbourhood had been demolished and that the occupants had been chased away. The next day, my interpreter was visiting another part of Eastern Province and saw for herself the remains of some grass-thatched houses. She discussed what had happened with some eye-witnesses who told her that the occupants had simply been told to leave and were not allowed to take any of their belongings. Some bystanders had asked the policemen responsible where these people should go and they responded by saying that if the bystanders felt so concerned, it was up to them to accommodate the newly homeless. Some people expressed their anger, stating that these actions reminded them of the *Interahamwe*, a militia that was responsible for numerous killings and extensive violence during the genocide, including the burning of houses. Other respondents, such as Daniel and his wife Beatrice, also referred to the genocide when they claimed that the programme of demolishing roofs and houses resembled the situation in 1994. They explained how the houses of poor people were (partly) destroyed, as were adjoining grass-thatched buildings. In their own back garden, the grass-thatched roofs of their toilet, kitchen and cowshed had been removed and we could see their cow standing in the midday sun. Beatrice also pointed out their neighbour's house where the roof had been removed and said that the old woman who used to live there had moved in with another neighbour. She explained that it was the police who were forcing the population to demolish roofs or entire houses and that, as a 'fine', the house owner concerned had to pay the substantial sum of RWF 10,000 (about € 13).

It gradually became clear that the practice of removing grass-thatched roofs or houses was part of a programme called Bye Bye *Nyakatsi*.² The Belgian development agency BTC had expressed its support for the programme that 'fits in a larger programme to improve [the] health and social wellbeing of the population'.³ It explained how more than 80,000 huts that had been blamed for poor

² *Nyakatsi* is the Kinyarwanda word for grass-thatched hut.

³ Other internet sources explain that the Bye Bye *Nyakatsi* programme is also linked to the villagization policy, as families whose houses have to be removed entirely will have to resettle in a village. See, for instance, Terreblanche (2011).

hygiene and causing disease would be replaced with brick houses with iron-sheet roofs by May 2011. According to the BTC website:

The war against '*nyakatsi*' has now become a national call; the population of all walks of life are involved in helping the most vulnerable amongst them to have cleaner and durable houses. The army and police personnel and other groups, such as members of the Rwanda Diaspora, have been called in to build houses for the least disadvantaged as the government provides iron sheets and other building materials. Community members extend a helping hand through a monthly community service consisting in gathering materials, elevating walls and putting up roofs.⁴

Because of respondents' remarks and the fact that we had seen for ourselves some roofless houses and annexes I became highly critical of the Bye Bye *Nyakatsi* programme. When I revisited Stephan,⁵ the executive secretary of the sector, I asked him about the issue and questioned why the programme was being enforced as it repeatedly left people homeless. Stephan's explanation was that the policy aimed to abolish grass-thatched houses by the end of 2010 and that, as the programme had been developed in 2008, the population was well aware of it. But why destroy a house or roof before building a replacement was one of my questions. Stephan replied that there were a lot of grass-thatched houses in his sector but there were only some thirty families that were regarded as very poor, implicitly arguing that all the other families would have been financially able to buy iron sheets themselves. He declared that authorities in other sectors had noticed that some time after removing the grass-thatched roofs, half of the families had bought their own iron sheets. I reiterated that I did not understand why houses or roofs should be destroyed before people were helped to rebuild them or to buy iron sheets and Stephan's response was short: it's a government order. When I suggested that local authorities should stand up for their citizens, he reiterated that the programme concerned a government order that had to be executed. He then tried to minimize its consequences by declaring that only annex roofs had been destroyed in his sector but, from my own observations, I knew that this was not true. At this point, I suggested that the Bye Bye *Nyakatsi* programme was a double punishment, as it deprived the people concerned of their house while they also had to pay an RWF 10,000 fine to have their punishment executed.⁶

⁴ <http://www.btcctb.org/en/casestudy/rwanda-all-out-resolve-against-nyakatsi>. BTC supported the construction of houses for vulnerable families in Rwanda's Northern Province. The BTC website claims that this text was submitted on 1 March 2011, months after our observations. It is surprising that BTC seems to be carrying out this national programme so uncritically.

⁵ My first visit to Stephan was on 10 November 2010 when I went to his office to introduce myself.

⁶ Interestingly, the Rwandan media also noted mismanagement and the use of force in the implementation of the Bye Bye *Nyakatsi* programme some months later. On 25 May 2011, Rwanda News Agency reported that 'Rwanda has admitted that "some force" has been used to raze down grass-thatched houses in a controversial resettlement campaign which critics claim leaves destitute families with no homes' (Rwanda News Agency 2011).

Honorée and I felt quite uneasy after this visit, in the course of which Stephan had become increasingly tense following my criticisms. We feared repercussions.⁷ These came about, unfortunately, and it was partly my fault.⁸ What was even more unfortunate was the fact that Daniel and his wife, the couple who had been critical of the programme and had shown us their roofless annexes, were also involved. During the last days of our fieldwork and about a week after our visit to Stephan, we were near Daniel's house and although he and his wife were not at home to give permission, I decided to take some pictures of their cow in its roofless cowshed. I went into their back garden, closely watched by some children, and quickly took some pictures. Some days later, Honorée contacted me to explain that she had received a phone call from Daniel who had told her that Stephan had come to his house to interrogate him about my picture-taking and that he had (truthfully) stated that he had not been aware of it. Honorée advised Daniel to refer Stephan to me but as Stephan never contacted me, I do not know how this story ended.

Bye Bye *Nyakatsi* was not the only programme that (partly) destroyed houses. For several years, the Rwandan authorities had been applying strict rules regarding house construction and regulating where houses could be built and to what standards. The Rwandan human rights organization ADL⁹ conducted several studies with other Rwandan human rights groups on the (partial) demolition of houses and annexes in various urban areas that were not constructed with the permission of local authorities or according to local planning regulations. These demolitions often involved pressure and harassment from local authorities who forced the people involved to take apart their own houses or annexes. ADL concluded that these demolitions lacked permission by higher authorities as well as appropriate compensation measures. The people concerned did not dare to protest for fear of repercussions and often did not have the means to rebuild their house according to the required standards, which led to a marked deterioration in their personal situation (Munyankiko 2009).¹⁰

A Closer Look at Local Authorities

As the previous section has shown, the government and its many programmes in the name of 'development' have significantly influenced peasants' daily lives.

⁷ This fear was not unfounded as an informant told me later that a Catholic priest was arrested after he criticized the policy in a Christmas sermon and was sentenced to 18 months imprisonment (see also Human Rights Watch 2012; Ingelaere 2014).

⁸ This incident is also mentioned in Chapter 2.

⁹ ADL is the French abbreviation for *Association Rwandaise pour la Défense des Droits de l'Homme et des Libertés Publiques* (Rwandan Association for the Defence of Human Rights and Public Liberties).

¹⁰ Ingelaere gives voice to some people whose economic position deteriorated significantly because of the Bye Bye *Nyakatsi* programme (Ingelaere 2012: 280; Ingelaere 2014: 223-224).

Some of these policies have been advantageous for the people involved, for instance the associations and cooperatives that people are part of and that will be described in the section on Mubinda's social life later in this chapter. However, other interventions have had negative consequences, as the example of the Bye Bye *Nyakatsi* programme has shown. The fact that executive secretaries at both the sector and cell level are appointed and paid by the government is problematic in this regard, as this section will show. In addition, the executive secretaries' chain of accountability goes up to higher authorities rather than down to the residents because they are bound to performance contracts that they sign annually with higher placed authorities.¹¹ According to Ingelaere (2007b: 37), they fear losing face and/or their jobs if they do not reach their performance targets and thus feel compelled to use force when implementing government programmes.

While the most powerful local officials are appointed by the government, other authorities, which form consultation councils at the lowest administrative levels of sector and cell and neighbourhood authorities, are elected by and come from the local population. Unfortunately, these local elections are far from fair and transparent.¹² Longman conducted fieldwork in three local communities between 2001 and 2003 and found that RPF officials actively manipulated candidates by pushing some to run while forcing others to withdraw their candidacy.¹³ When elected, no local authority can be sure how long they will remain in power as the RPF removes people it regards as insufficiently compliant, often accusing Tutsi of corruption and Hutu of participation in the genocide or of harbouring 'genocide ideology' (Longman 2011: 38-39). In 2006, Ingelaere was present at elections for cell authorities and sector representative at district level and concluded that they were manipulated by local RPF representatives who organized sensitization campaigns that put pressure on the population, and by soldiers who screened the candidates (who were all members of the RPF) and monitored the elections. In addition, when formally electing local authorities, inhabitants just form a queue behind the candidate of their choice, which clearly disregards the principle of the secret ballot and results in people feeling that they have been bul-

¹¹ These contracts are a homegrown form of accountability and referred to as *imihigo*. According to the Rwanda Governance Board's website, *imihigo* is 'a cultural practice in the ancient tradition of Rwanda where an individual would set himself/herself targets to be achieved within a specific period of time and to do so by following some principles and having determination to overcome the possible challenges' <http://www.rgb.rw/main-menu/innovation/imihigo.html>. Accessed 9 January 2013. Introduced in 2006, these performance contracts are used at all levels of government and make appointed authorities accountable to higher level authorities, and ultimately the president. Since 2007, individual households have also signed an *imihigo* with their local authorities and this makes them accountable for their own development (Ingelaere 2011: 70, 75).

¹² For an analysis of politics at the national level, see Chapter 1.

¹³ This observation is supported by one of my informants who recounted how RPF representatives drop by to tell people that they are a candidate but will not be elected, while to others they say that they will put themselves forward and will be elected. 'How then, no one knows me here?' this candidate may wonder and the officials will reply that they will make sure that s/he will be elected.

lied into supporting RPF candidates (Ingelaere 2012: 279; see also Longman 2011: 38). A member of the election committee explained to Ingelaere (2011: 71-72) that more than one candidate is presented but this is only to give the impression of free elections, while voters admitted that they followed the wishes of the local authorities.¹⁴ Some candidates were rejected in advance and when a single pre-selected candidate for the sector representative at district level won, the election committee would decide to add a significant number of 'yes' votes because, as one of the committee members explained, 'In Rwanda you want to win "completely" by showing that a person is "popular" and entirely selected for the post'.¹⁵

The Rwandan authorities try to conceal the population's lack of democratic power by incorporating a lot of people into the local administration, for instance, by having women and youth representatives or 'companions for pregnant mothers'. Such incorporation contributes to a horizontal surveillance system because 'incorporation in the power structure gives other "authority" figures the means to assess those "incorporated" by the standards of the reigning order' (Ingelaere 2012: 275-276).¹⁶

Another problematic fact that Ingelaere, Thomson and my own observations noted is that most local authorities are RPF members and 1959 Tutsi refugees. Thomson (2013: 142) found that, of the 46 local authorities she had contact with in her research area, 40 were 1959 Tutsi refugees. And in Ingelaere's six sectors, all local authorities were RPF members and the sector's executive secretary was usually Tutsi.¹⁷ This highlights Rwanda's increasing ethnicization because 'the ethnicity of power holders inevitably gives an ethnic dimension to the political, economic and judicial grievances experienced in rural Rwanda' (Ingelaere 2012: 275).¹⁸ These grievances are explicit in quotes by three anonymous Hutu interlocutors:

- 1) They [Tutsi] have all the power and power is on their side. Even when a Tutsi does wrong, one cannot punish [him] because authorities don't want to 'touch themselves in the stomach'.¹⁹

¹⁴ One respondent told Ingelaere (2012: 279): 'Yes, I voted. But I only followed what the others did. If there are 40 persons queuing behind someone, you follow what the others do'.

¹⁵ For more details on manipulation and the ways Rwandans keep up appearances, see Chapter 2.

¹⁶ This surveillance adds to the extensive intelligence network within the administration as well as at the local neighbourhood level. For more data on government surveillance and spying, see Chapter 2. It is of course difficult to research intelligence activities. However, during one focus-group discussion in a community that had just experienced a presumably ethnically motivated murder, Ingelaere (2012: 277) encountered a man who wanted to attend the meeting and announced he was an intelligence agent who needed to listen in to verify if 'what was said was in line with the "current policy of the government"'.¹⁷

¹⁷ Before the genocide, the position of executive secretary was almost exclusively occupied by Hutu (Ingelaere 2011: 73).

¹⁸ The same is seen at the national level (see Chapter 1).

¹⁹ The interviewee means here that authorities do not want to sanction someone of the same ethnicity.

- 2) Representation is only for some people, the Tutsi, not for the Hutu, we have no right to speak.
- 3) They [authorities] install divisions between people; I mean, the Hutu have nothing to say. (Ingelaere 2012: 256)

Many Rwandans perceive the state as perpetuating (ethnic) cleavages and, consequently, a lot of Hutu did not feel politically represented (Ingelaere 2012: 256; Ingelaere 2010b: 288). Despite denouncing it, the Rwandan government has continued with an ethnic division in practice and in perception because:

As much as the former [Hutu-dominated] regime was overtly vested in the idea of Hutu supremacy, these state contemporary practices perpetuate in a much more tacit fashion what they are supposedly eradicating – Hutu and Tutsi sub-cultures or awareness. It signals an increasing *ethnicization*' (Ingelaere 2010b:291, italics in original).

Ethnicization is also evoked in the way the executive secretary at sector and cell level relates to his constituency. This authority is often unknown in the area and many Rwandans thus worry about whether outsiders will have the ability to understand and appreciate their daily needs and problems.²⁰ Thomson (2013: 142) argues that:

For local officials who grew up abroad and whose life experiences have been shaped by conditions of exile rather than by having lived through violence before and during the 1994 genocide, responding to the needs of ordinary Rwandans at the bottom of the social hierarchy is a challenge. In addition to having a different cultural worldview, many [1959 Tutsi] returnees see ordinary Rwandans solely in terms of their ethnicity.

As a consequence, they 'have little sense of how the violence of the genocide has shaped their poverty' (*Ibid.*). And as they previously lacked local knowledge and legitimacy, the executive secretaries have had to work together with elected authorities. However, these elected authorities are mainly local Hutu from the area, are always unpaid and, therefore, do not have any real power. They merely rubberstamp the executive secretary's decisions. As a result, executive secretaries have gradually gained power over their constituency (Ingelaere 2010b: 288-290; Ingelaere 2011:72-73).

Zeal and Force

The element of force in implementing government programmes was referred to in the previous section but needs some closer attention. It has been argued that people appreciate the local government's vision and dedication to improving their living conditions but that the zeal with which local authorities implement policies often surpasses the population's capacities, as executive secretary Steph-

²⁰ For instance, one of Thomson's respondents argued: 'But this government holds power through officials that don't even speak Kinyarwanda! How are we to negotiate our daily needs with officials that are strangers to us?' (Thomson 2013: 107).

an demonstrated with the Bye Bye *Nyakatsi* programme. Although aimed at improving their well-being, peasants perceive these policies as being counterproductive and do not feel they are based on their needs and wishes (Ingelaere 2007b: 36-38). To illustrate how the population feels forced into such policies and programmes, Ingelaere (2007b: 38) mentions an unpublished 2006 survey about confidence in government and governance that shows that 52% of the respondents thought that the motor to participation in state activities was the use of force.²¹ In another survey, 60% of the respondents also indicated that the implementation of performance contracts involved coercion (Ingelaere 2012: 280). Interviewees declared that they felt voiceless and powerless and considered that state interventions were not rooted in local realities.²² One of the interviewees argued that:

They [political dignitaries] seek a solution for the problems of the population, but they don't want to know what our real problems are. If the state is not engaging in listening to the problems of the population, poverty will kill people in the shortest delay. (Ingelaere 2007b: 38-39)

Ingelaere (2007b: 38) concludes that:

An ambitious and internally coherent national ideology and vision is translated to the local level where measures are taken by coercion irrespective of 'real-world' considerations and local authorities often demand a lot of investments of the population, often enforced through a system of fines.

Ansoms (2009b: 307) also claims that tensions are created by the use of force and the fact that the local population cannot refuse state policies and activities. This then destabilizes communities.

Ingelaere's and Ansoms's conclusions can be applied to the example of the above-mentioned programme aimed at removing grass-thatched roofs. In this case too, a sector authority forced a far-reaching measure on the population against their will. The measure significantly destabilized the situation of families who fell victim to this programme and left them, as well as bystanders, very angry. It was a counterproductive initiative as people were left homeless and were forced to find significant funds to replace their roof(s) with iron sheets and/or pay a hefty fine. Executive secretary Stephan, who was new to the region, made it clear that he had to implement the programme as it was a government order and that he felt mainly accountable to the government he was paid by.

²¹ This survey was conducted by Rwanda's National Unity and Reconciliation Commission (NURC), which is a government institute that was established in March 1999. Its main aim is to bring together Rwandans of all walks of life to discuss their coexistence and ways of promoting unity. From each district, it selected a 'sample group' of 300 persons consisting of cell and sector representatives, teachers, members of religious and women's associations, youth, vulnerable people and 'honest people' (National Unity and Reconciliation Commission 2002: 5, 11)

²² See also the previous section that mentions how ordinary Rwandans worry that their authorities do not understand their problems.

Following Ingelaere (2012: 281-283), we conclude that the power of the state is omnipresent and weighs heavily on ordinary Rwandans. The state is present in all domains of society with lines of command that are deeply rooted in rural life. As there are no channels to voice disagreement or discontent and the appointed authorities, instructed by their superiors, cannot be voted out, the population feels compelled to adhere to all the top-down policies and programmes forced upon them because they see no other option. This comes at a price, both literally and metaphorically, as the following sections show.

Fines and Other (Financial) Obligations

Over the years, the Rwandan population has had to abide by more and more rules and regulations that attempt to upgrade rural life cosmetically ‘by inserting “modern” techniques and strategies into local realities, while hiding the extent of poverty and inequality’ (Ansoms 2009b: 302, 304). Among these rules are social obligations and prohibitions that are enforced by the use of fines, for instance wearing shoes in public, being clean and wearing decent clothes, the use of mosquito nets, buying health insurance and following its guidelines, constructing toilets, digging compost pits and drying kitchen utensils on a table instead of on the grass (Ansoms 2009b: 304). Cows have to be kept in stables and people who are found tending livestock in public places face a fine of RWF 10,000 (about € 12) (Ansoms 2009b: 304; Ingelaere 2010a: 52).

An elaborate system of fines for forbidden activities was laid out in a June 2006 letter from a district mayor to his sector executive secretaries. This included 29 punishable activities ranging from being with a second wife, refusing to participate in nightly security patrols, selling homemade products like milk without a licence, having no clothes line or compost bin, and consuming beers in bars or at home with a straw (i.e. sharing beer). Most fines were RWF 10,000 while some others, like having no compost bin or closed toilet, were RWF 2000 (about € 2.50). A fine of RWF 10,000 is a substantial amount for residents of rural communities since most peasant labourers earn as little as RWF 500 to RWF 700 daily (which is about € 1). They are therefore frequently unable to pay a fine and risk being imprisoned. But to be released, they still need to pay their fine so have to borrow money, which then leads to debt and further poverty (Ingelaere 2010a: 50-51).²³ Instead of encouraging Rwandans to improve their health and hygiene, the fines and imprisonments are in fact likely to result in many people having significant difficulties in complying with these measures. Consequently, they

²³ This is not only a local measure. Ansoms (2009b: 305) came across an example of people who were fined for uprooting coffee plants and if they were unable to pay the fine, they claimed they were put in prison until the fine was paid.

may appear outwardly less poor and 'traditional' but, in reality, they are as poor as, or even poorer than, before (*Ibid.*: 50-52).

Other measures to modernize the Rwandan countryside have involved making the poor invisible by hiding them, as Beatrice's statement reveals. She argued that the 1959 Tutsi refugees are much better off nowadays and own nice houses in Mubinda, while people like herself have remained poor. She complained that:

... with this planned settlement, the rich people with nice houses are situated along the road-side, while the poor people are put behind [them]. ... At the moment they [authorities] say that if your house along the road does not have metal doors and glazed windows you have to destroy it and go behind [the road]. Bricks and cement, it has to be like that. You also need to pay RWF 50,000 (about € 60) to be connected to the electricity grid.²⁴

Again, these measures and the system of fines show that the Rwandan government is using coercion to create an image of development and modernization while the reality on the ground remains quite different.

Besides paying fines if they do not comply with rules, it is compulsory for local inhabitants to support different programmes and activities financially. Some were mentioned during a community meeting with Mubinda's executive secretary (see below) and include: the FARG (the French acronym for the Genocide Survivors' Support and Assistance Fund)²⁵ and the One Dollar Campaign,²⁶ which was a (temporary) programme that raised money to house genocide orphans. Local people have to pay when new schools are built and parents with school-aged children also have to contribute to an education fund (Karegeya 2012).

A relatively new programme is the *umurenge sacco* or the savings and credit cooperatives at the sector (*umurenge*) level. This is a community microfinance programme that was implemented in 2009 and encourages people to put their savings in a bank and to borrow money if they need to. As with the elimination of grass-thatched roofs, several respondents suggested that authorities in fact forced rather than encouraged the population to deposit money in such schemes, which again negatively impacted their financial situation. Daniel and Beatrice, who complained about the Bye Bye *Nyakatsi* programme, were very critical of this new programme too. Beatrice claimed that:

²⁴ Interview with Beatrice and Daniel, December 2010.

²⁵ This fund, which was set up in 1998, offers financial support in the areas of education, health, shelter, social assistance and income-generating projects. <http://www.farg.gov.rw/index.php?id=28&L=0>. Accessed 22 January 2013.

²⁶ The One Dollar Campaign was carried out by the government and a diaspora movement in 2009 to raise money to provide housing for genocide orphans.

A big problem nowadays is *umurenge sacco*. You have to put RWF 10,000 (about € 12) in the bank, if not they put you in prison. They take you at night. We paid RWF 10,000 each.²⁷ If you have to sell your plot to put money in the bank, what is the benefit?

And her husband continued:

They force everybody, we do not know their objectives. The demands multiply, that is the problem. RWF 5000 for the construction of schools, everyone has to pay, nowadays also for the registration of your plot. We are in trouble without a solution. They came here [to check] for the table [on which to dry kitchen utensils, also a rule] and the toilet [grass roof] has to go.

Daniel explained in another interview how, at a community meeting some days earlier, people had suggested paying for the iron sheets with money borrowed from the *umurenge sacco*. But the suggestion was rejected by the authorities who claimed that the bank did not have enough money yet and insisted that people deposit their money. Then the local people asked if they could pay [it is not clear if Daniel meant for the iron sheets or to put money in the bank] with their bean harvest but the officials insisted that people paid right away.²⁸

Another recent programme that hit Rwandans hard was the *Agaciro*²⁹ Development Fund that was set up in August 2012 to reduce the country's dependence on foreign aid after several major donors withdrew (some of) their funding.³⁰ This was in response to a UN report that revealed that the Rwandan government had been giving support to a newly formed rebel group operating in the east of neighbouring Congo since mid-2012. This fund is financed by contributions from Rwandan citizens, the Rwandan diaspora, private companies and others and although contributions are supposedly voluntary, the majority of ordinary Rwandans are forced to contribute. The international *Syfia Grands Lacs* press agency described how this has resulted in fierce competition as to who contributes the most among public and private officials, who have to make sure their own employees pay considerable contributions too. Local authorities go door to door and encourage poorer people to give money: they show them lists of contributions made by their neighbours to evoke feelings of shame and force them to contribute to save face (Durand 2012).

²⁷ In another interview Daniel mentioned an amount of RWF 6500 per person that had to be paid, while RWF 5000 was mentioned at the community meeting. It is therefore not clear how much people are in fact supposed to deposit.

²⁸ As with most government programmes or activities, for instance the One Dollar Campaign when it was suggested that it was merely put in place to finance the RPF's election campaign, rumours circulated about *umurenge sacco* and how it was introduced to provide the RPF with access to funds. One informant from Kigali suggested that *umurenge sacco* was the RPF's 'bank', arguing that he had spoken to someone who was present at an RPF meeting in 2008 or 2009 where they discussed how they could access additional money. An informant also argued that there were too many of these meetings at that time as the RPF was in need of money.

²⁹ *Agaciro* is the Kinyarwanda words for dignity, pride or value (Durand 2012).

³⁰ The US, the Netherlands, Germany and Sweden (Durand 2012).

Syfia Grands Lacs also reported in articles in 2011 and 2012 that the system of fines and contributions is far from transparent as the Rwandan population has no idea about or control over the use of any money collected. In addition, many local authorities abuse their position by imposing fines, as was shown by the *Bye Bye Nyakatsi* and the *umurenge sacco* programmes and the *Agaciro* Development Fund. Its reporter found that some of the fines authorities imposed were illegal when they charge for activities that are not forbidden by law (for instance smoking or selling cigarettes) or force people to contribute to programmes that are not compulsory.³¹ And some fines are too heavy for the alleged infringement. However, authorities often adjust the fines they impose according to the financial position of the offenders, a gesture that is considered unfair by a woman mentioned in the article who had to pay a fine when her cow damaged a neighbour's plot. In the end, people are forced to pay up because otherwise they risk ending up in prison until they have paid the fine (which is then often doubled), as was confirmed by Beatrice and Daniel (Twizeyimana 2011).

Besides financial obligations, people also have to give their time and energy for tasks such as regular night patrols and monthly *umuganda* community work. This community work, when people plant trees or build houses for genocide survivors, is also supposedly an occasion for discussing development issues. However, the authorities in Kigali announce the discussion topics in advance and there is little time or space for real debate (Ingelaere 2011: 74).

