

ORIGINAL ARTICLE

From male to joint land ownership: Women's experiences of the land tenure reform programme in Rwanda

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Abstract

During the post-genocide period, the Government of Rwanda embarked on a land tenure reform programme that culminated in a land registration and titling process in 2009. This paper intends to capture women's experiences in relation to this programme. The empirical data were collected in Musanze District using a household survey, semi-structured interviews, and focus group discussions. The main findings reveal that there is support of the general idea that women should benefit from the land tenure reform in Rwanda. However, there is some criticism towards parts of the land laws, and women have limited actual knowledge about land-related laws. With land titles, women mostly have a say on the land use decisions requiring each of the spouses' legal consents but not on the daily management of land and its produce. Finally, the paper reports the persistence of social norms and culturally biased gender ideologies affecting the effective implementation of land-related laws and policies. Therefore, the paper underscores the need to build the implementation of new laws and policies on a good understanding of customary practices to strengthen women's land rights in Rwanda.

KEYWORDS

land rights, land tenure reform, Rwanda, women's experiences

1 | INTRODUCTION

Though the struggle for equal treatment of women and men started in the 1830s in the United States (Levit & Verchick, 2006), women's land rights became a global issue only during the United Nations Women's Decade (1975–1985), when gender imbalances in access to property, including land, were stressed for the first time. Customary land tenure systems were mostly blamed for failing to secure women's rights, and legal reforms were sought to change the situation. Land tenure reform programmes have been considered crucial to promote economic development (De Soto, 2001) and to strengthen women's land rights (Agarwal, 2003; Benschop, 2004; Deininger & Feder, 2009; Rao, 2007; Whitehead & Tsikata, 2003). However, many of these reforms have continually failed to

ensure land rights to women, and positive outcomes have been very scattered and context dependent (FAO, 2005; Obeng-Odoom, 2012; Razavi, 2003).

In many developing countries, Land Registration and Titling Programmes (LRTP) have continued to be among the top priorities of governments and their donors. In 2006, the Government of Rwanda (GoR) initiated an LRTP as a pilot, launching it at the national level in 2009 (Bayisenge, Höjer, & Espling, 2014; Daley, Dore-Weeks, & Umuhoza, 2010; MINITERE/DFID/HTSPE, 2007). This programme involves the process of recording and disseminating information about the ownership, value and use of land, and the issuance of signed land titles. Individuals are granted titles by the State in the form of an emphyteutic lease. The land lease period cannot be less than 3 years and cannot exceed 99 years; however it can be renewed (RoR, 2013, article 17). In this paper, the terms "land title" and "land certificate" will be interchangeably used.

There are several studies that have analysed women's land rights within the new legal land framework in Rwanda prior to the completion of LRTP. Some of these studies are empirical, whereas others are theoretically discussing different standpoints and different stakeholders (Ayalew, Deininger, & Goldstein, 2011; Daley et al., 2010; Daley & Englert, 2010; McAuslan, 2010; Musahara & Huggins, 2004; Polavarapu, 2011; Rwanda Women's Network, 2011). Most published works after the completion of the programme are mainly reports by the United States Agency for International Development Land Project Rwanda like the ones conducted by Biraro et al. (2015), Joney-Casey, Dick, and Bizoza (2014), Radio ISHINGIRO (2015), and by some independent researchers and consultants such as Gillingham and Buckle (2014). These reports look at the LRTP from different angles without necessarily taking a gender perspective approach or sometimes with a section on gender implication.

So far, very few studies have empirically and extensively considered the experiences of women in relation to land rights, especially since the majority of women received land certificates through LRTP. For example, Bayisenge et al. (2014) looked at women's experiences from the implementers' point of view. Bayisenge (2015a, 2015b) discusses women's experiences and the challenges they could face while claiming their rights to land in general and the complexity of land rights of women living in polygamous marriages, respectively. Vanhees's (2014) master thesis discusses access to land for women living in de facto or consensual unions.

This paper complements the previous studies by thoroughly capturing the experiences of women with regard to their land rights within the LRTP in Rwanda. This is not an attempt to evaluate the outcome of this programme but rather to explore women's attitudes and their knowledge about the LRTP and the legal framework regulating it; women's participation in local meetings and awareness raising campaigns related to the registration and titling programme, as well as women's experiences related to the use of and the decision-making over land.

2 | BACKGROUND TO WOMEN'S LAND RIGHTS AND LRTP IN RWANDA

Since the second half of the 1990s, the GoR has multiplied its efforts to strengthen women's access to property and equitable land access by enacting new laws and amending the existing ones that were discriminatory. The key laws and policies elaborated are the Inheritance and Marital Property Law of 1999; the 2003 Rwandan Constitution amended in 2015; the National Land Policy of 2004; and the Land Law of 2013, repealing the former of 2005, governing land in Rwanda. These efforts culminated in the implementation of the LRTP. Between February 2010 and August 2013, 10.3 million land parcels were recorded countrywide, whereas only 8.4 million titles were issued because there was no clear information regarding the ownership of the remaining land parcels (Gillingham & Buckle, 2014). Gender disaggregated figures showed that 81% of the land was owned jointly by men and their wives, 11% was owned by women only, and 6% by men only (Gillingham & Buckle, 2014).

Prior to the adoption of the gender sensitive legal framework regulating land, land rights in Rwanda were titled to men, like in many other African countries. Women mainly gained access to land as wives, to which they held usufruct rights. Some women maintained these rights upon separation, divorce, or in the event of the death of their husbands; however, it was mainly regulated by their relationship with male relatives (Daley et al., 2010). Alternative ways for

women to gain access to land were through different kinds of gifts, as in the case of a marriage (Davison, 1988) or at childbirth (Bayisenge et al., 2014; Brown & Uvuza, 2006; Burnet & RISD [Rwanda Initiative for Sustainable Development], 2003; Musahara & Huggins, 2004).

