

Analysis of Right-Based Approach within Land Policy in Rwanda

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Abstract

Land as fundamental livelihood asset on which other activities (shelter, food production, etc.) depend on, should be governed and managed in a framework that treated people (all) as key actors with right to access, use and control over. Therefore the necessity of land administration became a cornerstone and has become a large pipe by which financial movements flow to and from. The purpose of this paper was to examine whether the new land policy in Rwanda was implemented in both rural and peri-urban areas in respect of right-based principles. Through a mini field work it was revealed that in the process of implementing its newly adopted land policy, Rwanda might have run a long distance in a short period of time to achieve a course of action that would have taken long in normal situation. Non-discrimination and equality was the most successfully achieved principle. The policy made it clear that both man and woman have all equal right to land. It was noted that the issue of land grabbing and other disputes have reduced. In case of expropriation, landholders trust leaders. In the rural area, local people haven't yet caught economic benefits of land registration and titling. Land is still honorific and prestigious asset for most of rural residents. The implementation of land policy shows no sign that rural communities were empowered on how land right could lead to a variety of economic opportunities. Both peri-urban and rural areas do not face same challenges. In rural area, right-based principles were applied, but the extent tends to diminish compared to peri-urban one.

Keywords: Right-based principles; land policy; Empowerment; Participation; Non-discrimination; Equality; Peri-urban; Rural; Rwanda

Background and Justification

Land as fundamental livelihood asset on which other activities (shelter, food production, etc.) depend on, should be governed and managed in a framework that treated people (all) as key actors with right to access, use and control over. In other words, the framework should be inclusive and non-discriminatory. Note that a large percentage of the world's poorest population lives in farming households and depends on the productive use of land for their food security [1]. Under rights-based approach, policies and development initiatives are attached to a system that helps to promote the sustainability of development processes by empowering people, especially the most vulnerable and marginalized, allowing their participation in policy formulation and holding accountable those who have a duty to take action [2].

Land security in Sub-Sahara-Africa has been a more elusive concept than the simple holding of a title in the past [3]. However, as market-driven economy policies were being reinforced in Rwanda as it is in other developing countries, the necessity of land administration became a cornerstone and has become a large pipe by which financial movements flow to and from.

Moreover, land has been utilized as a driver of exclusion and marginalization of some groups in the society, and thus fuelling conflicts in various layers of the community from family level. Therefore, with land being considered as a significant contributor to the 1994 Genocide, Rwanda's government had to provide clarity on land holding rights to avoid conflict and disputes at family and community level, and promote social structural transformation [4].

Therefore, in Rwanda context there is a prime need to review how the two objectives were maintained by promoting the new land governance and administration framework while protecting right based approach principles.

The relationship between effective land administration and economic and social change such as credit access, poverty reduction

and productivity has been appealed against, since other factors affect whether and how titled land can be used to foster economic growth and socio-economic development [5]. These factors are embedded in an effective intermediary phase where comes in the application of principles of human rights-based approach. Roth and Haase argued land registration and titling not always applicable for promoting the change expected since the positive effect on security of tenure is not always attained because of inefficacy of land use and management [6].

The impact of this paper is to point out with greater awareness the consideration of rights-based approach principles in the whole cycle of the new land policy in Rwanda. This paper enlightens on the contribution within Rwandan society, all classes/groups included, since it will review the level of enjoying equitably and sustainably the right of holding a land. Recommendations are addressed to various stakeholders (government, researchers and civil society representatives) for landholders to get the most out of the implementation of land policy by attracting their attention to factors that may obstruct the intended impact to happen.

Methodology

This paper has theoretically analyzed whether the new land policy was formulated, implemented and being followed up in respect of the concept of right based approach. The underlying fundamental principles of right based approach for development that have served as benchmark of the analysis are: the participation of right-holders (landholders); the accountability of duty-bearers (upwards and downwards); non-discrimination and equality toward marginalized

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groups (especially women); empowerment of the society in general, and the marginalized groups in particular, under legal framework to insure it is all protected by law.