Relations between Authorities and the Local Population

The coercion, abuse and sense of powerlessness Rwandans encounter often lead to strained relations with local authorities. This was especially visible when respondents expressed their anger about the demolition of their grass-thatched houses or complained about the many (financial) obligations they face. Another important feature of this relationship is the often patronizing and contemptuous attitude of the authorities towards ordinary Rwandans. Many of the peasants that Thomson (2013: 143) spoke to mentioned the disdain the authorities had for them. The authorities at all levels see peasants as a homogeneous group that has to be re-educated and governed. For instance, an officer at the National Unity and Reconciliation Commission reported that Rwandans are 'just mere peasants who need us to tell them what to do. Really, they are like infants. We need to parent them so they know about peace and reconciliation' (*Ibid.*: 149). Another quote

³¹ A teacher told the reporter that he and his fellow teachers had to pay RWF 3500 (about € 5) to contribute to the *Bye Bye Nyakatsi* programme but no houses were ever reconstructed using their contributions.

from a district authority reveals a similarly negative attitude towards the rural population:

I do not like to look at poor people and deal with them. In fact, when I worked in the ministry, I did not have to look at the poor. That was the level of policies and decisions. It is now in this new function that I am directly confronted with the poor. (Ansoms 2009b: 307)

I observed similarly patronizing behaviour towards the local population at a community meeting held on an open space in a Mubinda neighbourhood in August 2009. There were about a hundred inhabitants sitting on the grass, with local authorities seated on benches facing them. Eric, the executive secretary of Mubinda, stood in front of the local people, walking up and down and gesticulating while delivering his long speech.³² This is an extract of what Cécile translated from his speech:

We want to engage with the population because you did well. The other time I was angry, but you have changed. There are no more conflicts and this pleases me. You are clean and tidy, you get along. Especially cleanliness you have understood quickly, congratulations! You will continue to make an effort and not diminish it. Do you know that of the 15 neighbourhoods [in Mubinda], you were the first to give a lot of money for the One Dollar Campaign?³³

Eric's speech initially seemed enthusiastic and encouraging but it was hard to miss its patronizing undertones. He continued to discuss other government policies and programmes, explaining what people were supposed to do, mostly regarding policies involving money although, interestingly, some people dared to express their discontent. One was a man we had interviewed a year earlier and who was known for his frequent drunkenness. He declared that people had given money for iron sheets, goats and cows but that none of these items had been delivered. Eric avoided answering his accusations and promised to respond some other time before continuing to declare that people should contribute to FARG. Several women claimed they had already donated to the One Dollar Campaign but Eric announced they still had to pay RWF 300 (about € 0,50), at which point more people started complaining about the amount expected from them and why they needed to donate again: 'We gave for the orphans [through the One Dollar Campaign] so why do we have to pay for FARG? How many orphans are involved?' The discussion continued for some time until it was eventually cut short by Eric.

Eric's speech and the way he reacted to questions and comments from the people he was supposed to serve clearly showed the powerful position of an (ap-

³² Eric is a Tutsi genocide survivor in his twenties who is from the area.

³³ Eric mentioned the amount that had been raised for the housing of genocide orphans and various informants talked about the enormous sums the campaign was supposed to have raised. However, there were numerous suggestions that this money would not (only) benefit the orphans but also the RPF's 2010 election campaign.

pointed) executive secretary. Although he allowed some space for complaints (at least at this meeting),³⁴ he demonstrated his superior position by not responding to comments and by terminating any discussion when it suited him. Although I do not want to suggest that the Mubinda population is incapable of resisting policies and programmes that are forced upon them, they have little room to manoeuvre in an environment where the state is powerful, omnipresent and carefully monitoring every move they make.³⁵

This and previous sections have highlighted the pressure that is being put on the Rwandan population to act according to Rwandan government guidelines. People are being pressurized into electing predetermined candidates, to fulfil (financial) obligations and to swallow any criticism. These demands add to the financial problems many peasant families are already facing³⁶ while socially, pressure and frustration negatively affect relations with authorities and lead to ever greater tensions. The fact that power relations are ethnicized only aggravates the tensions even more. These tensions and resentment inevitably influence communal relations and are the focus of the next section.

Mubinda's Social Life

A first impression when observing the social life in Mubinda is that people interact with one another very frequently, exchanging greetings, gossiping and attending church services and community meetings. Since poverty is so prevalent, people explained how friends and neighbours support each other in times of need by lending money and visiting each other when people are sick. In addition, respondents often mentioned their membership of associations or cooperatives when discussing social relations.³⁷ They would assure us that 1994 and 1959 refugees and genocide survivors were all represented in their associations and cooperatives and worked well together. Some 75% of respondents were a member of one or more of these and about 30% were members of several. If a person was not a member of any organization, this tended to be for financial reasons.

An important economic goal of the government over the last ten years has been to encourage the population to work together in associations and coopera-

³⁴ It is not easy to ascertain whether this meeting was typical because Cécile's and my presence may have influenced Eric's behaviour and wording.

³⁵ In *Whispering Truth to Power: Everyday Resistance to Reconciliation in Postgenocide Rwanda*, Thomson (2013) convincingly argues that ordinary rural Rwandans are able to resist government programmes.

³⁶ Although primary education is free, many parents have difficulty paying for school materials for their children. These costs add up to about RWF 50,000 (€ 60) per year per child (Karegeya 2012).

³⁷ Associations are informal groups to which people contribute money for a common goal or to be distributed amongst its members. An association can become a formal cooperative when it meets certain criteria, like having a bank account, and then has access to credit.

tives in order to save money, produce more and/or have better access to credit.³⁸ About half of the interviewees declared they were a member of *Dutabarane* ('to help each other'), which has existed for about 15 years and to which members contribute about RWF 100 or RWF 200 RWF (about € 0.15 or 0.30) a month. In cases of serious illness, *Dutabarane* members take the patient to hospital on a traditional stretcher and if a family member dies, money that has been collected is used to pay for the funeral and other related expenses. *Dutabarane* also helps provide access to health insurance and members can borrow money without paying interest on it if they pay it back within a certain period.

Another similar association in which about 25% of my respondents were active is an *ikibina* (mutuality). An *ikibina* works like a *tontine* with members contributing money until a certain amount has been reached and it is then donated to one of the members.³⁹ In another form of *ikibina*, members get together to work each member's land in turn while members pay the *ikibina* RWF 1000 (about € 1.25) for the services provided. When all the members have paid this, the total sum is given to one of its members. Besides associations, about 20% of the respondents were also a member of a cooperative, usually the local banana cooperative.

When people were asked to describe Mubinda's social life, the usual answer was that 'relations were good'. This response and others that stressed the benefits of working together in associations and cooperatives might imply that the inhabitants of Mubinda feel a sense of communal solidarity. Both national and local authorities are trying to show how the Rwandan population has become united 'gradually and thanks to our government of unity and reconciliation that helped us to become one and to accept the situation'.⁴⁰ However, we slowly established that peasant respondents were only trying to confirm the public transcript⁴¹ and quite a few statements that revealed the hidden transcript or the 'offstage' discourse highlighted how local social relations were not as harmonious as they first appeared. Let us now turn to these hidden transcripts to understand some of the issues related to communal solidarity, (ethnic) tensions and suffering.

³⁸ Chapter 6 describes how the government uses cooperatives in their land-reform policy to distribute government-approved fertilizers and seeds and influence land-tenure management.

³⁹ The word *tontine* is originally from West Africa and is used for rotating savings and credit associations (Uvin 1998:165). See Ansoms (2009a: 189) for a more detailed description of present-day *tontines* and Uvin (1998: 164-166) for an account of pre-genocide associations, including *tontines*.

⁴⁰ Interview with Spéciose, chairperson of a neighbourhood committee, December 2008. By 'the situation' she meant angry reactions by 1959 Tutsi refugees due to the loss of numerous family members who were killed during the genocide.

⁴¹ See Chapter 2. Public transcripts appear in a context of social subordination in which the subordinate shapes his discourse in such a way as to appeal to his dominant conversation partner.

Hidden Transcripts of Social Life

The stories of respondents who dared to speak out about how they truly perceived social life showed the worrisome nature of current social relations. To demonstrate this, we will discuss some of the experiences various respondents went through in recent years.

The first story is that of Jean, a 1959 Tutsi refugee in his sixties. His wife has been sick for quite some time and, because of her illness, he finds it difficult to make ends meet. He often cannot go to his field as he has to take care of his wife and he is afraid that because of his frequent absence, he will harvest less. To pay for his wife's medicine, he has had to sell most of his cattle and paying for school fees and materials for his school-aged daughter is problematic. He used to be member of an association but resigned when he could no longer afford the contributions. He was bitter about social relations in Mubinda:

There is no community life in Mubinda as no one can come to your aid. Imagine that a person cannot come and cultivate for you. Even the people with whom you returned from Tanzania are not concerned with other people's problems. It is to say that it is every man for himself. So there is no solidarity. ... There is really no real contact between people, even neighbours. They will lend you money when they know that you can refund it fairly soon. But as they know that I have someone ill with an incurable disease, they cannot give me money because they tell themselves that I will not be able to pay back this money as I have problems. It is every man for himself. ... Everyone in this association knew of my problem. They know that my wife is very ill but I have never seen even one person coming here to visit her. Me too, I have no drive anymore to go to the association. ... Because I do not contribute anymore, if I return they will ask me to contribute for the months that I was absent without considering the problem that I have ... If there is misfortune in your family, with someone who died or fell ill, nobody is there to help you. In short, if you have problems, they will not come to your rescue.⁴²

Another explicit answer to questions about Mubinda's social life came from Evariste and Angeline, a couple who returned to Rwanda in 2002. They can be considered as outsiders because Angeline is Congolese and does not speak Kinyarwanda well, while Evariste grew up in another village in the same sector. They lived in Nairobi for about six years and had a fairly good life there, as the pictures they showed us confirmed. When the Kenyan authorities declared that all refugees had to leave Nairobi, they were taken to a refugee camp near the Sudanese border where they stayed for two years. They decided to return to Evariste's native country in 2002 and, since then, have lived in deplorable circumstances. They found it hard to integrate into the community and explained how they had not been aware of local prices at first, which resulted in many people cheating them by doubling what they charged them. They regretted losing so much money and, as a result, were unable to put iron sheets on their house. They

⁴² Interview with Jean, October 2008.

also felt that local authorities had hindered their economic activities. Angeline explained:

Here, there is not much solidarity, and the solidarity that exists is out of self-interest because even if you have good relationships with people, they try to profit from it and they also do not want you to be superior to them, they want you to be inferior to them. For instance, there is a secondary school near our house and I wanted to cater for it like our neighbour does. But as she is a member of the neighbourhood committee, she made sure that I did not get permission to open a restaurant and told me it was forbidden to open a restaurant at home.⁴³

On social life in general, her husband Evariste declared: 'Here in Mubinda, we live like in a city: everybody sticks to himself. No one wants to visit anyone else. It is thanks to the government that introduced cooperatives and associations that people have relations with others'. When discussing relationships between Hutu, Tutsi genocide survivors and 1959 Tutsi refugees, Evariste stated:

The state always tries to prevent the segregation of people, but there is always something bad that stays in the hearts of people and that is hate. Of course the population always pretends to have good relationships, but there is always something. ... There are people you find who have something like hate that is hidden. Of course it is not very noticeable but it is always there.

Epimaque's comments concerning relations between the Hutu population and 1959 Tutsi refugees are telling as this young Hutu man served four years in prison because he was (falsely, according to him) accused of genocide crimes.⁴⁴ He was freed in 2003 by a presidential order that involved prisoners who were still children at the time of the genocide. In 2004 he was acquitted by a *gacaca* court. He explained that many people do have problems with the other groups but keep them in their heart.

I, for instance, my wife is a Tutsi who came from outside, from Tanzania. That means that there was a big problem, her family did not want her to marry me. People asked her 'How are you going to live with such a person? You yourself know that they are not good people.' People who came from outside [1959 Tutsi refugees] always want to know: 'Who are you? What do you do?' They are always interested in ethnicity issues. ... They [his wife's family members] have not come to visit us since we got married. And I often tell my wife that she has to distrust what her family tells her because I believe that I have become her family. That is why I tell you that the problem of ethnicity is always there, except that people pretend that they do not discuss it. You can arrive somewhere where people are talking about this and when they see you, they shut up immediately. And my wife always told me what people said regarding us [Hutu] and even now people continue to talk about it, but as my wife loves me, she tells me everything.⁴⁵

⁴³ Interview with Evariste and Angeline, December 2008.

⁴⁴ Tertsakian (2011: 213) did research in Rwandan prisons and found that, after the genocide, there was nothing in many prisoners' case files and they had been arrested on accusations of genocide without proof or any investigation having been done. 'Thousands of arrests were carried out arbitrarily and indiscriminately, particularly between 1994 and 1999. Some denunciations were made in good faith by people who had witnessed killings during the genocide, but others were motivated by the desire to settle scores'.

⁴⁵ Interview with Epimaque, October 2008.

Some respondents from the 1959 Tutsi refugee group and genocide survivors also mentioned issues of ethnicity. For instance, Soline, a 1959 Tutsi refugee, claimed that the genocide ideology still exists in Mubinda and that people sometimes show this in their remarks.⁴⁶ Unfortunately we were not able to elaborate on this as Soline's daughter Valérie understood French and prevented her mother from saying more on the subject.⁴⁷ In another interview with Triphine, we probed the issue of social relations after this genocide survivor declared that there were no problems. My assistant Cécile then asked how she and other survivors were perceived by community members who were not genocide survivors. To persuade Triphine to answer truthfully, Cécile explained how some students on her own university campus would say that genocide survivors just pretended that they were traumatized and sometimes exaggerated when they claimed that they were ill and weak. She asked if this was also the case in Mubinda. Genocide survivor and local authority Spéciose, who had come into Triphine's house during the interview, answered instead of Triphine and confirmed this:

Yes, it is always there, people always speak badly. They pretend that they sympathize with us, but they don't. I can give you an example. Let's say that my mobile phone falls on the floor and its display breaks. Even if it is not damaged, the telephone will not be like it was before. It is the same thing with us because the genocide has affected us Rwandans. We cannot be as we were before, there is always something inside us.⁴⁸

These statements were supported by Edouard, a 1959 Tutsi refugee. Although most respondents would pay lip service to the current policy of being Rwandan instead of Hutu or Tutsi, Edouard stated openly that frustration and resentment between Hutu and Tutsi families still exist, and this results in a lack of communication even between neighbours because 'if someone has killed your family members, how can you be at ease with him?'⁴⁹

The examples in this section show how, behind the public transcript of good social relations and communal solidarity, there is another reality in which distrust, hatred and ethnic tensions prevail. Interestingly, quite a few respondents referred to the heart when they answered questions concerning tensions. For instance, when asked about the current relationship between families who shared land, a 1959 Tutsi refugee answered that 'it is difficult to look into the heart of someone else'. According to Ingelaere (2007a: 22-23), the heart is seen as the

⁴⁶ Genocide ideology has become a dominant accusation and a label that seems to embrace other terms like negationism and divisionism (Waldorf 2009: 109).

⁴⁷ Informative is the comment my research assistant Cécile added to this interview's notes: 'Valérie started to gesture to her mother to stop her saying more about ideology problems and I understood quickly that Valérie did not want her mother to say more about this ideology. It was when Margot asked how many genocide survivors lived in Mubinda and I told Margot to leave this question as I had already seen the signs Valérie made to her mother and Margot had not noticed this. When we were alone, I explained to Margot that I had seen how Valérie made gestures to her mother'.

⁴⁸ Conversation with Spéciose during the interview with Triphine, December 2008.

⁴⁹ Interview with Edouard, November 2010.

force that unifies the human being in Rwandan culture: emotions, thoughts and will are all interconnected and unified in the heart. So the heart is where the truth lies but it is, at the same time, inaccessible to others. The next section concerns another matter of the heart and that is suffering, a theme that respondents did not often openly discuss.

Silent Suffering

‘If only everyone put himself in someone else’s position and forgot his suffering to understand the misery of the other. Everybody needs to be listened to and to pour out his heart as he has suffered, regardless of his ethnicity. This will take a lot of time; we see it mainly in church. For example, there are genocide survivors who pour their hearts out but behind them there are others who suffer and who have lost family members, who suffer alike. It is difficult; the suffering has been terrible, maybe with time. People cry quietly. The state does not yet understand that everybody could be listened when they cry out their suffering’.⁵⁰

These are the words of Priest Gaspard, himself a genocide survivor, who has been priest in the region since the 1990s. He touched upon an important theme, as I had also noticed that the population of Mubinda did not discuss their suffering with each other. This was apparent in the stories of two 1959 refugees. The first was Edouard, a man in his sixties who went into exile in Uganda in 1961. When he returned to Rwanda in 1994 he remembered that the atmosphere in Mubinda was tense, and distrust and fear were prevalent. Although Edouard felt that he had been well cared for by the Ugandans while in exile, he still remembered these years as being hard, with a lot of suffering. This suffering was intensified when four of his children who had become RPF soldiers died on the battlefield. He related:

My wife suffered a lot and she lost a lot of weight after the death of the first two children and after the other two died, she did not speak anymore. ... It is hard. I worked at a firm with engineers and sometimes they asked me if my younger children are my grandchildren as they knew my older [deceased] children. That really hurts; it makes you suffer a lot. Rwandans have to live together with their history. For instance, genocide survivors cry for their [murdered] family members and say ‘you have your children’, but we have also lost children. Survivors may say ‘you have five’, but I have also lost children.⁵¹

During an interview with 1959 refugee Francine, we observed how people often do not recognize the suffering of others, even when it concerns friends. Francine is a widow of 70 who grew up in the south of Rwanda and went into exile in Tanzania. She often feels lonely as she lost all of her brothers and sisters and their children during the genocide as well as all but one of her own children.

⁵⁰ Interview with Priest Gaspard, December 2010.

⁵¹ Interview with Edouard, November 2010.

Since she is old, she does not go out a lot and because her child or grandchildren are not always around, she is frequently in need of support. While we were talking to her, Julie, a female genocide survivor, came into the house. She is a friend and relative of Francine's and joined in the discussion when we talked about former and current relations between the 1959 and 1994 refugees and whether the government's reconciliation policy was successful. Julie explained that before the genocide, division and genocide ideology were gradually entering people's minds. We then asked: 'After such a long history of division, how can people think immediately of reconciliation?' Julie then answered that we should not address this question to Francine because reconciliation was merely discussed with genocide survivors. This statement provoked Francine, who subsequently started explaining how she suffered in exile and still suffers:

During our exile, we lost our cows, we were not on our ancestral land. People cannot say that I did not suffer because I was in exile for so long. ... This [not regaining her ancestral land] still hurts. Here it is like another exile. Especially at the beginning, it was difficult because you felt that you were not at home. ... Nowadays I am used to not thinking about my region of origin. I went there once to only find ruins, everybody had been killed and there was only one niece of mine left. Because of this, I do not feel like returning where there is no one left, even when it is home. To live here spares me the suffering as there are only ruins there.⁵²

Julie was visibly touched by Francine's words and, at one point, stated that she had believed that Francine did not remember her suffering anymore. Both women agreed with us that the 1994 Hutu refugees had also suffered during their exile and Francine admitted that she understands them and that, if they managed to exchange their experiences, acknowledging each other's suffering would not be difficult.

As Priest Gaspard had suggested, the examples of Edouard and Francine show that 1994 Hutu refugees, 1959 Tutsi refugees and Tutsi genocide survivors often do not see each other's suffering. In the Rwandan context where people have to struggle to earn a living and deal with their often complicated personal histories, this should not come as a surprise. Therefore, it is not clear if they are not aware of or are simply unwilling to acknowledge their neighbours' experiences. Either way, it is a strong indication that there is a lack of sincere communication among the Mubinda population.

Conclusion

This chapter has shown that post-genocide Rwanda is still a fragmented and atomized society where people are very suspicious of one another. While discussing current social relations, Mubinda inhabitants revealed that they are 'living apart together', engaging in merely superficial relations in which fear, distrust

⁵² Interview with Francine, December 2012.

and hatred prevail, solidarity is lacking and where the different groups (genocide survivors, 1994 Hutu and 1959 Tutsi refugees) are unable to understand the suffering of others. The tense social relations among neighbours and their relationship with authorities are further aggravated by the omnipresence, strength and weight of the Rwandan state. As ordinary Rwandans, both Hutu and Tutsi alike, are unable to engage and unite and lack democratic power, they are also unable to weaken the force of the state and change existing power relations. The problem of ethnicity, which was discussed in the previous chapter on land sharing and villagization, adds to peasants' feelings of powerlessness, voicelessness and frustration *vis-à-vis* their authorities and is yet another source of frustration and hatred among Mubinda's inhabitants.

Patronizing (local) authorities force local inhabitants to comply with programmes and policies that are often not rooted in local realities and have a huge impact on peasants' lives. The next chapter considers recent land reforms, and the risks of a policy that influences the majority of Rwandans will become apparent.

As was the case in the previous chapter on land sharing and villagization, this chapter again demonstrated the political nature of people's ethnic identity and the increasing ethnicization of Rwanda's (local) government. It described how Rwanda's post-genocide society is characterized by unequal power relations between the Hutu community on the one hand and the 1959 Tutsi refugees and Tutsi genocide survivors on the other, but also between the population as a whole and local authorities. The example of the Bye Bye *Nyakatsi* programme revealed the strong social engineering agenda of the current government in the behavioural, cultural, economic and spatial arenas that is being carried out using coercion with punishable activities, (financial) obligations, 'encouraging' community meetings and membership of associations and cooperatives. The issue of legitimacy was raised once again, as the chapter suggested that many Hutu do not feel politically represented by the current government. As the August 2009 community meeting in Mubinda demonstrated, many people resent the numerous (financial) obligations that are imposed on them, as well as programmes such as the aforementioned Bye Bye *Nyakatsi* programme.

Controlled Commercialization: Land Reform in Rwanda

After it came to power following the 1994 genocide, the RPF-led Rwandan government recognized the potential of agriculture for economic development but it was felt that the agricultural sector had to change drastically if it was to contribute to national prosperity (Des Forges 2006: 354, 360). The RPF regime initially faced constraints finding appropriate strategies because the newly established political party was still dominated by soldiers and intellectuals who had predominantly urban and elitist backgrounds and knew little of Rwanda's rural realities. Des Forges (2006: 359) states that: 'Many of the soldiers valued cattle-raising – the association between military and cattle has a long history in Rwanda – but few had close links with growing crops'. Newbury (2011: 229) also indicated that most new leaders were newcomers who had no farming experience in Rwanda and 'had only limited knowledge of local dynamics, let alone of local ecologies'.¹ Another influential factor was the animosity of RPF and other Tutsi returnees towards Hutu cultivators, which was a consequence of the 'genocidal propaganda that stressed the Hutu association with the soil and the glorification of "Hutu-as-cultivator"' (Des Forges 2006: 359).

In 1996, the government drew up its Agriculture Development Strategy and organized a national conference on land issues, at which the delegates concluded that the agricultural sector could not be sustainably developed without a Land Law that would normalize land use and ownership (Musahara & Huggins 2005: 286). Eugène Rurangwa (2002: 7) was the Director of Lands and Land Registrar

¹ Economist An Ansoms (2009b: 295) comes to the same conclusion and argues that Rwanda's new political elite are mostly 1959 Tutsi refugees from Uganda who lost their ties with their region of origin and have little incentive to go back to rural areas. This new elite took the place of the former Hutu elite who had often direct ties with the countryside as well as greater experience with rural policies.

at the Ministry of Lands, Human Settlement and Environmental Protection and declared in 2002 that:

The Government of Rwanda sees increased security of tenure or rights of access to land and more effective land management as important factors for improvement of the agriculture sector and the economy as a whole, helping to create the resources needed to reduce poverty and to consolidate peace and social cohesion. For this, land reform is envisaged: ... [a list of measures and aims follows]²

Contrasting this prediction that land reform would lead to greater overall prosperity and improved social relations is the trend that Rwanda, like other parts of Africa and also as a result of globalization and liberalization, is increasingly being confronted with the commercialization of its agricultural space (Ansoms & Claessens 2011: 3). There are tensions between this commercialization and deagrarianization, a process characterized by the increasing detachment of rural livelihoods from farming and from access to agricultural land, while most rural Africans still depend on agricultural land as their main livelihood asset. This dependence, combined with growing demographic pressures, has led to increasing competition for land (Ansoms & Claessens 2011: 3; see also Ansoms & Marysse 2011: xvii-xviii). According to Ansoms & Claessens (2011: 3):

The combination of these evolutions accumulates in a fierce clash in the land arena, where power relations clearly play to the advantages of large-scale, more powerful, and better connected actors.

This chapter describes and critically analyses the 2005 and 2013 Land Laws and the 2004 land policy that involved land registration, crop specialization and land-use consolidation. It will be argued that this new law was not in the interests of most rural peasants but that it probably favoured larger-scale farmers and (foreign) investors. As a consequence, small-scale peasants are likely to face additional constraints in gaining access to farmland in the future. The chapter is divided into four parts. The following section describes the drafting process and some documents that informed the 2005 Organic Land Law, the second section discusses the content of the new Land Law and policy, while the third section explains how the Land Law works both in theory and in practice. This is followed by a conclusion.

Drafts and Consultations

The government started to draft the 2005 Organic Land Law in 1997 and a first draft was ready by early 1999. It mainly dealt with the issue of land-tenure insecurity and argued that if farmers produced and invested more, they would feel a greater degree of security in their property. Land-tenure security had been the

² He declared this in a speech at a conference on land policy and land reform in Sub-Saharan Africa.

main concern in 1998 during preliminary meetings that were organized across the country in efforts to consult local administrators, members of local organizations and civil-society and farmers' representatives and at the National Consultation Workshop in November 2000 that discussed the first land policy draft (Musahara & Huggins 2005: 287).³ The workshop was organized in cooperation with the newly established LandNet Rwanda Chapter, a multi-stakeholder network of members of local and international NGOs, individual experts and government representatives. It was mainly attended by national and local government representatives, academics and NGO, church and media representatives who discussed Rwanda's high population density and the resulting pressure on land, the excessive subdivision of family plots, soil loss and degradation, the scarcity of land and the large number of landless. It recommended that land-tenure security would increase by legalizing the use, development and right to ownership of land and by equitably distributing land. Moreover, the government was advised to develop a legal body of management, allocation and land use by drafting a Land Law, implementing a land-use and allocation master plan, developing local land-management plans and arranging for land to be granted to the landless (Palmer 2000: 2, 7).

