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# LAND GOVERNANCE ASSESSMENT FRAMEWORK

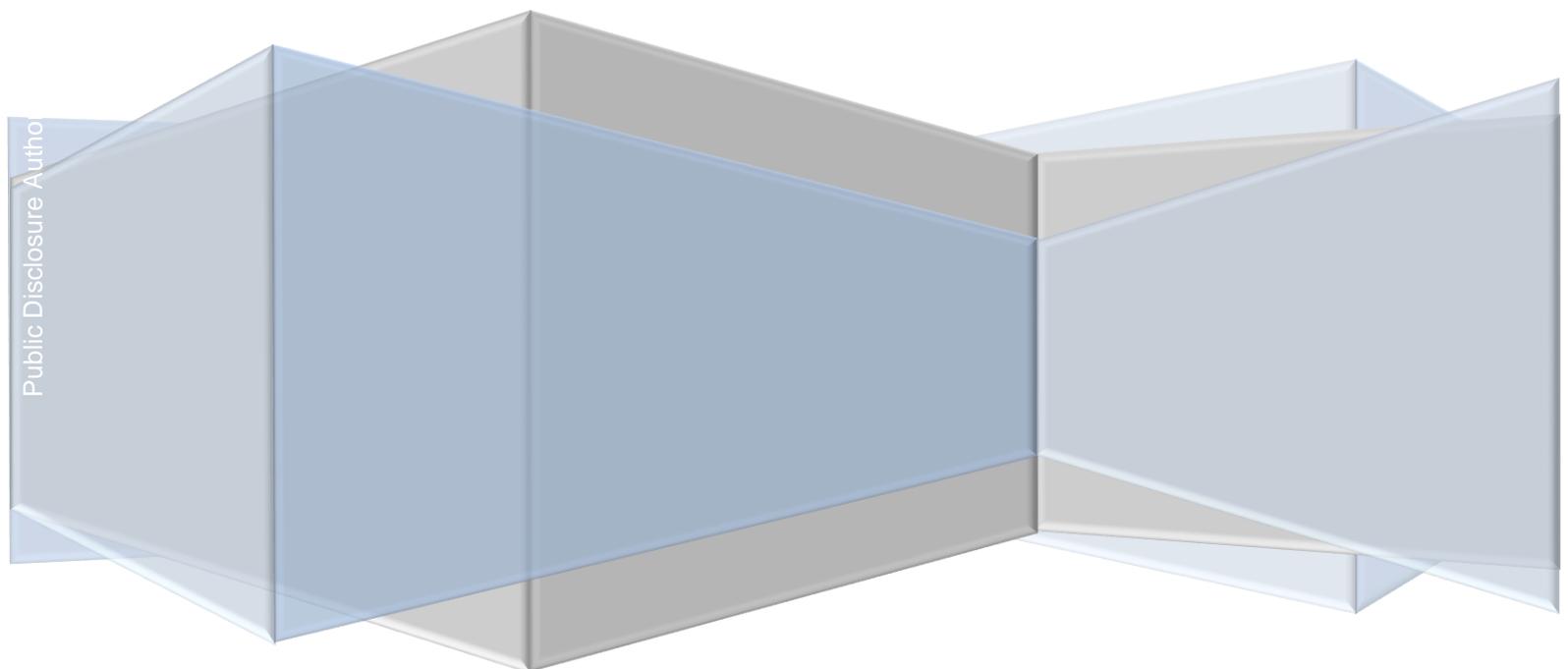
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# FINAL REPORT

## RWANDA

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## **EXECUTIVE SUMMARY**

Rwanda has initiated a major land tenure reform programme over the last two decades to clarify land rights, underpinned by far-reaching legal and institutional reforms (2004 National Land Policy (NLP); 2005 Organic Land Law (OLL)), which culminated in a nationwide programme of systematic land tenure regularization (LTR) that was completed in 2012. This process, and the issues emerging, especially following the demarcation and adjudication phases, resulted in the amendment of the land law and expropriation law in 2013 and 2014 respectively. Related implementing legislation and process reviews are also underway which seek to address current and future land issues, and are also in line with current socio-economic development of the country.

Although some of the objectives of the NLP have been achieved, new objectives need to be set to deal with changes that have taken place since the NLP's adoption, as well as reforms to the policy as a result of lessons learnt. It is therefore timely that the NLP review has already started, as anticipated by Government when it suggested a mid-term review in order to make any necessary adjustments. Moreover, policy focus is now shifting from registration to maintaining an effective use of land information to support development objectives and accountability, building and decentralizing sustainable land administration services, guiding urbanization and effective land use. Land policy reform is influenced also by broader public sector reforms.

The implementation of the Land Governance Assessment Framework (LGAF) in Rwanda is timely and will help the country to take stock in a comprehensive way, benchmark and assess priorities as input into ongoing policy, legal and institutional reforms. LGAF was undertaken between September 2014 and May 2015, and validated in January 2016. The framework analysis is organised into nine modules: (i) land tenure recognition; (ii) rights to forest and common lands & rural land use regulations; (iii) urban land use, planning, and development; (iv) public land management; (v) process and economic benefit of transfer of public land to private use; (vi) public provision of land information; (vii) land valuation and taxation, (viii) dispute resolution and (ix) review of institutional arrangements and policies.

### **1.1 Land tenure recognition**

Rwanda is one of the most densely populated countries in Africa and high pressure on agricultural land resulted in a trend towards individualisation of land tenure and property rights. Tenure rights were affected by conflict and violence producing waves of displacement and refugees since 1959, cumulating in the 1994 genocide against the Tutsi. The 2005 OLL clarified land rights which were formalised in the LTR process, for which clear procedures were developed and tested to ensure a transparent and public process and community engagement, coupled with an effective awareness campaign to inform people of their land rights. Rwanda used aerial photography for land demarcation, digitalised all land data collected created and centralised these in a national land cadastre and register.

The LTR program resulted in the demarcation and adjudication of 11.4 million parcels over a surface area of 20,666 km<sup>2</sup> and the issuance of eight million leasehold titles. This process led to formalisation of all land in Rwanda (converted from customary tenure to formal legal rights). All public land (forests, protected areas, wetlands and swamp lands) was also mapped and recorded.

Although this process recognises individual land rights, rights of women in informal marriages are not yet recognised. Another issue is the rights of women in polygamous marriages, since the Rwandan Constitution recognizes only one legally married wife. Nevertheless, gender bias has diminished, with joint titling comprising 5,278,513 (46%) parcels (8,647 km<sup>2</sup> or 41% by size) and women as sole owners of land amounting to 2,068,137 (18%) parcels (over 3,438 km<sup>2</sup> or 16% by size). Rwanda has a high percentage of female-headed households as a result of the socio unrest and the 1994 genocide against the Tutsi. Joint titling was not accepted by all men, either out of ignorance over women's rights to land or in opposition to equal rights.

## **1.2 Forest and Common Lands & Rural Land Use Regulations**

Rwanda has a clear national forest policy and forest law that govern forest land and rural land use. Reserve and protected areas such as wetlands are well protected with a buffer zone around them. A national land use development master plan was developed in 2011 to guide the use and management of land and forest across the country, but implementation is hampered by capacity constraints. A number of forests are managed through public-private partnerships. Rewards schemes and tree planting schemes were introduced to ensure effective community participation in forest management and ownership by local community. However, this is not the case for protected areas and communities should be incentivised to engage in its management to improve conservation.

A forest cadastre and register have also been put in place, and once completed, they will facilitate forest management. A mining cadastre has also been developed. Land tenure rights are linked to land use, which is registered for each parcel in the land cadastre and their change is regularly monitored. During the LTR process, however, some private individuals claimed ownership of State-owned forests and subsequently registered them in their names. Such ownership disputes (either between individuals or between the State and individuals) over forests should be resolved fairly and expeditiously.

The national land use plan sets out how public land should be managed and this will be further clarified in the district detailed land use plans currently under development. Most districts have not yet got detailed land use plans in place. The plans' preparation process, however, lacked adequate consultation process or public input was not considered in the plan. The lack of community buy-in is therefore likely to affect implementation. Where consultations are done with local authorities, the latter often lack the skills to challenge the

plans proposed for their areas or they provide inadequate input. Public participation in determining zoning regulations should be done at cell level for wide community outreach.

Implementation of land use regulations are also hampered by insufficient resources and capacity at institutional level, as well as a blurred delineation between urban and rural areas. The presidential order determining urban delineation should be adopted as a matter of urgency so that implementation of rural and urban regulations can be applied more clearly.

### **1.3 Urban land use planning and development**

Urban centres are expected to play an important role in economic development and there is much interest for improvement and optimisation of urban land use. Urban masterplans have been developed for some cities, but with limited public participation. Implementation is hampered by the inability of most urban residents to comply with zoning regulations for housing. These are expensive and often beyond the reach of the urban poor, which may result in a loss of land rights and the benefits of living in urban areas. They are forced to sell their land to those who can afford to build according to zoning regulations. A high housing demand, with the highest need among low income groups, exacerbates planning issues. Another concern is insufficient economic activities in urban and urbanizing centres outside Kigali.

Current urban planning documents need revising, including modification to land use specifications and zoning regulations to achieve greater efficiency in land use. Monitoring of urban local development plans should be mandatory. Legislation relating to building permits should be adopted and implemented appropriately. Planning and building regulations should be disseminated, where local authorities receive appropriate training.

There is a broad understanding of the urgency to develop inclusive policies, supportive to the private sector and civil society, for urban planning and efficient resource use. The new set of orders and policy regulating housing and urban development is a significant milestone. The commitment is high also for continued implementation of decentralization to improve local urban management and where cross-sectoral partnership agreements will become increasingly relevant, and will result in higher resource efficiency. However, effective coordination of planning and implementation of plans remain a significant challenge as plans are often developed without public input.

### **1.4 Public land management**

Public land categories include lakes and waterways; national roads and feeder roads; land with public buildings; natural reserves and national parks; and wetlands. All public land has been identified through LTR and has been titled, including 379,398 State-owned land parcels (comprising 1,309 km<sup>2</sup>) and 635,368 wetland parcels (comprising 1,049 km<sup>2</sup>).

Specific policies or strategies for public land management are not in place, nor are there adequate financial resources to manage public land. A clear distinction of roles amongst the relevant institutions is lacking, often creating inefficiencies where no reference is made to the land use plan where there is conflict over land use. In practice, management of public lands often is left in the hands of local authorities who commonly do not have adequate knowledge or sufficient resources to deal with these issues. This has led some local people to claim ownership over public land in certain areas. In other cases, public land is used for private benefit. A specific public land management policy is required that also assigns the mandate to a specified “public land management authority” and is ideally included in the ongoing review of the NLP currently underway. Land use plans should cater for public use, with land use monitoring mechanisms and indicators in place.

Expropriation of land by the State is done in the “general public’s interest”, but the definition used is often unclear, and decisions made on land acquisition are sometimes ambiguous. There is also conflict over compensation for expropriated land. The amount is considered too low, also because unregistered rights such as renting a house, grazing, and fishing are not compensated. The law on expropriation should address compensation for non-registered rights (e.g. renting, fishing, grazing etc.), and those who have been expropriated should be relocated to a well-planned area. Certified valuers are the only professionals allowed to carry out valuation for expropriation purposes. This new mandate came with the amendment of the expropriation law. Commonly, reference prices are used during the valuation process instead of market prices. Poor land owners cannot afford counter valuation costs, leading them to get an unfair price for their land during expropriation.

### **1.5 Panel 5: Transfer of large tracks of land to investors**

Rwanda Development Board (RDB) is specifically responsible for investment promotion. Business registration for local and foreign investors has been made easier through the introduction of online services. The establishment of RDB ensures that approval of investment follows clear protocol and takes into consideration the public interest. It also provides reasonable timelines in terms of investment project reviews and approval. RDB ensures that investors provide sufficient information to allow rigorous evaluation of proposed investments. Land scarcity in Rwanda is worsening and a clear policy is needed to improve access to land for investors as well as a mapping of potential land for investments.

