14

Displacement and Land Administration

Potel Jossam, Paul van der Molen, Luc Boerboom, Dimo Todorovski, and Walter T. de Vries

CONTENTS

Introduction

Serious conflicts tend to lead to both significant displacements of people and competing claims over land. Forced displacement, due to the involvement of arms, disrupts the relation that people have with their land, leaving them with no other choice than to leave their land behind for their own safety. However, the temporary disruption has long-lasting or even permanent effects in land tenure or even in the formal land administration as a whole. The vacated land is occupied by secondary and successive occupants, sometimes with the consent and under the direction of authorities. After the conflict, when original tenants return a conflict of interests emerges because of overlapping interests and conflicting claims, which may each be regarded as legitimate under successive administrations. On top of that, returning refugees—people who flee their homes for their safety and cross the border of their country—often find their original properties destroyed, leaving them with little proof or evidence to justify their claims.

The details of such scenarios have been described in a number of recent cases of conflicts. For example, in Mozambique, where the civil war started in 1977 and the conflict ended by 1992, secondary occupation was common, mainly by government employees, soldiers, and military officials (Todorovski et al. 2013). The conflict had displaced over five million refugees, whose original land claims could not be easily accommodated afterward.

Similarly, the various waves of ethnic conflicts in Rwanda in the period from 1959 to 1994 led to 2.5 million refugees and large numbers of internally displaced persons (IDPs) by 1994; at the same time, there has been massive numbers of returnees among those who had been refugees since 1959 (Potel 2014). Unfortunately, the list of conflicts and displacements is long. Kosovo, Cambodia, Sierra Leone, Liberia, Ivory Coast, Bosnia-Herzegovina, Sudan, Timor-Leste, Afghanistan, and Rwanda are the most reported ones (Zevenbergen and Burns 2010). All cases have, however, shown that acting on displacements and solving conflicting land claims from IDPs, refugees, and returnees is of crucial importance in supporting peaceful transactions away from the conflict. Land administration can thus be one of the supporting tools in post-conflict governance.

However, Todorovski (2011) argues that land administration in post-conflict periods is difficult to reestablish. It requires approaches that are able to deal appropriately with the circumstances of the local context and history. A crucial issue is, for example, the fact that often many of the original land records were destroyed, as was reported in the case of Timor-Leste (Todorovski 2011). In addition, former land officials were killed or displaced—the case in Rwanda—resulting in an abrupt and irreversible end of capacity in handling land issues. How can the land claims of displaced people and secondary occupants be reconciled responsibly, and in which periods of post-conflict can this be done and how? This is the main question addressed in this chapter.

This chapter will first address the theoretical views on how to regard the two main concepts displacement and administration of land and claims. This includes a short description of contemporary international views and policies on post-conflict administration. This is followed by a short introduction into the case of Rwanda, which is further explored through empirical analysis. After a description of the methodology to execute this analysis, a synthesis of the results and a discussion on the implication of these on each of the elements in the main research question follow.

Theoretical Perspectives

Two concepts need further theoretical elaboration: displacement and administration of land and claims in the post-conflict period. The term displacement refers first of all to the social context of forced migration by persecution or violence. In some cases however, it can also refer to development-induced displacement, that is, people find themselves forced to move because of lack of economic development (Alexender 2009). Yet, for the sake of this chapter we only refer to the first type of displacement. Displacement caused by especially armed conflicts always results in significant changes of land tenure,

which remain largely undocumented due to the uncertainty in governance and administration that comes with conflicts in general (FAO 2005). Any occupation of the vacant land left by displaced persons is labeled secondary occupation, assuming that the original occupation was legitimate.

Displacement is an important concept in the aims of the so-called Pinheiro principles (COHRE 2003). These are nonbinding principles regarding housing and property restitution for refugees and IDPs to return to their homes and to recover their property. The principles were adopted in 2005 by the United Nations Commission of Human Rights. They provide a demanding set of rights that include granting the right of restitution for the lost homes and land to victims of dispossession with limited exceptions. Hence, on the issue of restoration after displacement the principles are unambiguous. They aim that all previous possessions and rights, thus including property and land rights, need to be restored in the manner in which they existed prior to the displacement. Though these principles are generally agreed on by most parties after conflicts, their implementation faces substantial challenges. Securing a durable solution of restitution of properties to all "rightful" owners is complicated as evidence for who is the rightful owner in which place is often lacking.