The 2000 National Consultation Workshop led to additional consultations at grassroots level but these meetings tended to involve district authorities rather than the local population (Musahara & Huggins 2005: 287). In February 2004, the government adopted the land policy and, some months later, discussed a May 2004 version of the Land Law with relevant civil-society organizations, including LandNet Rwanda Chapter.⁴

Oxfam GB's Land Policy Advisor Palmer, who participated in the 2000 National Consultation Workshop, claimed that the land policy draft was written by top-down planners who were probably not aware of the limitations of land-use planning because most government officials were 'outsiders' based in Kigali 'who do not know Rwandan rural realities well, and who have to operate within a typical government culture in which central planning is king' (Palmer 2000: 8).⁵ To support this view, Palmer (2000: 5) mentions that the Secretary-General at the Ministry of Lands, Environment, Forestry, Water and Natural Resources asked at the workshop whether it was necessary for every Rwandan to own land, clearly underestimating peasants' dependence on agriculture. In addition, Palmer observed that during discussions on land use and productivity, there was the ten-

³ LandNet Rwanda Chapter is part of LandNet, an Africa-wide network of policy makers, academics and civil society that works on land-related issues, especially land policy (Wyss 2006: 21; Bruce 2013: 135).

⁴ For a more detailed account of the involvement in the drafting process of LandNet and other civil-society organizations, see Musahara & Huggins (2005: 288-289) and Wyss (2006: 20-25).

⁵ This is in line with the above-mentioned comments by Des Forges and Newbury.

dency to blame the poor. Huggins (2010: 46), who mentioned that some NGOs even directly participated in parliamentary debates, stresses the fact that:

Much of the debate was kept within certain boundaries. Those who were particularly critical in the parliamentary debates were targeted by government-controlled media, and were publicly branded by politicians as 'troublemakers', a loaded term in the sensitive context of the country.

In the 2004 parliamentary report on genocide ideology to which Huggins refers, NGOs advocating on land issues and especially on the legal basis of land sharing were regarded as spreading 'confusion' and 'conflicts' among the rural population because the government considered discussing certain legal and policy issues with an inevitable ethnic dimension as ethnic 'divisionism' (*Ibid.*). And Wyss (2006: 25) stated that:

... in the end the new land policy and law remained an achievement of the Rwandan government, not of the Rwandan population, whose needs are much too often said to have been neglected to a large extent.

In line with Wyss' claim, Des Forges (2006: 354) found that:

... they [authorities] finally produced a policy and law that showed the same basic ideas that they had held from the beginning' because the RPF had always been critical of Rwandan agriculture and believed that radical reforms were necessary.

With the implementation of its villagization and land-sharing policy, the government had already shown that it was willing and able to carry out similar reforms and drastically restructure Rwandan rural life (*Ibid.*).

From the above, it can be concluded that the consultative process was not truly participatory because it tended to involve authorities rather than peasants and, as Wyss (2006: 20-21) suggests, the meetings were merely meant to legitimize government decisions. It also made it difficult for Rwandan NGOs that were involved in advocacy on land issues. The draft process showed that policy makers were particularly concerned with land-tenure security and wanted to grant full rights to landowners. However, it is questionable whether land-tenure security will be enhanced through official registration and titling as research that was carried out on land registration programmes across Africa in the 1970s and 1980s shows that these programmes did not lead to improved tenure security or to an increase in agricultural investment and productivity (Peters 2004: 274). The top-down approach of most policy makers, who were more often than not outsiders and had a tendency to blame the poor for their own predicament, has fuelled questions about whether the right choices were made.

Outsiders' Views of Rwanda's Land Reform

The new Land Law and land policy were significantly influenced by documents that were often prepared by external consultants working for various donors (Van Hoyweghen 1999: 366). One of the first studies that affected Rwanda's thinking on the role of agriculture was a report written in 1995 by Michigan State University on food security and sustainable agricultural productivity. Based on data collected between 1984 and 1994, it talked about 'unsustainable land use practices ..., insufficient nonfarm employment, and rapid population growth' and recommended promoting income-raising activities, especially through cash cropping and off-farm employment and a more secure land-tenure system to enhance productivity (Clay *et al.* 1995: v). In line with this report, UNDP/FAO, the World Bank and the Rwandan government undertook similar studies in 1997 and 1998 that all concluded that Rwanda should increase its agricultural productivity by changing land use and adopting a market-oriented approach.⁶ Pottier (2002: 196) concluded from these studies that land-use change in reality meant investing in large landowners at the expense of poor, mainly subsistence, farmers. For instance, the UNDP/FAO recommended that family plots become legally indivisible to avoid further fragmentation, a measure that would seem to protect small-scale farmers,⁷ but it also suggested that Rwanda's better-off farmers be supported and that this support go hand in hand with land consolidation. Musahara & Huggins (2005: 286) argued that, although the UNDP/FAO study stressed the importance of the communal aspects of land, it situated its analysis 'within a narrative based on commercialization of agriculture; and it is this narrative, rather than one focussed on subsistence agriculture, which has taken precedence since'. This narrative can also be found in Rwandan studies.⁸ According to Van Hoyweghen (1999: 367):

... while it is true that in 1990 the smallest farms delivered 50% of the produce for the market and that therefore smaller plots were more productive, this system has reached its limits. It is no longer ecologically or economically sustainable, since increasingly smaller plots fail to sustain the households who own them, forcing them into an ever downward spiral of poverty.

⁶ The titles of these studies were 'Réforme foncière au Rwanda: propositions de fonds en vue de l'élaboration d'une législation foncière cadre. Formulation de la stratégie de développement agricole Mission d'appui (PNUD/FAO)', 'La Pauvreté au Rwanda: Situation Actualisée' (World Bank), a report on a conference on land reform held in 1997 and the 'Plan Global d'Actions pour la Sécurité Alimentaire' by the Rwandan government.

⁷ This recommendation was not, however, supported by the World Bank, which was in favour of continuing customary inheritance practices but with the registration of title deeds (Pottier 2002: 197).

⁸ These studies were the report on a 1997 conference on land reform and the *Plan Global d'Actions pour la Sécurité Alimentaire* (Global Plan of Actions for Alimentary Security) (Van Hoyweghen 1999: 367).

The reason given was that poor peasants are unable to invest and are, for instance, forced to eat their seeds after a failed crop, while richer farmers' plots have greater potential for intensification. Another important element that should not be overlooked is the political aspect of these studies as they did not discuss the social and political factors that hinder agricultural development. For example, in about 1998, farmers disinvested in coffee, which is a cash crop, and this was not only a sign that farmers preferred to safeguard food security in times of uncertainty but that they also did not believe that the government would protect their interests. It then becomes questionable as to whether farmers can be motivated to participate in land reform (*Ibid.*).

While Van Hoyweghen indicates that the studies done by the Rwandan government were too apolitical, Pottier (2002: 199) considered the UNDP/FAO study to be a highly political document because of its historical references to land tenure. According to him, the author of this study, consultant Barrière, unjustly depicts a harmonious pre-colonial agricultural system in which all the land belonged to the Tutsi king. However he omits an essential feature of this system, namely the much-hated *uburetwa* labour duties discussed in Chapter 3 that considered the highly contested and politically sensitive issue of pre-colonial land tenure during the reign of Tutsi King Rwabugiri. While the current regime insists that pre-colonial history was a period of harmony and peace, many Hutu contest this view by pointing out the *uburetwa* labour duties they fell victim to in the Tutsi kingdom in this period.⁹ Pottier argues that it appears that the UNDP/FAO has unwittingly been a tool in establishing the RPF version of pre-colonial land-tenure history.¹⁰

The observations by Van Hoyweghen and Pottier concerning the political aspects of various studies rightly draw attention to the political dimensions and consequences of land reform in Rwanda. Based on observations made by Pottier, Musahara & Huggins and Van Hoyweghen, it can be concluded that early studies on the need for land reform in Rwanda were clearly oriented towards commercialization and support for the richer and more professional large-scale farmers.

Other Relevant Documents on Land Reform

Other policy documents were also written during the drafting of the 2005 Organic Land Law and 2004 land policy that deal with land use and land tenure. With

⁹ An indication of how unpopular *uburetwa* was can be seen in the fact that, in the run-up to the genocide, the authorities referred to these much-resented labour duties and threatened that the Tutsi-led RPF would reinstall a Tutsi kingdom in an attempt to frighten the Hutu population into participating in the killings.

¹⁰ See also the introduction for more comments by Pottier on efforts by the RPF-dominated government to rewrite history.

regard to the future of agriculture, the Vision 2020 document of July 2000 expressed the aim of raising incomes both within and outside the agricultural sector through commercialization (Musahara & Huggins 2005: 288). An important goal that was formulated in this document is that, by the year 2020, the farming population will have been reduced from 85% to 50%. According to Ansoms (2009a: 83), the reasoning behind this is that, with Rwanda's population growing by 3% annually and a fixed land area, many people will have to find alternative livelihoods. Another relevant document was the Poverty Reduction Strategy Paper (PRSP) that the government released in 2002 and that connects poverty reduction to land-tenure security and land-conflict resolution. Under the heading 'Agricultural Transformation, and Rural Development', the PRSP stated that:

Land is the most important productive asset owned by most Rwandese households. It has also historically been a source of dispute and conflict. Rwanda has a legacy of disputed land rights, arising partly from the lack of legal status for land title and partly from the return of people whose land has been occupied by others. Hence the provision of security and the resolution of land disputes are important objectives of the Government. (Government of Rwanda 2002: 41)

It claimed that the main aims of the future land policy and Land Law should be that households consolidate plots so that each holding is at least 1 ha (up to a maximum of 50 ha), all land is registered to improve tenure security (with a tradable title) and the community is involved in the process of allocating titles.

Another document dealing with land tenure and food security was the 2004 National Agricultural Policy (NAP) whose main objectives were to enhance food security and increase farmers' incomes in a market-oriented economy (Ansons 2008: 11). The 2004 Strategic Plan for Agricultural Transformation (SPAT) was set up to operationalize the NAP's aims and transform the agricultural sector from subsistence production into a professional, commercial and competitive economic activity. Ansoms argues that this document showed ambivalent views about the capacities of small-scale peasants to transform their production methods as it recognized the constraints that peasants face, such as a lack of credit and the inability to insure themselves against shocks and setbacks. It was also claimed that peasants are unable to adopt recommended productivity-enhancing methods that go beyond traditional subsistence farming because they are too ignorant and resistant to change. Ansoms (2008: 11-13) argues that ultimately, the SPAT strategy seemed to favour competitive and commercial farmers since it was more relevant to larger farmers who are willing and able to invest in new production systems than to risk-averse small-scale peasants.

The studies described in the previous section that preceded the 2005 Organic Land Law and land policy argued in favour of commercialization and recommended land consolidation and land-tenure security. These proposals can be

found in the documents described in this section. In line with the observations in the previous section, the government again showed a tendency to blame peasants for being poor as it claims that they lack education and insight and are too resistant to changing their methods. In interviews held in 2007 with 26 high- and lower-ranking officials involved in poverty reduction and agricultural and land policies, Ansoms discovered that the poverty problem is often interpreted as an awareness and mentality problem as well as being due to a lack of vision amongst the Rwandan peasantry. This could be solved if peasants adopted a 'good mentality' and decided to familiarize themselves with modern techniques (Ansons 2009b: 297-298, 302).¹¹ Again it can be concluded that the Rwandan government's policy documents favour commercial, large-scale farmers at the expense of the many subsistence peasants who are currently working small plots. This will become apparent in the next section when the Land Law and land policy are discussed.

The Land Law and Land Policy

The land policy was adopted in February 2004. The introduction reads as follows:

Apart from a few scattered land regulations, most of which date back to the colonial period, Rwanda has never had a proper land policy nor has it ever had a land law, a situation that enhances the existing duality between the very restrictive written law and the widely practiced customary law, giving rise to insecurity, instability and precariousness of land tenure. The Rwandan government, therefore, found it compelling and necessary to establish a national land policy that would guarantee a safe and stable form of land tenure, and bring about a rational and planned use of land while ensuring sound land management and an efficient land administration. (Government of Rwanda 2004: 5)

Hereafter the document argues that:

On the whole, Rwanda's land tenure system requires comprehensive reforms, from the elaboration of a national land policy to the establishment of a land law and land code, which will guide the judicious use and management of the land resource for the economy to be able to take off in such a way that our country is freed from the grips of poverty. (*Ibid.*: 9)

The government claimed that improving the agricultural sector and increasing land-tenure security would help to consolidate peace and social cohesion (Musahara & Huggins 2005: 307). Focusing on rural land-use management, the land policy document also discusses land administration, land tenure, land registry, land transactions and the use and management of rural land. Farmland own-

¹¹ A tendency to blame peasants for their poverty was clearly expressed by one high-ranking Rwandan government official that Ansoms (2009b: 297-298) interviewed who argued that 'One should not wait until one comes to help you as if you are a little baby. The head of state is angry with this spirit. Instead of depending upon others, one has to do things on one's own ... We really have to convince everyone to be with this national slogan that everyone has to go forward in life'.

ers should have full rights of ownership through title deeds with a lease of up to 99 years and the system of land administration would be based on a reformed cadastre system that would facilitate taxation (Government of Rwanda 2004: 25-30). Land property may be sold, mortgaged, given or bequeathed (*Ibid.*: 34) and owners have to develop their land and take measures to improve soil and water conservation. Agriculture should be based on specialization (*Ibid.*: 43). The policy argues that the fact that land will be clearly registered 'gives comprehensive land tenure security and minimizes cases of disputes and lawsuits' (*Ibid.*: 47). On the other hand, the document states that 'priority will be given to tenants with a proven intention to develop and make rational use of the land. This is in order to promote professional agriculture' (*Ibid.*: 30). This raises the question as to whether some farmers will be denied the right to register their land and what consequences this will have for tenure security and land disputes. Another confusing issue is the redistribution of plots. The policy describes how people who have been dispossessed of their land (the document claims that these are mostly 1959 Tutsi refugees) should receive land, if necessary through land sharing (*Ibid.*: 27). Concerning land redistribution, it states that 'should the redistribution of land become necessary as a result of the government's decision that a certain area must be divided out into plots for the benefit of a large number of landless people, the original residents will be compensated either financially or in kind' (*Ibid.*: 42). Apart from its slightly vague phrasing, this statement raises questions about the tenure security of farmers and the effects on land disputes as well as the enforcement of compensation.

The underlying reasoning for these policy statements is that 'it will not always be possible for every Rwandan to possess a plot of land of his own. Agro pastoral land will only be allocated to those who are professional farmers or pastoralists. This is to avoid wastage by under-utilization' (Government of Rwanda 2004: 29). Like the previous land policy statement concerning the promotion of professional agriculture, this one also reveals the government's wish to place agricultural land in the hands of professional farmers, again raising questions about land-tenure security for small-scale peasants (*Ibid.*: 42).

According to Des Forges (2006: 360), the reason for the government's unwillingness to take into account the position and opinion of small-scale peasants is because:

... from the early days of its rule, the RPF recognized the potential of agriculture as a force for economic development. But if they foresaw its bright future, they also saw its dismal present with too many Rwandans painfully eking out a living from holdings that were too small. They attributed low productivity in the agricultural sector to the size of holdings, the way the fields of a cultivator might be scattered in several locations and the dispersed settlement pattern where farmers lived in or near their fields. In statements on land policy and in the land law, they qualified land tenure and farming as archaic, anarchic, lacking in specialisation and badly managed.

As previously argued, this position led to a belief that agriculture should be carried out by modern, professional farmers working on consolidated plots where they would produce cash crops or raise cattle. This would mean that many farmers would be displaced but they would work for these professional farmers or try their luck in the developing urban centres (*Ibid.*). Ansoms also concluded that peasant agriculture was expected to play a minor role in the desired economic structure. Many of the policymakers Ansoms (2009a: 80-82) interviewed supported the idea of a quick modernization and professionalization of the agricultural sector that would focus on maximizing productivity and output and enlarging farm units. When the Land Law and land policy is discussed in more detail, it will become clear how problematic this vision of agriculture turned out to be.

The 2005 Organic Land Law, which determined the use and management of land in Rwanda, was finally adopted in 2005 but was mainly a ‘framework law’ with an outline of legal principles but no implementation mechanisms. It also contained some 28 pieces of secondary legislation, ministerial orders and other subsidiary regulations (Huggins 2011: 256, 261, Note 5). The long process of drafting and negotiations and the numerous internal debates show both the importance and the sensitivity attached to the reforms (Ansons 2008: 14; Pottier 2006: 510; Wyss 2006: 6). Musahara & Huggins (2005: 270, 288) considered the land policy reform as probably the most sensitive item on the government’s agenda because issues like plot consolidation and dispute resolution regarding land sharing were controversial and among the key issues of debate in government.

The government withdrew the 2005 Organic Land Law in June 2013 and introduced the Law Governing Land in Rwanda in order to:

... transform the Organic land Law into ordinary law in order to comply with the provisions of the constitution of the Republic of Rwanda. In addition, various weaknesses in the Organic land Law which made its application difficult, have been addressed [...] The new Land law is found as a long term solution as it takes into consideration all aspects of the Land policy which has been adopted by the government of Rwanda in 2004. (Ministry of Natural Resources)¹²

One of the most important changes made in the 2013 Land Law concerns the possible confiscation of land if it is not considered to be used in a productive manner (IZUBA Newspaper).¹³ Huggins (2014) refers to this when he claims that the 2013 Land Law is more explicit about peasants’ responsibilities regarding compliance with land-use regularization and mentions four articles that underline

¹² http://minirena.gov.rw/index.php?id=61&tx_ttnews%5Btt_news%5D=180&cHash=352b7e3af44ca00eae78fe3b96d40794 Accessed 22 September 2014.

¹³ This newspaper article was translated from Kinyarwanda by the LAND Project: <http://www.rwandaland.org/images/pdf/The%20land%20which%20will%20not%20be%20exploited%20by%20land%20owners%20will%20be%20confiscated.pdf>.

his conclusion.¹⁴ In Article 2 of the Land Law, which defines the terms used, Clause 13 explains *land assignment* as being ‘a temporary transfer by the State of the right to use land to a third party when the lessee or owner has failed to fulfil land use directives and obligations’. Possible forceful confiscation of degraded or unexploited land was also mentioned in the 2005 Organic Land Law that stated that the owner was to be given six months’ notice of any planned confiscation. However, in Article 77 of the 2013 Land Law, this term is reduced to only 15 days, while Article 37 stresses that the state can specify extra obligations that have to be fulfilled to conserve and exploit the land as intended and Article 27 explicitly states that ‘all land leases and land transactions shall respect the land use plans of the area where the land is located’ (Huggins 2014b: 108; Government of Rwanda 2013).

Both the 2005 and 2013 Land Laws make registration compulsory (Articles 5 and 20 respectively) and each person or association is allowed to have land on a long-term lease in exchange for a lease fee (Article 43 of the 2013 Land Law). To implement land registration, the government set up the National Land Tenure Regularisation Programme (NLTRP) that started as a pilot in 2008 and was launched nationwide in 2009 (Huggins 2014a: 2; Rwanda Initiative for Sustainable Development 2012: 3). The idea was that issuing secure official land certificates would encourage peasants to invest more in land conservation and quality improvements (Ansoms 2008: 14).

Article 30 of the 2013 Land Law states that it is forbidden to make plots of 1 ha or less. In addition, it states that ‘for purposes of optimization of productivity, an Order of the Minister in charge of Agriculture and Animal Resources shall set up procedures and modalities of land-use consolidation for agricultural and livestock purposes’ (Government of Rwanda 2013). Comparing this article with the land-use consolidation article in the previous 2005 Organic Land Law that mentions that it is up to local authorities (with the respective peasants) to decide on consolidating small plots and that after consolidation each farmer will remain entitled to the rights over his/her parcel shows the government’s determination to submit peasants to land-use regularization.

When the 2005 Land Law and 2004 land policy were published, the main critique regarding Article 30 could be divided into two themes: the problem that people might lose land if they did not own the required 1 ha that was deemed viable, and the consolidation of several small plots with different owners to encourage greater production. Regarding loss of land, which is connected to increasing land scarcity, the land policy suggests that ‘not everyone will be able to

¹⁴ Huggins gives different articles and clause numbers because he worked with the draft version of the 2013 Land Law.

get back his farms, given the existing pattern of scattered settlement. However, those who miss out will be compensated' (Government of Rwanda 2004: 41). What is problematic in this respect, as Musahara & Huggins pointed out, is that an estimated 73% to 77% of Rwandan households already own less than 1 ha of (often dispersed) plots. This would mean that between 25% and 33% of the entire population would have to give up land (Musahara & Huggins 2005: 314; see also Pottier 2006: 525-526). It is doubtful whether the compensation mentioned in the policy would be appropriate and, even if this was the case, it was not clear what alternatives the newly landless would have (Musahara & Huggins 2005: 313; Pottier 2006: 524).

Van Hoyweghen (1999: 369) argued that land reform can only work if other economic sectors can absorb people. However, many peasants will find changing to a small business (too) risky and it is unlikely that poor landless or resource-poor farmers will voluntarily consider leaving agriculture (Pottier 2006: 525; Musahara & Huggins 2005: 314). Furthermore, if land expropriation affects a number of households in the same region and at the same time, the labour market could be flooded with people trying to start up a small business. This might lead to a lot of people trying their luck in urban areas, which could create an urban underclass as neither the policy nor the law itself provides clarification on how the poor will be trained, housed or employed in the urban areas (Musahara & Huggins 2005: 313-314; Des Forges 2006: 370). Wyss (2006: 28) supported these concerns and said that various civil-society representatives were afraid that the policy would lead to large-scale landownership and the 'purest capitalism'.

Musahara & Huggins (2005: 313) questioned whether land-use consolidation as a means of commercialization and intensification would significantly improve productivity. Although they claimed that consolidation could lead, for instance, to economies of scale, mechanization and better-positioned associations, experts have argued that this will not result in a significant increase in production. Both Musahara & Huggins and Pottier cited World Bank consultant Blarel, who claimed, in the late 1980s, that consolidation in Rwanda was unlikely to boost productivity significantly. The benefits of fragmentation, like crop diversification, better risk and labour management and the ability to buy and sell plots according to peasants' financial situation, may outweigh any negative aspects (Blarel *et al.* 1992, as cited in Musahara & Huggins 2005: 313; Pottier 2006: 523). In addition, if farmers have to turn from more drought-resistant crops to cash crops, they will lose control of their land-based livelihood strategies and this could negatively affect their food security. Musahara & Huggins (2005: 315-316) anticipated that it would only be farmers who were land-rich and had better access to markets who would benefit from the sector's commercialization. This argument is fully supported by Ansoms (2009a: 288), who felt that the current

land reform was not pro-poor and would only ‘stimulate a path of rural change that enhances the increasing polarisation between rural classes and their livelihood profiles’. Connected to this, Pottier (2006: 523) highlighted the lack of clarity about how the government would implement consolidation and expressed concerns about the level of coercion that resource-poor peasants might expect. Suggesting that consolidation be compulsory, like other policies, because people will not adopt it of their free will, Musahara & Huggins (2005: 316) argued that:

... even if the decisions made are technically appropriate, the very act of compulsory consolidation may be a source of discontent, partly because of the traditional ‘attachment to the land’ felt by Rwandan peasants, and because it will go against much of the democratic, participatory language of the government.

Apart from questions about making consolidation compulsory, Des Forges indicated that it was unclear how consolidation should be interpreted. Would it be an operational process in which cooperating farmers retained rights over their own plots, or a process that would also entail redistribution of land in which people who lost land would receive some kind of compensation? According to Des Forges (2006: 367), the land policy and the Land Law contradict each other on this issue.

Both the Land Law and land policy stress that Rwanda’s agriculture needs more specialization and intensification to increase food production. As part of wider agricultural reform, the Crop Intensification Programme (CIP) was set up to realize these aims (Huggins 2014b: 95).¹⁵ To increase production, peasants should turn to monocropping, i.e. the cultivation of one crop per plot. With crop specialization, each region would need to specialize in certain crops chosen according to agricultural, biological and climatic conditions and market needs. Local authorities would decide which crops should be grown and instruct peasants on how to cultivate them (Ansoms 2011: 131). However, it is questionable whether small-scale, risk-averse peasants would be willing and able to cultivate the specified crops, as most Rwandan peasants are used to cultivating a variety of crops, including food crops, to improve soil fertility and reduce the risk of total crop failure or the collapse of cash-crop prices (Musahara & Huggins 2005: 327-328; Ansoms 2008: 17). Another important issue was whether these peasants would have strong enough positions of power to defend their own interests in regional markets (Ansoms 2008: 17). Musahara & Huggins (2005: 328) argued that ‘the rational nature of these diversified cropping patterns should not be ignored by policy makers’.

¹⁵ Parts of this programme are discussed in this chapter. Huggins (2014b: 95-100) describes the main elements of the CIP: land-use consolidation, the delivery of government-approved seeds and subsidized fertilizers, agricultural extension focusing on CIP-approved crops and fertilizers, a ban on multi-cropping, post-harvest storage and transport; and the sale of crops through cooperatives.

It has been suggested that the Land Law and the land policy were both heavily influenced by the neo-liberal vision of the World Bank (Ansoms & Claessens 2011: 15; Huggins 2011: 256) and its rural development policies that advocate better-working markets in which more commercially oriented, entrepreneurial farmers tend to operate (Akram-Lodhi 2008: 1155). According to its World Development Report 2008, the World Bank has not encouraged small-scale farmers to farm their way out of poverty (Akram-Lodhi 2008: 1159). On the contrary, the World Bank claims that:

... behind every farmer [there is] either a budding entrepreneur waiting to be unleashed by the power of the market or a worker who would be better off working for the entrepreneur than working his or her own piece of land. (Akram-Lodhi 2008: 1157)

Akram-Lodhi (*Ibid.*) resents this vision and believes that:

... commercially-oriented smallholder farming will create problems for smallholder farming as growth processes become engendered, in that those commercially-oriented smallholder farm entrepreneurs that are successful in their decision making will require enhanced access to resources in order to continue to grow. These resources are likely to come from the comparatively less successful and more market vulnerable smallholder farmers that are unable to make the leap into commercially-oriented farming and whose farming activity is, in global terms, not viable in the long term when set beside commercially-oriented entrepreneurial smallholder farming.

As Chapter 4 showed, plot sizes have been diminishing since the end of the 1990s while land scarcity and tenure insecurity have increased for the majority of Rwanda's subsistence farmers. As there are currently few options outside the agricultural sector, the World Bank's strategy has become highly problematic.

