

Land is out of the reach for many of us: Rural youth's access to  
succession and *umunani* in Rwanda

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## Abstract

Like in other developing countries, the young population makes a large share of Rwandan population and agriculture remains the world's single biggest source of livelihoods for this population. There may be different ways for the youth to get access to land and in Rwanda succession and *umunani* have been and are still on the top. However these practices are being challenged by land scarcity as well as new land related laws. In 2016, the Government adopted a new law governing matrimonial regime, donations and successions that removed in the law the provision on the obligation of parents to give *umunani* (ascending partition) to their children. These changes compliment the provision from Land law that forbids the partition of land when this results into pieces of less than 1 ha. This study aims at discussing youth's land rights in Rwanda by exploring their attitudes and perceptions of succession and *umunani*.

The empirical data from this study were collected through a mixed method approach including both qualitative and quantitative data collection tools in three districts during January–March 2017. Quantitative data were collected through a questionnaire with 150 youth from different background and qualitative data through Focus Group Discussions with youth members of associations and semi-structured interviews with youth leaders at local level.

Youth in this study expressed mixed feelings about the changes in the new law. On one hand, some have negative feelings said that these changes are in the interests of the parents and do not do justice to the youth's survival. On the other hand, some youth consider the changes as something that may motivate them to work hard, and not always wait what their parents or someone else may give them. In addition, some think that the piece of land that they used to get from parents as *umunani* is now equal to the school fees that parents pay for them. Therefore, they urge continuous sensitization of parents about their role in educating their children but also severe sanctions to parents who may willingly dodge their responsibility of taking care of their children. They also request the youth to develop a habit of working hard, innovating, saving, working together in cooperatives and not migrate to urban areas thinking that the solutions to all problems are there.

**Key words:** Rural youth, succession, ascending partition (*umunani*), Rwanda

## Introduction

In 2016, the Government of Rwanda adopted law No27/2016 of 08/07/2016 governing matrimonial regimes, donations and successions replacing the law n° 22/99 of 12/11/1999 supplementing Book I of the civil code and instituting part five regarding matrimonial regimes, liberalities and successions enacted in 1999. The new law brought changes in the management and rights on family property by the surviving spouse but also on the rights of the youth to the succession and *umunani* (ascending partition) from their parents.

In the former law, it was a requirement for parents to give *umunani* to their children when they attain the age of maturity, if parents failed to do so; children had rights to bring the case to court. In its article 26, the 1999 law stated four types of donations admitted by law. These included

inter vivos; *umunani* legacy and promised donation. The *umunani*, which is the focus in this paper, was defined as

‘an act accomplished by parents while they are still alive, by which they share their patrimony between their children or their descendants who acquire, each for the portion devolved to him or her, full ownership. This partition shall be regarded as the accomplishment of parents' duties to educate their children and to provide them with a personal patrimony’ (Article 42).

The article 43 continued that ‘all children, without distinction between girls and boys, alive or where deceased before parents their descendants, excluding those banished due to misconduct or ingratitude, have a right to the partition made by their ascendants’. It is important to mention that, land has been and still an important if not the sole asset for many Rwandans, therefore the *umunani* has mainly been in a form of a piece of land.

In the new law, it is no longer an obligation for parents to give *umunani* to their children. It all depends on parents’ willingness and capability to do so. This new law kept two types of donations inter vivos donations and legacy (Art. 30 and 39) and it has no special provision on *Umunani* as it was in the former law. Therefore, children may get land or any other property as anyone else either through inter vivo-donation or legacy.

Both laws have provisions around succession (chap. II in the former law and IV in the new law) where all legitimate children of the de cujus, in accordance with civil laws, inherit in equal parts without any discrimination between male and female children. Succession opens upon the death of a person, at his/her domicile or residence or with a declaratory judgment of death in the event of absence or disappearance. Various forms of media like print media (magazines, newspapers), television, radios have written and talked about this issue before the revision and even after the adoption of the new law.

For some people, this is considered as a long-term way of solving family conflict related to land looking at the scarcity of land but others see it as something that will increase conflicts between parents and their children. Those who have a cynical opinion on these changes, say that some greedy parents may take advantages of the changes and refuse to recognize the rights of their children to raise them decently while they have the capacity. However, a scientific analysis is still missing and this paper intends to dig deep into the youth perceptions, attitudes and experiences to know what they think about this whole process.

This paper is part of a bigger post doc research project on ‘*Rural youth access to agricultural land in Rwanda*’. From this project, four following papers including the one at hand will be written.