A review of literatures related to land administration in developing countries with particularity on Rwanda was the main source of information. Rwanda land policy document and its tools have served as practical instruments that clearly explain the formulation, implementation and follow up of the new practice in a country that had been using a customary regime of land use and management.

In this paper, the theoretical construction of right-based approach in Rwandan land policy is accompanied by data collected from two different sites. In rural area, data were collected in Kinazi Sector, Ruhango district in Southern province, while in peri-urban the periphery of Kigali, Kicukiro district in Kanombe sector, exactly in Karama and Busanza cells and in Rusheshe sector were the source of information.

Sixty questionnaires were distributed to respondents in both sites and have served as a powerful instrument to deeply understand the reality in policy implementation. It is a way of collecting feedback from right holders (landholders) about how empowering, inclusive, participatory and non-discriminatory was the process. The two areas were selected in the sense to allow the research to draw conclusions connected to the remarkable changes. In the peri-urban areas, new infrastructures and building have boosted nowadays. In rural areas, the importance of land has taken another dimension since the new land policy gives rural landholders/land-users options for land to serve as source of opportunities other than agriculture of subsistence.

Furthermore, interview with district land officers in the concerned areas has proceed after policy review and land holders' data collection. Gathering data from district land officers has provided me with the image of how they are accountable as duty bearers to the population, but also some of the challenges they face, especially in very rural areas where the mindset of the people is far from moving to opportunity-oriented. Understanding the mechanism in place facilitating downward accountability determines the level of transparence in policy implementation phase. Four Land district officers from two concerned areas were interviewed.

Literature Review

The literature review has drawn up what has been said by researchers about land right in Rwanda in particular, but also other cases in developing countries, especially African countries which share some common characteristics (economic, socio-cultural and political history).

The literature review of this research discusses various development theories that accommodate land right as a development, human right and security concern. Land right is central for any development and poverty reduction program, but also often gateway for access to numerous economic, social and cultural rights [7]. Therefore, the condition of landlessness threatens the enjoyment of a number of fundamental human rights.

In addition, development theories have evolved one after the other, each one claiming to be the best. This has led development concept to be questioned, specifically on the negative effects of each and every development theory. In fact, discussion zooms in the African context especially the case of land reform in Rwanda. For example Griffith-Charles, described that land is one of the primary drivers of the

development theories and land can be the source of capital required for modernization on one hand [5]. Access to land minimizes inequities claimed by dependency theorists once applied in proper manner. Global corporations require land to make use of the resources in targeted nations on the other hand.

Other theorists have centered their attention in rural area in developing countries whereby agricultural productivity and access to credit were the major impact that land rights materialized by land registration and titling, while others have looked at the effect of land title on investment and access to credit mostly mortgage. According to Griffith-Charles, title registration carries the additional guarantee of not only those rights, but also the guarantee of the transactions regarding those rights being legally valid by virtue of the recordation process [5].

In terms of participation and empowering the marginalized groups, land administration was recognized to bear immediate effects only through other precedent programs aiming to give access to rights to all, such as gender equality and redistribution of revenue policies. Ali et al. argued that the processes of social and economic change triggered by land registration is evident in a number of areas most immediately related to gender equality and resource access [4].

Most of researchers in land tenure focus on economic and environmental impacts. However, Rashid argued that land accommodates individuals, communities and societies. Identity, a sense of belonging, inclusion and human dignity are fundamentally linked to ownership of land [8].

Critics against market oriented land policy go on by pointing out risks attached to it of making poorer the poor. In other words these arguments claim that giving a land title to the poorer offer a legal, secured and faster authorization to the wealthy to access it. With the politics that goes around land ownership, use and control, in some cases land office planners are not in a position to resist the pressure from wealthy classes.

Feder and Nishio underlined some of the negative effects that modern land registration and titling may once the process has some loopholes and lack effective monitoring. First, it can provide opportunities for land grabbing by those who are more informed about the formal processes at the expense of poorer, peasants or indigenous communities/families.