Considering gender imbalances in accessing land rights, the GoR aimed at making women's rights to property a crosscutting issue in the new body of land policy and laws. The new legislation on inheritance gives equal rights to daughters and sons to inherit their parents' property and to married women to inherit land from their birth family and their husbands' family (RoR, 2016). However, the sharing of the family property between couples would be conditional to the matrimonial regime¹(RoR, 2016, chap. II) and to whether marriage is registered or not² (RoR, 2015, art. 17). Women's rights in land may seem guaranteed by the new legal framework, but women continue to face challenges when attempting to actualize their rights (Pottier, 2006), especially women living in informal marriages (Bayisenge, 2015b; Brown & Uvuza, 2006; Vanhees, 2014)

The efforts of the GoR were motivated by the consequences of the 1994 Tutsi genocide together with other factors, such as human immunodeficiency virus/AIDS, many men died, others were in prisons, and this increased the number of female-headed households (Burnet & RISD, 2003; Pottier, 2006). According to the National Gender Statistics Report (NISR [National Institute of Statistics of Rwanda] & GMO [Gender Monitoring Office], 2013, p. 11), 33.6% of the households were female headed, and according to the Third Integrated Household Living Conditions Survey 3 (EICV3), the majority of these depended on land for their survival (NISR, 2012a, p. 94).

Scholars such as Bayisenge et al. (2014), Bayisenge (2015a), Daley et al. (2010), and McAuslan (2010) have commended Rwanda for the legal clarity, progressive policy, and government support for gender equality in land rights compared with other countries in the region. However, they have also reported some challenges that should be taken into consideration in order for the good laws to be implemented and not remain as rhetoric. The challenges include lack of awareness about land-related laws among the population as well as among local leaders, the resistance to change related to the perpetuation of customary practices, and the weak legal protection of women in consensual monogamous and polygamous relationships.

3 | SOCIAL NORMS AND GENDER IDEOLOGIES AS THE MAIN DETERMINANTS OF WOMEN'S ACCESS TO LAND

Strengthening women's access to land is an issue that is widely and intensely discussed among policymakers, scholars, and international organizations. Scholars have reported that ensuring land rights to women can increase their power in socio-economic and political activities and decision-making, as well as improve their sense of self-esteem, confidence, security, and dignity. It may also help to empower women in their negotiations with other household members (Agarwal, 1994b, 2003; Bayisenge, 2015a; Bayisenge et al., 2014; Deere & León, 2001; Deininger & Feder, 2009; FAO, 2006, 2011). However, some scholars went further to explain that women's access to land can also be a cause of tension and domestic conflict, as it challenges the existing gender relations of power that give supremacy to men (Bayisenge, 2015a; Deere & León, 2001). Therefore, an attempt to understand women's struggle for land rights needs to be theorized in terms of social relations and processes of negotiation, the outcomes of which largely depend on the bargaining power of the social actors involved.

Despite the benefits resulting from giving land rights to women, land is still a male-dominated field in most societies around the world irrespective of the economic system in place (Burnet & RISD, 2003; FAO, 2005, 2006). The implementation of equitable land laws and policies faces a number of challenges, and official rights

¹Upon entering marriage, spouses shall choose one of the following matrimonial regimes: community of property; limited community of acquets; and separation of property (chapter II of the law no. 27/2016 of 08/07/2016 governing matrimonial regimes, donations, and successions)

²In Rwanda, a registered marriage is a marriage officially registered in the register office. Other unions stable but not officially registered are named as non-registered, informal, or illegal marriages, *de facto*, and consensual relationships or unions.

are not always enforced (Agarwal, 1994b; Jackson, 2003; Levit & Verchick, 2006; Razavi, 2003). The challenges include lack of capacity and will to implement laws, lack of awareness, conflicts between land laws and local customs, and values and gender ideologies (Deere & Doss, 2008; Deininger & Feder, 2009; FAO, 2005, 2011; Lastarria-Cornhie, 2005; Rao, 2007). Recent empirical studies conducted in Rwanda have stressed the stickiness of social norms and biased gender ideologies regulating access to land that lead to a theory/practice dilemma as gender sensitive laws and policies are not easily translated into practice (Bayisenge, 2015a, 2015b; Bayisenge et al., 2014)

This study builds on a wide range of previous studies, as well as on the feminist perspective stating that women are socially, politically, and legally subordinated and undervalued in most societies (Levit & Verchick, 2006) and that this subordination is context dependent. The way that men and women gain access to land, and how they use and control their land rights, is mediated by gender relations, norms, and ideologies that are socially constructed and often gender biased (Obeng-Odoom, 2012; RISD, 2013). Though there are different perspectives, feminist theorists are generally concerned with gender inequality and are committed to a common goal: equal and fair gender relations (Levit & Verchick, 2006). Feminist and gender scholars take different positions on how women's land rights may be improved. One position is a rights-based approach, in which legal reforms and statutory law are the major means for women to achieve rights denied to them by custom and tradition.

The other position stresses that in some contexts, customary systems have benefited women more than statutory systems because the former are flexible, dynamic, more equitable, and allow different forms of access (Davison, 1988; Obeng-Odoom, 2012; Whitehead & Tsikata, 2003) and they have historically adapted to economic and technological changes (Migot-Adholla & Bruce, 1994). This paper builds on the emerging recognition that none of the two systems has proved to be more sensitive to women's land rights than the other (Obeng-Odoom, 2012; Rao, 2007). It calls for complementarity between the two systems, as in many societies they are intertwined. The paper underscores the need to build the implementation of gender sensitive laws and policies on a good understanding of these social norms and gender ideologies.

4 | METHODOLOGY

The study was carried out in Musanze District from November 2012 to February 2013 with the help of four research assistants. It combined both qualitative and quantitative approaches.

Quantitatively, the study targeted 480 women from agricultural households. We worked closely with the village leaders,³ who are the lowest level of administration and closest to the households. They helped us in selecting households with a female person of at least 18 years of age. They also helped us in having respondents with a diversified civil status, in order for us to include widows, registered married wives and non-registered wives, those living in polygamous and monogamous unions, divorced, separated, and single women.