- Land is out of reach for many of us: Rural youth’s access to succession and *umunani* in Rwanda

- Even when land is available we may not access it: Effect of social norms on land rights for youth in Rwanda.
- Are there livelihood opportunities for us? Factors and consequences of landlessness among the youth in Rwanda
- Our rights to land are differently affected: Nexus of access to land, gender and diversity among rural youth in Rwanda

The paper at hand will examine the current situation of rural youth access to land in Rwanda, and importantly it will explore the youth's attitudes and perceptions around the suppression of the rights of the children to the *umunani* from their parents.

## **Conceptual and literature considerations**

### ***Who are rural youth?***

Age and location are the two key defining characteristics of rural youth, (Bennell 2007). Youth is a concept that is differently defined. Its definitions are socially constructed and vary quite considerably between international organizations, conventions, and even across countries and disciplines. They have evolved depending on political fluctuations, economic and socio-cultural contexts (White, 2011). Most of the definitions are based on the criteria of age. Fussel (as cited in World Bank (2007) defines youth as transitional phase from childhood to adulthood through a process of intense physiological, psychological, social, and economic change, gradually come to be recognized and to recognize themselves as adults.

For the United Nations, youth refers to all individuals aged between 15 and 24. The 2007 World Development Report on youth expands the definition of youth to include all young people aged between 12 and 24 (World Bank 2007). African Youth Charter expands further the upper bound age ranges and defines youth as the individuals between 15 and 35 years of age.

Definitions also vary across disciplines. Fussel (as cited in World Bank 2007) states that in the health field for example, youth is associated with the ages of physical maturation that begins with menarche for girls and more gradually for boys, typically between the ages of 10 and 16. In the social sciences youth is defined by the acquisition of various adult statuses, marked by events such as menarche, leaving school, employment, marriage, and voting, with the recognition that becoming an adult is a lengthy, self-reinforcing process, often extending into the twenties.

Furthermore, national policies on youth typically establish an age range for beneficiaries with variations between countries. Fussel (as cited in World Bank 2007) explains that the lower bound

ranges from around 12 years to around 18 years while the upper bound ranges from around 24 to even 35 or 40 in some countries.

In Rwanda, youth was defined as population aged 14 to 35 years until the new National Youth Policy (NYP) of November 2015 officially revised youth age groups and defined youth as people aged 16 to 30 years (RoR 2015). As stated in this policy, the GoR revised youth definition because of the need to keep in close conformity with regional and international bodies that Rwanda subscribes to as well as to harmonize the definition of youth and youth programmes taking into account the current local policies and legal frameworks (NYP 2015). Since the statistics from big studies and surveys like EICV, RPHC, DHS still make reference to old definition of youth (14-35), this paper maintains old definition for better comparison and the new definition (16 to 30 years) is considered where data are available.

### ***Rural access to and control over agricultural land in Rwanda***

Many studies have provided evidences showing land as an important determinant of livelihood in rural areas. However, some factors such as increasing population and new opportunities for agricultural commercialization continue to make this important asset very scarce and even non existing for many including rural youth (Bezu and Holden, 2014; Bennell 2007). There may be different ways for the youth to get access to land. Yet, in many developing countries inheritance/succession constitutes the main way through which young people gain access to land. In Rwanda, access to land is one of the areas that has marked important changes in the aftermath of the 1994 genocide against Tutsi. Significant progress in this domain were made through the elaboration of various land related laws, policies programs and strategies to ensure good land management and security of tenure for all Rwandans (Gillingham & Buckle 2014; RoR-MINIRENA 2004). This effort culminated into the implimentation of Land registration and Titling programme. Through this reform a large number of rwandan population secured land rights.

The majority of the youth in developing countries rely on agricultural activities for their survival. In Rwanda, the National Youth Policy (2015) specifies that 72 % of young people are primarily working in agriculture. However the grand majority of them do not own land from which they work. Some of the youth work as wage farmers where working conditions are precarious with very low earnings. Others work their parents' farm or their own parcels where plots are so fragmented and of lower than average firm sizes adequate to support a household.

A number of core land-related laws, and policies have been elaborated in order to ensure secure land rights to all rwandans. The implimentation of the statements and principles enchrined in those laws and policies are based on the major programs like Vision 2020 and the EDPRS 2 which prioritizes rural development, embraces the agricultural sector as a source of jobs and economic transformation (MINAGRI 2013). The Promotion of productivity and youth employment with the aim of creating 200,000 jobs annually is one of the four thematic areas

prioritized in the EDPRS 2 (2013-2018) (MINAGRI, NISR AND WFP 2016).