Secondly, wealthier and informed people can also acquire land at low price only because they have information on speculation of land related decisions that are about to be taken. Smallholders or poor sometimes get tempted to sell their land at low price because policy makers made some barriers in conspiracy with larger landowners. This creates limitations to participation since the status of being marginalized goes together with the lower level of education. Finally, the place of the women and indigenous communities in most cases in term of involvement in registration process onward is undermined.

Moreover, youth claims to be not recognized by recently adopted land policy in most of developing countries where almost a third of the population [9] is considered young, while in their difficult to find a startup capital could not access credit for investment due to lack of collateral, land registration certificate being the most used in rural areas [10]. In case of Rwanda, we could say that youth have no access to land, unless through inheritance and purchase, since the law does not give children right to their parents land.

In addition, land policy implementation goes together with the

objective of landscaping work in some areas. This process of course creates opportunities and increases the value of land. However, it might probably produce negative effects to small landholders, since small plot does not match with the plan in that area.

Definition of right based approach concept

The concept of rights based approach is defined as the method used in various domains for interlinked objectives to stimulate a pro-poor and sustainable development. Defining rights-based approach as a global concept has entitled to be held by all right holders without any kind of discrimination (religion, social class, race, etc.).

Right-based approach implies a very deep model that considers two steps and two key players. On one hand, it necessitates a proper process leading to good outcomes. The process should involve everyone including the most left behind, but also the management of the outcome requires a strong system to protect achievements. For example, if any program or intervention does not focus on sustainability issues and ownership of the initiative by beneficiaries, whatever it could bring in, will not last longer.

On the other hand, there are two players whereby one is providing support to the other for a determined period of time and for a specific matter. We have the right-holder and the duty-bearer. The right-holder should benefit a certain support for him to build up his own ability and capacity. The duty-bearer is accountable to provide the necessary ingredients to bring the right-holder to a position he will sustain himself. However, systems are not simplistically flat. The reason why review, analysis and assessment, evaluation, etc. are all important in development matters.

Land right in African context

Right to land is one of the fundamental rights and the entryway of other rights. For example, right to shelter, right to food security and more others are only enjoyable once the precedent is fulfilled. It is essential to find rights-based mechanism of attaining solutions that provide secure access to land in a way that no group or individual is systematically excluded [11].

In the Sub-Sahara African context, almost similar to other developing countries, for land reform to be successful, there are preconditions that need to be in place. Among a long list of a successful land reform prerequisites there are:

(i) A proper institutional framework involving all the relevant public and private bodies: Given that all institutions will not regard the process land reform in the same sense, there should be a huge synergy in which the role and contribution of each sector should be examined. For public institutions (national and local in their involvement in all phases), they are theoretically looking for equity the most, while for banks for example the most important factor is land productivity. According to Groenewald in some parts of Africa (with the example of Rwanda, Burundi and DR Congo) ethnic issues have been important contributors to social, political and economic unrest, including those impacting on use, distribution and productivity of land resources [12].

With political, social and economic crisis in most African countries, land reform has been an unrealistic concept. In some countries land is traditionally allocated to ethnic group. It makes the process of individualizing land much complicated.

(ii) Farmers must be given special support, including extension and adult education. Without a goal, success remains unachievable. African

smallholders have no necessary skills of how to make productive their land. Most of them inherit land from their parents. Therefore, land use for subsistence agriculture continues to be a common practice from father to children. An effective land reform is only possible if farmers are provided with tools and skills through adult education program.

The provision of education will not only give smallholders skills, but also be exposed to information. Due to lack of information, small scale farmers who are mostly poorer are victims of land grabbing or similar forms of inequality between classes. De Schutter argued that large-scale investors in farmland by having better access to capital implies huge opportunity costs resulting in a form of farming that will have much less powerful poverty reducing outcomes, than if local farming communities were given improved access to land [13]. The role of woman in the process of empowering small-scale farmers is key because without her involvement while she is the one taking care of family matters more than man does.