The second concept, administration of land and land claims or, better, reconciling and administrating conflicting land claims, is crucially related to displacement. Under ordinary circumstances, land administration refers to the processes run by government using public- or private-sector agencies to secure land tenure (usually by registering transactions and/or providing titles), determining and/or evaluating land value, land use, and land development. The underpinning land information system supports the land administration system, which provides an infrastructure for the implementation of land policies and land management strategies (Williamson et al. 2010). However, conflicts derive challenging circumstances, which first of all prevent the system from conducting administration activities in an ordinary way and secondly require the system to update itself in certain periods after the conflict.

The first difference with ordinary administration activities is the difference in both implicit and explicit legal consequences of granting land rights during periods of conflict and periods after conflicts. The ground on which a right is granted or transferred can be that a person loses any right of ownership after the expiration of a prescribed time of absence. In the case of a long-lasting conflict, the implicit legal consequence may be that people lose their right after 30 years or more of absence. This occurred in Rwanda, for example, where due to the conflict of 1959 to 1994 IDPs and returnees who had been absent for more than 30 years lost their legitimate right. As a result of this loss, the land was reallocated to the state. Still, the debate in this case was when one should start counting for calculating the 30 years. At the beginning of the conflict? At the end? Sometime in the middle? Or, when the country was stable and the displaced persons did not feel any threat to their life anymore?

The more explicit legal difference with administrating land in ordinary times is the fact of not having documented information at hand and/or not having formally licensed or legally recognized land administration staff members in times of conflict or immediately after a conflict. A crucial question in this is what can be considered documented evidence: evidence made by foreigners (not being part of the administrative system) or evidence based on witnesses (which cannot be verified). Often, as a result, administration can simply not take place in the ordinary fashion and legal shortcuts, in the form of discretionary executive decisions, need to be made. How this is done is thus a subject of empirical investigation of the present research.

In sum, the extent and type of displacement can be characterized by both the volume and proportion of primary and secondary occupations and the volume and size of restoration and restitution. Along with this, the administration of land and claims in post-conflict situations can be characterized by two types of evaluations: which legal principles are used to grants land rights and how executive decisions are made when documented evidence is absent.

A variety of literature sources report that both the displacement and the type of decisions on land claims differ in time passed during and after the conflict. Immediately after the end of the conflict, many institutions are not yet functioning normally and therefore normal administration and enforcement by the state institutions and avoiding illegal occupation are not possible (iDMC 2013). Thus, the post-conflict situation needs to be further detailed based on what is functioning and what is not. Three types of post-conflict periods are earmarked in the literature:

1. The *emergency* period. This is the period in the immediate aftermath of the conflict before full-scale mobilization of aid resources has started (UN/HRIDP 2008). During this period, emergency activities focus on establishing basic governance and providing humanitarian services (UNHCR 2010), as there is often little or no operational governance and rule of law and there is extensive destruction of infrastructure.
2. The *early recovery* period. This period is that transitional phase of the post-conflict country in which legitimate local capacities emerge and should be supported with particular attention needed for restarting the economy. This includes physical reconstruction ensuring functional structures for governance and judicial process and laying the foundations for provisions of basic social welfare such as education and health care, and hence social stability (Nkurunziza 2008). This period involves the development of a legal framework, national policy developments, state formation, and developing strategies for their implementation.
3. The *reconstruction* period. In this period, the rebuilding of a society and physical infrastructures proceeds (van der Molen 2004).

> Government in a post-conflict situation is likely to need revenue and land tax can be an important source (UN-HABITAT 2007), and for this to succeed land in a country needs to be well administered. In the reconstruction period, much attention focuses on the implementation of policies. In land policy, implementation of developed policy on access of land should be supported by land legislation, adjudication procedures for land claims and disputes, existing land administration systems, housing strategies, eviction procedures, administration of state-owned land, administration of private abandoned land, and transparency (FAO 2005).