Additionally, qualitative data were collected at district and sector level through semi-structured interviews. At district level, the person in charge of gender and social affairs, the coordinator of the National Women's Council, and staff from the District Land Bureau were interviewed, whereas at sector level, the coordinator of the National Women's Council and the person in charge of agriculture (*agronome*) and land-related issues were interviewed. In addition, focus group discussions (FGDs) with six women's cooperatives were made. In the presentation of data, names will be camouflaged in order to keep anonymity.

The survey data were analysed using SPSS. Qualitative data from the open questions in the survey, as well as from the semi-structured interviews and FGDs, were translated and transcribed into English. The qualitative data were thematized according to the research questions and themes emerging during data analysis. To improve the quality of collected data, some measures were taken, including working together with the same research assistants throughout the whole period of data collection and data entry. We met every morning and evening to organize/plan for and evaluate each day in the field.

³Rwanda is currently divided into five provinces, 30 districts, 417 sectors, and 14,837 villages.

Some challenges were encountered during fieldwork, such as difficulties of getting into the sites due to the rainy season, the availability of respondents as it was during the growing season, and most women were working in their fields. There were also difficulties in translating some qualitative material from Kinyarwanda to English, and therefore, the Kinyarwanda versions have been kept.

5 | NARRATING WOMEN'S LAND RIGHTS IN RWANDA

5.1 | Profile of the respondents

The findings show that agriculture is the main occupation for 96.8% of the respondents. This rate does not differ much from what is published by the EICV3 in 2012 and by the National Gender Statistics Report (NISR & GMO, 2013, p. 23). In this study, the rate of female-headed households is 32%. It varies between 27.7% and 34% in other studies (NISR, 2012a; NISR, 2012b; NISR & GMO, 2013; WFP, NISR, & MINAGRI, 2012). The rate of non-registered marriages is 32.8% in this study, whereas it is 33.8% in a Gender Monitoring Office study (GMO, 2011, p. 33).

Regarding literacy rate, 58.3% of the respondents in this study aged 18 and above are literate, whereas in the EICV3 (NISR, 2012a), it is 64.7%. The difference is obvious because the EICV3 rate includes both rural and urban women and their age limit includes younger people. The literacy rate is higher among the young and urban people. The literacy rate among female-headed households in this study is 33.7%, whereas it is 33.6% in the Comprehensive Food Security and Vulnerability Analysis and Nutrition Survey (WFP, NISR, & MINAGRI, 2012). Regarding income, the Comprehensive Food Security and Vulnerability Analysis and Nutritional Survey reports that in 2010/2011, 44.9% of the rural households in Rwanda lived below the poverty line,⁴ whereas this study finds that 45.5% of the respondents live below that line. In sum, though this study only covers one district out of 30 in Rwanda, it is clear that many of the respondents' characteristics are more or less the same as what surveys covering the whole country have found. Therefore, there are reasons to believe that findings from Musanze District may also have relevance for other parts of Rwanda.

5.2 | Land registration and certification process among the respondents

The findings showed that all respondents came from households holding a piece of land. It was very important to mention that having a piece of land in a household did not necessarily mean that the female in this household, be it the wife or a daughter, had any rights to or was registered on this land. Table 1 aims to show that situation by specifying the status of access to land at the household level and among individual women.

Referring to Table 1, almost all the households that had land have registered their plots, except plots under conflict. Although 96% of the respondents came from households having land certificates, only 87% of the women were registered on that land and had land certificate. In addition, the holders of the land certificates were supposed to sign them but, as Table 1 shows, 7.3% of the women who had certificates did not sign them. Table 2 shows some quotes from the qualitative follow-up questions on why the women did not sign the land certificates.

It is clear from their answers that some women did not sign because they thought they were not eligible (single girls and unregistered wives), others because of ignorance, negligence, and trusting their husbands.

Though nearly all respondents have registered the household land and their certificates were ready to be collected, 25.8% had not collected their titles during the time of interview (December 2012). One of the sector land officers said that people were not motivated to collect their certificates and that they mostly claimed their certificates when they wanted to use them. The Deputy Director General for land and mapping reported on the poor turn up of people who came to collect their land titles. In this study, respondents gave the following reasons for not collecting

⁴Poverty line in Rwanda was 159,375 RWF (188.9 USD) in January 2014 prices replacing 118,000 RWF (140.0) of 2011 (<http://www.xe.com/currencyconverter/> consulted on September 29, 2017).

TABLE 1 Land registration and certification process

	Yes		No		Total	
	n	%	n	%	n	%
Possession of land (household level)	477	100	00	00	477	100.0
Registration of land (household level)	467	97.9	10	2.1	477	100.0
Households having land certificate	458	96.0	19	4.0	477	100.0
Women from these households having land certificates	415	87.0	62	13.0	477	100.0
Women who signed the certificate	385	92.7	30	7.3	415	100.0
Households who picked up certificate	354	74.2	123	25.8	477	100.0
Joint land title among all respondents	253	53.0	224	47.0	477	100.0
Joint title among married respondents	253	84.1	15.9	15.9	301	100.0

Source: Author's survey.

TABLE 2 Quotes from open question on reasons not to sign certificates^a

Nobody told me to sign	The marriage is not registered
My parents signed	I got married after registration
I don't remember if I have signed	My husband signed on my behalf
My husband didn't want to share land with me	I didn't pay much attention to that
It is my husband alone who signed	I did not have time to go there
I did not know that the wives also sign	

Source: Author's survey.

^aThe reported reasons were just summarized themes from information gathered from follow-up open-ended questions that provided more detailed information to the survey question. This information was not quantified.

their land titles: the inability to pay the registration fee (1,000 RWF for each parcel), long distances, lack of time, and long queues because of many people. Further, some respondents reported that they missed their titles, and/or some certificates had errors and were sent back to the National Land Centre to be corrected.