(iii) Complementary services and infrastructure are needed in the form of improved access to financial services, markets and inputs and also improved transport, health, communications and other infrastructure. For this reform to be successful, the importance of infrastructures that will serve as bridges connecting farmers with other necessary services.

For example, Groenewald claimed that marketing and inputs supply are not functions to be undertaken by governments [12]. Experience has shown government to be poor and inefficient provider of such services, but it falls in its task to create an enabling environment.

Therefore, there is a need for these requirements to putting in place the combination of several settings that will make land reform possible. The role each stakeholder should guarantee equitability and productivity towards landholders. This combination works as an important prevention mechanism to other issues such as social, political and economic crisis.

The particularity of Rwandan case with new land policy

Land-related problems in Rwanda are multiple and had been there for long time. They are mostly from social and political crisis with had economic effects. Demographically, Rwanda is the most populated countries and the concern are land scarcity and lack of well-administered environment protection. It was characterized by a deficient implementation of policies and laws related to land.

Being a hilly country has created a serious issue whereby soil erosion has become the worst before rigorous measures such as terracing were taken. Rwanda also faces a severe problem of non-regulated cultivation of a soil that is not fitting with agricultural activities. The after 1994 genocide made the situation more ridiculous with more than affordable claims of land had multiplied due to a big number of refugees who were returning (those of 1959, 1973 and 1994). 70% of Rwandans hold less than 1 hectare and majority of them live in rural areas where the only and unique activity is agriculture. Not any agriculture but agriculture of subsistence [14].

Therefore, the solution that current Rwandan government had seen as the only way-out was a proper use and management of land. It is believed that the vector for economic development lays in the way land administration is strong and effective.

Rwanda government has initiated an unprecedented land reform which started in 2004 believed to be the most ambitious in Africa. Given the seriousness of the issue, this new policy was expected to

appease the situation by solving disputes between land right-holders by ending women discrimination (promotion equity) and boosting a most precious resource to Rwandans in the market (promotion of land-based investment).

As earlier said, the theoretical side of this paper aimed to assess the integration of right-based approach in policy design and elaboration. Legal framework in which land right is emphasized varies from the broader concept to the more detailed policy. First and foremost, right to land is defined as a fundamental right to every Rwandan in Rwandan constitution (The Constitution of the Republic of Rwanda [15]. Land is recognized as a tool that will bridge a leveraged transformation in all layers (social, economic, environmental and political).

According to Rurangwa, the existing right to land for Rwanda was customary inherited from colonial period, which has causes inconvenient in terms of fueling disputes, not accessible by women, being a redundant resource in the economy, but also lack of strategic protection of the environment [16]. This situation made the government to be the greatest owner of land, because only few lands were registered. Therefore land ownership was hardly traceable, but the worst and most complicated was land use and management.

The new land policy had key elements to correct and update: to make the land a tool for transformation. The national and the related organic law describe clearly conditions and mechanisms that frame land ownership, use and management in Rwanda Organic Law no 04/2005 [17].

Prior to that there was a juxtaposition of customary tenure and statutory tenure. Most rural land in Rwanda was accessed through inheritance and leasing through customary tenure provisions and most urban land was accessed through purchase and leasing through statutory tenure arrangements. Other methods of acquiring land included government land allocations, borrowing, gift, first clearance and informal occupation [16].

Note that constraints related to land were becoming too accentuated by a growing population, competing claims to land, government expropriations for infrastructures, history of conflict and land degradation. All these issues have put pressure on the existing land tenure system. It is when land surveys report had highlighted the motivation of most landholders to formalize their rights under the legal framework.