The transfer of public land for private use now goes through a more transparent process. As of June 2013, the allocation of public land to investors is done through a competitive bid process. But, where land belongs to private individuals, there is often a disparity in negotiation strength when such land is transferred to investors, often leading to bad bargains.

However, there are no proper mechanisms in place to assess social and community benefits attained through various investment projects. Contractual provisions regarding benefit sharing are not publicly disclosed. Only *ad hoc* monitoring systems exist to check that local stakeholders' interests are fully protected. Further, there are no clear records to capture all investment related projects where land is acquired or transferred to investors, including records of all public land allocated to private investment. Regular monitoring of investor activities is required, as well as compliance with land lease obligations.

## **1.6 Public provision of land information - registry and cadastre**

A land administration manual listing all land transactions and their requirements have been created. Regular review of procedures for land information access are in place, for example, all commercial or investment land transfers are processed in one day instead of seven as it is for other types of transactions; district land officers and sector land managers work as land notaries to fast-track daily land transactions. Not all sectors have sector land managers, leading some people to travel long distances and pay expensive travel costs to get basic services.

Public land information is stored in the land register. Through both sporadic and systematic land registration, a lot of administrative data has been created. Information is digitalized and available in textual as well as spatial formats. Various electronic facilities have been created to host all land information including the fully integrated textual-spatial land register known as the land administration information system (LAIS). LAIS is now linked to other services such as the mortgage registration system and the national identification programme, and is currently being linked to the taxation system. Attempts to ease access to land information by putting some data online are currently underway. LAIS interoperability should be improved to increase efficiency across services, such as with the courts, city planning authorities, the ministry of agriculture, office of the ombudsman etc.

To ease access to information, the national land register is being decentralised at district level to ensure information is accessed and updated at local level. The digital land register (LAIS) is not currently decentralized in all districts and is not linked to other important systems such as e-court systems. This decentralization of LAIS to district level should be accelerated.

Costs of registering property through systematic registration are generally low even though some people in rural areas are unable to afford these fees and the government has to subsidise them. In this regard, there is a large divide between urban and rural areas where many people in urban areas can easily afford land registration costs whereas people in rural areas find it very expensive.

The challenge is ensuring that the land data is updated, requiring that all transactions are registered. Informal transactions are still taking place. The preliminary results of a World

Bank study on LTR impacts suggest that in rural areas, only 32% of transactions are officially registered (52% informal, and 16% registered with the village leader). This is a very low figure, and if confirmed, might jeopardise the long term viability of the formal system. The transfer of property (irrespective of size) is done by the payment of a flat fee (RwF 27,000) as an incentive for investors, but for most others, the fee is very high, often representing more than 50% of the property value. With 65% of the Rwandan population earning less than Rwf 50,000 per month, the flat fee charge is a real burden for more than half Rwanda's citizens, and this could be a real barrier for many people to register their transactions. This is also the case for survey costs, which may be prohibitive especially in rural areas. These issues threaten the reliability of the land register and the registration process as people try to avoid payment. There remains many unregistered land transactions. Between January 2014 and March 2015, only 26,000 transactions resulting from sale were formally registered (this figure would appear low).

Land transaction costs should be varied, and in particular, reduced in rural areas where the fee is prohibitive to many. Likewise, surveying fees should be reassessed. This will improve the reliability of the land registry by discouraging informal transactions to take place. All services and their pricing policies should be clearly defined. Unless this is done, other resources cannot be aligned to produce those services, and stimulating demand through public awareness campaigns, for example, could be counterproductive.

Lack of awareness has also proven to be an issue. Some land owners do not know their rights while others do not know the procedures for registering land transfers. In this regard, the 'land week' awareness campaign has had a positive impact in helping people understand their rights and encourage them to register any land transactions.

### **1.7 Land taxation and valuation**

With the completion of LTR, all landowners liable to pay annual land lease fees are known. The majority of land in Rwanda is held under long term lease and many people are liable to pay lease fees. People consider payment of land lease fees as a barrier to full enjoyment of land rights.

Those with freehold titles pay property tax (known as fixed asset tax) and which are listed in the digital land register.

According to figures collected in 2014, in three districts of Kigali city, land based revenues increased despite not having a proper collection system. Until recently, there was no link between the tax and land lease fee collection systems and the land register. For example, between 2011 and 2013, land based revenues in Kicukiro district increased from 1,065,842,855 Frw to 2,111,738,248 Frw. However, it is estimated that less than 50% of owed fees/taxes are being collected nationally. It is clear that with an adequate land revenue collection system in place; these figures would be substantially higher. There are no

proper tax collection systems in place in many districts, leading the Rwanda Revenue Authority (RRA) to take over the collection of all lease fees, including fixed assets taxes but the law should be amended to give RRA the mandate to collect these. A land-based revenue information system should be developed (integrated into the existing land information system) to enable RRA to determine where land taxes and lease fees are payable, and to monitor the collection process.

The land valuation profession, and certified valuers, are relatively new in Rwanda, with the law establishing and organising the real property valuation profession approved in 2010. The same law provides for valuation rolls to be established. This has been further clarified by the amendment of the expropriation law that suggests that reference prices should be reviewed on a regular basis. However, currently, there are no valuation rolls in place in Rwanda since there is a shortage of professional land valuers (or those that exist have insufficient capacity).

The Institute of Real Property (IRPV) should be tasked with establishing reference prices to reflect the market price. Property values should be captured and updated on an annual basis, and should be made available to the public. Each district should carry out this process, under the guidance of the IRPV. Further capacity building is needed for IRPV members to carry out these functions, where lessons can be learnt from colleagues in the East African community.

## **1.8 Land disputes resolution**

According to RNRA, there are 23,488 (0.2%) parcels (90,277,511.52 m<sup>2</sup>) under dispute (including restrictions on the land). With the completion of LTR, there is now a comprehensive land disputes database. Most of these disputes are intra-family in nature. The land register does not provide clear categorisation of land disputes, nor does it record overall figures of disputes which are pending or resolved. There is a need to undertake a proper assessment of existing land disputes (and their substance) which are before the courts, Abunzi etc., and determine how they can be dealt with more efficiently. There are various avenues for land disputes resolution including traditional and community-led solutions (e.g. Abunzi, Agakaye k'ibibazo, Akagoroba kababyeyi, Maison d'accès à la justice etc.). Most of these disputes resolution mechanisms are accessible and affordable, and agreements between parties are encouraged. To improve the execution of dispute resolution outcomes, local authorities need to be more involved. The existence of various alternative disputes resolution mechanisms sometimes provides a source of forum shopping. Moreover, there is no clear and robust platform for information and communication exchange between the institutions involved in land disputes resolution, therefore it is easy for inconsistencies to arise. Lower courts and the Abunzi need improved training to deal with the high volume of disputes before them, and to ensure quality is sufficient so that there are reduced challenges on appeal to the higher courts.

Since most disputes go through mediation avenues first, reduced disputes cases should take place in formal courts, which are more costly. There is no clear segregation of land disputes in the formal courts system. Land disputes in the formal court system are believed to account for more than 50% of total court cases, meaning that better attention may be required to resolve disputes earlier on. Specialist judges should be identified to deal with land-related cases solely, which would speed up the process and improve quality and consistency of judgements.

## **1.9 Institutional arrangements and policies**

In 2004, Rwanda approved its first National Land Policy which required a set of institutional arrangements for full implementation. The OLL also required a fully functioning land institutional framework. The following institutions were therefore created to deal mainly with land administration, land tenure and land use planning issues: a ministry responsible for land issues, an agency responsible for the implementation of policy and laws, the department of lands and mapping, and the office of the registrar of land titles supported by five zonal offices. District land offices were also created across the country supported by land managers at sector level. All these institutions are supported by sector and cell land committees that operate at lower administrative level.

Given that land is a cross-cutting issue, there are parallel institutions that also address specific land issues such as agriculture, environment, conservation, forestry, city planning etc. They work together with the land administration institutional framework mentioned above. Given that these institutions are relatively new, most staff are undergoing on-job and off-job training to ensure the effective implementation of the organisations' mandates, with focus on long-term sustainability rather than addressing current issues. There is strong management eagerness to adopt effective systems, leading to regular reviews of the relevant laws and policies. This encourages new development and addresses emerging issues. There is also an increasing focus on the quality of education, and on the delivery of vocational and tertiary education, which addresses sustainable quality management in the work of future professionals in both the public and the private sector.

There are also adverse effects of regular public sector reforms affecting land institutions. These issues are exacerbated by insufficient financial resources.

There is a lack of efficient coordination between the various organisations and a lack of capacity in certain areas. Clear communication amongst institutions is not always present, resulting in limited integrated planning processes. Where the current legal and regulatory framework is not sufficiently clear, they should be redefined to avoid duplication of roles. Further, to avoid institutional overlaps especially during project implementation, there should be a clear definition of roles before commencement of the project, and an establishment of adequate coordination mechanisms between all institutions, particularly where the project necessitates multi-institutional input.

Oversight from multiple organisations makes the monitoring systems harder to achieve. Harmonized coordination of land institutions at local and central level should be established. All sector land managers and district land officers should be under the direct supervision of RNRA to ensure efficiency and accountability. A performance monitoring system should be established to ensure the effectiveness of local staff. Integrated planning frameworks and processes should be developed to guide all land institutions. Joint planning should be mandatory prior to implementation. Further, having achieved very good results in the LTR programme, it should be possible to concentrate more resources on the institutional, capacity and systems building aspects to ensure that sustainable systems are in place.

There is currently no monitoring system in place to assess the cost effectiveness element of the land administration system and the sustainability of the system remains difficult to ascertain, because a lot of investment in the sector is donor funded. This is hampered by the fact that the determination of land service fees is not necessarily based on cost of service provision, as well as the inability of many rural land owners to pay for land services. A monitoring system should be established to undertake a cost/benefit analysis of the various land administration services available. Clear costing should be provided for the implementation of the land policy, and regular reporting on the implementation process should be ensured.

There is also a lack of systematic monitoring to report various land governance indicators, such as disputes, transaction by type, mortgage, land use change etc. The government of Rwanda with stakeholders should set up a land governance monitoring framework to help determine how the recognition of land rights is implemented in practice and identify issues arising.

In terms of land administration, a comprehensive business/strategic plan should be created to provide a basis for a refocused organisation, where service delivery, organisational structure and IT development are the key priorities for delivering secure and reliable services. Given that the current land administration framework is built on LTR requirements which are almost complete, the new business development policy must be refocused on sustainability.

## **Chapter 1: Introduction**

Land is an extremely scarce resource in this densely populated, mountainous country, where land disputes were one of the causes of the violence that the country experienced. The government decided to invest in land reform and has provided continuous political support. The land sector in Rwanda has undergone fundamental reforms since the 1990s, aimed at increasing tenure security of landowners, improving land management and land use, establishing a land institutional framework, and a legal and regulatory framework for the land sector. Since the completion in 2012 of the land tenure regularisation programme with all land parcel recorded, RNRA through the Department of Lands and Mapping is

focusing on enhancing the sustainability of the land administration system, expanding service delivery, and ensuring that land information is complete, reliable and current. Rwanda has made significant progress in land administration and land management and is setting an example for other countries.

However, the legal and institutional reform and implementation of the land tenure regularisation reform programme has not come without challenges, and the completion of the LTR process raises new questions of maintenance and sustainability of what was achieved for increasing tenure security, further expanding land governance to underpin national land use, urban development, reducing land disputes, economic development and improving livelihoods of landowners.

LGAF provides a systematic approach to assess key dimensions of land governance at country level by Rwandan experts and in a way that is technical, comprehensive, provides a benchmark, is participatory, and generates priorities for next steps. The framework assessment provides the basis for a routine monitoring system to track progress towards a well-functioning land governance system.