In line with the goals of the Vision 2020 and EDPRS 2, the GoR implemented the National Youth Policy and associated series of programs. Most of these programs focus on youth participation, mobilization and socio-economic empowerment. The current National Youth Policy adopted in 2015 is a revised version of the 2006 national Youth Policy. Its main goal is to promote economic, social, cultural, intellectual and moral welfare of the youth. To achieve this goal, the policy clearly established a comprehensive and targeted youth programming through economic empowerment with strong emphasis on mainstreaming job based budgeting in all sectors.

The analysis of these legal instruments, policies and programs shows that the GoR has made a strong commitment towards ensuring better living conditions to all Rwandans including the youth who form the majority of the population. However, the implementation of some of these good initiatives still face challenges. For example, considering the principle of ensuring secure land rights to all Rwandan, major progress have been made but also major challenges are encountered. The majority of rural youth in Rwanda used to gain access to land through succession and *umunani*. Yet, recent studies have identified succession as one of the major challenges that the implementation of Land Tenure Reform Program in Rwanda is facing.

Many conflicts are raising from sharing of land parcels within families especially when the land is small and the family size is large which is the case in many rural households (Bayisenge et al. 2014; Bayisenge 2015; RISSD 2013). In addition, the Land Law in its article 30, prohibits the subdivisions of the plots of land reserved for agriculture and animal resources if the result of such subdivision leads to the parcels of land of less than a hectare in size for each of them (ROR 2013). According to this law, the majority of parcels in Rwanda cannot be partitioned because rural households own on average 0.72 of land and quite number of them have land which is below this size (MINITERE et al. 2007). Furthermore, the *umunani* is no longer is obligation of parents to children from a legal perspective.

This whole scenario motivated the undertaking of this study in order to hear from the youth themselves about what they think. This study will draw conclusions that are important to both policymakers and implementers, as well as to local people, because it will be grounded in various realities from the field. These findings will yield insights not only for researchers interested in this field in Rwanda but also outside the country, since the findings will always be presented and discussed in relation to the on-going worldwide debate on how to better ensure land rights and livelihood opportunities for rural youth.

## **Methods**

This paper is based on a study carried out in three districts Bugesera (Eastern Province), Gicumbi (Northern Province) and Rubavu (Western province). The idea was to have perceptions of the youth from different locations as the agricultural practices may differ according to location. In each district one sector was chosen. The following sectors were selected: Ririma from

Bugesera, Nyamiyaga from Gicumbi and Cyanzarwe from Rubavu. Two research assistants a male and female helped in the collection of data while two more were recruited later on during data entry and transcription.

The study combined both qualitative and quantitative approaches (Bryman, 2012; Creswell, 2009; Matthews & Ross, 2010; Padgett, 1998). The intent of using mixed methods is to learn about the magnitude of the access to land among the rural youth by using quantitative instruments as well as the perceived meanings that will be generated by qualitative methods. A quantitative approach helped to collect quantifiable data through structured interviews with 150 youth from different categories. More insights into youths' experiences, perceptions, and attitudes were collected through semi-structured interviews with key informants and Focus Group Discussions (FGD) with members of youth cooperatives. In total we had six FGDs, two per sector. Key informants were youth leaders at local level including the coordinator of National Youth Council at Sector level and two from the cell level within the selected sectors.

For data analysis, quantitative data were analysed with SPSS, while the audio-recorded qualitative data were transcribed verbatim and analysed using thematic analysis. Findings were organized around themes identified through the review of the literature together with the new ones emerge through the data collection and transcription processes. Presentation of the findings was done by concurrently integrating and comparing both qualitative and quantitative information to determine if there is convergence, differences, or some combination in order to have an integrated interpretation of the overall results (Padgett, 1998; Creswell, 2009). For ethical reasons, participants gave their consent in order to be part of the study and wherever possible, the names of participants were disguised to ensure anonymity.

## From the field

### *Profile of respondents*

In order to have insights from youth with different background, the research has tried to versify the respondents as much as possible.