5.3 | Knowledge about land-related laws and statements

All respondents were asked if they had heard about the new land-related laws and some of their main contents.⁵ According to the findings, only one out of five had heard about them. Respondents, who said yes to the question, were asked to explain what they knew. Their answers were that these laws give them rights to their land, an entitlement to an equal share, and joint titles with their husbands when the marriage is registered. Further, they said that, once they had joint titles, nobody could take the land from them, whether their husbands were present or not. Women insisted that even their husbands could not sell land without their consent. They also mentioned the possibilities of using joint titles as a guarantee to get credit.

In order to see what factors might influence the women's knowledge about land-related laws, Table 3 presents a cross-tabulation of knowledge and variables that came out as significant. This table is looking more closely at the 82 (17.2%) women that said they had knowledge about the land laws. This information was discussed by relating it to the characteristics this group had.

According to Table 3, participation in public meetings and being a member of women's associations increased very significantly the percentage of the respondents with knowledge about land-related laws. In addition, other factors such as having leadership position in local administration, religion, and level of education increased the number of

⁵The question was "Waba warumvise ibijyanye n'itegeko rishya ry'ubutaka ndetse ningingo z'ingenzi zirigize?" with the English translation "Have you heard about the new land-related laws and their main contents?" The answers were "Yes," "No," and "some of them." The Yes in Table 2 includes both those who replied "yes" and "some of them" to the question.

TABLE 3 Knowledge about land-related laws ($n = 477$)

Characteristic	Yes		No		Total		Significance/ p
	n	%	n	%	n	%	
Total number of respondents with knowledge about land-related laws	82	17.2	395	82.8	477	100.0	
Education							
No primary school	47	14.4	280	85.6	327	100.0	.016*
Primary school	35	23.3	115	76.7	150	100.0	
Religion ^a							
Roman Catholic	38	16.0	199	84.0	237	100.0	.040*
Protestant	22	18.6	96	81.4	118	100.0	
Seventh-Day Adventist	20	16.7	100	83.3	120	100.0	
Member of women's associations							
Yes	43	22.8	146	77.2	189	100.0	.009**
No	39	13.5	249	86.5	288	100.0	
Leadership position in local administration							
Yes	17	28.8	42	71.2	59	100.0	.011*
No	65	15.6	353	84.4	418	100.0	
Participation in public meetings about land registration and related laws							
Yes	56	23.7	180	76.3	236	100.0	.000***
No	26	10.8	215	89.2	241	100.0	

Source: Author's survey.

^a n in religion variable is equal to 475 because two respondents belonging respectively to Jehovah's Witnesses and Muslims are excluded. There were very small numbers, only one respondent in each category; therefore, I excluded them in further calculations.

Statistical significance at

* $p < .05$. ** $p < .01$. *** $p < .001$.

women having knowledge about land-related laws. Further, marital status, location, and age were checked against knowledge, but none of them came out as significant even though the number of the respondents with knowledge about land-related laws seemed to be decreasing with age increment.

5.4 | Knowledge about and participation in community activities

Studies have reported that women's participation in the public sphere through holding leadership positions and their involvement in social activities increased women's decision-making, welfare, and empowerment (Agarwal, 1994b). Table 4 presents findings about women's knowledge and participation in community activities. Here, we referred to local meetings and gatherings in general, as messages related to new policies and everything that the government wants the population to know are channelled through local meetings and community activities. Specific public campaigns that were organized when the LRTP started were also included.

Administratively, there are land committees in every cell in the country. However, the respondents' knowledge about the existence of such committees was limited to 12.6%. The law states that 30% of the seats in those committees are for women, and 45% of the respondents (those who knew the existence of the committees) were aware of this. The findings revealed that a large share of respondents (79.9%) actively participated in local meetings, though only 23.5% dared raising issues in those assemblies. From the qualitative data collected, respondents gave different reasons for not raising questions in local meetings, which could be grouped into four main categories.

TABLE 4 Women's participation in and knowledge about community activities

	Yes		No		Total	
	n	%	n	%	n	%
Knowledge of the existence of cell land committees	60	12.6	417	87.4	477	
Did you participate in the election of the committees?	32	53.3	28	46.7	60	100.0
Are there reserved seats for women in committees?	27	45.0	33	55.0	60	100.0
Are there women in the current committees?	36	60.0	24	40.0	60	100.0
Are you member of land committees?	7	11.7	53	88.3	60	100.0
Active participation in local meetings	381	79.9	96	20.1	477	100.0
Do you raise an issue in meetings?	112	23.5	365	76.5	477	100.0
Are you a member of women's association?	189	39.6	288	60.4	477	100.0
Do you have leadership position in local administration?	59	12.4	418	87.6	477	100.0
Did you participate in public campaigns on LRTP?	236	49.5	241	50.5	477	100.0

Note. *n* = 60 refers to the respondents who know about the existence of land committees in their cells.

Source: Author's survey.

First, female participants thought that they were there to be informed and not to talk; therefore, they sat down and listened. Second, they thought that there were certain categories of people who were supposed to talk; therefore, some women thought that they were not supposed to talk but others were: men, leaders, young, educated, and rich people. Third, there were respondents who knew and thought that they should talk, but they were too shy and thought the audience might laugh at them. Lastly, there was a group of respondents who thought that there was no reason to ask questions because nothing would change. These challenges constraining the respondents to speak up in public could be analysed in terms of power relations and intersectionality, where social class, age, education, and sex are intertwined to create unequal gender power relations. This is further developed in the concluding discussion.

As local meetings are the main channels through which the population receives important information from the government, it was regarded as useful to further analyse the active participation⁶ of the respondents in them in relation to other variables in Table 5. The data in this table focuses on 381 women who said that they had actively participated in local meetings and community activities in relation to their corresponding characteristics.