The framework will facilitate comparison with other countries, identify potential good practice, address priorities, and provide other countries interested in better understanding Rwanda's achievements to exchange experience and good practice and participate effectively in regional initiatives. Rwanda is also increasingly serving as a model to countries engaging in land tenure regularization, and LGAF will help to communicate the achievements and challenges in a more systematic way. Rwanda will thus be able to learn from more advanced countries and serve as a model to those countries whose systems are less sophisticated.

LGAF contributes to identifying and quantifying achievements, gaps and bottlenecks in policy, legislation, and institutional practice; identifies knowledge gaps and data needs and sets out possibilities for addressing these. The LGAF process involves stakeholders from within the various government branches, academia, and civil society, and encourages dialogues amongst these land experts on the status of land governance and requirements for improving capacity.

## Chapter 2: Methodological approach

LGAF is a country level, independent and comprehensive assessment guided by a framework of indicators, and undertaken by local experts using existing data and information. The LGAF assessment combines an analysis of the policy and institutional framework, with an assessment of the actual practice of implementation. It does so by compiling available data, information and experience, and drawing on expertise from all levels within government, academia, CSO/NGO and the private sector. The participatory process used consists of a series of steps to arrive at a shared assessment of the status of land governance in the country and agreed priorities.

The LGAF development was coordinated by the World Bank in collaboration with a range of organizations and a steering committee composed of African Union, FAO, IFAD, UN-Habitat and IFPRI). Although LGAF precedes the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security” (VGGT), endorsed by the Committee on World Food Security (CFS) in 2012, it’s development was inspired by the consultations leading to the guidelines. The LGAF methodology piloting started in 2010, was published in 2012<sup>1</sup> with a peer reviewed article in 2014<sup>2</sup>.

**LGAF Framework is based on international standards of good land governance** and constructed around nine thematic modules, each composed of land indicators and dimensions, with predefined scores from A to D. The scoring is, as much as possible, quantified with the thresholds being defined according to what is regarded internationally as good practice. Country teams draw their own conclusions based on available evidence.

The modules or panels are: land tenure recognition; forest and common lands, and rural land use regulations; urban land use, planning, and development; public land management; transfer of large tracks of land to investors; public provision of land information; land taxation and valuation; land disputes resolution; and institutional arrangements and policies. The scores indicate where a country is doing well and areas for improvement. The score given for each dimension was assessed against existing legal and/or regulatory frameworks and established practice. In certain areas, although regulatory tools such as laws and orders exist, they are not effectively implemented mainly due to a lack of human and financial resources, institutional capacity, or a lack of clarity.

**Quality assurance and technical guidance and support** to country-teams implementing LGAF is coordinated by the LGAF Secretariat and provided by Technical Advisory Groups

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<sup>1</sup> Deininger, K., Selod, H., Burns, A., (2012). The land governance assessment framework: identifying and monitoring good practice in the land sector. World Bank.

<sup>2</sup> Deininger, K. Hilhorst, T. Songwe, V., (2014) Identifying and addressing land governance constraints to support intensification and land market operation: Evidence from 10 African countries <http://www.sciencedirect.com/science/article/pii/S0306919214000438>

(TAG) of key African experts for each of the panel areas. This approach helped to boost the reliability of the score and provide key policy recommendations for implementation.

The framework provides a format that facilitates the communication of findings and recommendations with policy makers. LGAF<sup>3</sup> thus identifies how arrangements in countries compare to global good practice in key areas of good governance identified as: (i) how land tenure and rights to land are defined, recognised, can be exchanged, and are transformed; (ii) how public oversight over land use, management, and taxation is exercised; (iii) how the extent of land owned by the State is defined, how the State exercises its management responsibility, acquires or disposes of land, such as for large-scale land based investments; (iv) the management of land information and ways in which it can be accessed; (v) avenues of resolving and managing disputes, and holding land administration services to account.

Local Rwandan experts were tasked with carrying out LGAF and their reports were discussed in panels. The list of experts and panel members is presented in annex 3. Their background is academia (4); Government (22); CSO/NGO, private sector and independent consultants (21) - where 85% were men and 15% were women.

Following agreement from Government, the LGAF assessment started in October 2014. Background reports were completed by January 2015 and reviewed by the TAG. Panels were completed by February 2015. The draft synthesis report by June 2015 and submitted for review. Validation was undertaken in January 2016.<sup>4</sup>

**Justification for the score:** where dimensions score A (highlighted in green in the report), it does not necessarily mean that there is no room for improvement. Maintenance of this score also requires continuous effort. Similarly, dimensions that score D (highlighted in red further in the report) does not mean that there are no positives, rather, that the amount of effort required is higher than what is already in place (for example, one dimension may score D only because the law in place has not been implemented or is in the process of being implemented, and as such, the impact is not yet visible).

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<sup>3</sup> LGAF was developed by multilateral and bilateral agencies and experts led by the World Bank see website [http://siteresources.worldbank.org/INTARD/825826-1111396957610/23131560/Land\\_Governance\\_Assessment\\_Framework.pdf](http://siteresources.worldbank.org/INTARD/825826-1111396957610/23131560/Land_Governance_Assessment_Framework.pdf)

<sup>4</sup> In 2011, the Rwanda Initiative for Sustainable Development (RISD) coordinate a LGAF in Rwanda and prepared a draft report, but this was not validated as the government was undertaking significant reforms (review land legislation and the institution framework in 2013) making the analysis and assessments outdated. Key challenges identified were already addressed. In 2014, LGAF was resumed.

## Chapter 3: Background to Rwanda's economic development and land sector

### 3.1. Availability of land and development

Rwanda is a small, densely populated country of 26,338 km<sup>2</sup> (of which 75% is agricultural land – WDI) located in central east Africa. In 2012, there were 11 million Rwandans with 2.8% population growth<sup>5</sup>, estimated to have increased to 11,7m, of which 28% live in urban areas. Urbanization is a combination of natural population growth, rural-urban migration and the return of refugees<sup>6</sup> with Kigali having 1.2 million people. . The average population density of 490 pp/km<sup>2</sup> (2014 - global development indicators), which is the highest for Africa. Agriculture is predominantly rain-fed, employs almost 80% of the population, who farm on 0,1ha/capita and contributes 33% to GDP (2014 -GDI)<sup>7</sup>. Land holdings are fragmented – the average household possesses four plots of land.

As the most densely populated country in Africa, Rwanda has long faced the challenge of establishing a land system that would provide incentives for investment and rational land use to create economic opportunities, while at the same time overcoming gender biases in land access.

### 3.2. Land tenure system in pre-colonial Rwanda

Political management in pre-colonial Rwanda was based on the control of the economic system which was founded on three pillars, namely land ownership for agricultural purposes, livestock and security. These rights were enjoyed under the supreme protection of the King and had a feudal character. The main aspects of land tenure in pre-colonial Rwanda were<sup>8</sup>:

◆ **“Ubukonde”** or clan rights, held by the chief of the clan, who was the first land-clearer. The chief could own vast tracts of land on which he would resettle several families, known as **“Abagererwa”**. The latter enjoyed land rights, subject to some customary conditions.

◆ **“Igikingi “** or right to grazing land, granted by the king or one of his chiefs known as **“Umutware w’umukenke”**, to any family that reared livestock.

◆ **“Inkungu”** or custom, enabling and authorizing the local political authority, on his own or on others’ behalf, to own abandoned or escheated land. These lands were considered as a sort of land reserve which the ruler of the time could grant to anybody who needed one.

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<sup>5</sup> National Institute of Statistics of Rwanda, 2012 Housing and Population census, 2013.

<sup>6</sup> Ibid

<sup>7</sup> Dr Polly Gillingham and Felicity Buckle, Rwanda Land Tenure Regularisation, Case Study, March 2014 citing Musahara & Huggins, 2005 and Pritchard, 2013

<sup>8</sup> Republic of Rwanda, National land policy, 2004

◆ **“Gukeba”** referred to the process of settling families onto the grazing land or fallow land. Gukeba, or **Kugaba**, as it was sometimes called, was an exercise within the province of the local authority.

In charge of good management was the chief in charge of the land, **“Umutware w’ubutaka”**, and a chief in charge of livestock, **“Umutware w’umukenke”**, both considered being at the same level as the chief of the army, **“Umutware w’ingabo”**.

### 3.3. Land tenure system during colonial rule<sup>9</sup>

German colonization started right after the end of the 19<sup>th</sup> century and lasted till 1916. The German colonial authorities recognized the King’s authority over land from whom the first Catholic and Protestant missions bought land and thus became land owners.

The changes introduced by Belgian colonization led to the dismantling of the traditional system and its transformation into a centralized administration. In order to exercise control of the country more effectively and get colonial orders accepted, a reform was introduced in 1926 that divided the country into chieftainships and abolished the system by which a chief could own several land properties in different parts of the country, which had been a factor of national unity and cohesion. Belgian colonial authorities also introduced written law appearing in the **“codes and laws of Rwanda”**, in order to guarantee land tenure security for settlers and other foreigners wishing to invest in land in Rwanda. Only the Colonial Public Officer could guarantee the right to use the **“vacant”** land taken from indigenous Rwandan systems, and land use should be accompanied by a title deed. This was not seen as dispossession as vacant land was considered as state-owned land. This provision introduced the duality of systems in the country’s land tenure system.

All other occupied land remained subject to customary law, and only settlers and other foreigners could benefit from the new written law system that was protected by the colonial administration. The written law applied also to Catholic, Protestant and Seventh Adventist Missions owned land (decree of 24/01/43 concerning free transfers and concessions of land to scientific and religious associations as well as to parastatals), urban districts, as well as trading and business centres.

From 1959 onwards, the land tenure system became a factor of real conflict among groups within the population. It was during this period that, with the eruption of the political crisis, the first ever wave of refugees went into exile, leaving behind both their land and real estate properties.

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<sup>9</sup> Republic of Rwanda, National land policy, 2004.

### 3.4. Land tenure system after Independence<sup>10</sup>

Compared to the colonial period, the situation has not changed much after independence in 1960 as 90% of the country's arable land remained governed by customary law. The written land law still applied to a small number of persons and religious congregations, mostly located in urban areas and business communities.

While at the beginning of the 60's the Government banked on abolishing the system of "Ibikingi" in order to put them under the authority of the "Communes" and on recovering the land abandoned by the 1959 refugees to acquire new agricultural land, the 1970-1980 decade was characterized by intensive migration from the already densely populated regions of Gikongoro, Ruhengeri, Gisenyi and Kibuye to the semi-arid savannas of the East (Umutara, Kibungo and Bugesera) in search for vacant land. It is during this period that the Government attempted to transform the existing human settlement system into one of grouped homesteads, known as the "paysannat". The purpose was to make more rational the occupation and use of land which was becoming more and more scarce

The new Government gave an important role to the "Communes"<sup>11</sup> in the administration of land, and through the "Loi Communale" of 23/1/63, the protection of rights relating to registered land under the customary law became the responsibility of the "Commune". However, the provisions of this law were virtually nullified by Decree No. 09/76 concerning the purchase and sale of customary land rights or land use rights that authorized individuals to purchase and sell customary land after an application to the competent authorities, and subject to the original owner retaining at least 2 ha of land. The buyer was also to justify that he did not have land property equal to at least 2 ha. Ever since, the Government recognized only the right of ownership based on land registration and became, therefore, the eminent land owner of all non- documented customary land.

At the beginning of the 80s, there were no more new lands. From an average of 2 ha in 1960 per household, this was reduced to 1.2 ha in 1984 (agricultural survey data). Problems of land scarcity began to emerge, such as decline in soil fertility and insufficient land for cultivation, more food shortages, family conflicts over land ownership, growing number of landless peasants, and conflict between agriculture, livestock and natural reserves etc. From the 90s onwards, the country found itself in a land-related deadlock of low productivity and degradation. At the same time, through agricultural projects, particularly forestry and grazing land projects, the government strengthened its role as the owner of vast stretches of land with reforestation becoming an important factor in land accumulation

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<sup>10</sup> Ibid

<sup>11</sup> These were lowest administrative subdivisions with legal personality and a head that was called "Bourgmestre".

by the State and private individuals, but also taking farmland out of production as forests extended in lands fit for crops as well as marshlands.