This section has summarized the content of the new Land Law and policies that aim to professionalize the agricultural sector through economies of scale. As the government was not willing to take the position and opinions of Rwandan peasants into account, the policies contained the same basic ideas that the government had held from the start. The World Bank's neo-liberal vision has been seen to have significantly influenced these new policies. As a consequence, it can be concluded that many of the measures appear to favour better-off farmers who can be more commercial and competitive than their small-scale, poorer counterparts. The land-consolidation and crop-specialization policies and the one-hectare rule point to this in particular. In a country like Rwanda where there are few economic opportunities and limited off-farm employment, such measures are likely to impact negatively on small-scale peasants, who form the majority of the rural population, as will be shown in the next section.

The Land Law and Land Policy in Detail

This section focuses on three of the main policies in the 2013 Land Law and the 2004 land policy: land registration, crop specialization and land consolidation. It will consider their impact on tenure and food security and examine how they are working in practice. Scholarly comments are linked to various observations noted during fieldwork in Mubinda in 2010 when these policies were being implemented.

Some General Remarks on Land-Tenure Security

Before land registration started in Rwanda, some general issues concerning land registration were debated by Rwandan scholars. One of the main issues concerned land ownership. Rwandan farmers, in official debates with the government on land issues, expressed the view that they owned their land (Des Forges 2006: 365). One of my informants, who investigated the opinion of farmers involved in a land-registration pilot, also found that they did not regard land held on a 99-year lease as ‘real property’. Instead, they wanted land rights to be absolute because they felt that the land belonged to them. Huggins (2014a: 2) understood from peasants he interviewed in 2010, 2011 and 2013 that they were ‘unpleasantly surprised’ by the lease certificate and feared that their land rights would not be secure. This view seems to be supported in the land policy, which states that ‘Rwandans consider that once a right has been acquired or recognized, even customarily, it is indefeasible’ (Government of Rwanda 2004: 26) and that ‘the Rwandan peasant, just as the city dweller, considers himself as the owner of his plot of land, while the government considers itself as the prominent owner of the land’ (*Ibid.*: 51). However, Des Forges (2006: 365-366) pointed out that both the (2005) Land Law and policy contradict this. For instance, the documents treat ‘ownership’ ambiguously when, seemingly referring to the same category of people, they talk about landholders and landowners and the right to use as well as the right to own the land. In addition, the law specifies that owning land means the right to a long-term lease that allows one to use the land rather than full rights of ownership as the term is usually understood. With this notion of a 99-year lease, which was only added in the final version of the 2004 policy, it appears that the government wants to stress that land holders are only assured of the right to use land and not of its actual ownership, ignoring the views of Rwandan farmers (*Ibid.*: 366).

Tenure security may have a different meaning for Rwandan farmers with regard to the issue of tenure security, which the government wanted to guarantee through registration (Musahara & Huggins 2005: 319; Wyss 2006: 29). According to Musahara & Huggins (2005: 319), ‘experience demonstrates that what

most farmers want is security from land disputes – which typically involve members of the family, neighbouring households, or agents of the state’. This view was shared by Van Hoyweghen (1999: 368), who argued that it is tension and conflicts over land that had to be reduced to increase tenure security. Musahara & Huggins (2005: 319-320) highlighted land sharing in Eastern Province to show that tensions over land, which were created because of the *ad hoc* nature of land sharing, had made people want some degree of guarantee regarding their right to land.¹⁶ Des Forges (2006: 364) referred to land sharing and the villagization policy when arguing that it was ultimately these state-implemented policies that had created much of the tenure insecurity in the past and would probably continue to do so in the future as the Land Law and land policy indicated that both policies would continue. Ansoms (2011: 134-136) found in her 2007 research that respondents distrusted the bureaucracy surrounding land registration and expressed their reluctance to pay for it. Poorer peasants did not see the value of registration and feared state interference in production, while land-rich peasants were reluctant to reveal the actual size of their parcels to ‘the research team, to one another, and most certainly to the authorities’. In line with these concerns, Huggins (2011: 257) stated another worry, namely that if the land registration process was implemented too rapidly and without adequate (external) monitoring, local administrators might engage in land grabbing.¹⁷

Worries were expressed that popular perceptions about what the land-registration process entailed would lead to fears that registration would not be possible for those with land parcels smaller than 1 ha (i.e. the majority of the peasant population)¹⁸ or for peasants who were unable to pay registration costs. Instead, wealthier and more powerful farmers would be able to claim rights at the expense of poorer farmers (Musahara & Huggins 2005: 320; Pottier 2006: 521-523; Wyss 2006: 29).¹⁹ Des Forges pointed to this fear and reluctance and argued that the policy implied that authorities would give priority in the registration procedure to people with a proven intention of developing their land. Like Wyss, Pottier and Musahara & Huggins, she feared that, as the policy indicates that not everyone will have a plot of land, people who lack the resources need to increase

¹⁶ Huggins (2011: 258) pointed out that the land law retroactively legalizes land sharing but questions the validity of the law article.

¹⁷ This remark was made in the context of a critical article on the unaccountability and non-transparency of a Presidential Commission that was set up in 2007 to redistribute large tracts of land to landless families. These had been illegally acquired by military officers, politicians, former local administrators and other politically well-connected individuals (Huggins 2011).

¹⁸ Musahara & Huggins (2005: 314) pointed this out with regard to Article 30 of the Land Law on land consolidation and the prohibition of parcelling plots of (less than) 1 ha, arguing that about 75% of all households already owned less than this.

¹⁹ Connected to this concern is the fact that the formal nature of the registration process gives an advantage to better-off farmers who have easier access to information and are more familiar with formal processes (Ansons 2008: 14-15).

their amount of land or who refuse to consolidate their plots ‘seem likely to be the losers and may be driven to sell their land to the more fortunate’ (Des Forges 2006: 366-367). Another problem that Ansoms (2011: 135) touched on was the fact that many peasants revealed that they did not wish to consolidate inherited land (if this measured less than 1 ha) with any family members as they feared that the most powerful member of the family would take the largest part of the harvest. It was suggested that these kinds of problems could escalate and turn violent.

Another potential problem was that the ban on dividing plots of less than 1 ha would mean that, in times of distress, peasants could only sell a plot of 1 ha. This would leave them empty-handed and they would be unlikely to be able to buy back this or another plot at a later date as any other land available for purchase would also be a minimum of 1 ha (Ansons 2008: 16). The measure to consolidate small plots into larger plots therefore suggests that land will ultimately be in the hands of fewer and more efficient farmers. This vision was supported by Des Forges (2006: 368) who, in line with her above-mentioned concern about the more fortunate, stated that:

... it is clear that those with resources will meet the criteria for success under the new land system: they will be able to purchase large blocks of land, particularly as the poor are driven to sell their plots; they will have the capital to invest in the equipment, better seeds, and other expensive inputs to make their land productive.

The fact that a ceiling of 50 ha was mentioned in a draft version but did not appear in the final Land Law is another indication that the government wants to create economies of scale. It reasons that larger plots are more suitable for modern techniques and can be managed more productively (Ansons 2008: 14-15). As was the case with the afore-mentioned critique of Article 30 on the prohibition of parcelling plots smaller than 1 ha, this again raises the question about what would happen if many small-scale peasants had to abandon subsistence farming. As Ansoms (2009a: 83-87, 97) pointed out, the government is clear about its goal of reducing the number of people living off agriculture but is not at all clear about the alternatives that await them once they leave the sector.²⁰

At present, there are few signs that off-farm employment and economic opportunities will be readily available at such a scale, nor does past experience suggest that any economic growth effects would trickle down quickly enough to assist the remaining population. (*Ibid.*: 87)

A first observation regarding these critical remarks about plot size, registration costs, compensation and job alternatives in Mubinda, where many respondents owned less than 1 ha, is that I did not come across any land-poor respondents who had been unable to register. It appeared that all plots, regardless of their size,

²⁰ As mentioned earlier, the government wants to reduce the peasant population from 85% to 50% by 2020.

were being registered and I also did not meet any respondents who had not paid for this process. With regard to land-tenure security, some respondents did, however, talk about their suspicions that the state would eventually take their land. Similar concerns were also expressed by respondents in Ansoms' study (*Ibid.*: 201).

The government's track record has not been encouraging concerning the proposed compensation when land is confiscated. Many people in Mubinda had had to move to the village in 1996-1997 as part of the villagization policy and had been allocated tracts of land that had previously been owned and cultivated by other peasants. All the respondents who had lost land this way claimed that they had never received any compensation, either in cash or in land. If some Mubinda respondents' concerns prove to be correct, people who have to give up their land are unlikely to be compensated and will face difficulties providing for their families. Finding new means of making a living will be all the more difficult as non-farm alternatives are almost non-existent. Many respondents do not have enough land to provide for their families at present and have to work on someone else's land to earn additional income. If people in Mubinda lose their land, the pool of agricultural labour could become so large that people would have to compete with each other, which would further aggravate social tensions and lead to increased destitution. In addition, only a small minority of people have alternative work and, even if they do, this does not usually provide enough for them to live off. As there was no electricity in Mubinda at the time and hardly any means of public transport, people are not encouraged to leave agriculture to start a small business. On the contrary, people in Mubinda still rely heavily on agriculture and they will do everything in their power to hold on to their land.

The Registration Process

The land-registration process was as follows: local people who had been appointed and trained for the special Land Committees demarcated the plots using aerial photos with the help of local authorities and peasants. The committees pre-registered the owners of the plot, issued claim receipts and, in cases of conflict, registered the contested plot in a 'dispute register' (cf. Sagashya & English 2010; Santos, Fletschner & Daconto 2014). By August 2013, 10.3 million parcels had been registered and 8.4 million certificates had been issued. This left 1.9 million parcels subject to further investigation (Huggins 2014a: 2).

A family – a husband and wife and their children – had to pay RWF 1000 (about € 1.25) per plot and all their names were put in the register and later on the official land certificate. In cases where there was a second or third wife to whom the man was not officially married, the husband could also register a plot jointly with her. These couples could register as 'partners' with one registered as

the owner of the plot and the other as the primary heir, or with one registering as the owner and their children as the heirs. The option that a couple that was not officially married chose usually depended on their relationship. Couples that trusted each other would, for instance, in the case of two plots, register the woman as the owner and her informal husband as the 'partner' and heir of one plot and the husband as the owner and the wife as the partner of the other, while less trusting couples would register their respective parcels in their own names (Jones-Casey, Dick & Bizoza 2014: 46). Pritchard (2013: 190), who conducted fieldwork in 2009 on the land reforms and held more than hundred interviews with peasants, local land administrators and policymakers across Rwanda, states that most peasants who were willing to register their plots (5 on average) were financially able to do so. The government seemed to cooperate well in this process by keeping the costs of registration low and giving peasants the opportunity to postpone payment (and the collection of their certificates) until they had accumulated the amount required.²¹ However, a 2013 countrywide study by the Rwanda Initiative for Sustainable Development (RISD), a Rwandan NGO, declared that many peasants could not afford the registration fee and often decided to put their plot together with those of other owners and pay the fee collectively. Unfortunately, when plots were registered as one plot under a single name, peasants whose names did not appear on the land certificate as the owner then found themselves dispossessed 'of a vital resource by a document whose power they did not anticipate' (Rwanda Initiative for Sustainable Development 2013: 17). In other cases, the RISD found that individuals managed to appropriate individual ownership over land that had previously been cultivated collectively. Concerning the victims of these appropriations, RISD (2013: 17) stated that: 'Unaware that their land rights could be transferred to one individual by a single document, entire families have lost their access to land through the registration process'. It concluded that there was a 'serious reluctance' to participate in the land-registration process and that only 45% of its respondents had collected their final land certificate (*Ibid.*: 15): 'many rural residents are leaving their titles at the registration office due to prohibitive titling fees, the taxes that come with a title, and an overall lack of incentive to own a title' (*Ibid.*: 10).

During my final fieldwork period in November and December 2010, land registration was being carried out in Mubinda and, as previously mentioned, we observed that all respondents had paid for registration and most people had registered. However, our interviews took place during the registration process itself, so it could well be that the problems the RISD encountered occurred after regis-

²¹ Registration costs were significantly lower than those connected to the informal land market where people have to pay 6% of the total sale price to protect the land they purchase (Pritchard 2013: 190).

tration. A young man, who was a member of the Land Committee in one of Mubinda's neighbourhoods, explained the procedure for registering a land conflict and showed us an empty dispute register. This confirmed the National Land Tenure Regularization Programme's claim that less than 1% of all claims were disputed. However, in April 2012, the pro-government newspaper *New Times* mentioned that land conflicts referred to the National Ombudsman had more than doubled between 2009 and 2011 because of intensified competition over land and due to alleged negligence and corruption by local authorities (Huggins 2014a: 2-3). The RISD study also found that land conflicts continued after registration (Rwanda Initiative for Sustainable Development 2013: 10). In line with these observations and concerns and in contrast to the government's view that registration would reduce land conflicts, I also found that land conflicts in Mubinda had increased as a result of land registration, as will be discussed in the next chapter.

Land-Tenure Security after Registration

Although respondents reported that they had been able to register their plots, we noticed that many people in Mubinda felt uneasy about land registration. Mercia, for instance, believed that land registration would only benefit the state and not the peasants involved because the latter knew their boundaries very well and did not, therefore, need to register their plots. She feared that once they were registered, the state would levy taxes on every parcel. This fear corresponds with the above-mentioned reluctance found in the 2013 RISD study to collect land certificates. Ansoms' respondents were concerned that their registered plots would be subject to taxation and there was a reluctance to inform authorities about their actual sizes (Ansons 2011: 134-135). This was also mentioned in another RISD study carried out between October 2011 and January 2012 on the impact of the land lease fee. In this study, 98% of respondents claimed that they had never been informed about the fee. The majority of the people (about 75% of rural and urban respondents) had only heard about it when they came to collect their certificate(s) or when they were given information by neighbours or relatives who had collected theirs (about 25%). Although some 96% of all rural landowners were exempt from paying a land lease fee because they belonged to 'vulnerable' groups and/or owned less than 2 ha, RISD (2012: 16-22) claimed that, in many areas, these people were forced to pay. The reason for authorities keeping quiet about the lease fee is unknown but:

... it could have been to encourage people to tell the truth about the size and use of their land because if they knew that the lease fee could be proportional to the land's size and location some landowners would be tempted to provide false information. (*Ibid.*: 21)

In addition, Mercia believed that the fact that the state used an expensive aerial method (with a plane taking photos) to facilitate demarcation was a sign that the

government had other goals too. A 2014 USAID study on gender and land and property rights mentions women in Eastern Province who explained that some families did not want to register their land because they feared that once it had been registered, the government would confiscate it (Jones-Casey, Dick & Bizoza 2014: 48). And Pritchard (2013: 190) found that 68% of his peasant respondents feared that the government would take their land as well. One of his respondents from Northern Province explained that they felt that ultimately nothing could protect them:

If someone from the community tries to take away your land, then you can go to the leadership [village level] and they can protect you. If the Government tries to take your land, there is nothing you can do.

In a district adjacent to Ngoma District (of which Mubinda is a part), Huggins (2009b: 301) found examples of where land had already been confiscated. This involved fields that peasants had left fallow to promote soil fertility and that had been temporarily reallocated by local authorities for other peasants to cultivate. These confiscations were arbitrary and illegal as the Land Law states that land has to be unused for three or more years before it can be reallocated for another three years. There were also examples of the use of physical violence, such as that of a military man who beat peasants who left parts of their plots uncultivated.

When I asked respondents during my 2008 fieldwork about the (then 2005) Land Law, a large majority of the people who had heard of the law declared that they believed that land registration would give them more security and would, consequently, enable them to produce more. Pritchard (2013: 193) too found that many peasants who lived in regions where land registration had not yet started were excited about it and about receiving fertilizers and hybrid seeds that would come with crop specialization. However, once people had experienced land registration and crop specialization, they became frustrated with the policies and fearful of the negative impact on their food and tenure security. In areas where registration and land consolidation had taken place, 21% of Pritchard's respondents felt 'severely frustrated' but continued to support the long-term goals of private land ownership and intensification as they were simply waiting to see how these policies would affect them, while 60% showed 'significant fear and frustration' with the reforms' goals and methods. Based on these findings and the fact that land is an essential component of Rwanda's social, political and economic relations, Pritchard concludes that 'as registration and intensification expand throughout Rwanda, increasing feelings of frustration and helplessness within and across regions could significantly undermine the potential success of rural reforms' (*Ibid.*). The next section looks more closely at the land-consolidation and crop-specialization policies.

Land Consolidation and Crop Specialization and the Effect on Tenure and Food Security

Pritchard (2013: 190-192) found that land consolidation and crop specialization and their simultaneous implementation with land registration reduced land-tenure security even further.²² Many peasants feel vulnerable as they have come to realize that formalizing their land rights has gone hand in hand with ‘centralizing all aspects of agricultural decision making away from farmers, turning them into agricultural labourers’ (*Ibid.*: 190) who can no longer invest in environmental protection and production according to their own wishes and plans. One of Pritchard’s respondents summarized this feeling by claiming that ‘the Government gave us titles just to blindfold us’ (*Ibid.*: 191). In line with this increased vulnerability, Huggins also recounts how local authorities forced certain land-management plans on the population in many areas, notably as a result of performance contracts that the government signed with local authorities.²³ Peasants were forced to join cooperatives that lack transparency, are sometimes plagued by corruption and have to implement decisions concerning all aspects of farming. They are often obliged to sell their harvest on severely restricted terms through this cooperative²⁴ or to buy a certain seed or fertilizer from the local authorities that they may not be able to afford and that are supplied on credit but that they have to pay back after harvesting (Huggins 2009b: 299-301).²⁵ Criticizing the aggressive and forceful implementation of these land policies, Pritchard (2013: 191) concluded that:

... in theory, registration is meant to provide farmers with greater security over their property. In practice, mandatory intensification and the ensuing threats of eviction completely restrict household rights over private lands, and in doing so, undermine any sense of security obtained through formalization.

Even before the implementation of land consolidation and crop specialization, Ansoms (2009a: 201-202) found that peasants from Southern Province regarded land consolidation and crop specialization as problematic. Many of those she interviewed considered land consolidation to be impossible because they saw land ownership as an individual right, had their own way of doing things and valued

²² Ansoms (2011: 131) has argued that crop specialization and monocropping are not new and that there were ‘disastrous results’ related to these policies under the pre-genocide Habyarimana regime.

²³ These performance contracts are discussed in Chapter 4. Each district sets out its agricultural targets in a contract and if these are not met, ‘district authorities can expect their careers to be negatively affected’ – a situation which pushes them into using coercion (Huggins 2009b: 299).

²⁴ Peasants in Eastern Province, for instance, said that authorities would search their bags for maize and threatened them with imprisonment or fines if they sold their harvest before a specified date (Huggins 2009b: 301).

²⁵ In turn, Huggins (2014a: 5) found that local authorities are also encouraged to sell fertilizer to peasants because the former are paid for every kg used. A private firm is often that selected to provide agricultural extension services and has an exclusive contract to sell seeds and fertilizers, which encourages its representatives to focus on distribution rather than on farmers’ demands.

this individuality. One respondent went as far as stating that ‘pleading for plot consolidation would be considered as an act of aggression towards others’ (*Ibid.*: 202), while another peasant argued that ‘you cannot touch upon the land of another. If you do that, he will cut you into pieces’ (Ansoms 2011: 135). More practical objections that peasants mentioned included the fact that adjacent plots did not necessarily have the same soil type and/or fertility that was suitable for a certain crop and that peasants might have different capacities and attitudes regarding their physical and moral strength. Another important obstacle that was mentioned concerned the different living conditions of peasants. For example, poorer peasants have smaller plot sizes, are more inclined to harvest prematurely²⁶ and are also more at risk of famine if a crop fails than better-off farmers. This results in different interests and needs, and increasing hesitation among peasants in different categories to work together. Those who were better-off did not seem willing to work with poorer peasants, while the latter feared that cooperation would lead to weaker land rights (Ansoms 2009a: 202). The arguments about soil type and fertility and different living conditions were also used by Ansoms’ respondents when discussing crop specialization, as respondents from different regions had had bad experiences with crop diseases. With their own specific levels of food security, the various categories of peasants (very poor, poor and (somewhat) better-off) prefer to grow different crops and may not, therefore, agree with specialization (*Ibid.*: 197-198). Respondents also argued that specialization ‘would make peasants entirely dependent upon food markets that function poorly’ (*Ibid.*: 198) and where intermediary brokers set the prices (*Ibid.*: 199). In relation to this, respondents, and especially poorer peasants, referred to their limited bargaining power and to price fluctuations for a particular crop²⁷ and also between crops (*Ibid.*: 198-199).²⁸

The obstacles that Ansoms’ respondents envisaged were closely linked to food security, and Pritchard found that it had effectively decreased in regions where land registration and crop specialization had been implemented. To prepare for crop specialization, peasants are forced to clear their plots of all crops, sometimes even in the middle of the growing season, and have to leave their plots fallow until they receive the hybrid seeds they are supposed to plant. Fertilizers, which are essential for monocropping, are often arriving late and some peasants find they have to wait several growing seasons because local authorities fail to

²⁶ One respondent gave an example of better-off farmers who harvested cassava after five years, while poorer peasants were forced to partially harvest some after several months (Ansoms 2011: 135).

²⁷ For example, the price of a crop is much higher at the time when one has to buy seeds than it is at harvest time (Ansoms 2009a: 199).

²⁸ As the price of certain crops, like cassava, is much lower than other crops, like potatoes, some regions could lose out, while others win (Ansoms 2009a: 199).

deliver these vital inputs.²⁹ Another complicating factor is the ban on multi-cropping that can ‘significantly reduce exposure to disease and drought while enabling households to plant different crops for different purposes, and stagger harvest times across a single growing season’ (Pritchard 2013: 192). The large majority of Rwandan peasants prefer this risk-averting practice that can improve soil fertility, reduce the risk of total crop failure and/or the collapse of cash-crop prices (Musahara & Huggins 2005: 327-328). Especially poorer peasants, who often lack manure, believe this strategy helps them to avoid famine and one-sided food patterns, also by combining complementary crops. Ansoms (2011: 132) found that all the peasants participating in her focus-group discussions believed that the potential benefits of monocropping would not outweigh the risks that poorer peasants in particular would have to take.

Huggins discovered peasants who were continuing to grow ‘banned’ crops alongside ‘approved’ crops in 2008 and who were fined by authorities and had their crops uprooted. In addition, he came across examples of problems peasants were encountering concerning food security: sheets were promised by local authorities to dry the maize harvest but these did not arrive and there were unfavourable price regulations and non-functioning markets. He also found that the 2008 maize harvest in Kirehe, the district adjoining Ngoma, was only a quarter of that projected (Huggins 2009b: 301) and that maize production across eastern Rwanda in 2014 was 50% below normal production levels. This was partly caused by the poor quality of seeds and also by delays in their distribution (Huggins 2014a: 5).

In line with these findings, the international press agency Syfia Grands Lacs reported pessimistic stories in 2009 about the results of land consolidation and crop specialization. In its article ‘Rwanda: Malnutrition Eats into the Countryside’ (*Rwanda: La malnutrition ronge les campagnes*), a farmer from the south-east argued that, after a period of serious drought, the new land consolidation and specialization policies had worsened the situation as the failure of the maize harvest had left people empty-handed, whereas if they had grown several crops, it would have been possible to harvest at least something (Twizeyimana 2009a).³⁰ It was also argued in an article in October 2009 that, as a consequence of unfavourable climate conditions in combination with land consolidation, 25% of the Rwandan population was starving. A northern farmer had reported that the sowing seeds provided by the authorities were insufficient in quantity and the quality of the fertilizers was poor, which led to a bad potato harvest. Farmers who did

²⁹ Huggins (2009b: 300) also found an example in Northern Province where peasants were waiting in vain for potato seeds while local authorities insisted that they plant potatoes and threatened them with fines or relocation to other areas if they did not.

³⁰ See <http://www.syfia-grands-lacs.info/index.php?view=articles&action=voir&idArticle=1408>. Accessed 1 August 2014.

not have the required sowing seeds were also not allowed to grow other crops (Twizeyimana 2009b).³¹

Although national radio and newspapers are less likely to publish negative results about consolidation and crop specialization, there were stories on Radio Rwanda on 17 November 2011 about the overproduction of cassava and maize in southern Rwanda. As local farmers could find neither a market for their produce nor storage facilities, they lost most of their harvest.

Land Consolidation Attempts in Mubinda

If we consider some of the initial results of the attempt to consolidate plots in Mubinda in 2010, some preliminary conclusions can be drawn. These are in line with the comments by Ansoms, Pritchard, Huggins and Syfia Grands Lacs that were mentioned in the previous section. Overall, it can be concluded that consolidation was likely to fail in the location we visited. Ironically, I had in fact assumed this even before seeing the consolidated plots myself because the authority responsible tried to discourage us from visiting a particular spot, claiming it was too far and impossible to reach by car. Although we persuaded him to go with us, we did not manage to see him again to confirm the appointment and he then disappeared for almost a month. By chance, however, one of our respondents put us in contact with the consolidation project's supervisor and this enabled us to visit the spot. This supervisor told us that the local authorities and the local agronomist had initially wanted to consolidate 60 ha of land in total but that, in the end, only about 18 ha were consolidated and sown with maize.³² After sowing, there was a period of drought and when the rains eventually came, many maize plants rotted, as we had also noted. The supervisor was convinced that the harvest would fail and he knew that a lot of the farmers involved were very worried about the financial implications because they would be forced to pay back the costs of fertilizers. He also believed that the harvest could have succeeded if a proper irrigation system had been in place. Apart from one part (15 m x 80 m) that was cultivated by a woman and seemed successful, we saw several parcels where the harvest was clearly going to fail. We met three peasants and they admitted that they were very pessimistic as they were supposed to repay half of the costs of their fertilizers from selling a harvest that was likely to fail. Only a few maize plants had come up on one parcel, another peasant had planted something else on his plot when it became clear that his maize was not going to grow and the third had hoped that his maize would come up but when it did not, it was too

³¹ 'Rwanda: A Quarter of Rwandans Are Hungry' (*Rwanda: Un quart des Rwandais ont faim*). See <http://www.syfia-grands-lacs.info/index.php?view=articles&action=voir&idArticle=1565>. Accessed 1 August 2014.