According to Table 5, age and raising issues in meetings proved to be statistically very significant when cross-tabulated with active participation. The level of participation was low among young people, increasing among adults, but much decreased among old people. There was an explanation for this. Some of those considered as young were still in school, which justify their low participation in local meetings. Similarly, respondents in old age groups were not able to actively participate in meetings. In addition, raising issues seemed to be high among assembly active respondents; however, there were also 8% of those who raised questions without being assembly active. This means that even though they rarely or very rarely participated in meetings, some of them did ask questions.

Other variables, such as marital status, being a member of women's associations, and having knowledge about land-related laws, were checked against assembly active, and the results also came out as significant. The level of participation seemed to be higher among the married now⁷ respondents, members of women's associations, and

⁶This is how the question was asked "When there is a village assembly of any kind, how often do you participate in it? (1 = *Always*, 2 = *very often*, 3 = *often*, 4 = *rarely*, 5 = *very rarely*, 6 = *Never*)." I considered rankings 1–3 as active participation in assemblies and rankings 4–6 as non-assembly active.

⁷Married now respondents include those who were living with their husbands at the time of survey (December 2012–January 2013) and exclude those who were divorced, separated, widow, and single.

TABLE 5 Active participation in local meetings^a

Characteristic	Yes		No		Total		Significance/ <i>p</i>
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	
Total active participation	381	79.9	96	20.1	477	100.0	
Age							
Young (18–35)	177	79.4	46	20.6	223	100.0	.000**
Adult (36–65)	184	84.8	33	15.2	217	100.0	
Old (66 and +)	20	54.1	17	45.9	37	100.0	
Marital status							
Married now	249	82.7	52	17.3	301	100.0	.042*
Not married	132	75.0	44	25.0	176	100.0	
Member of women's associations							
Yes	162	85.7	27	14.3	189	100.0	.010*
No	219	76.0	69	24.0	288	100.0	
Raising issues in meetings							
Yes	103	92.0	09	8.0	112	100.0	.000***
No	278	76.2	87	23.8	365	100.0	
Knowledge about land-related laws							
Yes	73	89.0	09	11.0	82	100.0	.023*
No	308	78.0	87	22.0	395	100.0	

Source: Author's survey.

^aThe question was "When there is a local assembly of any kind, how often do you participate in it? (1 = *Always*, 2 = *very often*, 3 = *often*, 4 = *rarely*, 5 = *very rarely*, 6 = *Never*)." Rankings 1–3 were considered as active participation in assemblies and rankings 4–6 as non-assembly active. So the participants could go to the meeting rarely or very rarely and still ask questions.

Statistical significance at

p* < .05. *p* < .01. ****p* < .001.

among those who had some knowledge about land-related laws. Education, religion, location, and having leadership positions in local administration were also checked, but the results were not significant.

Though the findings from the survey showed that those who asked questions in meetings were few, women in FGDs said that they willingly participate in the meetings. They said that they did not feel pressure by the law or by the punishment that could come from their leaders, but they felt obliged to participate because of what they learnt from the meetings. One participant from FGD1 in Busogo sector said,

... most meetings are organized in the afternoon and it is good for us because we have time to work for our families in the morning. We are no longer restrained from talking in public because we have women from National Women's Council (NWC) in our villages, who are always there and encourage us.

Another respondent from FGD2 in Gashaki sector reinforced, "women actively participate in meetings and say whatever they may have as a problem without hesitation, *ubu buri wese yamenye vision*⁸ (translated as today, everyone

⁸She was referring to the Rwanda Vision 2020, an important policy document. It is a framework for Rwanda's development launched in 2000 with main objective of transforming the country into a knowledge-based middle-income country, thereby reducing poverty, health problems, and making the nation united and democratic. The aspirations of Vision 2020 will be realized around six "Pillars" and will be interwoven with three cross-cutting issues and one of them is "gender equality". Through the Vision 2020, the GoR declares that

In order to achieve gender equality and equity, Rwanda will continuously update and adapt its laws on gender. It will support education for all, eradicate all forms of discrimination, fight against poverty and practice a positive discrimination policy in favour of women. Gender will be integrated as a cross-cutting issue in all development policies and strategies (RoR-vision 2020, 2000, p. 19)

has known vision)." It is worth mentioning that the main aim of these meetings was to spread knowledge, not only about the LRTP but also about other issues. Women in FGDs focused on the role of *Umugoroba w'ababyeyi*⁹ (parents' evening forum). They said that they learnt a lot from these gatherings, such as health issues, how to prepare *agakono k'abana* (special food for young children), *akarima k'igikoni* (vegetable garden), doing small businesses, and savings.

5.5 | Attitudes about land-related laws and statements

In order to learn about the women's attitudes regarding the land-related laws, they were asked about their opinions on a number of statements. Some statements were in line with government policies and laws, and others were in contradiction or were not stated in policies and laws. The focus here was on attitudes that contradicted policies and laws.

5.5.1 | Attitudes contradicting some of the statements regulated by land laws

The inheritance law gives equal rights to both daughters and sons to inherit their parents' property. However, the findings showed that 25% of the respondents still thought that sons should inherit a bigger share than daughters. This was checked against other variables such as age, education, marital status, location, and religion to see the relationship between them, as shown in Table 6. The data focused on 118 women (25%) who thought sons should have bigger inheritance share of land. This was discussed in relation to the characteristics of the respondents, and respective statistical significances were considered.

According to the findings from Table 6, illiteracy influenced the attitude that the respondents had about inheritance for girls negatively. Regarding age, the findings show that there was a relationship between age and the share who thought that sons should have bigger share of land than daughters, 21.6%, 25.7%, and 41.7% for young, adult, and old women, respectively. The results from religion were curious; for the Seventh-Day Adventist, the level of support of bigger share to boys was double of the level of support among Roman Catholic and Protestant.

Other variables such as having a leadership position in local administration and participation in public meetings related to the LRTP were checked, though they did not come out as very significant. Women's participation in public activities correlated with lower levels of support for sons inheriting bigger shares than daughters. The marital status, having children, being a member of women's associations, and having knowledge about land-related laws were also checked, but none of them came out as significant and are not shown in the table.