Hence, when evaluating the relation between displacement and administration of land and claims, the characteristics of both need to be taken into account within the aforementioned post-conflict periods.

The present research evaluates the relation for the specific case of Rwanda. Rwanda faced two violent conflicts rooted in ethnic differences between Tutsis and Hutus. It caused enormous displacement over a large period of time and many land claims. In 1959 a large number of Tutsis fled, and in 1994 the Hutus fled (in fear of retribution). During the entire period from 1959 to far into the twenty-first century, displacements continued, resulting in secondary occupation. In conflict, many IDPs and refugees are forced to flee and leave behind their land without legal documents that can later be used to justify their ownership (Augustinus et al. 2004); this was the case in Rwanda. According to a UNHCR (2010) report, Rwanda had over half a million refugees in neighboring countries by 1964.

In 1959, the Tutsis were forced out of the country, yet they could not justify their land rights as the country had a weak land administration system at the time. As a result, in 1962 the land that had belonged to those Tutsis was distributed to Hutu peasants (Potel 2014). With the Rwandese Patriotic Front (RPF) taking over power after the worst genocide and violence in 1994, there were over 2.5 million refugees and IDPs. After this, a massive return of the first wave of returning refugees started, resulting in massive conflicting land claims (Potel 2014). By 1994, Tutsi refugees had returned and Hutu had fled. Tutsi returnees found the land to be reoccupied since Hutu had left (Jones 2003). However, in the years 1996–1997, when the country was stable, more than one and a half million Hutus returned to Rwanda, only to find that the land they had been occupying for more than three decades had been returned to the returning Tutsis (Potel 2014).

By the beginning of 1997, the country was facing the challenge of resettling the returning refugees (Murekezi 2012). Thus, dealing with land claims and disputes was placed high on the political agenda. Despite the lack of a legal framework, a number of measures were taken to achieve sustainable peace and stability and meet the land-related claims and disputes. These measures were land sharing, village development processes (*Imidugudu* settlement), and a new land policy leading to countrywide land reform especially the

part of Akagera National park. In embarking on major land reform, the government wanted to develop proper land governance that would enable the population to enjoy a more secure form of tenure and bring about proper land utilization, ensure efficient land management, generate taxation income, and regulate the land market (COHRE 2003). However, during the implementation more challenges related to claims and disputes arose during initial land registration, and this ensued from the way how government handled post-conflict land issues.

Methodology

To understand both displacement and land claims in three different periods after a conflict, the empirical part of this research aimed at collecting the proxies of both in these three periods. The data collection relied on a combination of both primary and secondary information sources collected during a fieldwork. Primary data were collected through interviews, focus group discussions, and field observations. Secondary data were collected from governmental organizations at sector level, mediation committees, the district office, and the Office of Ombudsman, the Rwanda Natural Resource Authority, and the National Secretariat for Mediation committees.

All of these were collected in the eastern province of Rwanda, in the districts of Kayonza and Ngoma. These areas were particularly affected by massive numbers of returnees from Uganda, Tanzania, and Burundi. Because of this massive land need, there was a high degree of land sharing.

After the consultation of district officials on access to the sectors and population, two sectors were chosen, a sector per district where interviews were carried for data collection. Thus, in Kayonza Mukarange sector was chosen, whereas in Ngoma district Remera sector was chosen. Further, a stratified random sampling method was also used to choose respondents for four target groups: the 1959 refugees, 1994 refugees, IDPs, and survivors of the Tutsi genocide.

For the primary data collected, interviews, focus group discussions, and field observations were employed. Interviews were conducted with 31 respondents from each of the 4 targeted groups. The focus group discussion involved 12 former leaders, representing each of the 4 targeted groups as well. The focus group discussion was executed in 2 different sessions with 6 participants each, whereby the discussion focused on how they handled land claims and disputes of returnees in the post-conflict period. As the research was intended to know how land claims and disputes were handled in post-conflict Rwanda during emergency and early recovery periods, additional related questions were asked. Questions like how repossession

of land was possible and how land sharing policy and Imidugudu policy were implemented were additionally asked to moderate the interaction of the fieldwork discussion. Finally, field observations were collected throughout the fieldwork period.