³² Three or four crops have been designated for each region in Rwanda. For the Mubinda area, one of the crops selected is maize.

late to replant another crop. The latter farmer had planted 2 ha and needed to repay about RWF 37,000 (about € 50). When we were taking some pictures of their plots at the end of our visit, one of the farmers joked that he believed he would soon be imprisoned for failing to repay his debt.³³

Although definitive conclusions cannot be drawn from a single visit to see initial attempts to consolidate plots, our conversations and observations demand some critical remarks. First of all, it is clear that land consolidation in Mubinda has not been a matter of choice but of coercion. The local authorities decided what plots had to be consolidated and, as a result of crop specialization, what crop should be planted, even if there were no proper irrigation facilities or a functioning market in place. Another problematic issue was that, even though the harvest had primarily failed due to unforeseen weather conditions, the peasants involved were forced to repay part of the costs of the fertilizers they had received. If they could have reconsidered matters, they would most likely not take part in consolidation again because their move away from more drought-resistant crops to a cash crop had resulted in a worsening of their financial situation and, in some cases, their food security.

Although the farmers we met at the consolidation site still probably had some other (small) plots somewhere where they could cultivate what they wanted to, we noticed that there were concerns among land-poor peasants regarding food and land-tenure security as well as about the intentions and methods of the authorities. This was the case with Paul, an ex-prisoner who used to have 15 parcels before land sharing but now only has one parcel measuring 80 m x 100 m. When discussing land consolidation, he expressed concern and made some gloomy predictions. Since it is the state that is investing in the system by handing out sowing seeds, he was convinced that it would take most of the harvest and only leave a certain amount for the peasants involved regardless of their plot sizes. He foresaw a lot of problems.

Let's say that consolidation concerns 30 parcels. Every farmer involved will receive a bag of fertilizer. After harvesting, everyone has to pay RWF 12,500 (about € 15). That will not be possible. There will be farmers who will sell these fertilizers and even the sowing seeds and there will be problems. Sowing seeds are free. Therefore it is the state that profits and the peasants who suffer [as they will be forced to repay everything]. People will die, malnutrition has already increased. How will you find money to pay for health insurance and school fees? It will be like this: the land belongs to the state and it can do whatever it wants.³⁴

Paul's concerns were shared by a local priest who was well informed about the daily struggles of the rural population and claimed that the consolidation policy

³³ Huggins (2014a: 5) also found that peasants in Kirehe District who refused to plant maize risked a fine and those who were unable to repay a fertilizer debt could be imprisoned in local *cachots* or have (some of) their household possessions confiscated.

³⁴ Interview with Paul, December 2010.

in a way traumatizes peasants as it does not take their habits and living conditions into consideration.

Conclusion

The editors of *Natural Resources and Local Livelihoods in the Great Lakes Region of Africa*³⁵ argue in its preface that the viability of smallholder farming in this region is in doubt:

... all of Africa, to varying degrees, is experiencing 'deagrarianisation', a process characterised by an increasing detachment of rural livelihoods from farming and from access to agricultural land.³⁶ In the Great Lakes, however, as in much of Africa, there are few alternatives outside this sector. As a result, competition within the land arena is becoming increasingly fierce while the options to generate a decent livelihood are turning bleaker. This engenders a profound societal crisis in which conflicts over land are becoming more numerous and more intense. In a number of cases, they even take a violent turn. (Ansoms & Marysse 2011: xvii-xviii)

It is in this context that the 2013 Land Law and 2004 land policy are being implemented. This chapter has discussed how the new Rwandan Land Law and policy are following the World Bank's neo-liberal vision and largely favour better-off, commercially oriented, entrepreneurial farmers in Rwanda.³⁷ Early studies on the need for land reform in Rwanda were already clearly oriented towards commercialization and support for richer, large-scale farmers and it is now clear that this orientation is likely to have a negative impact on the many small-scale, subsistence farmers who tend to be blamed for their own poverty. With the government's focus on official land registration and more productive land use through land consolidation and crop specialization, it can be concluded that the implementation of the 2013 Land Law and policy is leading to an increase in food and land-tenure insecurity for the majority of small-scale subsistence peasants. These insecurities could, in turn, result in more land conflicts, land scarcity and even landlessness, which are the themes of the following chapter.

Based on extensive fieldwork, Huggins (2009b: 302) concluded that:

The forced commoditization of household production will result in winners and losers. The principal winners will be those business-people in a favorable position to negotiate with the state for the rights to purchase the harvest at beneficial terms. The principal losers will be the rural poor, for whom a delay or an increased level of uncertainty in the direct consumption or sale of the harvest can mean immediate food insecurity or financial disaster, and whose traditional markets have been undermined.

³⁵ I contributed a chapter entitled 'Sharing Scarcity: Issues of Land Tenure in South-east Rwanda' to this (2011) volume.

³⁶ For a definition of the term 'deagrarianization', see Bryceson (1997).

³⁷ Foreign investments and large-scale land acquisitions are also encouraged by this neo-liberal vision. This was not discussed in this chapter because no specific examples were found in my research area.

The fact that the Land Law and land policy as well as broader agricultural reforms are being implemented using coercion is problematic. This coercion concerns decisions related to crucial production and consumption processes that are 'critical for household survival and are psychologically sensitive in both universal and culturally-specific ways' (*Ibid.*). Many aspects of the Land Law are very unpopular and this will, in the longer term, 'undermine the concept of a Rwandan state founded on human rights and democratic decision making. Farmers feel like cogs in a machine, rather than participants in the development process' (*Ibid.*: 303). This is troubling because, as was noted in the previous chapter on the role of the Rwandan state, its strong social engineering in the behavioural, cultural, economic and spatial arenas is leading to an increase in resentment against government policies and could, in the long run, jeopardize the legitimacy of the current government.

Frustrated Farmers: Land Conflicts in Mubinda

To show that land conflicts have increased in Mubinda as a result of land registration, this chapter starts with a description of an *Abunzi* session that Honorée and I attended. Meaning ‘those who reconcile’, *Abunzi* are local mediators who work at village and sector level to solve local conflicts in an attempt to reduce the number of court cases and increase access to justice (Veldman & Lankhorst 2011: 28). The cases that are brought before them involve conflicts that could not be resolved by disputants and local authorities.¹ It is estimated that about 80% of the conflicts that are taken to court concern land (Lankhorst & Veldman 2009: 15).

Abunzi have their mediation meeting in Mubinda every Tuesday. When we arrived at the office of the village authorities on Tuesday 30 November 2010, a large group of about 40 people were already waiting by the entrance. Both the president of the mediators and the social affairs’ authority, who came to greet us, claimed that many people had come because of land problems. When we went in, the small room was already full and, after half an hour when the quorum of mediators was reached (there has to be a minimum of six), the mediators started hearing cases. Of the eight cases they handled that day, only one was not related to land. The persons involved in each case were requested to sit on the bench in front of the mediators. The first three cases did not seem to be difficult for them to resolve. The first concerned a man who had bought a plot that turned out to already be mortgaged and was being farmed by others. Since the seller was nowhere to be found, the complainant was now accusing his father, who claimed he could not be held accountable for his son’s transactions as the latter had already inherited the plot. The mediators agreed with the father and told the complainant

¹ Veldman & Lankhorst (2011: 1, 24-29) give an overview of the many local institutions that are involved in land conflict resolution (family councils, local authorities, people of integrity: *inyangamugayo*) and argue that this makes it relatively easy for disputants to go forum shopping.

to go to the police about the son. The second case was a father who had a conflict with his son because his son's goats had come on to his plot several times and destroyed his crops. The son was told to pay compensation for the losses. In the third case, a family had become involved in a dispute with their daughters over land registration. The father refused to put the names of his daughters on the registration form because he reasoned that they were already married and he had provided for them when they got married. He argued that, after his death, the family would take care of inheritance matters. The mediators pointed out that, according to Succession Law, both sons and daughters should inherit and that he had to add the names of his daughters to the land registration form.

The fourth case was more complicated and concerned a family with multiple land problems and an orphan who had received a piece of land from his grandparents in 1997. Local authorities had sent this case to the mediators because the agreement had never been executed. The grandmother explained that the problem had to be solved by Thaddée, the head of the family, but he was not present. Although he had been summoned to appear several times, he had never shown up at the mediators' session, presumably to avoid the mediators' involvement in the conflict. While dealing with this case, it turned out that there was another land problem in the family that involved a sister and two half-sisters of Thaddée's who he did not regard as heirs. The fact that Thaddée had (again) refused to attend the mediators' session caused considerable frustration among his family and some of them left the room. This led to tensions among the remaining complainants, the audience and the mediators. And then, all of a sudden, Thaddée arrived just after the mediators had decided that the orphan's case should be referred to the mediators at the (higher) sector level.² From his appearance (he was wearing a suit) one could tell that Thaddée was not a simple peasant but a well-to-do man who probably did not live in Mubinda. He immediately started to show his authority by openly rejecting the mediators' decision in the orphan's case and he was angry that they had been handling his family's land problems in his absence. Regarding his (half-)sisters, he made it clear that he refused to give them a share of the family land. At this point, the whole audience and all the parties involved became quite agitated and started shouting. The chaos continued as the mediators ruled that Thaddée had to write the names of all three sisters on the land-registration form. Thaddée started shouting as he did not accept this ruling and the audience commented on this and his statements. The mediators had by now totally lost control of the situation and, according to Honorée, it was only our presence that meant that things did not get any worse. The mediators' president tried to persuade Thaddée and his family to leave and when they finally did, al-

² I assumed that Thaddée had been close by all the time and only felt compelled to present himself when the mediators took a decision that he did not want to accept.

most half of the audience followed them to continue the heated discussion just outside the building.

This short description of an *Abunzi* session in Mubinda reveals two points. First, the huge number of land(-related) conflicts that these mediators have to deal with (seven out of the eight cases that day) and, second, the fact that there is often not much ‘mediation’ involved.³ Additional in-depth research into the functioning of *Abunzi* committees has drawn similar conclusions. As in the case of Thaddée who refused to acknowledge his (half-)sisters’ land rights, many conflicts are within families, as was shown by a 2008 USAID report on the local resolution of land disputes. In the four villages of research, most of the land conflicts within families concerned inheritance, followed by others related to polygamy (Rural Development Institute 2008: 11, 29; see also Lankhorst & Veldman 2009: 35 and Veldman & Lankhorst 2011: 18). A study conducted by RISD between 2010 and 2012 on land registration and land conflicts also mentions intra-family conflicts as the most frequent source of dispute, with inheritance (26%) as the most important cause of conflict, followed by conflicts between husbands and wives (13%) and between other family members (20%). According to RISD (2013: 16), intra-family (within family) and inter-family (between two families that have family ties) account for over 60% of all land conflicts. This study also found that about 60% of the documented conflicts were handled by *Abunzi* at village and sector level (*Ibid.*: 20) The law on *Abunzi* requires that the conflicting parties have first to be persuaded to settle their conflict and only if this fails can a decision be enforced that is in line with relevant laws. However, studies suggest that many *Abunzi* do not regard themselves as mediators but as judges. This perception is also motivated by the fact that disputants often distrust each other as well as the mediators. As a result, mediators tend to consider an adjudicatory approach to be safer and more workable. This approach affects disputants’ willingness to accept the *Abunzi*’s decisions. The fact that mediators often do not mediate was suggested in interviews with disputants (41%) and after the monitoring of *Abunzi* sessions (44%) (Veldman & Lankhorst 2011: 34-39).⁴

About 90% of Rwanda’s population today is still dependent on land and 84% of cultivating households have less than 0.9 ha. The 2010/2011 Integrated Household Living Conditions Survey estimated that two-thirds of households cultivate less than 0.5 ha. The average plot size in Eastern Province is 0.78 ha

³ I made similar observations when I attended an *Abunzi* session at sector level where mediators handle unresolved cases at village level. The land-related cases we observed there are described below.

⁴ Several studies found that the mediators lack any basic knowledge about mediation as well as the tools required to handle adversarial cases. They are poorly trained and often do not have copies of the relevant laws. This has consequences for the quality of the *Abunzi* judgements (Lankhorst & Veldman 2009; Rural Development Institute 2008; Veldman & Lankhorst 2011). See also Rwanda Initiative for Sustainable Development (2013: 19) that mentions problems of (perceived) corruption.

(National Institute of Statistics of Rwanda 2012: 3). This chapter deals with the growing scarcity of land and the increasing number of conflicts, especially within families, that are related to land.

It has already been argued that land conflicts and contested land access have been a connecting thread throughout the history of Rwanda and the Great Lakes Region as a whole. Land conflicts are prevalent in Rwanda, as the mediators' session above indicates. With land registration, which is regulated by the 2013 Land Law and the 2004 land policy that were discussed in the previous chapter, conflicts seem to be on the rise. The first two parts of this chapter describe the situation of increased land(-related) problems in Mubinda, focusing on the land-registration process that was being carried out during my last fieldwork period in 2010 and that was significantly impacting on land problems. The last part discusses some Rwandan reports on the consequences of land sharing and depicts the land-sharing grudges that are often the main source of land conflicts in Mubinda.

'Of Course I Cannot Inherit Land'

A considerable number of people lost large parts of their land as a result of the land-sharing agreement that was implemented in 1996 and 1997. In addition, the (mainly Tutsi) beneficiaries received only about 1 ha and were not always able to acquire more land through purchase. As a consequence, many respondents admitted that families frequently do not have enough land to cultivate or to give to their children.⁵ Since a young Rwandan man needs a plot of land to build his future house on before he can get married, this creates socio-economic problems. 'Of course I cannot inherit land, because first of all my parents do not have enough land to give me a part. That is why I work a lot for others to have money with which I will buy my own plot and I cannot reclaim a plot from my parents while I know that they don't have enough land'.⁶ This was 21-year-old Laurent's answer when asked if, once he decided to get married, his parents would give him land. He added that this situation applied to his younger brothers and younger sister too but that, fortunately, they had been able to finish school and would therefore eventually have the opportunity to find a job and buy their own plots. In line with Laurent's resignation is a remark made by Mercia, who claimed that children see and understand how awkward the current situation is and remain silent unless land is divided illegally or in an unjust way.⁷

⁵ This problem, however, is not restricted to the eastern part of Rwanda. In other areas too, parents are having more and more difficulty passing land on to their children, as was mentioned in Chapter 4.

⁶ Interview with Laurent, December 2008. He indicated that he cultivated other peasants' plots and also rented a small parcel to cultivate his own crops.

⁷ Interview with Mercia, November 2010.

These examples are not isolated cases. Often parents would hint at the fact that they did not have enough land to give to their children and argue that education is nowadays their inheritance.⁸ However, as poverty is prevalent in Mubinda, many parents are not able to pay secondary-school fees and their children leave school at a young age. Jean expressed these parents' feelings when he stated that: 'For us parents, we feel uncomfortable or guilty because we cannot help our children with choosing their future prospects'.⁹ Another couple claimed: 'At present, we as parents do not have land anymore to give them [their children]. They have to manage themselves to find their own land'.¹⁰ In the words of young Patrice, 'the hope of the youth is not founded on land because it is not there. We put our hope in education'.¹¹

After some more questions concerning the future of youth in the region, Patrice had to admit that a lot of young people are currently unemployed. 'The youth have a remarkable force, they are able to work but they don't see how they can use this force. Because the means are not there and they are unemployed even when they have the force'. He explained that he finished secondary school two years ago and had not found a job since then and that he was starting to wonder if he would ever be able to buy a plot of land on which to construct a house, which would also allow him to get married. Plots are not handed out by the state anymore as it did when the villagization programme was in progress. People today have to buy a plot and this is extremely difficult for young people, even for those with a job. Grégoire, for instance, works irregularly as an assistant bricklayer. He works from 8 am to 4 pm and earns about € 1 a day, from which he has € 0.60 left after he has bought food. Like Patrice, Grégoire is far from sure if he will ever have land, unless his future wife has inherited enough. He is very pessimistic about the future of unemployed youth. When asked if young people have any hope of eventually being able to buy land, he responded: 'Such a person, can he have hope for something? He will die with nothing, he has to work, otherwise he will die like this'.¹²

Based on fieldwork in 2006 and 2007, youth expert Sommers (2012) wrote an alarming book entitled *Stuck* about the current position of Rwandan youth.¹³ He

⁸ In a 2014 USAID report on gender, land rights and property rights, most interviewees indicated that they considered education to have replaced land inheritance. Furthermore, many parents revealed that they had to make significant sacrifices, such as selling small pieces of land (Jones-Casey, Dick & Bizoza 2014: 26).

⁹ Interview with Jean, October 2008.

¹⁰ Interview with Guillaume and Agathe, November 2008.

¹¹ Interview with Patrice, December 2010.

¹² Interview with Grégoire, December 2010.

¹³ Elsewhere in Africa, the situation is often not much better. For instance, Abbink (2005: 1) mentioned that the well-being and social advancement of youth across Africa are deteriorating and they are 'growing up in conditions of mass unemployment and are facing exclusion, health problems, crisis within the family due to poverty and the AIDS pandemic, and a lack of education and skills'.

interviewed youth in both rural and urban Rwanda and found that they were, literally, stuck. Culturally, youth in Rwanda are only accepted as adults after they are married, but a male adolescent needs to build a house first and show that he can take care of a wife and children, which means that he needs land. Almost all the male youth that Sommers interviewed explained that they were unable to take this first step of constructing a house in order to gain manhood. He noted that:

... even while admitting that they 'had no choice' but to leave school so they could work to save money to build a house, many said that they might never complete it – and, thus, never have the opportunity to be accepted and recognized as a man in Rwandan society. (Sommers 2012: 6-7)

Most interviewees expressed anxiety and frustration about the situation in which today's youth – both male and female – find themselves.¹⁴ Youth and adults explained that unmarried youth are seen as failures and are frequently ridiculed (*Ibid.*: 137, 193-194). Being unable to buy land and get married creates other problems too. There are, for instance, more secret and informal – sometimes only sexual – relationships. Since many marriages nowadays have to be postponed, a man will normally avoid having sex with his fiancée. According to Patrice, the reasoning behind this is that: 'I will keep her [fiancée] for marriage because if she becomes pregnant I cannot marry her and this is not good'. Such a man often turns to other girls instead, and as he cannot usually afford condoms, this may result in an illegitimate child.¹⁵ Besides increasing promiscuity, unemployment is also leading to an increase in crime as some of the unemployed young men engage in drinking and stealing and sometimes rape girls too.¹⁶

These findings are in line with Sommers' observations regarding the dangers of youth waiting to get married. He sums up the views of youth and adults by saying: 'when youth can't marry, bad things happen' (Sommers 2012: 137) and explains that often male youth turn to unmarried women for sex. These women are motivated by money, beer or items like soap or lotion and face social stigmatization as they are regarded as prostitutes. Such sexual relations often lead to informal marriages, illegitimate children and increased rates of HIV/AIDS. As a 22-year-old male respondent explained, 'the girls in that family are getting older and there's no one to marry. At some point, boys will get them pregnant', while another 26-year-old man stated that 'these "old ladies" [i.e. unmarried young women over the age of 25], they are desperate. If you meet her in a bar and give

¹⁴ The legal age of marriage is 21 in Rwanda. However, an unmarried girl who has reached the age of 28 – and even at times when she turns 24 or 25 – may be labelled an 'old lady' or called a 'prostitute' and becomes marginalized. This means that girls only have about five years in which to marry (Sommers 2012: xvi).

¹⁵ Interview with Patrice, December 2010.

¹⁶ Interview with Grégoire, December 2010. He stated that 'people [men] without work steal and drink and rape girls. They look for them on the road after they have drunk. For instance, higher up this road near the aerial where there is a small forest, some guys raped and killed a girl there in 2008'.

her a beer, you can have sex with her and she gets pregnant. This leads to AIDS' (*Ibid.*: 137).¹⁷ Other negative aspects include male youth who turn to drinking beer and smoking marijuana or become involved in crimes like theft, especially of roof tiles as they are relatively expensive (*Ibid.*: 116-117, 137-139).

Land scarcity is not only a (future) problem for the younger generation. As mentioned earlier, land in Rwanda is also becoming increasingly scarce among the adult population and people have to find other means to make ends meet. However, only about a third of the respondents (mostly men) have some off-farm employment from which they can generate additional income, for instance as a pastor, repairman, teacher, trader or bricklayer. The fact that only a small minority have a salaried job is due to the low level of education in the community and the lack of off-farm employment opportunities. Some 60% of the respondents I questioned had only attended (and not always completed) primary school,¹⁸ a quarter had some form of secondary or tertiary education and nearly 15% (mostly women) did not have any formal education at all.¹⁹ More than half of the interviewees cultivated for someone else to earn additional income, mostly working four hours a day on two or three days a week. They earned about RWF 500 (about € 0.65), while some were paid in kind, usually in bananas. According to an article by the international press agency Syfia Grands Lacs in March 2010 that was entitled 'Rwanda: The Most Poorly Nourished Are the Farmers' (*Rwanda: Les plus mal nourris sont les agriculteurs*), 39% of Rwandan farmers earn about US\$ 100 a year and the other 61% between US\$ 120 and US\$ 170 annually (Twizeyimana 2010).²⁰

Land Conflicts in Mubinda

With land becoming scarcer, people are being forced to work for others and it is impossible for many parents to give their children (enough) land. This is leading to increasing numbers of conflicts over land. Respondents in my first fieldwork

¹⁷ Sommers (2012: 34, 179-180) found that HIV/AIDS is a major risk for Rwandan youth and suggests that the current prevalence rate among 15-24-year-old youth is much higher than the official 3.4%, especially among urban youth.

¹⁸ Of these respondents, only two-thirds had completed primary school. The other third had stopped before completing it.

¹⁹ These figures are based on a survey among 37 respondents, of whom 5 had no education whatsoever, 23 had attended primary school (8 up to the third class, 15 completed), 7 had completed secondary school and 2 had been to university. According to a 2011 World Development Report that uses IMF and World Bank figures, rural enrolment rates are still low with 85.4% primary and 7.9% secondary enrolment and with only some 3.5% of the total population completing secondary education and 0.4% attending tertiary education (McDoom 2011: 15).

²⁰ See <http://www.syfia-grands-lacs.info/index.php?view=articles&action=voir&idArticle=1687>. Accessed 10 April 2012.

period in 2008 were reluctant to mention land conflicts, usually stressing the fact that local authorities managed to resolve them or denying that they even existed. Nevertheless, a third of these 43 respondents mentioned that conflicts occurred over boundaries. In the words of Thierry:

There have been people who moved the boundaries of their plot to steal land from their neighbour and if you were not aware of this, you would find half of your plot already gone. And this caused problems when the person who had been robbed became aware of this. And when there are problems like this, the authorities intervene to resolve them.²¹

When registration was taking place during the last fieldwork period in 2010, many more land conflicts were reported. These involved conflicts between parents and children if parents did not share land equally among their children, and conflicts between children too. Enid, for instance, revealed that her brother wanted to take all her parents' land, while Alain, a genocide survivor who adopted nine orphans after the genocide, explained the problem many of them currently face:

These orphans who I have here, when they grow older they don't understand how they will inherit. And while their parents also had land, they will be obliged to ask us where their parents' plots have gone as, by then, these plots will already have been divided with little or nothing remaining. And if these children do not understand, this will cause problems.²²

Another problem that causes conflict within families involves the return of prisoners. Most of them spent many years in prison and found when they returned that family members had confiscated their land or given it away during the land-sharing agreement. The latter happened to Paul who had been in prison on genocide charges for ten years until he was released in 2006. The rest of his family still live as refugees in Tanzania but he returned to Mubinda, only to discover that all his land and that of his family had been shared out. He used to have about 15 parcels with banana trees and now is left with a small plot of 80 m x 100 m for him, his wife and their six children. He naturally regrets this situation but did not dare to reclaim his parcels as he feared further imprisonment. Another example concerns a man who approached us after the mediators' session we attended in Mubinda. He explained that he was an illegitimate child and had been in prison for 15 years. While he was in prison, his grandparents had assigned him a plot but his maternal uncle gave up this plot for land sharing. This ex-prisoner told us he could not reclaim his land as both his uncle and the authorities stated that the land-sharing process could not be reconsidered.

In contrast to the government's view that registration would lead to increased tenure security and fewer land conflicts, the opposite occurred in Mubinda where land registration led to an enormous increase in land conflicts, as was shown by

²¹ Interview with Thierry, September 2008.

²² Interview with Alain, November 2008.

the mediators' session in Mubinda. Veldman & Lankhorst (2011: 17-18) drew the same conclusion in their 2011 study of a pilot project on community-level dispute resolution and women's land rights. They argue that registration initially led to a rise in land conflicts and that it may lead to an increase in conflicts in the long term as inheritance remains an important way of accessing land. Since people are attached to their land and pressure on it is growing, land conflicts, also within the family, can escalate and even turn violent. For instance, one interlocutor reported the case of a grandmother who was murdered by her family so they could gain land, and another person mentioned a son who murdered his parents to avoid his sisters inheriting the family land.²³

What my observations also reveal is that grudges concerning land sharing, which took place about fifteen years prior to registration, often underlie these more recent conflicts. This issue will be considered after a discussion of land conflicts within families. Many conflicts involved women and we recorded cases between husbands and wives, children and mothers, daughters and their fathers and/or brothers, widows and their in-laws, illegitimate wives and/or illegitimate children, and (genocide) orphans and their adopted family members.

Women and Land

The position of women in land inheritance and land registration remains delicate.²⁴ Under customary law, a daughter was not allowed to formally inherit land from her parents and only had access to her husband's land. However, there are several instances when she could (and still can) receive family land, for instance if her marriage failed, after performing a burial ceremony for a deceased parent or by presenting a first-born child to her parents and her parents-in-law. However, gifts of land are less common as a result of scarcity, and money or livestock are frequently given instead (Jones-Casey, Dick & Bizosa 2014: 29-31; Veldman & Lankhorst 2011: 21-22). The Succession Law means that women are nowadays legally entitled to inherit land from their parents. The Law of Matrimonial Regimes, Liberalities and Successions was passed in 1999 and gives women the same inheritance rights as men. It was developed because after the genocide many families were headed by widows or orphaned daughters whose land rights needed to be protected (Jones-Casey, Dick & Bizosa 2014: 3). This law means that not only boys will inherit from their father but that all legitimate children will inherit property without discrimination. A woman who enters into a civil marriage and has community of property or limited community of acquests with

²³ These were not the only times that I was confronted with a land-related murder during my last 2010 fieldwork. Honorée told me she heard a story on the radio about an orphan who had murdered her brother in order to inherit family property.