The socio-political situation became increasingly unstable in the period around independence and marked by eruptions of violence that forced a significant number of Rwandans to flee the country in 1959, leaving behind their property which was thereafter allocated to other Rwandans by the government, or occupied illegally. These tensions and conflicts culminated in the 1994 genocide against the Tutsi and the failure to meet the land system challenges has been identified as a contributing factor.

There was a dual tenure system with the majority of land continued to be held under customary tenure while a small proportion of urban land held under statutory law. There was no proper land policy or land law, except for a few scattered land regulations, and very restrictive written law that enhanced this duality, giving rise to insecurity, instability and precariousness of land tenure.

### **3.5. Land situation after 1994**

The death and displacement of hundreds of thousands of Rwandans and the massive return of refugees led to the systematic destruction of existing wooded areas (an estimated 50,000 ha was cut or damaged), abandoning and destruction of anti-erosion structures and a quasi-anarchical takeover of protected zones, namely the Akagera National Park and the Gishwati natural reserve.

After 1994, reconstruction and resettlement programs, over-cutting of forests for energy purposes (since over 97% of households use wood as a source of energy) by orphanages, prisons, schools and tea factories increased the pressure on wood resources. The losses were alarming.

After the genocide, the need to resolve land issues became all the more urgent. In the aftermath of the genocide, there was a lack of clarity over legal status and rights to land, with successive waves of landowners returning to Rwanda to find their land occupied by others.<sup>12</sup> As new and old refugees returned home, land became increasingly scarce and in many parts of the country, land disputes increased. Old case refugees (those who fled the country in 1959) tried to reclaim land that was already occupied by others. The surge in population led to the occupation of park reserves, deforestation, land degradation and increasing landlessness.

Various interim and short-term initiatives aimed at resolving these problems were established, though not legally binding. For example, government attempted to resolve individual disputes by encouraging land sharing between alleged “owners” of land. In urban

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<sup>12</sup> NLP, 2004.

areas, “Tent Temporary Permanent programmes” were set up where people were allocated pieces of land and were provided iron sheets to build roofs on a temporary basis, although as time went by, they would be recognized owners of the parcel of land allocated to them. By the late 1990s, the GoR recognized land as a critical issue in the country’s long-term development. Since then, enormous effort have been undertaken by the government of Rwanda to clarify land rights and provide the basis for overcoming traditional biases, culminating in the LTR programme.

In 2003, the New Constitution for Rwanda stated “*Every person has the right to private property*” (Article 29)<sup>13</sup>. The NLP<sup>14</sup> and OLL<sup>15</sup> followed. The OLL outlined new procedures for land tenure and titling, registering and administering land and land titles, and guidance for land use and land development. LTR was to be the tool to implement the new provisions, as far as land registration is concerned.

The GoR’s Vision 2020 and 2002 Poverty Reduction Strategy Paper (PRSP) list land as a priority. By supporting the land sector, GoR was aiming to achieve three things: promote the land market, mainly through the mortgage industry, increased productivity (through the consolidation of land holdings and greater incentives to invest in agriculture); hence economic development and reduced social tensions following the genocide.

The GoR expects that land tenure reform will strengthen tenure security, promotes rational use of available land, support fair and transparent land markets, increase investments and thus achieve social, as well as economic growth and development. Rwanda development strategy is guided by Vision 2020, approved in 2000, which identified 6 priority areas that together should lead to poverty reduction. These areas are (1) Good political and economic governance, (2) Rural economic transformation; (3) Development of services and manufacturing; (4) Human resource development; (5) Development and promotion of the private sector; and (6) Regional and international economic integration (see annex for more detail)<sup>16</sup>. Implementation is guided by the Economic Development and Poverty Reduction Strategy (EDPRS) for which phase 1 is completed ( 2007-2012) and phase 2 started in 2013 with four thematic areas: (i) Economic transformation; (ii) Rural development; (iii) Productivity and Youth Employment; and (iv) Accountable Governance. Rwanda has made significant progress on development indicators for education, health, water, infrastructure, and agriculture<sup>17</sup>. The GDP per capita was USD 652 in 2014 and increased with 7% in the

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<sup>13</sup> Government of Rwanda, Official Gazette of 4 June 2003.

<sup>14</sup> Ministry of Lands, Environment, Forests, Water and Mines: National land Policy, February 2004.

<sup>15</sup> Organic Law n° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda in Official Gazette of 15 September 2005

<sup>16</sup> Government of Rwanda (2007a). Economic Development and Poverty Reduction Strategy, MINECOFIN,.

<sup>17</sup> Republic of Rwanda (2013), Economic Development and Poverty Reduction Strategy (EDPRS) 2

period 2010-2014 (GDI). Poverty levels are reducing and declined from 44.9% in 2010/11 to 39.1% in 2014<sup>18</sup>.

### 3.6. Legal reform

To provide secure land tenure to all Rwandans and create preconditions for structural transformation, far-reaching legal and institutional changes were embarked upon.

The Rwanda Constitution was voted in 2003 and is the primary legal document which recognises the right to private ownership of land and other rights to land which are granted by the State (See Articles 29-32)..

Based on animated debate, the NLP put forward general principles for efficient and sustainable use of scarce land resources and the general framework for the legal, regulatory and institutional reform. The NLP aim is to resolve land issues and spur economic development through land reform<sup>19</sup>.

The NLP was codified in the OLL that provides the legal bases and creates institutional structures for accessible land administration at national and local levels. The OLL/land law of 2013 recognizes customarily acquired land and makes first-time registration of all land (whether publicly or privately owned) and recording of follow up transfers compulsory. It recognises both leasehold and freehold tenure types and the upgrade from leasehold to freehold. It also provides for controls on accessing land for investments. The land law also limits foreigner rights to leasehold, streamlining land use control procedures and requisition. One of its key provisions is to establish a single statutory system of land tenure that vests land ownership with the state and provides users with long-term usufruct rights (up to 99 years, depending on land use) that can be sold, passed on to heirs, mortgaged, leased, or otherwise transferred. The law prohibits sub-division of agricultural land parcels less than one ha; requires approval for any subdivision of parcels; and lays the basis for land expropriation (with compensation) in the public interest. The law also sets various obligations related to the protection and promotion of land and reserve areas, including wetlands and parks, to ensure efficient use of land.

To achieve these aims, the OLL provides for a set of secondary (implementing) legislation and an institutional framework to guide and govern land tenure reform in Rwanda. Most of this secondary legislation is in force and land governing institutions that were established for this purpose are fully operational.

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<sup>18</sup> National Institute of Statistics of Rwanda, Rwanda Integrated household Living conditions survey (EICV), 2013/2014.

<sup>19</sup> Republic of Rwanda, National Land Policy, 2004.

The 2005 OLL<sup>20</sup> determines the use and management of land management and was promulgated and amended in June 2013. Objectives are:

- Recognition and protection of land rights (written or unwritten) of all land owners (nationals as well as foreigners);
- Abolition of any form of discrimination in land ownership (i.e. women and men have equal rights to land);
- Categorisation of land depending on land use (i.e. residential, commercial, agriculture, reserve etc.) and ownership (individual, State etc.);
- Most land to be held under long term lease (from 15 to 99 years);
- Allocation of State land through open competition;
- Special conditions for conservation and exploitation of land;
- Obligation to register all land owned; and
- Prescription period.

### 3.7. Institutional context

Rwanda has five levels of local administration. It is divided into four provinces (North, South, East and West) and the city of Kigali, 30 districts (of which three are within Kigali), 416 sectors, 2,146 cells, and 14,876 villages (*umudugudu*). Provinces are a liaison for coordinating district development planning with the national policies and programmes and supervise implementation at district level. Districts are responsible for local economic development planning and coordinating delivery of public services. Sectors coordinate the delivery of public services and collect monitoring data and information, while cells prioritize needs and mobilize community support. Villages have no specific administrative functions (Republic of Rwanda 2007).

Until 2006, Rwanda had no clear land institutional framework with land-related responsibilities spread across different ministries (ministries<sup>21</sup> responsible for lands, infrastructure and housing; agriculture, water and forestry; rehabilitation and refugees, etc.). Land issues were dealt with at central level with limited involvement of local government and there were two registrars of land titles (rural lands and urban land outside Kigali by the ministry of lands; urban land in Kigali by the Mayor of Kigali city).

The NLP and the OLL required the establishment of a land institutional framework and, in 2006, a new legislation was passed to set up various land institutions.<sup>22</sup> The OLL amendment

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<sup>20</sup> In Rwanda the hierarchy of law is as follows: (i) constitution, (ii) organic law, (iii) law, (iv) presidential order and (v) ministerial order.

<sup>21</sup> UTUHI (Unite Terre, Urbanisme, Habitat et Infrastructure)

<sup>22</sup> Presidential Order N° 53/01 of 12/10/2006 determining the structure, the powers and the functioning of the Office of the Registrar of Land Titles; Presidential Order N° 54/01 of 12/10/2006 determining the structure, the responsibilities, the

in 2013 abolished land commissions, established in 2006, as their existence was becoming less important given the progress with land registration, but introduced sector land managers to ease service delivery at local level

Currently, RNRA is the overall leading agency responsible for land administration, and works closely with MINIRENA for land administration policy and legal formulation, and the zonal registrar's office and district land office for implementation. RNRA is also the leading agency in land use planning. There are other ministries and agencies (listed in Annexe 1) which tend to work mainly at sector level. The National Land Center (NLC) was formed in 2006 as the technical agency in charge with national and district land commissions providing oversight, and housed the Office of the Registrar of Land Titles (with five registrar of land titles). In 2011, NLC was integrated into RNRA as the Department of Land and Mapping.

At the decentralised level, district land commissions, Kigali city land commission and district land offices were created as well as sector and cell land committees. At district, town, and municipality level, District Land Bureaux (DLBs) are responsible for land administration and land use planning. They are complemented by land committees at sector and cell levels which serve as focal points for land registration and land use planning to facilitate decentralized and participatory OLL implementation.

### **3.8. Institutional framework for urban land**

Urbanization and Human Settlement Sector is under the coordinating responsibility of the Ministry of Infrastructure (MININFRA). The implementing agencies belonging to MININFRA are: Rwanda Housing Authority (RHA); Office National de Transport en Commun (ONATRACOM); Road Maintenance Fund (RMF); Rwanda Transport Development Agency (RTDA); Rwanda Civil Aviation Authority (RCAA); the Water and Sanitation Authority (WASAC); and Rwanda Energy Group (REG).

RHA was established in November 2010 with the aim of restructuring and organizing urban development and the construction industries. Its overall mission is *“to implement the national housing and construction policy through coordination, conception, development, monitoring and evaluation of actions and programs”*. RHA since 2014 also hosts the Rural Settlements Program which links rural communities to the area of land use and human settlement planning, and supports *“imidugudu”* development and implementation.

The responsibilities for urban, rural, economic and sectoral planning are supervised by different Ministries, especially urban and human settlement development by MININFRA, land use planning by MINIRENA, and economic development planning by MINECOFIN,

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functioning and the composition of Land Commissions; Prime Minister's Order N° 17/03 of 09/10/2006 establishing the Task Force in charge of land reform and management in Rwanda; and Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau.

MINICOM, MINALOC, MINAGRI, and all sectors. Notwithstanding the said-advantages of shared responsibilities, significant challenges are observed in overlapping duties.

MINIRENA is responsible for land use management, ensuring sustainable land use and for the conservation of the natural environment. MININFRA remains responsible for habitat and urban infrastructure planning. MINIRENA is also involved in exploration for available local construction materials.

The Ministry of Local Government (MINALOC) is interacting with the urbanization and human settlement sector through Districts and the City of Kigali for the implementation of planning documents.

RNRA is one of two implementing agencies under MINIRENA and is responsible for land administration and management. It maintains a country-wide cadastre for the support of the district land offices. It collaborates on flood planning and integrated water resource management aspects of urbanization planning and regulations.