The secondary data collection relied on assembling reports and government documentary evidence on how land claims were addressed by governmental institutions in each of the periods. These documents were collected from various sectors, mediation committees, the district office, the Office of Ombudsman, the Rwanda Natural Resource Authority, and the National Secretariat for Mediation committees.

Results

The data are grouped according to (1) post-conflict period types and with respect to the issues of (2) displacement [characterized by (1)], and they are presented in the following structure: volume and proportion of primary and secondary occupation, volume and size of restoration and restitution of land claims [characterized by (1)], legal principles to grant land rights, and the manner in which executive decisions are made.

Emergency period: regarding the volume and proportion of primary and secondary occupation in the immediate aftermath of the 1994 war, documents and individual accounts suggest that the vast majority of the 1959 refugees returned to the land they claimed to have previously owned and thus reoccupied the land that had been left by the fleeing Hutus.

Although the exact volume and size of restoration and restitution remains unknown in this period, in 1994 the authorities decided to locate the returning Tutsis to houses and fields that had been abandoned by the fleeing Hutus as an immediate solution to the challenge of housing and land for agriculture because administrative authorities were not in a place to provide them in such time.

As far as the legal principles to grant land rights are concerned, in 1962 the government of that era distributed the land of the displaced Tutsis to the local Hutus in a political move commonly known as "land for democracy" (a common word used to refer to a move used by the government authority in 1962 during the distribution of Tutsi land to the Hutus, claiming to be sharing the fruits of the revolution by the Hutus against the Tutsis). Immediately after the war, there was no specialized government body in charge of land; all local authorities were regulating all issues, including land issues, with no formal guidelines to follow while dealing with land claims and disputes in case they arose. The legal principles were highly influenced by pragmatism to overcome immediate social and political challenges and focus on food, shelter, and security.

It is clear from most respondents that the manner in which executive decisions were made was largely ad hoc. The majority of the interview respondents mentioned that in 1994 there was no concrete structure or plan regarding land management as such. The primary attention was to secure food and safety of the returning refugees. So, there were initially no complaints about land allocation in 1994. One local leader specifically remarked, "By that time, we (local authority) were not concerned with land issues, what mattered to us as authority was food and shelter for returning refugees, and because of that, some individuals used that governing crisis and went on to grab land that was left vacant by 1994 refugees. By this time, the challenge the government had was not land issue, what was so challenging was to let these returnees have food and shelter" (Potel 2014).

Early recovery period: as the conditions of life within the country started to improve, security was calm, displaced people had returned, no more emergency needs arose, and the actual volume and proportion of primary and secondary occupation decreased considerably, but the reported cases to handle seemed to increase dramatically. The explanation can be found in the fact that the main emphasis now shifted to granting restoration and restitution. Since the Arusha peace agreement prohibited the 1959 refugees from repossessing the land they had previously owned, except if their houses still existed, the respondents mentioned during focus group discussions that there was a challenge of providing land access for these returning refugees and IDPs who could not return to their place of origin. One of the challenging issues was the restitution of 1959 returnees who stuck to their land on the basis of the Arusha peace agreements. The solution to this challenge for the government was to use one part of the Akagera National Park as restitution land. This was a way of getting land for the 1959 returnees who were not going to reoccupy their former land.

Regarding the legal principles to grant land rights in the early recovery period, a settlement policy commonly known as Imidugudu settlement (Imidugudu or Umudugudu for singular is a grouped or collective settlement) was most prominent. The administrative regulations regarding land sharing was later too be referred to as the land sharing policy (the policy required a returnee, either of an IDP, or a refugee of 1959, had to share the land with a returnee of 1994, or a secondary occupant on the land he initially owned before 1959). The development of the Imidugudu policy was an effort by the government to tackle provisioning of emergency shelter and housing to homeless people, development of a housing strategy for returning refugees and IDPs whose homes and houses had been destroyed, provisioning of access to land by returning IDPs and refugees, prevention of illegal occupation of land by non-beneficial or illegal occupants, restitution of land to its "lawful" owners by the establishment of mechanisms to resolve land claims and disputes, and finally establishment of fair procedures for eviction of unauthorized occupants (FAO 2005).