²⁴ See also Chapter 4.

her husband has the same equal rights to land and other common property as her husband, also in the case of divorce. And when he dies, she will inherit half of their commonly owned property while the other half will go to her children. If there are no heirs, it will all go to her (Ndangiza *et al.* 2013: 9, 19). The land policy also declares that:

... according to the constitutional principle of equality of all citizens, all Rwandans enjoy the same rights of access to land without any discrimination whatsoever. According to this principle, women, married or not, should not be excluded from the process of land access, land acquisition and land control, and female descendants should not be excluded from the process of family land inheritance. (Government of Rwanda 2004: 23)²⁵

And Article 4 of the Land Law states that:

Any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over the land'. Article 33, on the transfer of land rights, stipulates that 'succession of land is allowed, and it shall be conducted in accordance with procedures of succession provided for in the law that governs succession. (Government of Rwanda 2005: Article 4, Article 33)

These formulations do not provide clear information on how women are supposed to exercise their rights. According to Pottier (2006: 531), the fact that the Land Law does not mention gender and merely refers to other laws 'may cause discomfort and frustration'. He found that many female genocide survivors in particular who had often become heads of households felt that the Rwandan government had not done enough to ensure their land rights, while many men still expected women not to talk about such issues in community meetings (*Ibid.*). Furthermore, many men reason that the law is unfair in the way it allows a woman to receive land from her parents as well as from her husband (Musahara & Huggins 2005: 324-325; Wyss 2006: 30).²⁶ Musahara & Huggins (2005: 325) conclude that:

... clearly, gender-based inequalities cannot be merely 'legislated away'. Customary attitudes and the pragmatic approaches of local administrators – who often combine statutory and customary law in their decisions – will determine how the law is implemented.

The above-mentioned RISD study underlines this conclusion too, claiming that women's land rights are often denied by customary practices. Its survey showed that 80% of women and 74% of men do not know about the laws that deal with land tenure and base their perceived rights and decisions on family and social obligations (Rwanda Initiative for Sustainable Development 2013: 18-19).

²⁵ Veldman & Lankhorst (2011: 23) note, however, that lawyers often interpret 'discrimination' as meaning that if a woman has acquired sufficient land through marriage, she can be awarded a smaller part of her family land than her brothers.

²⁶ This is felt in particular by young men who are more uncertain about their future as they have to compete with their sisters for land, which again conflicts with the rights of women to acquire land (Rwanda Initiative for Sustainable Development 2013: 16).

Customary barriers and prejudices were also found in Veldman & Lankhorst's study. Land is regarded as belonging to the family and a married daughter is considered to be part of her husband's family and she is expected to support them in times of need. Therefore, assigning land to give it away to another family is seen by many as problematic. With daughters inheriting, family land needs to be shared between more siblings. Brothers feel they risk that because their share of land decreases also their appeal as a marriage partner is reduced. Another prejudice is that a woman who inherits land and takes this considerable asset to her husband's household would behave more independently and with less respect for her husband because, in the case of divorce, she would be able to keep her land and remain independent of her father and/or brothers (Veldman & Lankhorst 2011: 42-43).²⁷

An additional problem is that the 1999 Succession Law only applies to legally married women. A USAID report in 2004 on gender, land rights and property rights concluded that women who were legally married were able to benefit from improved land access following land registration. Compared to the previous generation, more daughters were managing to access some family land in adulthood as well as after their parents' death, although they and any brothers were often not treated equally (Jones-Casey, Dick & Bizoza 2014: 19-21, 50; Veldman & Lankhorst 2011: 41-42). Unlike legally married women, women who are not legally married and their children are often denied land rights under customary law and it influences the attitudes and actions of many rural Rwandans, including those of the women themselves (Veldman & Lankhorst 2011: 23-24; Rwanda Initiative for Sustainable Development 2013: 19). As a result, not-legally married women lack the bargaining power they need to have a voice if their husband wants to buy or sell land and they are unable to stay on his land following a divorce or if they are abandoned or separated (Jones-Casey, Dick & Bizoza 2014: 19-21, 50; Veldman & Lankhorst 2011: 41-42). The USAID report suggests that there are gaps between theory and practice in women's land rights and concludes that these are 'likely to persist and women's tenure security will continue to be undermined' (Jones-Casey, Dick & Bizoza 2014: 22).

Another 2008 USAID report listed six barriers that women (both legally married and others) face in accessing land. The first is ignorance – among men and women – of the law and women's rights and, related to this, women's fears that asserting their rights could create tensions within the household that might escalate to violence. Women may also fear retaliation by the family because a woman who raises a land conflict, especially with her husband, risks physical violence. The third barrier concerns fear of abuse in the community because a woman who

²⁷ The authors note, however, that it is also in men's interests if they own more land through their wives (Veldman & Lankhorst 2011: 43).

publicly raises a conflict is regarded as being disrespectful of her husband. Fourthly, there is the perception of bias because women can feel that male local authorities or mediators are biased towards men as they drink together and/or are friends with them. This discourages women from seeking assistance. One woman, for instance, said that mediators should apply the law but that ‘when it comes down to wives, they apply custom’.²⁸ The other barriers relate to a lack of time and of legal aid (Rural Development Institute 2008: 15-16).²⁹ Let us now turn to the family-related land conflicts that we encountered during the land-registration process in Mubinda.

Wives, Widows, Sisters and Daughters

The mediators’ session at the beginning of this chapter that included a description of two cases of land conflict involving daughters and half-sisters revealed how girls often run into difficulties because their father or brother(s) refuse to register them as beneficiaries. At another mediators’ session we attended at sector level, many other land-related family conflicts also arose. We witnessed a case between a man and his stepmother, between brothers and sisters and between children and their mother. Several Rwandan civil-society organizations (CSOs) were closely following the land-registration process and I spoke to some of their representatives who highlighted recurring problems that are encountered all over Rwanda. A lawyer from a women’s organization indicated that his organization was engaged in many conflicts concerning sisters and brothers because, in general, men tend to appropriate family land. He claimed that brothers and sisters used to share the land without problems before registration but that afterwards brothers often wanted the land to be registered in their name. This was usually due to ignorance as they did not know the underlying jurisdiction but in many cases they know it very well and were abusing their sisters’ ignorance as many women are unaware of their legal position.

In some cases, the refusal by, for instance, a brother to register his sister as a beneficiary or to give her an equal share in the family land is, again, connected to the land-sharing agreement. As one female mediator indicated, some brothers within Hutu families that were involved in land sharing refused to register or share land equally because they argued that not enough land had remained after land sharing. Some girls confronted her with this situation within her own family,

²⁸ In a study on the proximity of justice with regard to land conflicts, Lankhorst & Veldman (2009: 71) found that local authorities and mediators tended to be guided by tradition rather than the law, often because they have not read the law(s) they should be applying or have never received a copy of them.

²⁹ See also the 2014 USAID report that mentions bias by local authorities, shunning by family members and beatings or other forms of violence directed at women who raise a land conflict (Jones-Casey, Dick & Bizoza 2014: 49).

she said. They were told by their brother that the land that remained was for his children alone as the part reserved for his sister(s) had been shared.

Besides sisters and daughters, there are also husbands who deny their wives the right to register. Widows too may have difficulty registering land if their in-laws do not accept the registration, as was confirmed by various widow respondents. When a woman is widowed, it is often the deceased husband's brother who proclaims that the land she cultivated with her late husband has to return to his family and that the widow and her children should turn to her own family for assistance instead. Something similar happened to Scholastique whose husband died some ten years ago and who subsequently had three more children by another man to whom she was not married. She registered herself as the owner of her late husband's plot.³⁰ Recently her brother-in-law was released from prison and contended that the children she had with her current partner should not be registered on his brother's plot.³¹

In line with these findings is the 2008 USAID study that argues that widows feel they face more barriers than women generally as they do not have enough power to raise a land conflict issue and feel that local authorities or mediators will be on the other party's side (Rural Development Institute 2008: 16-17). As one widow stated: 'Sometimes when you are a widow, family heads have more power than you and can influence local authorities – sometimes if you keep fighting for your rights, they kill you' (*Ibid.*: 16).

Illegitimate Wives and Children

As already mentioned, the second most common type of intra-family land conflict is related to polygamy, which is officially prohibited but is still widespread in Rwanda (Uwineza & Pearson 2009, as cited in Veldman & Lankhorst 2011: 23-24). It is not uncommon for a man to be legally married to one wife and informally married to one or more other women at the same time. Many couples in rural areas are married according to custom or religion and have never had a civil marriage because of the cost and bureaucracy involved and also, it seems, because they are not aware of any possible legal implications (Veldman & Lankhorst 2011: 23).³² Many respondents in Mubinda, especially women and

³⁰ As they were not legally married, she is not registered as his wife but as a 'friend'. See Chapter 6 for more details on the registration process.

³¹ The fact that a widow's position in present-day Rwanda is still weak is demonstrated by an absurd phenomenon that two CSO representatives told me about. They knew of cases in which a man married his (widowed) mother-in-law in order to keep the family land.

³² A 2014 USAID study on gender, land rights and property rights mentions that almost a third of married women are in an informal marriage (either polygamous or monogamous) or just cohabitate (Abbott & Alinda 2012, as cited in Jones-Casey, Dick & Bizozo 2014: 18). The number varies from region to region, ranging from just a few informal marriages to almost 95% (Jones-Casey, Dick &

representatives from civil society, mentioned current land conflicts concerning illegitimate wives and illegitimate children. As one female respondent put it: 'There are many men who have had other [illegitimate] children. ... Making babies is like an occupation'.³³ A representative from a women's organization argued that a man who has a child with his concubine often warns her that she cannot claim that he is the father, i.e. he is unwilling to acknowledge (and accept responsibility for) his illegitimate child. This observation is supported by widow Scholastique, who was mentioned above and who stated that many of these men refuse to recognize their illegitimate children, even when the children resemble them or when the blood tie is publicly known.

The impact of a second wife on a first wife was well expressed by Erica, who legally married her husband in 2005 after they had been together for 13 years and after she was confronted with a second wife in 2003. When I interviewed her for the first time in 2008, she mentioned that her husband had a second wife in another part of Mubinda with whom he had two children. This woman is an acquaintance of Erica's as they went to primary school together. Erica told us that in 2003 her husband turned up one day with this woman and let her stay in the house that Erica and he had bought together. As Erica was not legally married to him at that time, she did not protest but when most of the money her husband was earning from selling bananas in Kigali started to go to this second wife, the situation began to torment Erica. In 2010, we discussed this situation again and she explained how it bothered her but that there was still nothing she could do about it. She explained that the reason she legally married her husband in 2005 was due to the presence of this second wife. By marrying him, Erica strengthened her own position³⁴ as she was then able to take back control over the house and the plots her husband had given to his other wife, to whom he was not legally married.³⁵ However, sometime later her husband and his second wife decided to rent a house together and to buy several plots of land. Her husband has rarely visited Erica since although they spend the night together once in a while. Nowadays she has difficulty paying school fees as her husband gives most of his income to his second wife. Erica cannot go to the authorities and accuse her hus-

Bizoza 2014: 34, Note 17). Polygamous marriages are, however, reported to be declining steeply (*Ibid.*: 40).

³³ Interview with Erica, December 2010.

³⁴ Women involved in the 2014 USAID study on gender, land rights and property rights also indicated that a formal marriage was regarded as a way of securing rights to a husband's property and all the women interviewed, except for one, wanted to be in formal marriages. However, the study found that some men avoid formal marriage because they want to protect their property in case of divorce and feel that informal marriage or cohabitation preserves the power dynamics that favour men (Jones-Casey, Dick & Bizoza 2014: 35-37).

³⁵ It is not clear if this claim is true, as Scholastique (who was a kind of concubine herself) had told us earlier that Erica's husband had been frustrated when she took back the house and land. Scholastique also declared that Erica's husband's second wife was much wealthier than Erica.

band of desertion because he generally provides her with enough money. She recognizes that she is in a very difficult position as she feels that:

Normally when a man has two wives, the children of the wife with whom he lives benefit from his money. ... You win nothing when you leave your husband, you will [have to] abandon your children and your husband will even have more time to engage with other women. ... It is a question of choice: a difficult life with him or alone with a house and problems like the cows that you cannot attend alone, the education of your children and the need for protection.³⁶

The 2014 USAID report mentions several land conflicts related to polygamy: some husbands try to divide the legally married wife's property with the second wife, children of the two (or more) wives fight each other over land or the children of a legally married wife claim land from the not-legally married widow (Jones-Casey, Dick & Bizosa 2014: 49). In the four cells that were studied in the 2008 USAID report, the percentage of polygamy-related conflicts as part of all intra-family land conflicts was 33%, 0%, 29% and 6% respectively, and many respondents considered conflicts between legal and illegitimate wives after the death of the husband as the most serious and difficult to resolve (Rural Development Institute 2008: 5, 30-35). Despite these problems, many women who are informally married try to register themselves on their informal husband's land, so as at least to have the children she had with him included on the land certificate. As many men do not recognize their illegitimate offspring, such attempts often fail. Furthermore, these registration attempts have a significant side-effect as they confront many first wives with another woman and/or children they were frequently not aware of. Understandably, these confrontations lead to tensions within families. Besides having to deal with this situation, first wives also have to agree to the registration of their husbands' illegitimate children on the family plot, as the husband needs the formal consent of his legal wife. This can result in both the man and his wife refusing to accept the illegitimate child/children's registration, and sometimes the man wants to accept it while the wife contests the matter. However, as the position of women in Rwandan society is weak, the result is often that, even without the approval of their legally married wives, these men are able to register their illegitimate children.³⁷

Not only men have illegitimate children but women sometimes have children with other men, for instance if their husbands have been in prison on genocide charges. When these men return home, often after many years of imprisonment, they are confronted with these children and will often negotiate with the father about their care. The fathers in turn often deny fatherhood as they do not want to register such children on their own land.

³⁶ Interview with Erica, December 2010.

³⁷ Interviews with several NGO representatives, November and December 2010.

An interesting side-effect of registering illegitimate children on their fathers' own land was mentioned by Honorée, who claimed that the normal procedure for acknowledging an illegitimate child is signing an act of paternal recognition. She wondered if men who have conflicts with their legally married wives over their illegitimate children nowadays avoid this and instead use land registration as an alternative way of acknowledging their children.

Orphans

Another vulnerable group in Rwandan society are orphans, whose parents were often killed during the genocide. Family members frequently deny them the right to own or register their land or people make use of the weak position of orphans to appropriate their land. During the mediators' session at sector level, we heard a case involving two young orphans whose land had been sold by relatives. Another example, recounted by a Rwandan human-rights activist, was the story of a woman who had pretended to be the aunt of two orphans in order to appropriate their land. The aforementioned women's organization's lawyer pointed out the problematic role of orphans' guardians, using the example of family members taking the land of their brothers' orphaned children who were still minors. After orphaned children reach adulthood, a guardian should give them their inheritance but most do not want to give up this land and try to keep it for themselves, for instance by claiming that the child is illegitimate. Orphans may face the same barriers as women when it comes to accessing land: the fear of reprisal from family members, perceptions of bias and a lack of time and of legal assistance (Rural Development Institute 2008: 17).

This section has discussed the many family-related land conflicts that have emerged since the introduction of land registration in Mubinda, as elsewhere in Rwanda, and highlighted conflicts within families that are often related to gender inequality. Aside from these conflicts that obviously increase tenure insecurity, many people already feel insecure about land registration in general, as was discussed in the previous chapter. The observations in Mubinda show that tenure security has not increased and land conflicts have not diminished with land registration but have instead become more common. What became clear is that grudges concerning land sharing that took place some fifteen years prior to registration were often the underlying cause of these more recent conflicts. The next section considers the problem of exacerbated land-sharing conflicts.

Land-Sharing Conflicts in Perspective

This section starts by discussing two Rwandan studies that concern land conflicts in general, and land sharing in particular. The study by the National Unity and

Reconciliation Commission (NURC) is of specific interest as this government institute is highly politicized and its reports tend to be uncritical and to support government policies (see also Thomson 2013).³⁸ The other is by Rwandan scientists Charles Gasarasi and Herman Musahara (2004) and is the most detailed and comprehensive study dealing with land conflicts that has been undertaken in my area of research.

Land Sharing as an Indicator of Division

From April to June 2001, the NURC held consultations on the state of social relations and coexistence with the Rwandan people (Report on the Evaluation of National Unity and Reconciliation 2002). Participants had to name indicators of harmonious coexistence and of division, and one subject that was named as an indicator of division was the land-sharing process. It was argued that, although Rwandans were not against the land-sharing process in principle, its implementation had resulted in problems regarding all the parties involved in the agreement: authorities, beneficiaries, and those who were supposed to share their land. Some authorities took advantage of land sharing by giving themselves big plots of land. Land sharing was only done on small land parcels that belonged to poor people, while the larger properties of rich people went untouched. Some beneficiaries sold the land they received and moved to other places and some genocide survivors did not accept the sharing process. In many regions, the land that was being shared belonged to people who had gone into exile in 1994 (i.e. Hutu refugees) (National Unity and Reconciliation Commission 2002: 16-17). Between the lines of this rather brief and often veiled summary, it can be seen that land sharing has caused grievances between beneficiaries, who were mostly returned Tutsi, and the people who lost land, who were mainly returned Hutu refugees.

In 2003, Gasarasi & Musahara from the Centre for Conflict Management at the National University of Rwanda researched the land issue in former Kibungo Province (now part of Eastern Province) where Mubinda is situated to 'add to the scanty knowledge on the nature and magnitude of land conflict in Rwanda' (Gasarasi & Musahara 2004: 100).³⁹ Data related to land conflicts were collected from 197 household heads in all ten districts (about twenty from each district).

³⁸ The NURC is a government institute that was established in March 1999. Its main aim is to bring together Rwandan people of all walks of life to exchange ideas on coexistence and ways of promoting unity. The NURC selected a sample group of 300 persons from each district consisting of cell and sector representatives, teachers, members of religious and women's associations, youth, vulnerable people and 'honest people' (National Unity and Reconciliation Commission 2002: 5, 11).

³⁹ Gasarasi & Musahara used the terms 'conflict' and 'dispute' but did not give a definition of these terms.

One of the districts included in this research was the current sector that Mubinda is a part of.⁴⁰

Their data showed that land conflicts accounted for 41% of all the reported conflicts.⁴¹ Many of the reported conflicts in 2003 were thus related to land.⁴² Official records revealed that the causes of land conflicts were land sharing (37%), family conflicts (19%) and problems of land grabbing (29%), which could be connected to sharing as well as to family-related conflicts. In these official records, the district that Mubinda was part of and also another district had the highest number of land-sharing conflicts (*Ibid.*: 41).⁴³

Of the respondents in the ten districts in Kibungo Province, 63% considered land to be the primary cause of conflicts, while the percentage in the district of Mubinda was 70% (*Ibid.*: 50-53). In all the districts, 43% of respondents had experienced land conflicts in the past and the district of which Mubinda was part had the highest percentage (*Ibid.*: 49). Most respondents said that the conflicts they had experienced were related to land-sharing grudges (52%), while inheritance and family problems (24%) and land scarcity (16%) were also mentioned (*Ibid.*). These percentages were all significantly higher than those from the aforementioned officially reported conflicts.

When asked what the whole community considered to be the most frequent cause of land conflict, 40% of respondents mentioned land-sharing grudges. An additional 4.2% can be added to this figure as they referred that referred to problems selling a shared plot. Pasture problems came second and land scarcity (mentioned in conjunction with access problems) was ranked third (15%), with family-related conflicts in fourth place (11%).⁴⁴ Interestingly, respondents from the district of Mubinda quoted the highest number of land conflicts of all the ten districts and also scored highest regarding land-sharing grudges (*Ibid.*: 45).⁴⁵

Gasarasi & Musahara also looked at land conflicts among the very poor, who accounted for 32% of all households.⁴⁶ The very poor are more often landless

⁴⁰ The number of districts was reduced in 2005 and, as a result, the former district in which Mubinda was situated became the current sector, i.e. a subdivision within a district.

⁴¹ The data are from four of the ten districts and are based on official records.

⁴² According to Gasarasi & Musahara (2004: 40), most land conflicts, except for a few incidents like assault, were non-violent.

⁴³ Further explanation about the reasons behind the types of land conflicts was not given. For their explanation on the frequency of land-sharing problems, see the sub-section 'Downplaying (Ethnic) Consequences of Land Sharing'.

⁴⁴ No further explanation was given. Pasture problems are interpreted here as conflicts between pastoralists and agriculturalists.

⁴⁵ In total, land-sharing grudges were named 106 times by the community as a whole as the most frequent land conflict.

⁴⁶ They suggest that the very poor were mostly among the 1994 Hutu refugees (60%) and, to a lesser degree, 1959 Tutsi refugees (25%), but as they failed to take into account the overrepresentation of the

than people from less poor households. Moreover, they indicated that they experienced land conflicts more often than other households and were more likely to be affected by land sharing (56% vs. 48% of all households) (*Ibid.*: 54-57). Data from 1959 Tutsi refugees showed that they felt that land sharing was the most important cause of land conflict (28%). For the 1994 Hutu refugees, the main cause of conflict they experienced was scarcity (28.4%), followed by sharing (22.7%). This latter percentage is higher than the average for all households (17.7%) (*Ibid.*: 61-63).

Although the labelling of the land conflicts mentioned are not always clear or consistent and the findings are often not explained and may be difficult to compare, Gasarasi & Musahara's research indicates that land sharing in the eastern part of Rwanda was seen as the main cause of land conflicts in 2003, especially among the 1994 and 1959 refugees who were those primarily involved in sharing. This corresponds with the results of the NURC's report that land sharing had caused grievances and was seen by the population as an indicator of 'divisionism'. The district of which Mubinda was part had the highest number of land conflicts and scored highest on land-sharing grudges, both in the respondents' perceptions as well as in official records.⁴⁷ These data correspond with my findings from Mubinda, as the following section shows.

'Those Who Cannot Change the Situation Content Themselves with Laughing'

On 18 November 2010, Honorée and I decided to visit a demarcation team that was demarcating some fields in the presence of the local authorities and peasants involved. This visit gave us the opportunity to meet the two parties in a land-sharing dispute. After we had introduced ourselves to the demarcation team and the local authorities, we asked some general questions concerning the demarcation procedure. While the team continued its work, three people started to discuss land conflicts openly.⁴⁸ The first was a woman who had lost land as the authorities claimed that it belonged to the state. The others were two men: a returned Tutsi refugee and a Hutu. In 1996, the Hutu had been ordered to share his land equally with the Tutsi returnee. He explained why he felt that sharing had been unfair because he had two wives and thus two families to support and did not know, after the sharing, where to put his second wife and family. He then decid-

1994 Hutu refugees by 57%, these figures are not correct and recalculation suggests that there is no significant difference in poverty between the two household groups.

⁴⁷ See also Huggins (2011: 258) who discovered that while some peasants had accepted land sharing, it remained a source of grievance for others as they felt that their land had been unfairly given to others and that land sharing was still a major cause of land conflict in the southeast.

⁴⁸ I assume that our presence encouraged the people involved in these conflicts to speak out about their cases.

ed to go to the local authorities and managed to have his case revised. He regained some of his former land but told us that he had been very unhappy with the sharing agreement because, according to him, the Tutsi returnee had obtained land elsewhere also through land sharing. For his part, the Tutsi man claimed that the land he received was his ancestors' land and that it had been unfair to take away part of it because he also had two wives. This comment provoked a lot of laughter among the listeners. One neighbourhood authority then got up to speak and told both men they just had to register their current parcels without reconsidering past decisions. All the people surrounding us were then laughing and claiming that it would be better for us to leave because these kinds of discussions never finish.⁴⁹

Several respondents in Mubinda indicated that they resented having had to share their land and that land sharing had impoverished them. This resentment was also expressed by representatives of two Rwandan human-rights organizations who claimed that land sharing had led to frustration and, at times, even hatred. This opinion was supported by two Dutch researchers who were working for a Belgian NGO and who stated that 'of course there are problems with land sharing'.⁵⁰ In addition, a Rwandan NGO representative claimed that it was to be expected that people would try to reclaim land they had to share.

One of the clearest statements on land sharing was made by Gérard, a 39-year-old Hutu who had inherited a plot of only 20 m x 20 m from his parents. When we asked him about the land-sharing agreement, he responded very negatively and claimed that land sharing had been bad, especially for his father who had seven children but could only keep half of his plot. He thought it wrong that the number of children of the giving party was not taken into consideration. When we then asked who people believed were to blame – the authorities who enforced the land-sharing agreement or the 1959 Tutsi refugees who benefited from it – he replied: 'If you have a plot and someone [the state] comes to force you to share [it] with your neighbour, the neighbour is very satisfied, and you get angry with the one that gives your land away [the state]. But what can you do?'⁵¹

This response contrasts with the opinion of Mercia, a 68-year-old Hutu who lives in one of the most dilapidated houses in Mubinda. With land sharing, she lost two plots of land and after selling another one she was left with only one plot that she had already divided between her five children. She clearly blamed the 1959 Tutsi refugees:

⁴⁹ Unfortunately, some minutes later some authorities who had come after us demanded our telephone numbers, which made us decide to leave and not to contact these men again to discuss their grievances as we thought this could put them in an awkward position.

⁵⁰ Interview with Marco Lankhorst and Muriël Veldman from the Belgian NGO RCN Justice & Démocratie, November 2010.

⁵¹ Interview with Gérard, December 2010.