**Table1. Characteristics of the respondents**

<b>Characteristics</b>	<b>Frequency</b>	<b>Percentage</b>
<b>Gender</b>		
Male	53	35.8
Female	95	64.2
<b>Age</b>		
Between 16 and 20	48	32.4
Between 21 and 25	55	37.1
Between 26 and 30	45	30.4
<b>Marital status</b>		
Single	92	61.2
Married	47	31.7
Divorced	3	2.0
Separated	4	2.7
Widower/Widow	2	1.3
<b>Education</b>		
No formal education: illiterate	25	16.9
Some primary school (not completed)	38	25.7
Finished primary school	33	22.3
Some secondary school (not completed)	27	18.2
Technical and Vocational training	3	2.0
Finished secondary school	22	14.9

Source: Primary data, 2017

The findings from Table 1 show that 35.8% of the respondents are male while 64.2% are female. We collected data during working hours and most of the time we realized that mainly male youth went to look for jobs far from home and female youth stay working nearby their homes. This could be the reason of the gender imbalances in the number of the respondents. Regarding marital status, 61.2% representing the majority of the respondent are single, 31.7% are married while only a few number of the respondents are found in the categories of divorced, separated and widows. This seems to be logic because respondents were the youth between 16-30 years old, and only a few people of that age gets married. At that age, some are still in schools other are looking for ways of surviving before thinking of getting married.

Considering education, nearly one out of 7 of the respondents has no formal education and is illiterate, a quarter manage to attend primary school but never completed while 22.3% managed to complete. Only nearly one third managed to go to secondary education and higher, with 18% who completed some years of secondary, 14.9 who completed it and only 2 % who followed technical and vocational training.

### ***Livelihoods opportunities among the youth***

Respondents were asked if they earn some income and a great majority of them representing 85,4% said yes to the question. It was important to know how much they approximately earn a day. Three respondents out of four said that they earn less than 1000 Rwandan Francs<sup>1</sup> while one out of four earn between 1000 and 5,000 Rwandan francs. Agriculture and livestock occupy 62,5 % of the respondents and a quarter of them do not work on their own or their families' land but work for others (known as *guca incuru* in Kinyarwanda).

The researcher was interested to know how many respondents belonged to households possessing land and 77.7% said that their families have land. Among those whose families have land, only 29.6% said that they have a piece of land that they call can heir own and decide upon. Table 2 below shows the ways through which they have acquired this land.

**Table 2: Means of acquiring land**

<b>How did you acquire this land?</b>	<b>Frequency</b>	<b>Percentage</b>
Inheritance/Succession	8	25
Ascending partition/sharing ( <i>umunani</i> )	12	37.5
Marriage	3	9.4
Purchase	2	6.2
State allocation	2	6.2
I keep it from someone else	2	6.2
Other (Specify)	3	9.4
<b>Total</b>	<b>32</b>	<b>100,0</b>

Source. Primary data, 2017

The findings from this study confirm what other studies have found out that the majority of the youth gets land mainly from their parents. The important way through which parents give land to their children is through *umunani* that represents 37.5%. The second means is through Inheritance/Succession where one respondent out four get land through this means. Only 9.4% of the respondents got land through marriage. Upon marriage, especially under community of property which the default one<sup>2</sup>, the household's land/property is equally owned by the spouses.

<sup>1</sup> 1000 Rwandan Francs is equivalent to 1.1822 US Dollar; 8.8760 British Pound and 0.9892 Euro (<http://www.xe.com/currencyconverter/>)

<sup>2</sup> Upon entering marriage spouses shall choose one of the following matrimonial regimes: community of property; limited community of acquests; and separation of property (Art. 2 of the succession law of

The rest of the youth who own land got it through purchase and state allocation representing 6.2% respectively.

Only a very small number of the youth manage to buy land. A respondent narrated ‘land is very expensive. You can even work for three years saving without being able to afford to buy just a piece of land’ (Key informant 1-Nyamiyaga). Since land is very expensive there are some who manage to save and rent land for a short period of time.

It came out from the study that despite the Article 30 of the Land Law of 2013 that prohibits the subdivisions of the plots of land reserved for agriculture and animal resources if the result of such subdivision that leads to the parcels of land of less than a hectare in size for each of them. Rural population continue to subdivide their land. Mainly the subdivision is done in order to give *umunani* to children and this was confirmed by 79% of the respondents. Another main reason of subdivision as said by 16.1 % is sales followed by 1,6% representing the inheritance and 3,2 for other reasons.

Almost all the respondents would like to get land, if they had means to get it. Through insights from qualitative data, respondents mentioned that land is very important whether be for the youth who managed to go to school or those who never go to school. Of course for those who haven’t been to school the land is so much important than for those who attended school as emphasized by some of the respondents. But for others land is a very important asset in either case.

For 37,5 % those who are employed in no-farming sector, the majority of them do small business and others are involved in transport especially with taxi-bicycles and in construction work. This is especially because the study was mainly carried out in rural areas where it is not easy to find other means of transport except bicycles and motorcycles.