As far as the manner in which executive decisions were made is concerned, it is obvious from the personal accounts that the attention of the authorities and nongovernmental organizations shifted from carrying out humanitarian emergency activities to the development of policies aimed at transforming the country toward recovery. The land sharing policy required two belligerent persons (a Tutsi who owned a land before 1959 and a Hutu who occupied the land since 1959 to 1994) to share that land. The Hutu here was referred to as the principal owner and, thus, given the right to choose which side of the land to take, and the Tutsi was the beneficiary. The Imidugudu policy required all people to build and settle in a grouped settlement (nuclear settlement). The policy provided that the Imidugudu land belonged to state and, therefore, plots were given to people by the state to build on and, thus, a private person would build a private house on state land. Still, as Potel (2014) noted, this land sharing policy was not uniformly implemented all over the country and there were no formal regulations establishing it.

Reconstruction period: regarding the volume and proportion of primary and secondary occupation, it can be said that due to the fact that implementing land reform based on formal land policy and land law was top priority there was no increase in secondary occupation. Instead, authorities faced the challenge of handling the continuously increasing land claims and disputes. These claims were arising from how land issues were handled during the emergency and the early recovery period onward. Many land issues were more about family-related issues (complaints between family members) but with the roots of what happened during land sharing (Potel 2014). A specific case reported by one of the interviewees describes this best:

> Mr. Black* left the country in 1959 after the massacre of his father and grandfather. They had 30 hectors of land with a forest and a house in it, and the land was redistributed to other local people by the then government in 1962. Black returned back in 1994, and found that those who have been occupying the land had also been displaced. Mr. Black re-occupied his land, during 1997 land sharing; he opposed the sharing of that land with anybody claiming it to be a family land to all descendants of his late grandfather Late Brown. As the country regained stability many of the people who had acquired and occupied that land returned and started to lodge claims to the authority over the right to the same land. In an attempt to solve the issue by 2009, there were 37 claimants, all claiming rights to that land.

As far as the volume and size of restoration and restitution is concerned according to the general report of the Land Tenure Regularization Program (LTRP), a nationwide program aimed at registering land all over Rwanda, 1,494,943 parcels were not registered (14% of demarcated land) and under dispute. Information for these parcels was incomplete due to the fact that the

* Not the real names; names anonymized.

true owners either had been killed and had no next kin to take over the lands or were displaced and had never returned. Additionally, 0.13% of demarcated parcels with complete information is under dispute and has thus remained unregistered as per LTRP regulations. Land that was under claims or disputes during the LTRP process was skipped in the regular registration process and registered instead in a claims registry. Claimants were thus directed or referred to competent authorities or court. If a decision was taken, then such a parcel would be registered again with the true owner. As stated in the final report of systematic land registration (SLR), some parcels were recorded as having incomplete information; this was due to the fact that the true owner either was dead (most of the people died during the genocide conflict) and had no next kin to reclaim the land or was displaced and has never returned back with no next kin to take care of the parcel and other parcels are registered under disputes. All these have hampered land administration as the said parcels have remained with no land certificates issued and, thus, the government's goal of registering and issuing land certificates all over the country for proper land administration is hampered by displacement.

On the issue of legal principles to grant land rights, it was noted that although Imidugudu eased the perception of people toward Imidugudu and encouraged them to join the Imidugudu, it created a challenge later during the LTRP. The Imidugudu policy provided that the umidugudu land belonged to state and therefore plots were given to people by the state to build on and thus, a private person would build a private house on state land. Although this eased the perception of people towards imidugudu and encouraged them to join the imidugudu, it created a challenge later during Land tenure Regularization System Programme (LTRSP). The reconstruction period in Rwanda brought some remarkable changes in matters concerning land as there was a new land policy, the constitution, and the organic land law. Bruce (2007) outlines different issues tackled by the new land policy and the land law, among which are the following:

> Customary holdings are recognized, but they are to be converted to leaseholds held from the state and abolish the customary tenure and continue to cancel all occurrences of customary feudalism within the country.
>
> Registration of land became mandatory.
>
> The state is responsible for giving land to persons who were denied their property rights.
>
> Land sharing that has occurred since 1994–2005 is explicitly validated, and those who received land are recognized as having the same rights as other customary holders.