Rwanda Environmental Management Authority (REMA) is the implementing agency of MINIRENA and is consulted on all issues regarding environmental impact of town planning and building projects. It posts a technician in the COK OSC to coordinate with the construction permit administration.

RDB collaborates with the MININFRA in attracting private investment in public infrastructure specifically in town planning and buildings.

Land management and urban and human settlement planning is currently located in two different Ministries, with districts responsible for the management and administration of land resources. The One Stop Centre is a department in the district structure which is responsible for all development related services, and integrates land use management, land administration, planning, development authorization and inspection. The district structure has recently been revised to accommodate all aspects of local development management, and the number of staff accommodated in the district structure has significantly increased. The structure further distinguishes between urban and rural districts, and this makes way for higher adequacy of administrative capacities of Secondary City Districts. Currently, the district One Stop Centers are not staffed according to the new structure, but measures to facilitate staffing are being taken at national government level and with responsible institutions.

## Core land institutions

Institution	Level	Responsibility
Ministry of Natural Resources (MINIRENA)	National	<ul style="list-style-type: none"> <li>• Policy formulation on land administration, land use planning and management;</li> <li>• Setting out laws, ministerial orders and/or orders that set out procedures for the administration, planning, management and allocation of land.</li> </ul>
Rwanda Natural Resources Authority (RNRA)-Lands and Mapping Department (L&M)	National	<p>Established in 2011 by law 53-2010 of 01-2011 as a merger of the National Land Centre (NLC), the National Forestry Authority (NAFA) and the Rwanda Geology and Mines Authority (OGMR).</p> <p>Main responsibilities include:</p> <ul style="list-style-type: none"> <li>• Leading the management and promotion of natural resources, comprising land, water, forests, mines and geology;</li> <li>• Carrying out land administration and land use planning including land registration and issues land titles through the office of the registrar or land titles;</li> <li>• Designing and overseeing the implementation of land use plans;</li> <li>• Land mapping, surveying and cartography;</li> <li>• Providing training to local land institutions and</li> <li>• Providing information related to land</li> </ul>
Office of the Registrar of	Zonal	Embedded in the RNRA under the department of Lands and Mapping. It is

Institution	Level	Responsibility
Land Titles (ORLT)		<p>headed by the Registrar of land titles and has five zonal offices that cover the whole country. Each zone is headed by a Registrar of land titles who generally oversees around 6 districts or slightly more. Main responsibilities include:</p> <ul style="list-style-type: none"> <li>• Land registration and title issuance;</li> <li>• Maintenance of land register and cadastral database;</li> <li>• Certification of land allocation;</li> <li>• Certification of property transfer;</li> <li>• Awareness of land rights;</li> <li>• Clear land administration manual and procedures for various land transactions in place with all types of forms required;</li> <li>• Several responsibilities to manage (land administration and land use management in their respective zones, where they mainly focus on land administration)</li> </ul>
District Land Office (DLO)	Local	<p>30 District Land Office (DLO) are established by the land law, technically answerable to RNRA and directed by the District Land officer. Responsibilities include:</p> <ul style="list-style-type: none"> <li>• Follow up the implementation of land policy at local level;</li> <li>• Follow up on the implementation of land use plans; Participate in the design of their districts land use plans and local development plans and oversee their implementation</li> <li>• Maintain the land related records.</li> <li>• Certification of land transactions (DLO act as land notaries);</li> <li>• Land surveying;</li> </ul>

Institution		Level	Responsibility
Sector Land Management Office		Local	<ul style="list-style-type: none"> <li>• Issue construction permit (in rural districts);</li> <li>• Collection of land revenues;</li> <li>• Land notary at sector level;</li> <li>• Certification of land transactions at sector level;</li> <li>• Oversight of the implementation of the national land policy, land use plans and the issuance of land titles in systematic land registration;</li> <li>• Awareness of land rights</li> </ul>
Sector and committee	Cell	Land	<ul style="list-style-type: none"> <li>• Follow up of management and use of land;</li> <li>• Take part in the adjudication process during land registration ( and played a key role in LTR program);</li> <li>• Raise awareness on various land regulations, policies and programmes.</li> <li>• Responsible for land valuation across the country.</li> </ul>
Institute of Real Property Valuers		National, regional and local	

Since 2010, academia and training institutions have established land administration programmes and research, and include INES, University of Rwanda, and Umutara Polytechnic. Particularly NGOs and farmer associations are organised in LandNet Rwanda Chapter, established in 2000, coordinated by RISD. LandNet has 35 members.

**Private sector service provider organizations:** From 2010, the IRPV, a professional body of land valuers, has been active in Rwanda. Institutes of urban planners and land surveyors are also in the process of being established. Private land surveyors and land valuers tend also to work in urban areas where land owners can afford independent assessments.

Consultancy services land administration and land use: The private sector's role in both land use planning and land administration is still limited. Private companies (generally international) are hired to design these tools. However, implementation of the plans remains the sole responsibility of government agencies.

Estate and project developers: estate developers are involved to a limited extent in the implementation of plans in urban areas.

There are also projects working on various land related issues. For example, the USAID LAND project focuses primarily in providing capacity building to local research organisations to do evidence-based research that would help address policy making. In this regard, the project has produced various research papers on gender, land administration sustainability, land based revenues and land use consolidation etc. Results from the research have been shared with responsible government institutions for consideration.

### **3.9. Land tenure regularization (LTR) programme**

LTR aimed at clarifying rights on all of the country's estimated 10 million land parcels as a precondition for their formalization and full legal recognition, manifested in the award of title certificates to land holders (Sagashya and English 2010).<sup>23</sup> The costs were calculated at 7,69 US\$ per parcel title plus lease contract (including the cost of aerial photography) (see HTSPE<sup>24</sup>).

From the outset, the LTR programme was ambitious given its timescale, coverage and cost. The realities of implementation required amendments to be made and flexibility on the part of development partners, beneficiaries and implementing agents regarding changes in time, scale, cost and targets.

Government buy-in, ownership and political will were essential for the success of the programme in order to ensure that the necessary legal reforms were undertaken in time. The performance accountability systems and governance structures that were in place in

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<sup>23</sup> As is usual in programs of this nature, LTR aims to formalize rights to land already possessed by land users.

<sup>24</sup> The fee is RWF 1000 (US\$ 1.84 at the 2008 rate) per parcel or about RWF 4000 (US\$ 7.36) per household taking the national average of four parcels per household. This compares to a cost of approximately US\$ 9-11 in the pilot—since then reduced to about US\$ 5—per parcel.

Rwanda also contributed to the programme's success. Central government was able to mobilise local administrative structures to support the LTR process, such as Cell Land Committees. Additionally, the NLC (currently Lands and Mapping department of RNRA) demonstrated dedicated leadership and ownership. It closely monitored Land Tenure Regularization Support Project (LTRSP) team performance and led weekly LTR management meetings to assess project's implementation progress, respond to issues that needed quick attention and provide further guidance. This gave them the opportunity to discuss any issues; it was noted that they took quick decisions based on lessons learned in the previous week's field and back office operations.

Key steps undertaken in LTR process are documented in a manual that sets out procedures for implementation of LTR by mobile teams in campaign-style and which was continuously updated and improved based on feedback from implementation (Republic of Rwanda Office of the Registrar of Land Titles 2009). After declaration of an area as subject to adjudication and conduct of stakeholder sensitization programs, locally trained para-surveyors demarcated parcel boundaries in the field in the presence of land owners and all adjoining neighbours, marked them on an aerial photo to create a parcel index map and, for undisputed parcels,<sup>25</sup> issued a claim receipt. This receipt contained the names of the rightful claimants. The claim receipts were signed by the rightful claimants. Information from the receipt was transcribed to a registry book, digitized in the central office, and together with the parcel index map, displayed publicly. If no objections were raised within a public display period of at least two weeks, the information is formally registered, allowing award of a formal certificate upon payment of a nominal fee.

The 14 steps used were as follows:<sup>26</sup>

*1 Notification of areas for the LTR programme*

District, sector and cell authorities are notified about LTR commencing within the next three months.

*2 Cell index map and field sheet production*

The cell boundary dataset is taken from the Bureau of Statistics and overlaid onto the orthophoto image. The Field Manager (FM) then walks the cell boundary together with the Cell Executive Secretary. If necessary, the boundary will be corrected.

Then, numbered rectangular polygons are arranged to cover the entire cell area with an overlap of 5%. Scales vary: 1:1.000 for Kigali, 1:1.500 for South, West and North provinces, 1:2.000 for the East province. ArcGIS 9.3 and DS Mapbook (open source) are

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<sup>25</sup> Parcels, the ownership claims to which are disputed, are recorded in a separate dispute register. Disputed claims can then be pursued separately through either administrative or judicial channels with the possibility of legal NGOs playing an important role in moving the process along.

<sup>26</sup> RNRA, Operations manual for the implementation of systematic land tenure regularisation, 2012

the software packages used for batch printing of one copy of the Field Sheet and four copies of the index map.

*3 Mobilisation, Public awareness raising*

On a cell level general meeting, led by the FM, the public is suitably informed and made aware of LTR, of their rights and involvement in the process. Flyers and booklets are distributed. For the urban population there are records of song, dance and drama, as well as a website.

*4 Training of para-surveyors (PS) and Adjudication Committee*

10 PSs are recruited in each cell after a test from a number of applicants and trained by a PS-trainer (from a completed cell) to read a map and trace a physical boundary on a field sheet. They will form four teams with two each (plus 2 PS in reserve).

The cell land committee appoints the Adjudication Committee of 8 members who are then trained in legal matters around LTR by the FM and/or an experienced trainer.

*5 Demarcation*

The PS traces the parcel boundary on the field sheet walking around the parcel with the claimant, the neighbours and the village leader. No markers are placed. A unique parcel number is given and annotated. The claimants then get a Demarcation Receipt and are instructed to take it immediately to the Adjudication Committee to register their claim.

Disputes about claims are referred to the Adjudication Committee, but the boundary of the parcel is demarcated. Where the line of a boundary is disputed it will be marked on the field sheet and also left to the adjudication committee, the village leader or a special mediator to be resolved.

*6 Adjudication*

The Adjudication Committee books all legally necessary information about the claimant(s) in the claims register under the claim receipt number. Disputes subsisting after 30 minutes of discussion and advice are entered into the disputes register and the parties referred to the mediator or a court. This is a first occasion to pay the registration fee of 1.000 RWF in rural areas and other cities other than Kigali City (5.000 RWF in Kigali).

*7 Data entry and checking*

Data from the claims register, dispute register, field sheets, claim receipt books and dispute receipt books are entered sector by sector into the database LTRSS at the Zonal Office, and checked for plausibility.

*8 Parcel Digitisation (parallel to 7)*

Field sheets are scanned, then geo-referenced (in QGIS, also open source software). Heads-up digitisation of all parcel boundaries follows under their UPI and the calculation of the area in m<sup>2</sup>. Finally a cell map is printed on one or more A0 sheets, with villages colour-coded and parcels with their UPI.

*9 Objections and corrections (O&C)*

O&C starts in all cells of a sector at the same time and lasts 2 weeks under the responsibility of the FM and a special O&C committee. All claimants can inspect the cell maps and their data. If necessary, changes can be made of every data collected.

*10 Data corrections after O&C (parallel to 11)*

The LTRSS database is corrected with the information obtained during the O&C period.

*11 Post-O&C parcel correction in the GIS, cadastral extract generation*

With all geometric data now correct, for each parcel an extract is generated (in jpeg format), showing the parcel and its adjacent neighbours, with the UPI.

*12 Lease preparation*

A (collated) lease document contains four pieces: original and duplicate lease contract, certificate of emphyteutic lease and parcel cadastral extract. The certificate is sealed, whilst the contract and extract are stamped.