The Strategic Road Map has five major objectives for land tenure reform in Rwanda: (i) To improve land tenure security through an efficient, transparent and equitable system of land administration nationwide. (ii) To contribute to good governance by implementing the already existing programme of decentralization through the decentralized land institutions. (iii) To play key role in facilitation of economic transformation in both urban and rural sectors by encouraging multi-sectoral growth through increased investment in the productive sectors of trade, infrastructure, agriculture, etc. (iv) To encourage good land use practices and sustainable natural resource and environment management. (v) To contribute significantly to land conflict management.

A lot was achieved in a very short period (A clear and strong institutional framework with a strong political will; strong legal framework that ensure security of tenure to all land owners [18]. Land has got its real identity as a capital and the title is used to get access to bank loan using land as collateral. National land use master plan that enables rational use of land resource. Land Administration

Information System with a digital register as a tool that facilitate land data maintenance and flexibility to accommodate new changes (parcel updates, personal and land rights information) and land transactions, contributing to ease doing business. Future development in pipeline consisting to link the interface to mortgage registration, to connect banks to land owners and to link geo-data to land rights information and to link the System with districts using the fiber optic capability.

Looking at the above listed outputs, one could say that the road is now tarred. As earlier said, in right-based approach the involvement of right-holder is key. The whole process and expected outcomes should be beneficiary-centered. Government of Rwanda has done enough on his side to make the route passable. However, a lot need to be done on the side of the right-holders to own the process and be the catalyst of the expected outcomes. The next section analyzes data collected from the field and outline gaps that creates loophole.

Presentation of Results from the Survey

Descriptive presentation of respondents

A descriptive analysis of respondents' profile in this mini-research is as follows. Areas considered in this research were peri-urban and rural. Peri-urban was in Kigali Kicukiro district Kanombe sector in cells Karama, Busanza and Rusheshe (40%). Rural in Southern province, Ruhango District, Kinazi sector, known to be a cassava ground (60%).

In terms of gender, 40 female respondents spoke to questionnaire administrators during field work, whereby 17 and 23 are respectively from peri-urban and rural zone, while 20 male respondents made by 7 and 13 respectively peri-urban and rural area.

Respondents were split into the following range of age: 80% were the age of 50 years but none was under 21 years old. The remaining 20% were above 50 years. 68% of all respondents were married, and only 8%, 6% and 10% were respectively in the status of separated, single and widow.

In terms of education, respondents level of education corresponds with 17% with no level of education, 27% have primary level, 37% hold secondary level and 20% have university degrees. Moreover, over 75% of the total number of respondents belongs to a family of at least 5 members. In addition, it was noted that 53% of them acquired land ownership by means of purchase, while 36% and 10% were respectively acquired through inheritance or mutually shared land right.

Analysis of right-based approach the implementation of land reform

In this paper right-based principles were operationalized with aim to materialize information that determines the level by which the population has benefited or not from the implementation of the new land policy. Participation, accountability, empowerment, and non-discrimination and equality are key concepts that will be analyzed in the analysis.

Participation, accountability, transparency in the process of implementing land policy

Participation of right-holders, especially ones in rural area, as well as accountability of duty-bearers in our tool of collecting information appear through measurement of confidence of the people in knowing land policies and procedures, the trust that landholders have to land administration, the level of expectation to get a fair compensation in case of expropriation. Brett, E. A. argued that greater participation

does not base on simplistic assumptions; rather it is central to social development [19]. It will only work in practice where it can be reconciled with expertise, low cost decision making, and discipline in organizational systems.

On the level of confidence in having knowledge related to land policy, procedures and laws none of respondents has claimed to be “very well informed”. However, the level is quite higher in peri-urban than in rural area with 54% against 38% of at least those who declare to be reasonably informed.

If we compare female against male, there is a slight difference on the favor of men being well informed about land policy and procedures more than women. 52% of male respondents declare to reasonably have information, while only 48% of female respondents do the same. Three platforms were their source of information: Meeting with leaders, Radio or TV and neighbors. In this context, meeting with leaders is the number one measurement of participatory approach in land reform process. According to Brett most theorists agree that participation is a process by which people, especially disadvantaged people, influence decisions that affect them, as opposed to one where decisions are imposed on them [19].