The law recognizes that the 30-year occupation of land by a private user or the state gives rise to rights for leasehold but excludes occupations initiated by violence or fraud and makes it clear that what is acquired is not ownership but leasehold right on state.

On the manner in which executive decisions were made, it is obvious that handling the claims remained complex even during this period. Interviewees indicated that many of the complaints were overlapping or interrelated, referring to either the Tutsi–Hutu conflicts of 1959 and 1994 or the land sharing of 1996–2003. Others were related to genocide survivors' land, especially orphans' land occupied by others or by the state; others were related to family members due to how land sharing was handled; and others were related to land taken by Imidugudu settlements.

Discussion

The conflicts in Rwanda that resulted in the 1959 Tutsi displacement and the 1994 displacement due to the genocide against Tutsis affected the social and economic life of the people in particular and the country in general. This created a challenge of handling successive and conflicting legitimate rights, which ultimately can become a backbone of future land administration. How can one understand these experiences in the broader light of displacement and administrating land claims in post-conflict periods? And, which characteristics are fundamentally different in the emergency, early recovery, and reconstruction periods, respectively?

First of all, the volume and proportion of primary and secondary occupation clearly differ per the post-conflict period. In the emergency period, many of the figures tend to be undocumented, although the actual displacement may be high. Yet, especially during the early recovery period the statistics tends to rise enormously, as people become more aware of the ability to claim land on formal grounds.

Second, to deal with the volume and size of restoration and restitution the acting government of Rwanda in the different periods adopted different strategies. Especially due to the multiple conflicts and displacements over time, the ruling administration tended to recognize the secondary occupation only. Implicitly, it would seem therefore that this restoration relied on a system of land administration that guaranteed only secondary occupation claims in favor of primary occupation claims. Although there have been some critiques of the approach of Rwanda to deal with restoration in view of land claims (Jones 2003), international instruments such as the Pinheiro principles were not yet in place at the time. The Pinheiro principles were adopted in 2005 when many of the Rwandan land issues had already been dealt with. In addition, it is unclear in retrospect whether the application of these principles would have solved the Rwandan challenges; instead, they would have aggravated the complexity of the challenges because the Pinheiro principles advocate the restoration of things as they were before displacement. With reference to the example of Mr. Black's case, allowing 1959 returnees to reoccupy his former land as the Pinheiro principles suggest would have left 37

families landless. Given the fact that there were similar cases, implementation of these principles would have caused more challenges to the country than solutions.

Regarding the legal principles to grant land rights, various frameworks and references have been applied in each of the post-conflict periods. The example of Mr. Black showed that initially the Pinheiro principles were implicitly applied. The argument was related to the issue of land scarcity in the country, whereby many of these claimants were landless yet entirely dependent on agriculture (subsistence farming). Based on this argumentation, any claimant would deserve the right to be reinstated on land and then the government had to get land for the Hutu returnees and settle them there. However, in Rwanda's context it is hard to say who needed restitution, or who needed compensation, taking into consideration that Mr. Black's family was forced to leave the land through forced displacement and, by effect, in legal matters no prescription that would have applied, he had found his father's house and grandfather's forests, so he had all rights to repossess the land. On the other side, however, the ruling authority in 1962 had legitimized the occupation of abandoned property, meaning these people also had a legal claim and thus deserved legal protection.

Another legal framework was the Arusha agreement. This agreement still applied in both emergency and early recovery periods. The agreement provided that "in order to promote social harmony and national reconciliation, refugees who left the country more than 10 years ago, should not reclaim their properties, which might have been occupied by other people. The government shall compensate them by putting land at their disposal and shall help them to settle." The agreement went against international norms, or the Pinheiro principles (i.e. that all claims to previous rights should be respected and available to restitution), however, pragmatism saw the 10-year time frame adopted.