During FGDs, women members of cooperatives pronounced different positions. Women in FGD3 in Kinigi sector said that it was not logic to give an equal share to sons and daughters. For example, when a family had three parcels of land that have to be shared between a daughter and a son, the women argued that the son should get two parcels while the daughter gets one, because she would get more land from her husband's family once married. They further argued that a man has to build a house on that land and keep the land within the family lineage, whereas a woman does not have the need for that as the house is already, or will be, constructed by her husband. However, if sons have previously received land where they may build their houses, the remaining land can be equally shared among all sons and daughters.

Women in FGD2 from Gashaki sector, on the other hand, disagreed and supported that daughters and sons should inherit land equally, unless the daughters voluntarily decided to leave their parcels of land to their brothers. One may wonder why daughters would decide to give their land to their brothers? This could be analysed in terms of existing gender relations through which attitudes such as the sons keeping the land within the family lineage are circulated and reinforced.

⁹According to MIGEPROF (2014), *Umugoroba w'Ababyeyi*, which means "parents'evening forum," is a strategy that started in 2010 with the objective of bringing together men and women of the same neighbourhood to discuss and resolve issues that arise in their households. It started under the name of *Akagoroba k'abagore* (women's evening forum), but, later on in 2013, it changed into *Umugoroba w'ababyeyi* (parents' evening forum); the same forum that includes men and women.

TABLE 6 Attitudes about equal inheritance share between daughters and sons ($n = 472$)^a

Characteristics	Yes		No		Total		Significance/ <i>p</i>
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	
Total number of those who think sons should have bigger inheritance share of land	118	25.0	354	75.0	472	100.0	—
Education							
Illiterate	68	34.7	128	65.3	196	100.0	.000***
Literate	50	18.1	226	81.9	276	100.0	
Age							
Young (18–35)	48	21.6	174	78.4	222	100.0	.034*
Adult (36–65)	55	25.7	159	74.3	214	100.0	
Old (66 and +)	15	41.7	21	58.3	36	100.0	
Having leadership position in the local administration							
Yes	8	13.6	51	86.4	59	100.0	.030*
No	110	26.6	303	73.4	413	100.0	
Participation in public meetings about the implementation of new land laws							
Yes	46	19.9	185	80.1	231	100.0	.012*
No	71	29.9	169	70.1	241	100.0	
Religion							
Roman Catholic	49	20.9	186	79.1	235	100.0	.002**
Protestant	23	19.7	94	80.3	117	100.0	
Seventh-Day Adventist	46	39	72	61	118	100.0	

Note. $n = 472$ because there is one missing variable and four respondents who had no opinion on the question

Source: Author's survey.

^aThe question was "Do you agree or not with the following statements? Giving bigger inheritance share to sons (1 = *Strongly agree*, 2 = *Agree*, 3 = *Uncertain/no opinion*, 4 = *Disagree*, 5 = *Strongly disagree*)."

Statistical significance at

* $p < .05$. ** $p < .01$. *** $p < .001$.

5.5.2 | Attitudes supporting statements that were not regulated by the law and policies

The land laws only foresee joint titles for couples whose marriage is registered (Constitution of Rwanda 2003, art. 26; Inheritance Law 1999, art. 70). However, the findings showed that nearly two out of three of the respondents from the survey supported joint titles between couples, whether the marriage was registered or not. Similarly, in FGD6 with women in Remera sector, some participants suggested that every woman should have rights to the marital property, whether the marriage was registered or not. In case of marriage break-ups, they further argued that the woman should have some share of the marital property because she had worked for her marital family. One of them said, "*nta mukozu udahembwa* (every worker should get her/his pay)." Though the land laws do not have provisions of joint titles to non-registered wives, 84.1% of all the respondents that were living with their husbands at the time of the survey had acquired joint titles, and among them, one out of five were non-registered wives. The latter group had managed to secure joint titles due to the goodwill of their husbands, their extended families, and the officers of the land registration.

Due to the importance attached to the registration of marriage as the decisive factor for ensuring equal rights between partners to the household's property,¹⁰ the rate of registration of marriage among the respondents was of

¹⁰Of course, it also depends on matrimonial regimes contracted, but community property that gives equal right to the households' property between partners is the default one and most popular in whole Rwanda especially in rural areas.

interest. A majority of the respondents (67.2%) who had ever been/were married had registered their marriages. Those whose marriages were not registered were asked why they had entered into a non-registered marriage. They stated reasons such as being in love (76.5%), a means of survival (8.1%), pregnancy (7.4%), and getting old without a husband/long celibacy (2.7%). They also mentioned being below 21 years old, which is the required age to register a marriage in Rwanda. Once married, the women stated reasons such as poverty (23.5%), unwillingness of the husband (17.4%), and being the subsequent wife in polygamous families (10.1%) for not regularizing their marriages (see Bayisenge, 2015b for more details).

In some FGDs, the most often stated reason for not registering marriages was poverty. Women said that before the civil registration of a marriage, there were many traditional ceremonies that should be organized such as *gusaba* (officially demanding the hand of the lady) and *gukwa* (dowry giving), and many parents were not willing to give away their daughter for marriage before all ceremonies had been done. As many young people do not have enough money to go through these ceremonies, they just do what they call *kwijyana* (the woman decides to join her lover and they start living together without organized ceremonies).

Women from FGD4 in Muko sector said that there were men who register their marriages, not because they wanted to but to pretend that they respected the law. Women in FGDs from different sectors said that men who did not show the willingness to register their marriages were mostly those who did not want serious marital relationships. Other FGD participants mentioned the cases of young men who think that they need a certain trial period to live together with the girl to see if they appreciate her before they register their marriage. However, according to the respondents, no woman could refuse to register her marriage. One participant in FGD4 had this to say:

... iyo ugize amahirwe ukabona ako gasezerano uruhutsa uri reka nkwiambireho nibura noneho mfit uburenganzira ku mutungo. (*When you get the chance and he accepts to register your marriage, you get relieved, and you decide to stick with him as at least now you have right to the property*).