*13 Lease issuance*

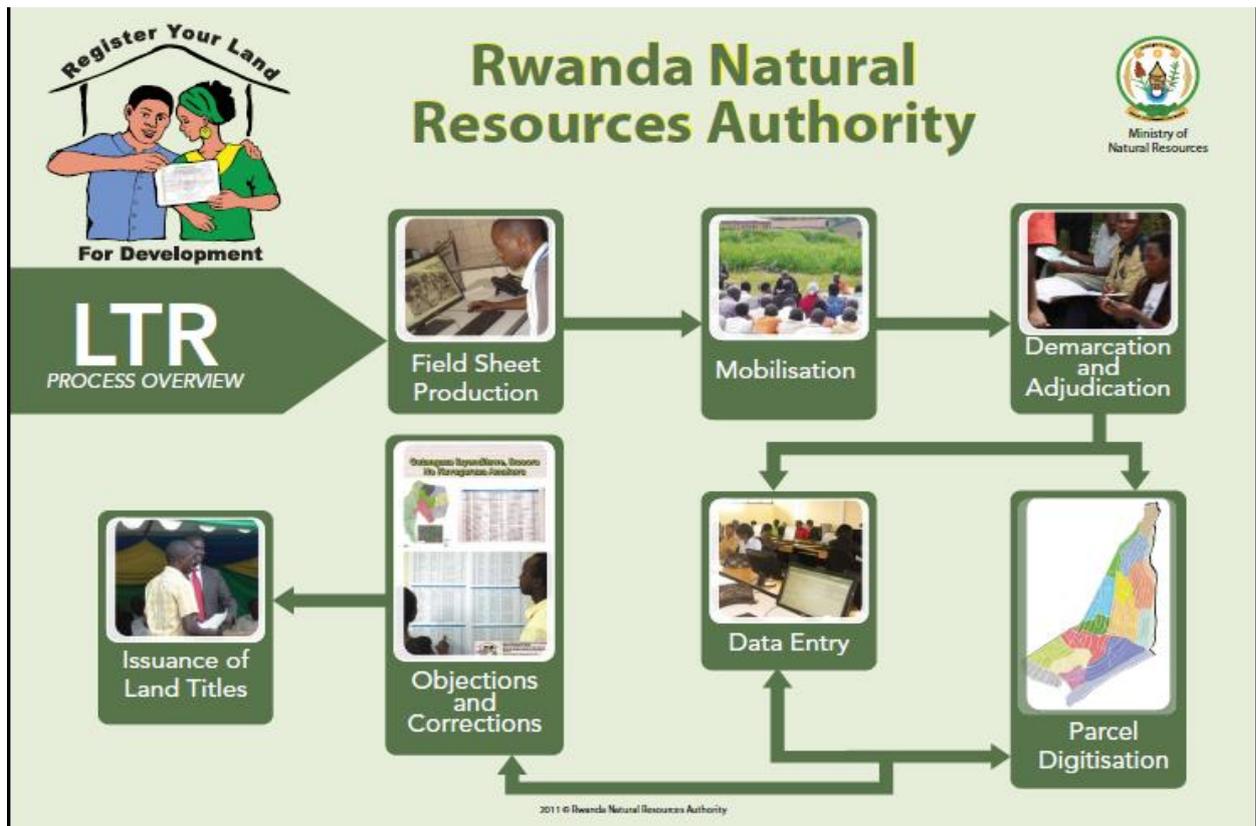
After another intensive public awareness campaign, the public in a cell is informed in a meeting that the lease issuance shall begin in one week and last four weeks.

Now the claimant has to pay the fee, when picking up the documents. The duplicate contracts are collected and sent to Kigali for scanning and archiving.

*14 Migrating LTRSS data to LAIS*

In this final step, all data shall be migrated sector by sector from the LTRSS to the LAIS Maintenance Database. During a few days the LTRSS is blocked for ongoing transaction, after which the LAIS takes over this task.

Figure 1 LTR process



### Key innovative approaches to land rights recognition

1. **Use of modern technology** in registering land rights: Rwanda has used aerial photography in demarcating individual plots. This process was made easier to be understood by local community who implemented the programme;
2. Land demarcation and recording of individual land rights was done **by locally trained community members**. Procedures and processes were clear and local people were trained on how to implement them. This made the process quicker, easier and transparent;
3. **Increased awareness campaign** at different level of administration: various communication campaigns were used including TV, Radio, newspaper, church gatherings, meetings etc
4. **Liking land use to tenure recognition**. There is clear linkage between land tenure system adopted by Rwanda and land use. Article 27 of law n° 43/2013 of 16/06/2013 governing land in Rwanda provides that “all land leases and land transactions shall respect the land use plans of the area where the land is located”. That is why it is provided on every land title the use designated for the land.
5. **Linking the digital land register (land administration information system-LAIS) to other services**. As of now, the Rwanda land register is linked to banks for mortgage registration, national identification project, tax authority (Rwanda Revenue Authority) and to Kigali city master plan. Plans are underway to connect LAIS to the six secondary cities which are: Rusizi, Rubavu, Musanze, Nyagatare, Huye and Muhanga.
6. **Recognition of women’s land rights**: women in legal (and later also informal) marriages were registered as co-owners along their husbands; single women were registered as defacto owners and in some cases women were registered as people with interest on the land.

### 3.10. Land use and distribution of land by tenure type and conditions

The total surface area of Rwanda is of 2,633,800 hectares, arable land is 1.4 million hectares, which is about 52% of the total surface area of the country. However, due the high population density and heavy pressure on the land resource, the actual area cultivated has reached about 1.6 million ha in recent years, thus bringing the total land under use to almost 61% of the total surface area of the Country (UNDP/SLM, 2008; REMA, 2009)<sup>27</sup>. A recent inventory of wetland resources in the Country shows that they represent 278,536 ha, equivalent to 10.6% of the total surface area (REMA, 2009)<sup>28</sup>. The water body (lakes and rivers) represent a total surface area of 176,050 ha equivalent to around 6.6% of the total surface area of the Country (REMA, 2009)<sup>29</sup>.

A recent forest inventory shows that the total forest cover is about 640,000<sup>30</sup> ha, when including also trees on small parcels <0.5 ha , equivalent to about 28,8% of the total surface area of the Country (National Forest Cover, 2013). Grazing land consist of two main areas: a part of Gishwati forest and a part of the Akagera National Park.

Seven types of swamps are found in Rwanda, classified on the basis of: relief, altitude, soil type, vegetation, hydrology and size of the swamp, slope of the watershed and population density. Main functions of swamps include agriculture production, hydrological functions, biodiversity reservoirs, leisure and tourism and cultural value. Given the importance of swamps ecosystems in terms of ecosystem and provisioning services a vulnerability criterion has been developed to assist with management. However, the conversion of swamps to agricultural production has increased rapidly over the last two decades due to the acute scarcity of agricultural land. To a great degree, the Government supports this swamps development with the aim of boosting agricultural production, revitalizing the rural economy and reducing poverty. As far as swamp land tenure is concerned, Article 19 of the land law stipulates that *“Swamp land belongs to the State. It shall not definitively be allocated to individuals and no person can use the ground of holding it for a long time to justify the definitive takeover of the land. However, it may be lent to a person based on agreement concluded between both parties”*. This is a source of dispute in the case of swamp lands having been cultivated for decades.

About 40% (800,000 ha.) of Rwanda’s land is classified by the FAO as having a very high erosion risk, 37% requires soil retention measures before cultivation, and only 23% of the

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<sup>27</sup> UNDP: Sustainable Land Management Project and REMA: The State of Environment in Rwanda

<sup>28</sup> REMA, The State of Environment in Rwanda, 2009

<sup>29</sup> Ibid

<sup>30</sup> This figure is different to what is reported in the land register. Areas used for forest plantation increase every day therefore this may have not been captured during the land registration campaign which ended in most part of the country by June 2012.

cultivated land is more or less free from risk of erosion. As regards soil fertility, a high proportion of has significant acidity, 75% of the land is “highly degraded,” and overall it has one of the highest negative nutrient balances in sub-Saharan Africa<sup>31</sup>.

**Table 1 Land cover in Rwanda<sup>32</sup>**

Land cover types	Area (ha)	% of the total
Potential arable land under agriculture)	<b>1.612.068</b>	<b>61</b>
Wetlands	<b>278.536</b>	<b>10</b>
Forest	<b>240.746<sup>33</sup></b>	<b>10</b>
Water body (lakes and rivers)	<b>176.050</b>	<b>6</b>
Protected areas (parks)	<b>226.400</b>	<b>8</b>
Towns and Highways <sup>34</sup>	<b>100,000</b>	<b>5</b>
<b>TOTAL</b>	<b>2,633,800</b>	<b>100</b>

Table 3 below presents the number of parcels per ownership, tenure type and annotation types:

**Table 3: Number of parcels per ownership, tenure type and annotation types<sup>35</sup>**

Distribution of parcels per ownership		
Types of ownership	Total parcels	Total size (Ha)
Total parcels registered	11421662	20,66515
Privately owned parcels	9346205	2555859
State owned land including wetlands <sup>36</sup>	286166	118184
Distribution of parcels per tenure types		
Parcels under leasehold	11,167,093	1,945,247
Parcels under freehold (private owned)	254,563	121,266
Parcels with forest cover	916,417	193,595

<sup>31</sup> PSTA II, 2009.

<sup>32</sup> Source: UNDP/SLM, 2007 and REMA, 2009.

<sup>33</sup> This figure is different to the size of land reported in the land register as being used for forestry purposes. The difference may result from the fact that land registration may not have considered new areas used for forestry post land registration.

<sup>34</sup> The estimation of real towns and major highways of national interest. Estimation from UNDP/SLM project document.

<sup>35</sup> Figures presented in this table will be reviewed once RNRA has sent the current figures.

<sup>36</sup> Wetlands are also state owned land in either public or private domain.

Parcels registered as condominium	18 <sup>37</sup>	2,010 (m2)
<b>Distribution of parcels per types of annotation</b>		
Mortgaged parcels	40,163.00	139,256,858.97
Parcels under dispute (including restrictions)	23,488.00	90,277,511.52

The Ministerial Order No. 002-2008 defines modalities for land registration including the establishment of a Register of Land Titles, procedures for the registration of titles to land and other interests in land, transfers of title to land and other transactions related to land, and related matters. It provides for two types of certificates of land rights – the Certificate of Registration of Conditional Freehold Title or Freehold Title and a Certificate of Registration of Emphyteutic Lease. Ministerial Order No. 001-2008 determines the requirements and procedures for land lease. There is also condominium title as provided for by law No. **15/2010 of 07/05/2010** creating and organizing condominiums and setting up procedures for registration. Condominium titles have already started to be issued in urban areas. There is need, however, for this law to be disseminated widely to ensure awareness.

It is not possible for agricultural land to be upgraded from leasehold to freehold. However, residential land (in urban areas), commercial land, industrial and social land use may be upgraded if the requisite standards and building conditions are met.

The majority of land is held under a long-term lease (known as emphyteutic lease) which varies from 15 years to 99 years. The difference in lease term depends on what the land is designated for (e.g. agricultural land has a 99 year lease whereas residential land has a 20 year lease).