Finally, the Imidugudu policy and the LTRP supported the reconstruction as legal and regulatory frameworks. Especially in the reconstruction period, which can be characterized by essential political stability, more such elaborate programs were possible. The type of legal principles draws in this period on a larger degree of stakeholder consensus and a smaller degree of administrative routine.

Regarding the manner in which executive decisions are made, it is fair to conclude that the type of executive decisions draws gradually on a lower degree of discretionary and ad hoc decisions and a higher degree of decision types that are based on administrative routines. In an emergency post-conflict period, there is no other option than to make decisions in an ad hoc way, based on what is considered appropriate. Given the number of people who had returned, and the post-conflict situation the government was handling, they would neither get the manpower to do the work nor would the approach solve the land problem and challenges related to land

that people had. Some of them did not even remember their place of origin, especially the 1959 refugees; there were no land records that would prove who were the true owners since there was no formal record and restitution would lead many people to become landless. Pinheiro principles advocate individualized property restitution, which is return to each of the particular lost property. In Rwanda's case, this would pose a number of challenges for administration and implementation, as individualized restitution requirements would create the problem of fairness due to a number of claims because restitution would only be accomplished through separate individualized proceedings.

In the early recovery period, the government focused on land issues and to deal with the challenges in the land sector that involved restitution of land occupied by others, the government adopted two policies: the land sharing and Imidugudu policies. During the land sharing process, the Hutu who had acquired land during the earlier period, were considered principal owners. Tutsi returnees were discouraged from repossessing their former land by the Arusha peace agreement whilst the discouragement of claims can be criticize as it contradicts international guidelines regarding housing, land, and property rights, arguably it greatly reduced the number, degree, and overlapping of claims and disputes. However much discouraging the Tutsi returnees from repossessing their land can be criticized for contradicting the international guidelines regarding housing, land and property rights and Pinheiro principles, of which Rwanda is a party, it reduced the number and degree at which such claims and disputes were increasing, since few 1959 returnees remained with such claims as much as whilst the two policies did succeed in stabilizing the country and reducing suspicion and mistrust among Rwandans, transferring the policies to another country would require a thorough study of the history and sociocultural context.

It was only in the reconstruction period that the government of Rwanda could identify land as a very important element for the future development of post-conflict Rwanda. The land issue was very high on the political agenda with a nationwide land reform, and since then a lot of developments in legal, institutional, and organizational aspects have been recorded. There is a national SLR program aimed at registering all the land all over the country; although the program had been applauded for its success, it faced some challenges of recording a number of lands under disputes and others whose fate was not yet determined due to insufficient information. Consequently, efforts to deliver a functioning nationwide land administration system, as required by the national land policy, have been hampered. The Rwandan experience makes it very clear that post-conflict countries should focus early on formalizing land administration: it brings the key issue of land tenure security to the fore, as is usually necessary, whilst supporting revenue raising for post-conflict reconstruction.

Conclusion

As the research question was aimed at knowing how land claims and disputes were handled in post-conflict Rwanda and how this later affected land administration, questions were drawn on how land claims and disputes were addressed in emergency and early recovery periods of post-conflict Rwanda and who the actors were in dealing with land administration in these aforementioned post-conflict periods. In the emergency period of post-conflict Rwanda, there was a total loss of focus on land claims and disputes; due to political and social issues, the post-conflict government had to deal with issues such as security and the number of returnees (for their food and shelter). In the early recovery period, the government turned its focus on land claims and disputes. To deal with the challenges in the land sector that involved restitution of land occupied by others, the government adopted two policies, mainly land sharing and Imidugudu policies; for reaching a sustainable solution on the land issue, the government of Rwanda started a new nationwide SLR program aimed at registering land all over the country. Although the program had been applauded for its success, it faced challenges in recording lands under dispute, sometimes in a very information poor environment.