Both survey respondents and FGD participants considered it a good choice and a preference for women in monogamous marriages to have their marriages registered because it gives them more security and possibilities to have joint titles. During FGD3 in Kinigi sector, women said that a woman might use whatever means at her disposition to have her husband accept the registration of their marriage. One of the participants told a story of how she sold her land and gave 50,000 RWF to her husband, who had abandoned her, as a way to ask him to come back home and register their marriage. After receiving the money, they registered their marriage. Though the man did not significantly contribute to the family's survival, the woman said that they lived happily together. However, during an FGD5 with women in Nyange sector, some said that the fact of being married could be counterproductive, as some women were obliged to take responsibility for the bad behaviour of their husbands. One of them said,

You may have a husband who wastes the household's property and contracts debts here and there and when he fails to pay back, he sometimes runs away and leaves you in trouble. They come and ask you to pay for the simple reason that your marriage is registered and you have your property in common. You struggle to pay back while you don't know when and how this money has been taken and spent.

Yet another one narrated her case of how she paid her husband's debt of 300,000 RWF. Even though women presented some cases where men had wasted the joint household property behind their wives' back, the majority of the women (76.7%) still wanted joint titles among registered wives in monogamous marriages as they thought independent titles could create more conflicts within the families. This indicates how women value the stability of their marital status, which is further discussed in the concluding section.

5.6 | Access to land titles and women's decision-making and control over land

Respondents were asked if having a land title had improved their decision-making and control over land. The information gathered around the issue indicated that the grand majority of the respondents agreed that having a land

title had improved their land tenure security, and they thought that it was important to be registered on the land. In FGDs, women asserted that with land titles, they had a say on the use of the marital land, and nobody, not even their husbands, could take it without their consent. Some of the participants said that having ownership over a piece of land gave them a place to call their own, like an address (*ibaha kumva bafite aho babarizwa*), and a guarantee that their husbands could not threaten to send them away, in case of separation, divorce, and even death. Women further argued that with the land title, they would still have rights to the marital land. Furthermore, women consider having land titles a security for their children because they believed that even in their own absence, their children could claim the land as they have rights, and nobody can go against that.

All participants in the FGDs said that there were notable changes in how important decisions regarding land were taken, such as in transfer, selling, leasing, and mortgaging land, because the signature of the woman is required. However, in the daily management of land and the production, things had not changed much. The women further argued that the way the couple managed their land and its produce depended more on an individual's behaviour than on the changes within laws and regulations. Women said that it would be hard for the law to change men's dishonest characters, and therefore, women had to bear with the situation.

There were some participants in the FGDs who did not care whether their names were on the land certificate or not. The women thought that the land was for the husband, as a wife did not bring any land to the household when she got married. Further, some argued that once women are married, they no longer have their own property, as this could be a source of conflict within the family. Some participants said that it was possible that they could get land or cattle as gifts from their parents, or they could buy other property themselves with money generated through their membership in cooperatives; however, they also said that it was not possible to manage their property independently because they were married. The women further argued that, in most cases, it was the man who had the final say on how the woman's property should be managed. One participant in FGD3 in Kinigi sector presented her case as follows:

I told my husband that I wanted to buy a female sheep and he agreed. After a while, the sheep gave birth to a young male sheep and when the little one became old enough, I told him that I wanted to sell it, he first refused but later allowed me. When I came back from the market he asked me for the money, and I did not know how he spent it. So, we do not have our own property, when you get a piece of land, a chicken, or something else, all become household property and mainly the husband's property and he is mostly the one who decides how to use it.

Stories such as this one raise the theory/practice dilemma of the new laws, as the social construction of gender relations in a patriarchal society attribute supremacy and decision-making to men and characteristics such as compliance and patience to women.

6 | CONCLUDING DISCUSSION

It is difficult to locate gender biases without understanding women's experiences in the real world (Levit & Verchick, 2006, p. 46). This understanding is vital when implementing laws and policies but also when correcting the often-unequal outcomes of such implementation. It was in this regard that this study, which aimed at capturing women's experiences of their land rights, was carried out in Rwanda as the LRTP was being implemented.

The findings from this study revealed that nearly all women in the survey and FGDs support the general idea that women should have land titles and applaud the efforts of the GoR to fight gender imbalances in land rights. With respect to the completed LRTP, a large majority of the women had obtained land titles, independently or jointly with their husbands, and consider this a good starting point towards their empowerment. In general, the LRTP has brought some radical changes regarding women's access to land. Customarily, women were not allowed to inherit except in some exceptional cases when daughters were given gifts of land from their parents or extended families (Musahara

& Huggins, 2004; RoR, 2004). As discussed by Bayisenge et al. (2014), Daley et al. (2010), Polavarapu (2011), and RISD (2013), this study re-emphasizes that with the new land legislation, some gender norms and ideologies of male supremacy have been challenged, such as the inheritance practices.

Theoretically, land-related laws and policies have clear provisions to ensure gender equality, but their implementation still faced challenges. Some examples in this study showed the coercive nature of social norms and the unequal gender relations affecting the implementation of the new laws. Respondents presented some criticisms of elements in the land laws and policies, such as those privileging the registration of marriage as a condition for women to have a share of the matrimonial property. Women in the study thought that every married woman should have rights to the marital property whether registered or not. This proposition needs to be taken seriously because despite the GoR's effort to sensitize couples to register their marriages, this study and others, like the GMO study from 2011, showed that one out of three of the married women lived in non-registered marriages. The fact that the Rwandan society disdains someone who fails to get married is one of the reasons why every woman felt compelled to get married, with limited possibilities to make any choices on the kind of marriage she entered into (Bayisenge, 2015b).

This is an example of the power of cultural norms where some women preferred to obey cultural practices of getting married without paying much attention to whether the marriage was registered or not, just to comply with social and community expectations, even though they might know the implications. If a husband was not willing to register the marriage, a woman preferred to stay with him in a non-registered union rather than compromising her marriage (Bayisenge, 2015a). These findings were in line with what Jackson (2003) and Walker (2003) found about how women might give up the claim of their land rights while they were still married in order to protect their marital status that could provide them with a range of material and non-material benefits.