Looking at qualitative data, it is found that transport of people by bicycles is common in all the three District visited. In Cyanzarwe Rubavu besides the transport of people the youth are also involved in the transport of the produce. Cyanzarwe is a very fertile area and during the harvesting season, youth get seasonal jobs of transporting vegetables of all kinds, potatoes, maize etc to the markets in Rubavu town and even to Goma in the Democratic Republic of Congo. In Ririma Bugesera, the common kind of transport is for the youth to fetch water and bring it to people in their households and get paid. While in Rubavu the casual jobs that the youth do are mainly based on agriculture, in Bugesera it is mainly based on running small shops, or other kind of casual jobs not necessary linked to the agriculture like working on construction site.

One respondent from narrated ‘in Ririma because of the dryness, we do not have enough rain, we just plant once a year. This means that youth cannot get seasonal agricultural jobs which push them into looking for something else’ (Respondent 4 from FGD3-Ririma)

### **The suppression of *umunani*: Mixed feelings among the youth**

Findings from the study revealed that despite the Land Law forbidding the partition of land when this results into pieces of less than 1 ha and the changes on the obligation of parents to give *umunani* to their children, partition is still taking place and *umunani* is still the major source of land for the rural youth.

Youth in this study expressed mixed feelings about changes in the new law regarding their rights to *umunani* from their parents. On one hand, some youth have negative feelings about these changes and said that changes are in the interest of the parents and do not do justice to the youth's survival. They think that some parents may dodge their responsibility of taking care of their children because they know there is no obligation from the law.

One participant from FGD said'

You see we cannot say that all parents will react the same to these new changes. There may be parents who feel responsible towards their children and feel that it is an obligation to meet their children's needs, when you are getting married parents give you all the support. But there are other parents despite having all the means including land, who think that the child might take care of her/himself from nothing until he/she is able to sustain him/herself' (Respondent from FGD6-Cyanzarwe)

On the other hand, some youth consider these changes as something that may motivate them to work hard, and not always wait from what their parents or someone else may give them. One of the respondents said

To me it is like preparing Rwandan youth not to wait for *umunani* from the parents. That is the reason why I think the Government adopted the changes in the new law ... In the past, children would say my parents have big pieces of land, that I may cultivate, or even use to raise livestock such as cows. And this was the only thought in their heads, and they would not struggle for something else, because they knew that since their father, grand father and great grand father practiced agriculture and livestock, that what they should do too (Respondent 1 from FGD3-Ririma)

Another respondent emphasized that'

It is like telling us to be self-reliant (*Ngo ni twigire*). Before, youth never form cooperatives, we thought it was for adult people. But now when you finish school you start to wonder, I do not have land, how will I survive? And then you join your peer and you form association where you do small saving by saving like 500Rwandan Francs per months...(Respondent 2 from FGD3-Ririma)

***Umunani* is no longer an obligation: what is the way forward?**

Some youth wondered if there are any alternatives to *umunani* that the government thought about. They think that if the government has decided to no longer consider *umunani* as an obligation of parents to their children, there should be something else that parents shall give to their children.

Some think that the piece of land that they used to get from their parents as *umunani* is now equal to the education that parents pay for them. They agree that some parents had to sell big part of their land in order to pay the school fees of their children as well as met other needs. Parents may even stay with very small piece or have to rent. By saying this, some of the educated youth think that it may be fair to give *umunani* to those who have not been to school because those who benefited from the school fees have already taken their share and sometimes a bigger share.

In this perspective , one respondents narrated’

What I can say, it is youth who did not manage to go to school who may be given the privilege to claim their rights to land. But for those who went to school and manage to finish high school, the first thing in his/her mind is to look for an office job and not to cultivate. Because they make reference to those who studied and hold positions in different public and private institutions. So, the new law is more a threat to those who has not been to school, those who worked with their parents in the field on daily basis, who see that their future depends on the land (Respondent 6 from FGD3-Ririma)

Despite the highlights from this quote, the majority of the youth said that that land is very important to all whether you have been at school or not, because there is no guarantee that those who attended school will get job after studies but when you have land you can survive on it as they emphasized. However, they again stress the scarcity of land and say that the way forward should be continue to sensitize parents about the role of education for their children but also put in place sanctions for parents who failed to do so and importantly reinforce those sanctions.

For the youth they should develop a habit of working hard, of innovating, saving, working together in cooperatives and not migrate to urban areas thinking that the sollutions to all problems are there.

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