It is deplorable that there are very poor, poor and rich people. Among the rich people, the majority have come from outside [1959 Tutsi refugees], as they have come and taken the properties of those who were not there. They did not make any effort and they continue to have advantages. They have come with their cows and have received plots that were shared with them. They exploited our goods in our absence: banana plantations, forests, everything. When we arrived, they accumulated their fortunes. How can they not be rich? The injustice lies in the fact that these repatriates did not install themselves in their places or origin. ... They installed themselves everywhere, which impoverishes the owners of the property where they installed themselves.⁵²

Mercia stated that numerous Hutu families were so destitute after land sharing that they had to sell the only plot of land they had left and that these plots were often bought by 1959 Tutsi refugee families.⁵³

Mercia was not alone in her grievances concerning the 1959 Tutsi refugees and their perceived wealth. Others, like Daniel and his wife Beatrice, an older Hutu couple, supported her observations. According to them, the returning 1959 refugees had either cows or money (after selling their cattle and/or other property in Tanzania) and this had made them wealthy. When land sharing had taken place and security increased, these wealthy Tutsi refugees had, they claimed, been able to buy more plots of land. According to Beatrice, 'they are the ones that are rich. Where you see well-built houses, they belong to them. We are poor people'.⁵⁴ Like Mercia, this couple deeply regretted that the 1959 Tutsi refugees could benefit to such an extent from the situation and were not asked to share their cows in return with the Hutu families that had provided them with land.⁵⁵

This frustration reminded an informant of an incident that showed the sensitivity of the 'cow issue'. This informant remembered a story from the time of land sharing of a priest who advised the beneficiaries of sharing to show their gratitude to the previous landowner by giving them a cow. However, instead of accepting his advice, people called the police, arguing that the priest was stirring up hatred as he was unwilling to carry out the land-sharing agreement.

The accounts above highlight the resentment that Hutu respondents often described when we asked about their land-sharing experiences or discussed the

⁵² Interview with Mercia, November 2010.

⁵³ Another example of destitution was Laetitia, who declared that she found it hurtful to see how her family sometimes had to work for the owners of their former plot and only received a bunch of bananas in return. She stated: 'Imagine, working on your [former] field while you will be paid with something that comes from your field'. Interview with Laetitia, July 2009.

⁵⁴ Interview with Daniel and Beatrice, December 2010.

⁵⁵ This regret was clear in a 2003 study on peace building in Rwanda by the Rwandan Institute of Research and Dialogue for Peace (IRDP). Consultations were held across the country with groups of 25-30 people that were regarded as representatives of the community's population. The study learned that land management was intensely debated and that many people were very critical of land sharing. Participants raised questions about why the principle of land sharing was not subject to law and applied nationwide and why the assets of the beneficiaries, including cattle, were not taken into account with respect to the principle of equity (IRDP 2003: 168).

plots they used to have.⁵⁶ According to some of the relatively open Hutu respondents, many of whom were 1994 refugees who participated in land sharing, this agreement benefited the 1959 Tutsi refugees enormously, and at their expense. Analysis of Gasarasi & Musahara's data, however, showed that there was no significant difference in poverty levels between the two refugee groups. Many respondents described their hardship but, like Gérard, indicated that there was nothing they could do to change this situation. To explain the powerlessness and anger many Hutu feel, Gérard said: 'Those who cannot change the situation content themselves with laughing'.⁵⁷ However, the fact that respondents suggested that they could not change the situation does not indicate true resignation but is merely a sign of their (perceived) weak position in society.

Another sensitive issue that was mentioned by some respondents was that many beneficiaries of land sharing sold their land and moved away, as was mentioned in the study by Gasarasi & Musahara.⁵⁸ A priest who was working in the region during land sharing remembered how people often came to him to complain and express their grief when they found out that the land they had shared had been sold by the beneficiaries. Gérard was convinced that 1959 Tutsi refugees who sold their land and then moved had plots of land as well as family members in their new areas of residence. He estimated that three out of ten Tutsi refugee families had already sold their land. In addition, a national human-rights organization's representative claimed that land sharing was not well registered. As a consequence, she argued, some families receiving land later resettled elsewhere so that they could participate in land sharing again. This representative also stated that not only 1959 Tutsi refugees benefited from land sharing but that sometimes other Rwandans were attracted by the land-sharing agreement too. These people then moved to the eastern part of Rwanda where they could, after just a year, participate in land sharing, even though they also owned land in their places of origin. Guillaume and Agathe, an old Hutu couple that had lost a considerable amount of land and now only own a plot measuring 34 m x 80 m, stressed that it upset them to see that shared land was being sold. Agathe recounted:

A 1959 refugee has sold the land that used to belong to Guillaume's uncle to other people, not even to Guillaume's family. This was about a year ago. They have installed themselves in Rusomo, maybe they have also been involved in land sharing there?⁵⁹ This shows that

⁵⁶ As mentioned in Chapter 4 on land sharing, the Tutsi genocide survivors in Mubinda did not take part in it. This meant that it was only Hutu who lost land, although some land-scarce Hutu gained land through the land-sharing agreement too.

⁵⁷ Interview with Gérard, December 2010.

⁵⁸ It is also mentioned in a 2001 Human Rights Watch report that states that some 1959 Tutsi refugees who had settled in southeastern Rwanda were dissatisfied and returned to the west to repossess family land (Human Rights Watch 2001: 49).

⁵⁹ Rusomo is in another district near the border with Tanzania.

they did not need the land they sold in Mubinda. People who now own it are not even cultivating it, it is just bush, while we have nothing. We can't ask to rent it, they will not do it.⁶⁰

When we suggested that the new owners might be afraid that Guillaume or his family would take the land back (instead of renting it), Agathe added that it was malicious to deny them the possibility of renting it. This quote shows a lot of resentment, which some respondents expressed more overtly than others, as well as tension with the new owners of shared land. First of all, Agathe hinted that she considered it unfair that the land was not sold to Guillaume's family who had, after all, given it to this refugee family. And she was upset by the fact that the new owners did not seem to need the land as they were not cultivating it.

A final and most alarming observation on land-sharing grievances is in a remark that Mercia made. When we discussed land sharing and its socio-economic impact, she said that there were not only Rwandans in Rwanda but also others living outside the country and that one day they would perhaps come back to Rwanda to change things. As I did not understand what Mercia was suggesting I did not follow up on this comment. However, Honorée explained to me later that Mercia had indicated that FDLR fighters and other Hutu refugees might come back to Rwanda and change the regime.⁶¹ When I suggested that the idea was rather extreme, Honorée argued that many Hutu might consider it a possibility and that the land-sharing agreement had played a role here as people were hopeful that one day they would regain the land they had had to share. This opinion was supported by two Kigali-based informants⁶² who also believed that many people who had shared their land considered it to be a provisional arrangement that could be revised one day, probably after Hutu were back in power. These informants reasoned that the current registration process had made people realize that the land-sharing agreement had become permanent. Although I have not been able to verify Honorée's suggestion with other Mubinda respondents, I consider Mercia's lamentations as clear confirmation that many Hutu have cherished

⁶⁰ Interview with Guillaume and Agathe, December 2010.

⁶¹ FDLR is the French abbreviation for Democratic Forces for the Liberation of Rwanda, a group of Hutu rebels that is made up of new recruits but also former militia responsible for carrying out the genocide. They operate from the eastern Congolese Kivu Provinces.

⁶² In the literature, this view is supported by journalist Philip Gourevitch who wrote the influential book *We Wish To Inform You That Tomorrow We Will Be Killed With Our Families* (1998) about the Rwandan genocide. He is a controversial figure because he is seen to favour the Rwandan government, and President Kagame in particular. In 2009, Gourevitch returned to Rwanda and described in *The New Yorker* how a confessed *génocidaire* had hoped for a long time that his former comrades who had stayed behind in Congo would return to Rwanda and topple the current government. This released prisoner told Gourevitch that 'In prison, we all thought there was still an army outside the country that would come to liberate us and now we see that it is not true' (Gourevitch 2009: 44).

the idea that one day they will be able to repossess the plots of land they had to abandon as part of land sharing.

Downplaying the (Ethnic) Consequences of Land Sharing

The previous section showed how many Hutu respondents in Mubinda deeply resented land sharing and were frustrated about the perceived wealth of Tutsi 1959 refugees. They feel that land sharing has impoverished them while enriching the other party, and they were also upset that some of the Tutsi families on the receiving end had sold their land and moved away. Selling the land that they had to give up is perceived by many Hutu as another indication of Tutsi beneficiaries' wealth, as they believe it shows that these families did not in fact need the land. Another important conclusion to draw here is that land sharing has a strong ethnic element, as it divides Hutu and Tutsi into givers and beneficiaries of a scarce necessity.

Surprisingly, these rather sensitive conclusions cannot be found in Gasarasi & Musahara's research on land conflicts and land sharing. The main reason for this is most likely their position as public figures working for a national university, which would make them vulnerable if they commented negatively on a national policy. Although their statistics clearly show that land sharing has been a cause of conflict, they seem to downplay it in parts of their study. Firstly, they put forward the argument that 'in all the interviews and discussions, nowhere was [it] indicated that sharing as a post-genocide intervention on land access was bad' (Gasarasi & Musahara 2004: 42). According to these researchers, all the grudges were related to the way the intervention was carried out and to people's experiences afterwards, for example when a beneficiary sold land they had received. In addition, they highlight the national context in which the resettlement of returning 1959 Tutsi refugees was necessary. The fact that these returnees did not reclaim their previously owned land shows 'a remarkable level of success in containing a potential land and settling crisis. In this regard, Kibungo Province could be considered as a success story'. To support this argument, Gasarasi & Musahara state that Kibungo Province is not among the top three of provinces with the highest numbers of land conflicts. They also mention that it has relatively more (fertile) farmland and pastures than other parts of Rwanda, suggesting that this could explain the grudges (*Ibid.*).

After these attempts to minimize the problem of land conflicts in Kibungo Province, the authors turn their argument and discuss other factors that might contribute to land problems. They state that plot sizes have diminished due to land sharing and that land scarcity has increased, especially where older children or young adults are concerned and are unable to inherit land. It is argued that 'the relative-

ly large number of responses expressing land problems related to land sharing may be an outward expression of growing pressure on the ability of a household to sustain a minimum level of livelihood' (*Ibid.*: 42-43) and that 'the land-sharing problem is another expression of land scarcity as the latter exerts pressure on demand for land by households' (*Ibid.*: 46). They appear to be substituting the ethnically loaded term of land sharing for the more neutral descriptions of land scarcity and lack of access to land. They also ignore the link in former Kibungo Province between land scarcity and land sharing. Although land scarcity in other parts of Rwanda is a significant problem, many Hutu respondents in Mubinda, who often claim that they had much more land before sharing, feel that their lack of land is a result of land sharing, while a lot of Tutsi families have also only received 1 ha of land and have difficulty passing such a small amount of land on to their children.

To support their argument that land scarcity is the main problem, Gasarasi & Musahara show the weighted average ranking of the causes of land conflict. Unfortunately it is not clear how they came to this ranking but they indicate that:

... land scarcity comes out as the single biggest problem because it was ranked first by 40% of the respondents.⁶³ Land sharing comes second with 18% of the respondents, followed by land looting with 17% of the respondents, then pasture-related conflicts with 13%, leadership problems 8% and ethnic feuds 4% 'only'. (*Ibid.*: 46-47)

Gasarasi & Musahara use the fact that 4% of conflicts are related to ethnic feuds to argue that 'ethnic feuds as a component of the land problem is insignificant. These findings diminish the possibility that land-sharing grudges are embedded in historical rivalries among ethnic groups in Rwanda' (*Ibid.*: 44).

As a way of further mitigating the ethnic connotations of land scarcity caused by land sharing, they refer to the context in which land sharing took place, stressing the level of mutual understanding between the parties concerned. Potential grudges were somehow minimized because the population admitted that 1959 Tutsi refugees had a right to land and they had not reclaimed their original land (*Ibid.*: 43). However, Gasarasi & Musahara admit that this mutual understanding may be undermined due to the lack of a land law to frame the land-sharing agreement, the inclusion of property like trees and banana plantations in sharing, and resentment when beneficiaries sell the shared plot or jealousy if they are successful. They conclude by stating: 'As time wears on, the policy of land sharing, however good it has been, may breed dissent especially if the draft law is not passed soon enough and the land policy implemented' (*Ibid.*: 44). Contrary to their conclusion related to ethnic feuds as previously mentioned, they state in

⁶³ Elsewhere, the authors compare outcomes for specific types of households (very poor, urban, 1959 (Tutsi) refugees, 1994 (Hutu) refugees, female-headed households and households with little or no land) and claim that the figure is 44.5% at provincial level (Gasarasi & Musahara 2004: 63).

their recommendations that problems concerning land sharing ‘may easily degenerate into ethnic tensions’ (*Ibid.*: 103).

Although Gasarasi & Musahara’s study clearly demonstrates that both 1959 Tutsi refugees and 1994 Hutu refugees in Eastern Province feel that land sharing is one of the main causes of conflict and that post-sharing grudges are prevalent, the researchers have tried to downplay these results by claiming that land-sharing problems are just another element of land scarcity. They appear to be trying to mitigate any possible (ethnic) consequences of land sharing, which is in contrast to my findings in Mubinda where grudges related to land sharing are still prevalent and have a strong ethnic element as many Hutu who had to participate in this agreement resent Tutsi who have benefited from it.

When Gasarasi & Musahara conducted their research, there was no Land Law and policy to frame the land-sharing agreement and they argue that this could have been a reason for growing discontent over the agreement. Although a Land Law and policy are now in place, the next section will show that land conflicts and land-sharing grudges have not decreased but have, on the contrary, intensified as a result of land registration.

Land-Sharing Grudges

Family conflicts and resentment regarding land sharing are the main sources of (land) conflict in present-day Mubinda. This observation is in line with the aforementioned conclusions of research by Gasarasi & Musahara in former Kibungo Province. Surprisingly, a first indication of the growing number of conflicts and their links with land sharing came from an unexpected source: local authorities. This in itself was a sign that land-related problems loomed large, as normally these authorities would do everything possible to keep up appearances, especially before outsiders like Western researchers.⁶⁴

The first authority to mention land sharing as being the source of various problems was the district executive secretary. As I needed to show respondents that the authorities agreed to my research, Honorée and I had visited the district office to obtain an updated letter of permission. The mayor was not there so the district executive secretary saw us. I had not met him before and was therefore a bit cautious when explaining my research area and topic to avoid giving the impression that my project was politically sensitive. After giving a brief explanation about how my research concerned people’s access to land, the executive secretary heaved a deep sigh and turned to Honorée exclaiming in Kinyarwanda: ‘Ah, this land sharing’. In an attempt to minimize the political and ethnic undertone of his

⁶⁴ For a more detailed explanation of keeping up appearances, see Chapter 2 on ‘Appearance or Reality’.

remark (and of our research too), Honorée hastened to reassure him that we were not only looking into this issue but that the research was much broader. He asked us to wait, according to Honorée while he verified matters with the authorities in Kigali, and then returned after ten minutes and told us that his secretary would prepare a new letter for us.

A few days later, the same thing happened with Stephan, the executive secretary at sector level. As he was also new to us, I told him the purpose of my research. Without my mentioning land sharing or land conflicts, Stephan immediately started to explain how land-registration problems were connected to land sharing, while others were connected to succession. According to him, there were no problems when land sharing was completed in 1997 but that conflicts were arising today and people were reclaiming the land they had been forced to share. As this conversation was merely supposed to be a way of introducing ourselves and gaining this authority's trust, we did not delve deeper. After our visit to Stephan, we headed to see Eric, the cell's executive secretary, who I had met the previous year. When we went into the cell building, we saw that an old man and three women were sitting on a bench opposite Eric's office. As soon as Honorée and I joined them, they started to tell us how everybody was now coming to Eric's office because they could not register their land. The old man complained that it was not difficult for rich people to register but that poor people were having difficulties and sometimes their land was being taken from them. He concluded by saying that: 'If you are not rich, you do not have the right to talk'. At the same time, and as an illustration of this, we overheard a woman in Eric's office who was complaining that she had nowhere to go as she had not inherited any land. The only land she had was given to her through land sharing, and now this land was being reclaimed.

After about five minutes, Eric asked Honorée and me to wait in a nearby office. From here, we could in fact overhear people presenting their land problems to Eric. We were not able to fully grasp the two men's problems but the woman's story became quite clear. Again, it was related to land sharing as her old mother had shared her land with a 1959 Tutsi refugee. When the woman returned home, her mother had already died and she discovered that the 1959 refugee had made her mother sign papers stating that he would take care of her land after her death. Eric asked her if her mother had really written this and the woman answered that this is what people were telling her. Then Eric informed her that if her mother had indeed left her land to this 1959 refugee, there was nothing he could do. After considerable discussion, Eric said that she should come back some other time, while the woman insisted that Eric come to her place to see the situation for himself. Unfortunately, we never found out how this story ended. When we finally talked to Eric, he started to explain the advantages of land registration and sug-

gested that most peasants owned about 1 ha following the land-sharing agreement. We inquired whether there were problems with land registration because of land sharing and although he initially tried to deny this by arguing that even people who did not leave the country in 1994 had land problems, he then admitted that people who had given up land for sharing were now reclaiming it. According to him, even though people had not been forced to share land, had not contested the agreement and had accepted it, they were now trying to reclaim it because they knew that, on registration, the land would be given to the other group. Eric tried, however, to minimize the impact of his statement by arguing that not many people had reclaimed land and that this had happened before land registration started.

After we had heard complaints about land sharing for several weeks, I noticed that resentment surrounding land sharing was rarely expressed in public.⁶⁵ The main reason for this was the sensitivity of the subject. Just how sensitive it was to local authorities became clear in an interview Honorée and I had with some of Mubinda's mediators in 2010. We held this interview a week after we had attended the heated mediators' session described at the beginning of this chapter. What started as a calm, friendly discussion about their tasks and the conflicts the mediators were trying to resolve turned into a highly charged debate the moment we suggested that land sharing might lie behind some of the conflicts. The mediators' president, a 1959 Tutsi refugee, played a key role in this debate and it was only later that we discovered that he had been the president of the land-sharing coordination committee.

As two of them (the president and a young man) already knew me from previous visits,⁶⁶ the three mediators who were present at the start of the interview were quite cooperative and we discussed the differences between the 2009 mediation sessions (of which I attended one) and the current sessions. The president spoke first, stating that many conflicts nowadays are related to land registration and that most occur in families when illegitimate children claim a part of their fathers' land. Although we did not insinuate anything, he told us that the mediators' observation was that land sharing with 1959 refugees did not cause problems and that all land problems were within families. Afterwards, Honorée suggested that the president made this remark to warn his colleagues that they should not discuss land sharing as a cause of conflict even though it is the main reason behind many problems. There were seven mediators present by then and after discussing some other land-related conflicts, I decided to go on the offensive and

⁶⁵ This observation is supported by a 2009 study conducted by RCN Justice & Démocratie that found that few cases concerning land sharing were ever brought before the *Abunzi* (Lankhorst & Veldman 2009: 74).

⁶⁶ I attended another mediators' session in 2009 and interviewed some of the mediators.

claimed that, as people's primary asset, namely land, had been shared and children could not inherit land anymore, I did not understand how this was *not* causing problems. To this provocative question, the president declared that land sharing had been the outcome of negotiations between the owners of the land and 1959 refugees without any pressure from the state and that, on the contrary, there would have been problems if the state had facilitated the 1959 refugees' withdrawal from their former land. After this evasive response, we tried again to ask why there were no land-sharing problems since the people we had spoken to had mentioned them to us. At this stage, the atmosphere changed completely. The president started to speak much more nervously and the question seemed to trouble him. He tried to move the discussion on by claiming that not everybody could be satisfied and that there were only a few discontented people. He stated that 85% of the people involved had accepted land sharing and that the other 15% should not stir up trouble. In addition, people who complained were just egoists who do not want to share their belongings while they have not been the only ones who have had to share. After these remarks, the conversation became increasingly confusing, with mediators discussing how long 1959 Tutsi refugees had stayed in Hutu owners' houses and with the president again trying to steer the discussion by explaining the role of mediators in resolving local conflicts. Afterwards, we reasoned that all this had happened because we had touched on a very sensitive issue and one on which there was no consensus even among the mediators and that some of them were worried that they might betray themselves. As I felt quite confident after having spoken to some very outspoken Hutu respondents, I remained tenacious. I reformulated our previous question and asked why the population did not talk publicly about problems related to land sharing. Then something unexpected happened. One of the mediators, a woman who had arrived only a few minutes before, spoke her mind and said:

Because they know that they are not the only ones who have shared their land, everyone has done it. They cannot change anything and they keep this bad attitude inside. They see that they are poor and they tell themselves that they had land before. They have difficulties paying the school fees for their children. Inside they are in conflict.

And another female mediator continued:

There are inheritance problems caused by land sharing. Nowadays, for instance, a brother can claim that he cannot share land with his sisters. He tells them that the land is for his children and that the part intended for his sisters has been shared. Family problems are thus caused by a decline in the amount of land owned and this is aggravated by land sharing.

Neither woman dared to look the president in the eye while talking. Afterwards some other mediators, including the president, tried to downplay this statement by repeating that such discontented people were just acting in a selfish way and that most were positive about the land-sharing agreement. The discussion continued for some time about other less sensitive issues before we wound it up.

All my three encounters with local authorities at the beginning of our fieldwork in Mubinda indicated the huge number of land conflicts and the connection these conflicts often had with the 1996-1997 land-sharing agreement.⁶⁷ The discussion with the Mubinda mediators some weeks later also made us aware of the sensitivity of land-sharing grudges and these observations would reoccur on many occasions during my fieldwork, for instance in the mediation session that this chapter started with. Previous sections have already shown that, contrary to the first two field visits, respondents were often very outspoken and frank about their land conflicts and the feelings of resentment they had towards the registration process and/or the land-sharing agreement. I was initially surprised about this change of behaviour towards me but finally realized that it was a combination of Honorée's excellent interviewing skills, our informed questioning and the overall anxiety level among the population that had resulted in a willingness to talk. What became clear was that, in contrast to earlier statements by both peasants and (local) authorities, people who were forced to share their land, i.e. the Hutu population, deeply resented this.

Conclusion

Land registration in Mubinda has resulted in an increase in land conflicts, partly those related to land-sharing grudges and partly to family(-related) conflicts. In their 2013 report, RISD describes how land conflicts are still widespread. In a countrywide study into the causes and implications of land conflicts between 2010 and 2012, the RISD found that over 85% of conflicts concerned parcels that had already been registered. These were seen as indicative of how such conflicts had previously been latent or were the result of land registration. As one of the reasons, RISD mentioned that the rather 'ambiguous' nature of land ownership before registration, whereby different people could work on the same plot and claim access rights to it, strongly contrasts with the principle of registration that defines a single holder (or holders in the case of a legally married couple). This has sparked conflict as 'many Rwandans found themselves dispossessed of land they previously considered theirs' (Rwanda Initiative for Sustainable Development 2013: 10, 14, 17). Connected to this is the view that land and therefore also land disputes are embedded in social institutions and social practices such as gifts, inheritance and marriage that are not so much market-based, while at the same time registration and the corresponding commodification of land have led to a growing awareness of the economic value of land. A third reason

⁶⁷ In an interview in Kigali in November 2010, Muriel Veldman and Marco Lankhorst from the Belgian NGO RCN Justice & Démocratie also claimed that current land conflicts are clearly related to the land-sharing agreement.

that land registration has created conflict is the fact that many peasants see their future as uncertain and insecure and feel they have to fight for fast-disappearing plots (*Ibid.* 6-7, 14-15). To illustrate this, RISD reveals that nearly 50% of disputed plots are less than 1 ha and that ‘many land disputants are not only facing being dispossessed of their land, but losing their social positions and sense of belonging as they watch the ground literally disappear below their feet’ (*Ibid.*: 15). This observation corresponds with the data that were presented in this chapter.

Conclusion

Honorée and I interviewed Paul, a Hutu respondent in his forties, in December 2010. He was born in Tanzania after his parents left Rwanda following anti-Tutsi violence in 1959 but he came back to Rwanda in 1972. Paul took refuge in Tanzania again in 1994 and after he returned to Rwanda in 1996, he was sentenced to ten years in prison on genocide charges. He was released in 2006 when, according to him, the *gacaca* courts both in prison and in Mubinda decided that he was innocent.¹ Before the genocide, Paul had a substantial amount of land, livestock, a shop and a car but now has only a small parcel of land for his family of eight persons. He told us about his life following his release from prison and we discussed whether he could continue to be a trader and if he still had his driving licence. This conversation went as follows:

Paul: ‘After my liberation, I was given another driving licence in December 2009 and I started transporting bananas to Kigali. On my return from Kigali I was arrested. I had only been working for two weeks. The police confiscated my driving licence and I was put in prison for ten days. The police chief told me: “I tell you the truth. It is a conspiracy against you, people said that you returned from prison and are resuming your life. That is the reason that you are here.” I was told to pay RWF 200,000 (about € 240) for the driving licence and I left it at that. The police chief gave me his phone number so that I could approach him because he knew that I would be too scared to approach a police officer. I have had a big problem, even though I followed the law, I did not commit fraud, I followed orders’.

Margot: ‘Did people know about what happened to you?’

Paul: ‘People knew, but you cannot denounce someone. However, I know who they were [who plotted against him] but I keep silent’.

Honorée (addressing Margot): ‘He cannot ask for his driving licence. He could talk to human-rights people so that if he was put in prison again he would have a voice’

Paul: ‘If I had my driving licence, I could return to Tanzania and not stay here’.

¹ As argued in Chapter 5 (Footnote 44), this could be the case as many former prisoners had been arrested arbitrarily and indiscriminately.

Honorée (addressing Paul): ‘How can people say that everything is fine [in the community]?’

Paul: ‘To say that everything is fine is saying too much. If I had not discussed my problems with you, you would never know that I was suffering. That is why people say that everything is fine’.

I believe that Paul’s story highlights some of the most important points in this dissertation concerning present-day social relations in Rwanda: the enduring tensions, the distrust and lack of solidarity within communities, issues of ethnicity and land-related problems. In addition, it exposes the problematic role of the Rwandan state in a context of structural violence, and evokes questions related to its authority and legitimacy.