In addition, attitudes around inheritance practices showed the stickiness of social norms and gender ideologies. After more than a decade, some men and even women were still contesting the inheritance law adopted in 1999 (Bayisenge, 2015a; Bayisenge et al., 2014; Daley et al., 2010; Polavarapu, 2011). The new legislation on inheritance gives equal rights to daughters and sons to inherit their parents' property and to married women to inherit land from their birth family and their husbands' family (RoR [Republic of Rwanda], 1999). However, one out of four of the respondents still thought that sons should inherit a bigger share than daughters. This reflected how the existing gender norms, that sons would keep the land within the family lineage, were being circulated, reinforced, and reproduced. In Rwanda, like many other societies, land is not only a source of livelihood but also a source of power and identity (Agarwal, 1994a). Thus, being denied land rights reinforces gender, economic, and social inequalities in general.

Regarding the access to land titles and women's decision-making and control over land, women argued that with land titles, they had a say on the use of the marital land. However, when looking closely at the findings, it came out that the main changes were associated with important decisions such as transferring, selling, or leasing the marital land. Due to the joint certification, men could not easily take such decisions without seeking the consent of the wife, which is a legal requirement. However, regarding the daily management of agricultural lands and production, not much has changed. The study also revealed that some women still hold attitudes reinforcing male supremacy, as they considered their husbands the heads of the households and that everything in the home was their husbands' property, and usually, it was the man who has the final say on how the household property should be managed. Some also argued that once women are married, they no longer have their own property, as this can be a source of conflict within the family.

These findings corroborated Deere and León's (2001) findings from their study conducted in different countries in Latin America. They found that women's claims to land titles could be a cause of tension and domestic conflicts, as it challenged the relations of power. Gender inequalities are the cause and the consequence of multiple forms of discrimination that tend to be transmitted and reproduced over time and generations through the process of socialization (Siltanen & Doucet, 2008). What complicates the situation further was that the responses of these women showed that they themselves have internalized the ideas of their subordination and considered them the norm, which was also discussed by West and Fenstermaker (1993) and the World Bank (2005).

This paper reported limited actual knowledge about land-related laws among the respondents despite the fact that a good number of the women in the study participated in regular local meetings where information about new laws, policies, and programmes was channelled to the local population. This was a serious problem because it was hard for women to claim and protect their rights if they were not aware of them. Furthermore, some challenges such as women's failure to raise issues in local meetings have been found. This affects women's effective participation in the communities' activities and their ability to claim and protect their rights. The inability of women (who do not speak up in meetings) to raise issues was mostly related to unequal power relations within their communities where these women expected some categories of people like men, educated, young, and rich to be the ones to speak out. The problem of power relations might also come from outside their communities within a top-down approach where women expressed that it was the leaders who were supposed to talk. These findings partially corroborated with Jackson (2003), Veldman and Lankhorst (2011a, 2011b), and Walker (2003) who reported that women's silence could also be understood in terms of cultural norms and social costs, which discourage the discussion of family matters in public.

It might look contradictory to report that a good number of women claim to be actively participating in community activities on the one hand and little actual knowledge and inability to speak up on the other. A low level of awareness might imply that women have really not heard about the laws, but it might also be due to the way the respondents interpreted the questions from the survey. It might be happening that women knew about land issues and thought of them as something they always knew but not as something relating to certain laws. Second, this contradiction might also show a lack of confidence among women where, despite all the campaigns where a great number of them participated, they still did not feel comfortable and thought that they did not know anything. Third, this contradiction might depend on how these meetings were organized, where leaders might come and give instructions without creating a favourable learning environment through discussion. Local meetings should not be considered only as an information channel but should also allow for time for discussion so that people feel invited to talk and ask questions, which is particularly important for groups who feel uncomfortable to speak up in public, like women.

Looking at the findings from an intersectional point of view, it emerged that women were affected in different ways by the process of the LRTP. Social categories such as marital status, age, and education influenced women's participation in the process of claiming their land rights, as well as the way in which they were affected by the outcomes of the process. Non-educated, old age, non-active in community activities, as well as women without leadership positions and engaged in non-registered marriage, seemed to be more disadvantaged compared with other categories when it came to land law literacy, attitudes vis-à-vis the LRTP, and the ability to claim their rights. The fact that some categories of women were more disadvantaged than others makes it clear that strategies aiming at strengthening women's land rights cannot treat women as a homogenous group but rather need to consider diversity among women in the implementation process.

The discussion of the findings in this paper contributed both theoretically and conceptually to the ongoing debate on how to better ensure women's land rights. It emerged that the dominating attitudes and practices surrounding gendered access to land in Rwanda were circumscribed and mediated through gender relations that were socially constructed and re-constructed into ideologies and norms. The analysis of the findings repeatedly pointed out the dilemma of theory and practice, in which laws and policies that were good in theory were not necessarily easily and effectively implemented because of cultural norms and values based on male supremacy, which many other studies have pointed out (Agarwal, 1994a, 2003; Cousins, 2008; Jackson, 2003; Kaarhus et al., 2011; Levit & Verchick, 2006; Rao, 2007; Razavi, 2003).

Looking at the power of social norms and the debate about how to better protect the land rights of women, like some other studies, this study underscored the need to build an implementation of new laws and policies on a good understanding of customary practices. This conclusion is built on the assumption that none of the two systems, rights-based approach and customary systems, has been more sensitive to women's land rights than the other. Therefore, the paper calls for the complementarity between the two systems. Not all aspects of customary rights were

negative to women, nor were all the principles of statutory laws free from gender bias. Harmful customary practices that reinforce women's inferior status should be identified and fought, and positive aspects allowed to evolve in order to generate support for new changes (Obeng-Odoom, 2012).

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