Some of the qualitative statements that respondents from peri-urban area have provided about what they would request in order to enhance their knowledge, are as follows: “we need to be updated on changes that affect the master plan”, “only fewer of us can access internet and most of the needed information are online. So, if you do not know how to use internet, you only rely on what you hear outside in the neighborhood”.

Regarding the trust that the population has toward land administration office all areas included, 51% of total number of respondents trust land officers. However, there is slight difference between rural and peri-urban area. The trust is quite higher in rural with 55% than in peri-urban with 46%.

In this sense, trust was used as a proxy to measure the level of transparency and accountability of duty-bearers. The more people are involved in the process, the higher the trust they have toward officials. There is considerably a positive attitude vis-à-vis the government in regard with land management. Here is what they declared: “we trust our leaders”, “although we would want to have information as much as possible, we trust our leaders, especially those at central government level”.

However, there are statements that claim that lack of trust births from hidden layers of corruption. “Land has become a hub of accumulating wealth in Rwanda. The sector has some unclear transactions, the reason why the level of trust is very low” said a respondent from peri-urban area. Another respondent said: “unless you know someone in the office who can help you, otherwise trust is insignificant”.

Empowering society and land policy implementation

According to the definition made by Zimmerman empowerment implies four dimensions of meaning (e.g., beliefs, attitudes), competence, self-determination, and impact (or efficacy) [20,21]. Therefore, participation can only bear fruits if it goes together with empowerment.

In terms of empowering Rwandan society, especially the marginalized groups, data from the field revealed that most of landholders have their land used for traditional agriculture. In the rural, 23 respondents out of 36 use their land for agriculture of

subsistence. Only three respondents apply intensified agriculture. Some of the qualitative information collected about why they could not move to modernized agriculture, some of the respondents could say the following: “we lack knowledge and capital”, “intensified agriculture is very expensive, we cannot afford it”, “in our normal way cultivating, we grow crops to satisfy family needs, but in modern agriculture, we will be restricted to grow only one crop”.

Though there are program of agriculture education for landholders and land-users (small farmers), in the implementation of the new policy much should have been done to provide the population with the right information of what is needed to gain the most from their land. With capital and knowledge, land could be profitable and the source of empowerment in social and economic terms.

With the new policy of expanding the city, in peri-urban area most of the population who originated from the peri-urban areas does not live there as for now. They are obliged to leave and move to other affordable places. 75% of respondents in the peri-urban area got the land through the means of purchasing it. Although they claim a fair compensation in case of expropriation, the assertion indicates that leaving the place you emanate has double effects: with a fair compensation, one could financially get enough money to resettle in a new place or run other initiatives. However, losing your neighborhood comes as a sort of social disconnection, which has also a social cost. Here are some of the statements said by respondents: “We trust our government, but moving to a new place is not good”, “you do not only leave your neighborhood, but you go far from your friends and relatives. It has also a cost to pay”.

In contrast, land policy effects are double-sided. On one side, there are benefits that obviously land titling was expected to solve such as land related disputes and legalization of land ownership. On the other side, there are obligations that go together with the enjoyment of that right. For example, any landholder has to pay taxes based on how large the land is. Data collected from the field revealed that 86% of respondents from rural area classify land related taxes to be “very high or high”.

A large number of the recommendations provided by respondents to central government policy makers and to local leaders, who are implementers, were all turning around reduction of taxes on land ownership. Nevertheless, one of the land officers I interviewed told me that during the awareness campaign for land registration, government officials couldn't emphasize on the obligation that landholders would have to bear once his land got registered, because it would have created resistance from landholders. He said: “we know that government can only survive by taxes collected from its people. However, at some extent, we see imbalance in the way tax base is shared between various classes in the society. It is quite difficult for a peasant who lives by subsistence agriculture to pay 30Rwf per square meter, simply because he lives in a zone declared “living area””.