### 3.11. Categories of land and corresponding land rights

**Table 4: Current categories of land with their corresponding typology and bundles of rights attached**

Category of land	Typology of tenure	Bundles of rights
Individual land	Freehold title (certificate of full ownership) on real property	Absolute right to occupy; to use; to rent; to transfer through inheritance, sale, gift, mortgage; to use as collateral for loan.
	Conditional freehold	Conditional right to occupy; to use; to rent; to transfer through inheritance, sale, gift, mortgage; to use as collateral for loan. Usually issued to facilitate qualified investors and those who already completed half of the

<sup>37</sup> There are other 24 condominium units registered in the register but have no surface area

Category of land	Typology of tenure	Bundles of rights
	<p>Emphyteutic lease of 99 years with Certificate</p> <p>Emphyteutic lease of 20 years for residential land, with Certificate (in urban areas)</p> <p>Emphyteutic lease of 30 years for commercial and industrial land, with Certificate (in urban areas)</p>	<p>land development.</p> <p>Real right to occupy; to use; to rent; to transfer the lease terms (remaining years) through inheritance, sale, gift, mortgage; to use as collateral for loan.</p> <p>With building permit as a precondition, right to occupy; to use; to rent; to transfer the lease terms (remaining years) through inheritance, sale, gift, mortgage; to use as collateral for loan.</p> <p>With building permit as a precondition, right to occupy; to use; to rent; to transfer the lease terms (remaining years) through inheritance, sale, gift, mortgage; to use as collateral.</p>
<p>Private State-owned land: Private state and parastatal, Kigali City and District owned land allocated for investment or for social purpose. Including swamp land</p>	<p>Freehold title (all state land are held under freehold regime)</p> <p>Emphyteutic lease of 30 years for commercial, industrial, scientific, social and cultural activities</p> <p>Emphyteutic lease of 20 years for approved residential activities</p> <p>Emphyteutic lease of 15 years for approved activities in waterways (like fishing)</p>	<p>Right to occupy, to use, to transfer the lease terms (remaining years) through inheritance; to use as collateral for loan.</p> <p>Right to occupy, to use, to transfer the lease terms (remaining years) through inheritance, to use as collateral for loan.</p> <p>Right to occupy, to use, to transfer the lease terms (remaining years) through inheritance; to use as collateral for loan.</p> <p>Right to occupy, to use, to transfer the lease terms (remaining years) through inheritance; to use as collateral for loan.</p>
<p>Public domain (public State owned land)</p>	<p>Certificate of ownership for public institution/administration</p>	<p>Real right to occupy and use.</p> <p>It is prohibited to transact the public domain unless it is transferred by the law to private State-owned land.</p>

It is important to note that state land in the private domain can become individual land once an allocation is made by the state to a private party (i.e. Kigali city and district land allocated for private use). The lease term may vary depending on where the land is located and its destined use.

### 3.12. Land tenure typology

**Table 5: Land use typology**

Tenure type	Area and population	Legal recognition, protection and characteristics	Overlaps and potential issues
<b>Private individual land (natural and non-natural persons)</b>			
- Land acquired through custom or written law. -granted by authorities -acquired by purchase -donation, inheritance/ succession, exchange; sharing.	There are 8,768,896 parcels measuring 15,332,339,141.53m <sup>2</sup>	Recognised and protected by the land law N° <b>43/2013 of 16/06/2013 governing land in Rwanda</b> and ministerial order N° 009/16.01 of 23/08/2011 determining the procedure to obtain freehold land title.	Instances of private district land allocated to more than one individual owner, leading to conflicts.
<b>Urban Land</b>			
Within boundaries of towns or cities; established by Presidential Order (not yet in place). includes private individual land and State land in both private and public domains.	No data on area and population available: <ul style="list-style-type: none"> <li>• There is no clear urban delineation;</li> <li>• The land register does not provide a distinction between rural and urban land.</li> </ul>	law N° <b>43/2013 of 16/06/2013 governing land in Rwanda.</b> <ul style="list-style-type: none"> <li>• Landholders can be granted full ownership if (i) used for residential, commercial, industrial, social, culture and scientific use and (ii) according to building regulations</li> <li>• Land rights in informal areas are recognised in LTR</li> </ul>	Absence Presidential Order to determine urban land, causes confusion over location urban land, affecting especially paying of lease fees or implementing building regulations. <ul style="list-style-type: none"> <li>- Urban planning regulations are imposed in rural areas; people in rural areas assume they are in urban areas</li> <li>- Institutions responsible for managing/regulating urban land overlap with those responsible for rural land management.</li> <li>- Individual land holders constrained by the master plans especially in urban areas. Those who cannot afford to build according to building regulations are forced to sell their land.</li> </ul>
<b>Rural Land</b>			
All land not within urban boundaries.	As above.	law N° <b>43/2013 of 16/06/2013 governing land in Rwanda.</b> <ul style="list-style-type: none"> <li>• Individual land held under different</li> </ul>	<ul style="list-style-type: none"> <li>• Most rural land recognisable by geographical location and/or landscape, but delineation issue noted (see above).</li> <li>• Confusion land use regulation</li> </ul>

Tenure type	Area and population	Legal recognition, protection and characteristics	Overlaps and potential issues
		leaseholds depending on type of land use for State private land leased to private parties (individuals or private companies)	between RNRA and RHA (responsible for urban land).
<b>State Land – public or private domain</b>			
belonging to public institutions and local authorities (District or Kigali city) for public or private use; donated by State -donated; acquired by purchasing, or donation from individuals or associations.	379,398 parcels owned by the State encompassing an area of 1,309.7 km <sup>2</sup> .	under law N° <b>43/2013 of 16/06/2013 governing land in Rwanda. Registered and titles under LTR State land in public domain</b> (natural forests, roads, land occupied by rivers etc.) cannot be transferred to private parties. State land in private domain (vacant land, land bought by State, unprotected swamps, State-owned forests/ swamp land etc.) can be transferred to private parties.	Confusion and disputes between State and private parties (mainly individuals) on: <ul style="list-style-type: none"> <li>• Definition of “wetlands” /swamp</li> <li>• Boundaries “wetlands”/ swamp-</li> <li>• Some wetland/forest lands demarcated as individual land is disputed by State, and being re-demarcated.</li> <li>• Dispute over Private district land acquired through expropriation (no fair compensation; landlessness (e.g. Ubumwe cell in Nyarugenge sector).</li> </ul> In total, there are <b>352 live disputes cases</b> across the country between private individuals and the State <sup>38</sup> .

<sup>38</sup> Data from RNRA, January 2015

## Chapter 4: Results of land governance assessments by theme and indicator

This chapter sets out a summary of LGAF results from all 27 indicators and 120 dimensions assessed across all nine panels. It provides key challenges facing each panel and key innovations Rwanda has achieved under each panel.

Dimension scores highlighted in green (score A) do not necessarily mean that there is no room for improvement. Maintenance of this score also requires continuous effort. Similarly, scores highlighted in red (D) do not mean that there are no positives, rather, that the amount of effort required is higher than what is already in place (for example, one dimension may score D only because the law in place has not been implemented or is in the process of being implemented but the impact is not yet visible).

### 4.1. Recognition of land rights

As mentioned earlier, the Rwanda LTR programme aims at recognizing land rights of claimants through a mass land registration and titling campaign. This marks the shift from a dominant customary tenure system to a statutory tenure arrangement. With this move, it is expected that recognition of rights people have on land would give them more security to their land, would encourage them to invest, would promote peace and stability and reduce land related disputes. After the regularisation of over 11 million parcels, the section below assesses how the recognition of land rights is done, what types of land rights are held by individuals and how are they protected. Also, the section would provide insight on issues related to land rights recognition that are pending and makes recommendations towards improving land rights recognition and full enjoyment.

Recognition of land rights is made of two key land governance indicators which are:

- **LGI1: Recognition of a continuum of rights: the law recognizes a range of rights held by individuals (incl. secondary rights of tenants, sharecroppers, women etc.)**
- **LGI2: Respect for and enforcement of rights.**

#### 4.1.1. LGI1: Recognition of a continuum of rights

This indicator has four dimensions and below is the score results for each dimension.

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LGI1: Recognition of a continuum of rights</b>						
1.1.1a	Individuals' rural land tenure rights are legally recognized					Existing legal framework recognizes rights held by more than 90% of the rural population
1.1.1b	Individuals' rural land tenure rights are					Existing legal framework recognizes and protects rights

	protected in practice				held by 70% - 90% of the rural population
1.1.2	Customary tenure rights are legally recognized and protected in practice				Not scored
1.1.3	Indigenous rights to land and forest are legally recognized and protected in practice.				Part-recognition of indigenous rights, which are protected
1.1.4	Urban land tenure rights are legally recognized and protected in practice.				Existing legal framework recognizes and protects rights held by 70% - 90% of the urban population

The land law governing land in Rwanda is well drafted and recognises individual land rights for both rural and urban land (whether acquired from custom or from formal law).

Law N° **43/2013 of 16/06/2013 governing land in Rwanda states that:** Every person who is in possession of land, acquired either in accordance with custom, or granted by a competent authority, or by purchase, is the recognized proprietor under a long term lease. According to articles 29 and 30 of the Constitution (2003) and article 3 of the OLL, “... *land is part of the common heritage of all the Rwandan people: the ancestors, present and future generations*”. Further, article 4 of the same law states that “*all forms of discrimination, such as that based on sex or origin, in relation to access to land and the enjoyment of real rights shall be prohibited*”.

Disputes on former tenure rights were avoided by the abrogation of all former tenure rights (Article 87, OLL 2005). Conflicts were therefore limited to boundary conflicts which were successfully mitigated through mediation in the field. Only 11.840 cases, some 0,1% of all inventorized parcels, remained in dispute and were not registered. These are mostly family disputes over inheritance<sup>39</sup>. However, the law is not well known by the population or even by some local leaders. If this is not addressed, it might lead to further land rights abuses.

All customary rights have been converted into written rights in a form of long term lease. The NLP and OLL stipulated that all customary land rights and land use rights will be legally granted and documented by the competent authority with the beneficiary receiving rights of ownership through a long lease, which guarantees the security of land tenure and raises the land value which is essential to both the tenants and the state.<sup>40</sup> This legal recognition was implemented in practice through the LTR process described above that was conducted between 2009 and 2013.

There is an issue however, regarding marsh lands tenure. Article 19 of the 2013 land law provides that “*swamp land belongs to the State. It shall not definitively be allocated to individuals and no person can use the ground of holding it for a long time to justify the definitive takeover of the land. However, it may be leased to a person based on agreement concluded between both parties*”. This provision is a source of controversy since part of the swamps have been occupied for decades by occupants who claim custom tenure over them,

<sup>39</sup>Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), Study about the „Land Tenure Regularisation Support Programme in Rwanda by Dr.-Ing. Günther Zülsdorf, August 2013.

<sup>40</sup> Republic of Rwanda, National Land Policy, 2004

which was not approved under LTR. Although this seems to be an issue, on the broad perspective, there are public benefits that reach even those that appear to lose some rights. Further, restrictions on marshlands is only prohibited on very few of these marshlands while on the majority of the marshlands use, such as agriculture, is allowed.

In addition, evidence based on customary law for formally registered parcels is accepted for land dispute resolutions and can be used to acquire a legal document-title or lease. Some derived customary rights over land like sharing arrangements (e.g. a woman's right to use her parent's land held by her brother) may also still exist locally.

Land rights of vulnerable people were recognised through the issuance of a land title in their name and those who could not afford and who were registered in the list of poor households were exempted to pay registration fees. Indigenous communities in Rwanda correspond to the Batwa Community, referred to in the Rwandan Constitution as "*historically marginalized people*". However, the "National Social Protection Strategy"<sup>41</sup> makes no difference in terms of treatment between "historically marginalized people" and other vulnerable groups. In Rwanda, historically marginalized people are integrated within other communities and have access to similar development programmes.

Legal inconsistencies may potentially threaten the recently established rights to land, especially in urban areas where impact of planning and zoning regulations may be seen by some as hampering full enjoyment of land rights for poor urban residents. Master Plans cause the change to land rights for two different reasons. Firstly, they are still implementable in the public interest. This may be seen as causing tenure insecurity to land owners who cannot afford to build according to zoning regulations and are likely going to forcefully sell their land and move away from the city. This is due to the fact that most plans were developed after tenure regularization and people's abilities to adapt to planning and zoning regulations are limited especially for small land holdings in urban areas. Neither plot areas of individual plots nor capacities of individual land holders match with the visions expressed by newly developed Masterplans and zoning regulations in the majority of cases. However, it is important to note that ownership rights and use regulations are different. Use regulations are needed to ensure public interests are taken into consideration as well as broad urban development plan. If these are supported by a well-functioning land market, then landholders can get full value of their rights if they can't develop as required and they can opt to sell at market price.

Therefore, measures are now needed which help private individual land holders to become competitive in development, and which provide an alternative to the sale of individual

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<sup>41</sup> Ministry of Local Government, National Social Protection Strategy, Kigali, January 2011.

pieces of land, which in urban and urbanizing areas is currently the only solution for landholders when facing ambitious zoning regulations.