The central question in this thesis is: how do government policies concerning access to land and land tenure in rural post-conflict Rwanda influence local community relations (including ethnicity) and land conflicts? This concluding chapter deals first with the historical link between authority, legitimacy and land and informs sub-question 1 (*What is the role of the Rwandan state in land access and land tenure?*) and sub-question 2 (*How are land access and ethnicity related historically?*). The second section discusses structural and land-related violence and its repercussions regarding the credibility and legitimacy of Rwandan authorities and informs sub-question 3 (*What is the influence of the Rwandan state in daily life and how does this affect social relations, including ethnicity?*). The third section provides answers to this sub-question and looks into current ethnic relations and the effects of ethnically related tensions, divisions and prejudices on the credibility and legitimacy of the Rwandan state. The fourth section deals with sub-question 4 (*What are the consequences of the recent land reforms and how are they affecting community life?*) and the final section wraps up the thesis.

Authority, Legitimacy and Land

The title of this dissertation, *Sharing Scarcity*, underlines how Rwandan peasants are sharing an increasingly scarce resource: land. Due to recent, but also older, land-tenure policies like villagization, the land-sharing agreement, crop specialization and land consolidation, Rwandans have increasingly been forced to share this scarce resource and/or its management. The top-down implementation and the coercion with which these policies were applied show the prominent role that the Rwandan state plays in land access and land tenure. Although the Land Tenure Regularization Programme, which was initiated as a result of the 2013 Land Law, suggests that Rwandans feel more secure about their land, it is ultimately the state that owns the land and it is controlling it by determining what Rwandans produce and how they manage it. This is similar to the way land was managed by (pre-) colonial authorities.

Land was already a scarce resource in the pre-colonial era. As discussed in Chapter 3, land access and land tenure in Rwanda then were linked to processes of state formation, in which authority was reflected and produced by control over land and political identity, and defined by clientship, (unequal) power relations and oppression. In the reign of King Rwabugiri, Rwanda developed into a strong centralized state with an administration of chiefs and sub-chiefs from central Rwanda of whom most were only accountable to him. After the Belgians had colonized Rwanda, these chiefs closely monitored the population and forced peasants to cultivate cash crops, participate in much-hated forced labour and other duties and collected taxes that were often justified as ‘development’ measures. This ‘regime of compulsions’, as Mamdani (2002: 93) called it, worked in much the same manner as the current state with its top-down authoritarian methods. With mostly appointed local authorities, the state today forces peasants to work in cooperatives, join in monthly *umuganda* community work,² donate to funds and contribute to and/or participate in the construction of schools and other government-initiated and government-controlled development-oriented programmes.

Throughout history, authority has been exercised through coercion and oppression, and violence against the population has always been a part of everyday life. In the reign of King Rwabugiri, power became centralized, monopolized and ethnicized with a Tutsi elite controlling land, cattle and people. It was extremely rare for a Hutu to be a patron. In addition, Tutsi clients had a more profitable position than Hutu because they received more cows from their patrons. Tutsi also carried out less onerous tasks than Hutu, while the latter were subject to menial and humiliating tasks, lacked freedom of movement, and were punished and sometimes even killed. This resulted in social polarization between Hutu and Tutsi and created political and social inequality. The bitterness among Hutu about the arbitrary rule of the authorities affected social relations and reflected the increasing socio-economic inequality in which Hutu had a subordinate status. After independence, Hutu took power and the ruling style of two Hutu presidents resembled that of the former Tutsi kings. Their governments made the Tutsi population the target of discrimination and recurrent violence. It was in this context that the RPF, a Uganda-based refugee movement dominated by Tutsi, invaded Rwanda in October 1990 to start a civil war that culminated in a genocide in which killing one’s neighbours, family members, patients or pupils was common.

The power of the current state is as centralized and monopolized as before and Rwanda has developed into a one-party state with the Rwandan Patriotic Front (RPF) having a tight grip on the Rwandan population. Although land clientship

² Uvin (1998: 131) found that, before the genocide, many people resented the (then weekly) compulsory *umuganda* labour programme that was intended to help the community develop by building infrastructure, schools and offices because they did not see the benefits of it themselves.

does not exist anymore, access to land and land tenure are still controlled by authorities that ultimately control the land. All peasants, regardless of their ethnicity, are nowadays affected by the recent land reforms as well as other policies and obligations, and they are increasingly resenting them. Power and authority are linked to legitimacy, as was discussed in the introduction. Tight government control over land, increasing resentment among Rwandan peasants and the problematic role of authority in the past raise concerns about legitimacy.

The ethnic dimension of land ownership is still significant today because it is, as in (pre)colonial times, a Tutsi-dominated government that nowadays rules over the Hutu and *petits* Tutsi population. Ethnicity, which remains an important feature in social relations and is therefore still politicized and polarized, is as closely connected to land access as before because the current government is perceived by many to favour Tutsi and curtail the land rights of the predominantly Hutu population. For instance, land sharing between the 1959 Tutsi refugees and the 1994 Hutu refugees and the simultaneous implementation of the villagization policy means that many Hutu see these policies as primarily serving the interests of the 1959 Tutsi refugees. They feel that Tutsi refugees have gained land, and thus wealth, at their expense while ‘the Hutu suffered and suffered. The one who takes your land, your wealth, impoverishes you’.³ Although the government promotes ‘one Rwanda for all Rwandans’ (Thomson 2013: 113), has a discourse of an all-inclusive ‘Rwandaness’ and is urging the population to accept reconciliation while mitigating ethnicity and its importance (Buckley-Zistel 2006: 142), these land policies have only reinforced Hutu and Tutsi ethnic categories in Mubinda. This reinforcement may be less pronounced in other parts of Rwanda but the impact of the government’s land policies is likely to be felt elsewhere too. The next section discusses the role that structural and land-related violence is playing in the lives of ordinary Rwandans.

Everyday Structural Violence

The introduction discussed Uvin’s *Aiding Violence: The Development Enterprise in Rwanda* in which he analysed the failure of Western aid agencies to acknowledge and react to the dynamics that led to the 1994 genocide as they ignored ethnic exclusion and the structural violence in pre-genocidal Rwanda. He concluded that:

... for the large mass of poor Rwandans, life was characterized by a constant reduction of life chances and increase of socioeconomic vulnerability; the absence of opportunities to acquire information and education; oppressive, authoritarian, and condescending treatment by the development system; growing social, ethnic, and regional inequality; and a history of im-

³ Interview with Mercia, November 2010.

punishment, corruption, and abuse of power by local and national elites, often committed in the name of development. (Uvin 1998: 109-110)

Uvin (*Ibid.*: 103) mentions Galtung's typology of violence in which structural violence is seen to take four forms: (i) direct, acute violence; (ii) poverty or the deprivation of basic material needs; (iii) repression or the deprivation of human rights; and (iv) alienation or the deprivation of higher needs that, according to Uvin, refers to psychological and emotional harm and the denial of dignity and integrity.⁴ I adopt this typology here to demonstrate that the Rwandan population is still being confronted with structural violence.

Examples of all four forms of structural violence have been described throughout this dissertation. They are connected with Rwanda's social-engineering agenda that aims to drastically change the political, spatial, economic, behavioural and cultural spheres of Rwandan lives. All the chapters dealing with (land) policy implementation have shown the top-down approach and the coercion that is being applied in implementing this agenda.⁵ This coercion has resulted in direct and acute violence (i), as was indicated by respondents' stories about, for example, the implementation of the villagization policy when people who had been apprehended sometimes died or disappeared, when the population was forced to move into a village or peasants were beaten up if they did not comply with the 2013 Land Law. Imprisonment can be regarded as a form of violence too. Paul's aforementioned imprisonment is an example of this kind of violence against the population, as are people who were unable to pay a fine or repay the costs of fertilizers that were used in the Crop Intensification Programme and who risk being sent to prison for their 'crimes'. Since most of the policies discussed have impoverished a substantial number of people, these examples are linked to the deprivation of basic material needs (ii). This has been the case, for instance, for peasants who, when confronted with the Bye Bye *Nyakatsi* programme that aimed to remove grass-thatched roofing, were forced to leave their (partly) destroyed houses and annexes and pay for compulsory iron sheets and/or a fine. Some of these people had already fallen victim to the same fate when the villagization policy forced them to demolish their houses and construct a new one in the village. In addition, the 2013 Land Law and 2004 land policy seem to have resulted in increased land-tenure and food insecurity as well as generating financial problems among the majority of the rural population. People have tended to become increasingly impoverished because, as Ingelaere

⁴ Uvin takes Galtung's typology from Khan (1978). Galtung's paper was entitled 'The Specific Contribution of Peace Research to the Study of the Cause of Violence: Typologies' and was presented to the Unesco Interdisciplinary Expert Meeting on the Study of the Causes of Violence in Paris, 12-15 November 1975.

⁵ Chapter 4: Sharing Scarcity: Land Sharing and Villagization after Exile, Chapter 5: Fearing Fines: Social Relations and the Rwandan State and Chapter 6: Controlled Commercialization: Land Reform in Rwanda.

(2010a: 50-52) suggested, they are required to pay fines if they fail to participate in night controls, use a mosquito net or pay contributions towards health insurance and/or the numerous government programmes and activities including the construction of schools, credit cooperatives or other funds. Séraphine and Mercia described how these policies and other additional financial obligations make life difficult for a large part of the population:

This is our life. Our Rwanda does not want poor people. You have to become rich without support. There are two categories of people: the rich are rich and continue to be rich and the poor are becoming poorer. They force us into poverty, that's all. They destroy what I try to do myself and they ask me to give what I do not have. It is deplorable.⁶

What is also difficult: they leave you with a small parcel and every time the state asks you for money. All government programmes are supported by the population: the construction of schools is RWF 5000 (about € 6) per peasant. We have neither bananas nor cassava. They ask and you have to absolutely give this; if not, you are put in prison.⁷

Again there is a connection between the above-mentioned government practices with regard to direct violence and the deprivation of basic material needs and the third form of Galtung's structural violence typology, namely repression. This thesis has demonstrated that Rwanda is far from being a democracy and that the RPF-led government and its omnipresent intelligence service have infiltrated all parts of Rwandans' daily lives and continuously spy on the population. The most powerful officials in the local administration are appointed by the government and are often patronizing in their attitude towards the population. And they and the intelligence service have created an atmosphere of constant surveillance and intimidation to manipulate and pressure people into complying with government policies and keeping silent. As reflected in Paul's imprisonment story with which this chapter started and the previous quotes by Séraphine and Mercia, constant exposure to such violence, repression and intimidation and the lack of educational opportunities and objective information as well as having no voice in the development and implementation of land(-related) policies are clearly affecting people's sense of dignity and integrity and causing severe psychological and emotional harm (iv). As a consequence of the war, the genocide and their experiences in exile, most people feel insecure, fearful and distrustful of others. Many respondents – 1959 Tutsi refugees, 1994 Hutu refugees and Tutsi genocide survivors alike – lamented their daily lives, stressing the grinding and enduring poverty and poverty-related problems they face. Living in Rwanda today is a continuous struggle.

I suggest that Uvin's analysis and his description of structural violence in pre-genocide Rwanda is still applicable today. At the end of the 1980s, he found that a large majority of Rwanda's population, especially young rural Rwandans, felt

⁶ Interview with Séraphine, December 2010.

⁷ Interview with Mercia, November 2010.

that the future would not deliver what they had hoped for and that ‘peasant life was perceived as a prison without escape in which poverty, infantilization, social inferiority, and powerlessness combined to create a sense of personal failure’ (Uvin 1998: 117-118). This observation is confirmed by my and Sommers’ (2012) data that show that many young Rwandans of both sexes cannot start their adult lives today because they are literally ‘stuck’: they are unable to buy land, which is a prerequisite to marriage. For the population as a whole, Rwanda has become a very unequal society and is among the top 15% of most unequal countries in the world, with poverty having become increasingly a rural phenomenon (Huggins 2009b: 296).

Land-Related Violence

With regard to violence and land, direct violence is historically related to land pressure and scarcity. André & Platteau (1998: 38-40) placed the 1990-1994 civil war and the 1994 genocide in a context of extreme land pressure, with people taking the opportunity to settle old scores during the genocide and/or expand their land holdings. Verpoorten (2011: 16-19) found that the death toll during the genocide was significantly higher in communities with high population pressure and many young single men. Rose (2007: 53-56) also found a connection between land and the genocide because Hutu tried to seize land from Tutsi victims and prevent any loss of land to the invading RPF rebels. Both Hutu and Tutsi tried to gain land by using the uncertainty and insecurity surrounding land rights.

The discussion in the introduction about whether Rwanda was caught in a Malthusian trap concluded that there was indeed a relationship but no direct causal link. To support this, Uvin (1998: 180-184) argued that ecological scarcity alone, which he describes as a social rather than a natural construct, cannot cause violence because history, politics and economics also determine if and to what extent violence is likely to occur. In addition, he reasoned that agricultural intensification was still a possibility in the 1990s. However, Ansoms (2009a: 149) feels that the question about Rwanda being in a Malthusian trap remains unresolved for the time being and that much depends on finding sustainable strategies to deal with existing land scarcity and resource depletion. The findings in Chapters 6 and 7 suggest that the implementation of land reforms, such as land consolidation and crop specialization, are likely not to be the sustainable strategies that she had in mind. The next section considers the probability of future violence.

Future Violence?

When I was considering studying land access in the former Kibungu Province in September 2008, a Rwandan economist told me that if I found that people in Kibungu Province had no issues with the (land) policies, it would be the same in

the rest of the country too. The analysis of recent land reforms in this area in the last two chapters of this thesis has shown that the number of land conflicts has increased significantly in Mubinda as well as elsewhere in Rwanda, and that the intended commercialization of agriculture through policies like crop specialization and land consolidation have had a negative impact on food and land-tenure security across the country. In their 2013 study of the Land Tenure Regularization Programme, RISD (2013: 23) stated that:

Our research has found that for many Rwandans land is much more than a material resource. Land is woven into the very fabric of Rwandan social life, making the work of abstracting land into a commodity that can be traded on the market all the more complex.

The data in this dissertation show that it is very likely that the recent increase in land conflicts, which was described in Chapter 7, will further influence Rwanda's social fabric and negatively affect already tense social relations. An important question is whether land could be a reason for future violence. A connection between land and violence was made in the introduction to this thesis because land scarcity and land pressure played a role, albeit not a decisive one, in the genocide. Since independence, violence has been mostly ethnic and the data collected in this research show that ethnic tensions and prejudices are still omnipresent in community life in Mubinda. Uvin (1998: 107) found that structural violence resulted in humiliation and disempowerment in the 1990s and this has led to 'frustration, anger, ignorance, despair, and cynicism, all of which greatly increase the potential for acute violence'. This potential is again present today and is aggravated by the above-mentioned problems of Rwanda's young, often 'stuck', population, an increase in land scarcity and poverty and a lack of off-farm possibilities and by mounting frustration, anger and fear that are being caused by land(-related) conflicts. Therefore, Rwanda runs the risk of renewed land-related violence. The next section looks into the current state of ethnic relations to see if, at least in the case of Mubinda, this violence could be ethnic by nature.

'We Always Have Hate in Our Hearts'

This dissertation has revealed that the social fabric of Mubinda's community life has still not been restored and that tensions, prejudices and a lack of solidarity prevail. It has also shown that ethnicity remains an important feature of people's identities and continues to dominate Rwanda's social life, despite coercive government discourses and its promotion of an all-inclusive 'Rwandaness'. In another interview in December 2008, former prisoner Paul declared that relations with Tutsi genocide survivors and 1959 Tutsi refugees were strained: 'We always show that we have good relationships, but what happened in our country created

many problems. We have always something in our heart; we always have hate in our hearts’.

Genocide survivor and local authority Spéciose acknowledged this as well stating that:

When we tell the population to come and help build houses for genocide survivors during *umuganda* [community work], there are those who refuse to come. But as the state forces them to come, they always come but half-heartedly, they do not want to come.⁸

I deliberately chose to do research in an area where there were many Hutu and Tutsi who had been in exile and, upon their return, had been forced to share land and live closely with each other in a village structure. I did not, therefore, accidentally find ethnicity-related divisions, tensions and prejudices that might impact on social relations. Particularly in the eastern part of Rwanda, many Hutu feel they have been mistreated because, even though they have suffered in the aftermath of the genocide and many of their family members were killed by the RPF, they are still not officially recognized as victims of some kind. It did not, therefore, come as a surprise that my data confirm analyses by Zorbas and Buckley-Zistel that were mentioned in the introduction and showed that divisions between Hutu and Tutsi are still clear-cut and that prejudices and antagonisms continue to dominate present-day relations (Zorbas 2004: 42; Buckley-Zistel 2006: 131-139).

The way in which the villagization policy was implemented led to a degree of physical segregation between Tutsi genocide survivors, 1959 Tutsi refugees and Hutu because, in the words of 1959 Tutsi refugee Séraphine, ‘each group felt at ease within their own group. We were regarded as savages, while we considered them to be killers. There was even distrust between genocide survivors and [Tutsi] returnees’.⁹ The land-sharing and villagization policies have thus had a negative impact on already tense ethnic relations. Nowadays, the inhabitants of Mubinda are ‘living apart together’ metaphorically and often literally and are, because of their own sorrows and everyday struggles, not capable of seeing the misery of others.

What struck me was the anger and frustration that many respondents showed during my last fieldwork period, which coincided with land registration in Mubinda. The recent history of forced land sharing and the compulsory resettlement of many inhabitants into a village structure resulted in numerous Hutu respondents losing significant amounts of land. This has led to much resentment and frustration against 1959 Tutsi refugees as well as local authorities. Many Hutu

⁸ A remark by Spéciose in an interview with Triphine, December 2008.

⁹ Interview with Séraphine, December 2010. This quote also features in Chapter 4 (Footnote 81).

feel that they are worse off than the Tutsi returnees¹⁰ who were allocated land and were not asked to give anything, such as livestock, in return. This was voiced by respondents like Mercia and Beatrice who claimed that: 'They are the ones who are rich. When you see well-built houses, they belong to them. We are like poor people'.¹¹

The perception by many Rwandans that the state engenders inequality and exclusion and is perpetuating ethnic cleavages is not limited to Mubinda and has been intensified by an increasing 'Tutsification' and ethnicization as officials are mostly of Tutsi origin (see the introduction and Chapter 5). These officials have to enforce government policies, even if this means that they violate human rights by making people homeless or arrest them arbitrarily. Ethnicization and injustices are taking place within a context of impunity for crimes that were committed by RPF soldiers against the Hutu population during and after the genocide. In addition, the problematic collectivization of Hutu guilt and the politicization of Tutsi victimhood, as discussed in the introduction, is further aggravating ethnicization and limiting the opportunities of many Hutu to participate in community life (Thomson 2013). Historically, inequality and its accompanying exclusion and prejudices were deeply embedded in pre-genocidal Rwandan society and were aggravated by failed development projects. This undermined the society's social fabric through the mechanisms of impunity and loss of credibility and legitimacy (Uvin 1998: 109-130).

The consequent effects on the credibility and legitimacy of the current Rwandan authorities should not be underestimated. The introduction suggested that a quest for legitimacy can be conducted by illegitimate means (Sikor & Lund 2009: 14-15). This dissertation indicates that many Rwandans do indeed see this to be the case, often as a result of the pressure and coercion being brought to bear on them. Chapter 5 revealed that many Hutu do not feel that they are represented by authorities, who frequently do not know the area but have been appointed instead of elected and are accountable only to their superiors. We observed that the strong social-engineering agenda is leading to increased resentment against government policies, especially the current land reforms, and that this is affecting the legitimacy of the present government as well. The legitimacy of the land-sharing agreement, which has never had a legal basis, was particularly contested by many Hutu families, who saw their aspirations of regaining their former land evaporate when land registration confirmed the status quo. This could well mean that future violence in Mubinda takes on an ethnic dimension if Hutu families use violence

¹⁰ I did not conduct a socio-economic survey among my respondents and cannot, therefore, estimate whether Mubinda's 1959 Tutsi refugees are better off than the Hutu population. Interpreting the data collected by Gasarasi & Musahara in 2003 reveals that there were no significant differences in poverty then between 1994 Hutu refugees and 1959 Tutsi refugees (see Chapter 7, Footnote 47).

¹¹ Interview with Daniel and Beatrice, December 2010. This quote also appears in Chapter 7.

to repossess their former land. We will now turn to the issue of land conflicts and the current land reforms.

Land Conflicts and Land Reform

Chapter 7 discussed the numerous land conflicts that flared up during land registration in Mubinda and suggested that these conflicts are a problem for Rwanda as a whole. As land becomes increasingly fragmented and scarce, frustrations are mounting. Land conflicts are now usually within families and the position of women and illegitimate wives and their children is particularly vulnerable. An important conclusion that was drawn is that many of the current conflicts are caused by grudges about the land-sharing agreement.

It is within this context of mounting pressure on land and aggravated land conflicts that the Rwandan government implemented the 2013 Land Law and 2004 land policy that had such far-reaching consequences for the peasant population. The majority are small-scale subsistence peasants who are being confronted with the forced and controlled commercialization and commoditization of their land. Land registration has led to higher numbers of land conflicts and the land consolidation and crop specialization policies are increasing food and land-tenure insecurity. This, in turn, is negatively influencing already strained social relations. As a result, peasants feel vulnerable and are increasingly resenting all reforms. This resentment jeopardizes the legitimacy and credibility of the Rwandan state. The problematic role of the Rwandan state and its recourse to structural violence, which is to a certain extent exposed by the story of Paul at the beginning of this chapter, raise additional questions related to its authority and legitimacy.

Remaking or Rebreaking Rwanda?

Many of the authors mentioned in this dissertation contributed to the 2011 volume entitled *Remaking Rwanda* that critically examined Rwanda's post-genocide reconstruction.¹² In its introduction, Straus and Waldorf discuss how the current Rwandan government is engaged in strong social engineering in the political arena, the economic sector, the spatial arena and the behavioural and cultural arena, something that has been demonstrated throughout this thesis. Recent, and also older, land and land-related policies have led to considerable changes in most of these arenas. Peasants now need to consolidate their land and change the way they farm and work.

¹² They include Nigel Eltringham, Paul Gready, Bert Ingelaere, Timothy Longman, Catherine Newbury, Carina Tertsakian, Scott Straus, Susan Thomson, Lars Waldorf, Sarah Warshauer Freedman, Harvey Weinstein, K.L. Murphy and Timothy Longman. Other works by many of them are also cited.

Straus & Waldorf (2011: 7) conclude that most of the contributors acknowledge the achievements of the current Rwandan government but are, at the same time, deeply concerned about Rwanda's recovery and the fact that the country's stability is not sustainable. It is also mentioned that Rwanda's growth, order and stability are not new phenomena and the volume 'calls attention to the social and political costs of repression, exclusion, growing inequality, a general climate of fear and intimidation, and impunity for crimes against humanity and war crimes committed in Rwanda and in the DRC'. This dissertation supports and strengthens this analysis with data collected at micro level in a peasant community in rural Rwanda. By focusing on the micro level, I have brought the 'peasants into the understanding of politics and politics into the understanding of rural society' (Newbury & Newbury 2000: 834), as these researchers suggest in their work on historiography in Rwanda.

I share the concerns expressed in *Remaking Rwanda* that Rwanda's recovery and stability will not last. As long as the population's access to land and land-tenure policies favour better-off, commercially oriented, entrepreneurial farmers, community life will continue to disintegrate and the majority of the peasants will be the losers and face ever greater impoverishment if no alternative sources of economic activity are found. Their weakened and vulnerable position is due to recent and historical policies as well as to increasing land conflicts that are affecting especially the young due to land scarcity and a lack of off-farm employment and educational opportunities. If this is linked to the eroding legitimacy of the Rwandan government, the fragile condition of Rwanda's social fabric with its continuing ethnic tensions and divisions and the risk of renewed land-related violence, I believe that Rwanda's long-term prospects are gloomy.

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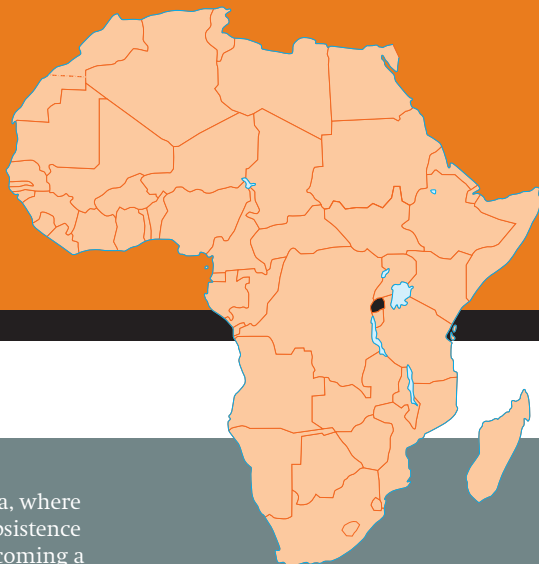
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Land is a crucial yet scarce resource in Rwanda, where about 90% of the population is engaged in subsistence farming, and access to land is increasingly becoming a source of conflict. This study examines the effects of land-access and land-tenure policies on local community relations, including ethnicity, and land conflicts in post-conflict rural Rwanda. Social relations have been characterized by (ethnic) tensions, mistrust, grief and frustration since the end of the 1990-1994 civil war and the 1994 genocide. Focusing on southeastern Rwanda, the study describes the negative consequences on social and inter-ethnic relations of a land-sharing agreement that was imposed on Tutsi returnees and the Hutu population in 1996-1997 and the villagization policy that was introduced at the same time. More recent land reforms, such as land registration and crop specialization, appear to have negatively affected land tenure and food security and have aggravated land conflicts. In addition, programmes and policies that the population have to comply with are leading to widespread poverty among peasants and aggravating communal tensions. Violence has historically often been linked to land, and the current growing resentment and fear surrounding these land-related policies and the ever-increasing land conflicts could jeopardize Rwanda's recovery and stability.

Margot Leegwater studied European Studies at The Hague University of Applied Sciences and Social and Cultural Anthropology at VU University. She worked as a communications officer at the Ministry of Security and Justice before she started her PhD at the African Studies Centre in 2008. She is currently a programme leader at PAX in Utrecht, the Netherlands.