However, the extent in peri-urban area is not that much extreme than it is in rural area. Only 20% and 21% of the total number of respondents respectively claimed that land taxes were “very high” and “high”. One of the dimensions that analyze social inequality is the gap between urban and rural. Note that in Rwanda taxes on land ownership differ from district to district. District holds the right to classify tax base to taxpayers, though central government fix the range in which variations should navigate in. It should consider various aspects including the capacity of the landholder to make productive his land, otherwise empowerment is compromised.

Non-discrimination, equality and land right

Right-based approach embeds the principle of non-discrimination

and equality. The concept is materialized in factual realm by measuring the level of enjoying land right as your partner, especially women. During data collection, we gave enough consideration to receiving feedback from women. Not because they were our only target population, but for the importance they have in determining equal right to land in Rwandan context.

As earlier said, female respondents were 60% of the total number of respondents. Among those who are married, 24 women out of 27 or 89% have declared to have the same right as their partners. This shows the level of steeper hill that Rwanda has climbed in establishing gender balance.

This was also confirmed by one of the land officer in one of the sectors under research. When he was asked about the take-home from the implementation of land policy, he clearly said: "the social impact of the implementation of land policy is seen in two main aspects: the way it has reduced disputes and family/community conflicts, as well as the equal right between husband and wife."

With regard to the level of solving land related conflicts, 22% of total number of respondents has claimed to have had land related conflicts either with partner (husband or wife), relatives (for inherited land) or with neighbors (for land limits). Almost all cases were solved. Only fewer which remain are in court; the competent institution to deal with such cases.

Conclusion

It is important to clarify that all policies do not worth the same importance in the eyes of an ordinary citizen. It depends on the weight it has in their day-to-day life. Land policy comes among the eyed policies, especially in the context of Africa in general and Rwanda in particular, whereby a large number of population lives by agriculture and land is becoming much more a scarce resource.

In the process of implementing its newly adopted land policy, Rwanda might have run a long distance in a short period of time to achieve a course of action that would have taken long in normal situation. Two motives were behind this speed: first, the thirsty to boost economic development with land being one of the downpipes that carry operations toward economic growth. Secondly, social stability whereby land conflicts will be reduced and the most vulnerable group in the society, especially women will enjoy their fundamental right to land.

This paper has the objective to assess the applicability of right-based approach in the whole process of implementing new land policy in Rwanda. Theoretically, documents have shown that the new policy would solve problems of previous land management system. Social, economic and environmental impacts were expected to come out.

Through a mini field work, collected data were analyzed in two distinct groups, rural and peri-urban. Both areas do not face same challenges. In rural area, right-based principles were applied, but the extent tends to be lowly-impacting compared to peri-urban one.

Non-discrimination and equality is the most successfully achieved principle. The policy made it clear that women and men have all equal right to land. It was noted that the issue of land grabbing and other disputes have reduced. In case of expropriation, landholders trust their leaders who implement the law. However, land has become like any other commodity which can be easily sold and bought. In this case, there is a risk of misusing the land for those people in fragile situation.

In the rural area, local people haven't yet caught economic benefits

of land registration and titling. Land is still honorific and prestigious asset for most of rural residents. In terms empowering the community, the implementation of land policy shows no sign that rural communities were empowered on how land right could lead to a variety of economic opportunities. For landholder to gain economically from the security of his right, there are prerequisites to fulfill. In traditional way of growing crops, holding a land remains non-empowering.

One of the slogans that were caught in the mind of rural residents is the social effect of it. It could be confirmed that this objective was achieved in both rural and peri-urban areas. However, there is still a journey to go to build the capacity of those who are disadvantaged to actively participate and make accountable duty-bearers.

It was noted that peri-urban areas have benefited more than rural ones in different ways. Local leaders in rural areas should add more efforts in building the capacity of local community members. But the role of civil society should also be key to ensure all layers of the society including those who have no voice join the race of change. It can be done by raising role models who would serve as typical examples of how to play a principal role in his own development process and for his community's benefit.

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