The case of Rwanda is partially exemplary for other post-conflict cases, where both displacement and administrating land claims occur. It seems likely that in post-conflict periods, where the volume of displacement and the proportion of primary and secondary occupation are severe, the process of establishing an administration responsibly regarding land claims, can only shift gradually from an ad hoc to a more sustainable codified approach. Establishing normative frameworks and associated implementation strategies from the onset is likely to result in extensive administration requirements, which cannot be responded to in the earlier post-conflict periods. Moreover, it remains very difficult to generalize land issues and administrative requirements, as each post-conflict society has its unique sociocultural setup.

References

Alexender, B. 2009. *Forced Migration and Global Politics*. West Sussex, UK: Wiley.

Augustinus, C., D. Lewis, J.A. Zevenbergen, P. van der Molen, and T. Naudin. 2004. *Land Administration: Handbook for Planning Immediate Measures from Emergency to Reconstruction: Peer Review Draft 1*. Nairobi, Kenya: United Nations Human Settlements Programme (UN-HABITAT).

Bruce, J. 2007. Drawing a line under the crisis: Reconciling returnee land access and security in post conflict Rwanda. London: Humanitarian Policy group, Overseas Development Institute.

COHRE. 2003. *The Pinheiro Principles: United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons*. Geneva, Switzerland: Transnational Publishers.

FAO. 2005. *Land Tenure Studies: Access to Rural Land and Land Administration after Violent Conflicts*. Rome, Italy: FAO.

iDMC. 2013. *Global Overview 2012: People Internally Displaced by Conflict and Violence*. Geneva, Switzerland: Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC).

Jones, L. 2003. Giving and taking away: The difference between theory and practice regarding property restitution in Rwanda. In Scott Leckie (ed.) *Returning Home: Housing and Property Restitution Rights for Refugees and Displaced Persons*. New York: Transnational Publishers.

Murekezi, A. 2012. *Rebuilding after Conflict and Strengthening Fragile States: A View from Rwanda* (e-book). Vol. 22, ACBF Working Papers. Harare, Zimbabwe: African Capacity Building Foundation (ACBF).

Nkurunziza, J.D. 2008. "Civil War and Post-Conflict Reconstruction in Africa." United Nations Conference on Trade and Development (UNCTAD), Geneva, Switzerland.

Potel, J. 2014. "Displacement and Land Administration in Post-Conflict Areas—Case of Rwanda." Master of Science in Geo-information and Earth Observation, Land Administration, University of Twente, Enschede, The Netherlands.

Todorovski, D. 2011. "Characteristics of Post-Conflict Land Administration with Focus on the Status of Land Record in Such Environment." FIG Working Week 2011: Bridging the Gap between Cultures: Technical Programme and Proceedings, Marrakech, Morocco, May 18–22, 2011. p. 14.

Todorovski, D., J.A. Zevenbergen, P. van der Molen, and E.M.C. Groenendijk. 2013. "Post-Conflict Land Administration and Its Current Status as Facilitator of the Post-Conflict State Building: Case Mozambique." Proceedings of FIG Working Week 2013, Environment for Sustainability, Abuja, Nigeria, May 6–10, 2013. Copenhagen, Denmark: FIG, 2013. ISBN: 978-87-92853-05-9. p. 11.

UN-HABITAT. 2007. *A Post-Conflict Land Administration and Peacebuilding Handbook*. Nairobi, Kenya: UN-HABITAT.

UNHCR. 2010. *Handbook for the Protection of Internally Displaced Persons, Global Protection Cluster*, Geneva, Switzerland: UNCHR.

UN/HRIDP. 2008. *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*. Bern, Switzerland: University of Bern, Brookings Institution.

van der Molen, P. 2004. "Land administration in post-conflict areas: Editorial." *Journal Abroad: Periodical Newsletter of Kadaster International* 8 (2):3.

Williamson, I., S. Enemark, J. Wallace, and A. Rajabifard. 2010. *Land Administration for Sustainable Development*. Redlands, CA: ESRI Press.

Zevenbergen, J.A., and T. Burns. 2010. "Land Administration in Post-Conflict Areas: A Key Land and Conflict Issue." XXIV FIG International Congress 2010: Facing the Challenges: Building the Capacity, Sydney, Australia: Technical Programme and Proceedings, April 11–16, 2010. p. 22.