#### 4.1.2. Respect for and enforcement of rights

LG12 Respect for and enforcement of rights					
1.2.1	Accessible opportunities for tenure individualization exist.				
1.2.2a	Individual land in rural areas is recorded and mapped.		Yellow		Between 70% and 90% of individual land in rural areas is formally recorded
1.2.2b	Individual land in rural areas is mapped.	Green			Over 90% of individual land in rural areas is formally mapped
1.2.3a	Individual land in urban areas is recorded.		Yellow		Between 70% and 90% of individual land in urban areas is formally recorded
1.2.3b	Individual land in urban areas is mapped	Green			Over 90% of individual land in rural areas is formally mapped
1.2.4	The number of illegal land sales is low.				
1.2.5	The number of illegal sub-lease transactions is low.		Yellow		Existing legal restrictions on land leases, if any, are clearly identified, justified and accepted by all parts of society, but not fully understood by land users, so that compliance is partial
1.2.6	Women's property rights in lands as accrued by relevant laws are recorded	Green			More than 90% of the cases are effectively recorded

Rwanda has made enormous progress recognising, recording and mapping individual land rights through tenure regularisation, including women's land rights. The majority of women in Rwanda enjoy their land rights as their male counterparts.

Until 2009 when land tenure regularisation programme was launched, less than one percent of land in Rwanda was registered and was mainly located in planned urban areas. Registration of each parcel is mandatory and needs to include an index map.<sup>42</sup> All land in Rwanda has been demarcated and adjudicated, with the land information recorded in the land register which contains both legal and cadastral parcel information. By the end December 2014, 10,675,443 parcels were demarcated and adjudicated of which 85.2% (9,095,468) had complete information; 80.6% (8,604,398) approved to titles; and 67% (7,164,230) issued with titles. All parcels are mapped, but a distinction between urban and rural areas cannot be made due to the lack of clear urban delineation.

The registration of land rights is affordable in relative terms, but it is deemed expensive by some landowners, especially since registration (and issuance of lease) results in the start of

<sup>42</sup> Art 18 of Ministerial Order n° 002/2008 of 01/4/2008 determining modalities of land registration, which states that: "on the basis of the provisional demarcation records prepared during systematic registration ..., or from other reliable sources, the Registrar or the Deputy Registrar must order the design and preparation of a registry index map or series of registry index maps."

an annual payment, instead of a one-time payment. Those regular fees are difficult for poor urban residents to afford.

As noted above, in Rwanda only individual rights are recognized by the Rwandan land law and this has been implemented during the land tenure regularization campaign. Collective rights of registered cooperatives and companies are also recorded.

However, a conceptual review is needed with respect to the different categories of land, their location, and their consequences (the categories are: Private State Land, Private Kigali City Land, Private District Land and Individual Land). This is because of their direct impact on the length of a lease (20, 30, 49 and 99 years). The difference between “residential” and “urban agricultural” use classification was equally not done in a strategic manner and the consequences of such classification was not well communicated to those affected.

The land law opens the land market as the rights on land can be freely sold and mortgaged. The following land transfer restrictions exist:

- Article 30 of the land law provides that it is prohibited to subdivide land reserved for agriculture<sup>43</sup> if the subdivided parcels are each less than 1 hectare in size. Those who are not allowed to subdivide shall co-own and use the land in accordance with the laws. Though officers in charge of land registration observe this restriction, rural land owners do not comply with it.
- Article 29 of the land law requires prior consent from the co-registered owner for land transactions, which is checked by the land office before registration of a transaction. However, women may have been informed but not consulted, which may lead to family disputes later on.
- Restrictions related to the nationality of the land owner<sup>44</sup> - non-Rwandan nationals may only receive full ownership titles where plots are located in Economic Development Zones, unless they are associated to Rwandans who own more than 51% of the shares. There is some discussion still regarding freeholds for foreigners in relation to reciprocity in multilateral or bilateral conventions, and freehold rights for those married to Rwandans and vice-versa.

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<sup>43</sup> Comprises as well, range land and forest land.- Article 30 land law “it is prohibited to subdivide plots of land reserved for agriculture and animal resources if the result of such subdivision leads to parcels of land of less than a hectare in size for each of them. Owners of lands prohibited to be subdivided shall co-own and use the land in accordance with the laws”.

<sup>44</sup> Art. 6 of OLL n° 08/2005 of 14/07/2005 stipulates that “any person whether a Rwandan or a foreigner who invested in Rwanda, or an association with legal personality shall enjoy full rights of ownership of land reserved for residential, industrial, commercial, social or cultural and scientific services”. But, Article 3 of the same OLL states that “Land is part of the public domain of all Rwandans; ancestors, present and future generations”. These two provisions seem to be contradictory reason why the Government opted for a renewable long term lease of 49 years, for foreigners, as stipulated in Article 23 of Law n° 043/2013 of 16/06/2013 governing land in Rwanda.

The State can expropriate if the landholder does not intend to use the land himself, but s/he has the option to lease it to a willing user, by means of a contract in writing. A sublease<sup>45</sup> is only legally recognized and protected for agricultural land. Other categories of subleases (such as residential, commercial, industrial etc.) are not legally recognized but also not prohibited either. In practice, subleases are not common. Investors (e.g. solar power plant in Rwamagana; coffee growers in Rulindo) use this type of contract in order to have a larger area of land for investment).

#### 4.1.3. Women's rights to lands

The GoR has taken significant steps to protect women's rights to land and can be found in many laws in Rwanda. Women in Rwanda formerly had land use rights only through their husbands' lineage implying that widows were unable to inherit their husband's property – at best - could use it until their male children grew up.<sup>46</sup> The aim of the 1999 inheritance law was to eliminate such gender bias in three respects: first, daughters and sons were to be granted equal rights to inherit parental property; second, subject to the family law (which under the conjugal property regime mandates equal shares), property rights by women in a legally registered marriage would be protected;<sup>47</sup> and third, spousal consent would be required for transfer any matrimonial property.

Key provisions of the inheritance law were incorporated into the 2003 constitution, with articles 11 and 16 stipulating that women and men have equal rights and prohibiting discrimination on the basis of sex. This is supported by the land law which grants husbands and wives equal rights to land. In addition, women have rights to purchase and sell their property. The constitution recognizes only monogamous marriages between a man and woman and is registered under civil law. Law No. 22/99<sup>48</sup> governs marital property and inheritance rights. Echoing the Constitution, this Law only recognizes marital property rights arising out of civil marriages, but consensual unions and polygamous marriages are not recognized<sup>49</sup>. Law No. 22/99 also governs inheritance rights and provides that children have the right to inherit their parents' property equally and without reference to gender.

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<sup>45</sup> Sublease concern a contract between a lease holder and another person who will exploit this land in return for payment of an agreed fee.

<sup>46</sup> Women without children lost use rights to family land unless they maintained family ties by marrying one of their late husband's brothers (Republic of Rwanda 2004).

<sup>47</sup> Rwanda's Constitution gives legal recognition to registered monogamous marriage between a man and a woman. Other arrangements are not recognized by law implying that no legal protection for property rights by women who live in unregistered marriages or arrangements that are not formally recognized such as consensual unions, customary or religious marriages, and polygamous unions. Anecdotal evidence suggests that, in light of prohibitive cost of a 'proper' marriage ceremony, poor couples may live together informally for extended periods of time.

<sup>48</sup> (Law to Supplement Book One of the Civil Code and to Institute Part Five regarding Matrimonial Regimes, Liberalities and Successions)

<sup>49</sup> Anecdotally, Adjudication Committees are working to resolve issues of land rights within polygamous households both locally and within the law. In this way, polygamy is tacitly acknowledged, but not recorded, as it is illegal. For example, most cases involving polygamy include multiple plots, as men need to have the

Recent research conducted on women's rights<sup>50</sup> revealed that daughters are increasingly securing land through inheritance and more often in equal shares with their brothers, a major shift following the implementation of the 1999 succession law. Likewise, daughters are now claiming umunani from their parents, traditionally a gift given by parents to their sons at the time of the son's marriage to start their household. While women may inherit some land from their families, it is often less in extent and quality than that received by their brothers. In addition, the minimum plot-size requirement prohibits subdivision of small plots which constitute the majority of rural plots. Further, although today a considerable proportion of women enjoy rights to land acquired through umunani, inheritance, and marriage because of the significance of the current trend towards husband-wife-co-ownership, the practical day to day control over land and the benefits derived from land is not reflected.<sup>51</sup> There are indications that men might be still enjoying their land rights more than their female counterparts.

Most families lack the resources to compensate heirs for their share of un-partitioned land, and heirs may jointly farm a plot in order to realize the benefit of the inheritance. However, because many women move to their husbands' villages when they are married, they are less likely to continue to receive the benefits of a jointly held plot. Women often feel pressure to relinquish their rights to their brothers, especially if they move to their husbands' villages. A recent study<sup>52</sup> has suggested a figure of 86% of females possess sound awareness of land related law and land rights. While this indicates an effective public awareness strategy, there is also counter evidence to suggest that understanding of the registration procedure is relatively low.<sup>53</sup>

Despite the progress made, cultural barriers and lack of knowledge still negatively affect some women, especially those in rural areas. There are issues related to change of mindset and ignorance of various policies, laws and regulations. Some men still do not understand that women have equal rights to land as men. Moreover, some parents do not give inheritance to their female children precisely because of gender. To address this issue, the

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economic means to acquire a second wife. Therefore, some of the husband's plots will be registered jointly with his first wife, and other plots registered solely in the name of the second wife, naming the children of the second marriage as persons of interest. Where an agreement such as this cannot be reached, it is recorded in the dispute register.

<sup>50</sup> USAID-RWANDA/Land Project, The gendered nature of land and property rights in post-reform Rwanda, April 2014. See also Thierry HozaNgoga, [Empowering women through land tenure reform: The Rwandan experience](#), 2012

<sup>51</sup> Havugiyaremye Aimable et al, The impact of gendered legal rights to land on the prevalence and nature of intra- and inter-household disputes, 2015, USAID.

<sup>52</sup> USAID Land Project: Assessment of Citizen Vulnerability and Knowledge of Land Related Law in Rwanda, Sep 2014.

<sup>53</sup> World Bank, Sustainability of the LTR Programme, preliminary findings, May 2015

Government in partnership with non-government organisations and civil society organisations are increasing awareness campaigns, sensitizing women on their land rights (Scalise and Giovarelli 2010; Brown and Uvuza 2006; GOR 2007; GOR Law 22/99 1999).

Women are encouraged to regularise their marriages. To facilitate them, government have levied the fee for marriage regularisation, including mass marriage regularization. Couples in registered marriages can elect one of three marital property regimes: (1) a community property regime in which property is held jointly; (2) a limited community of acquests in which the couple designates property acquired during marriage as either community or separate (individual) property; or (3) a separate property regime. The selected regime governs couples' rights to property in the event of death, divorce, or separation. If, for example, a couple in a community property regime divorces, each spouse will be entitled to half of the property. If the couple does not elect a regime, a community property regime is presumed. In practice, this regime is the most commonly adopted (GOR Law 22/99 1999; Brown and Uvuza 2006).

In terms of land registration and as far as women are concerned, Article 51 Ministerial Order n° 001/2008 of 01/4/2008 determining the requirements and procedures for land lease states that "where a person who applies for allocation of land is legally married under the regime of community of property or the regime of limited community of acquests, the lease must be issued and registered in the names of both spouses as co-owners of the real right in the land created by the lease". Furthermore, the same Article recognises the right of single women (or men) to register as sole lessees. In Rwanda, 24% (1,847,853 land parcels) of all land registered is solely owned by women.<sup>54</sup>

The LTR program started with a pilot phase accompanied by an impact evaluation, which revealed that women in customary marriages (the majority of married women in rural areas) were losing out. The requirement of legally registered marriage for registration of joined titles was then subsequently abolished by government for LTR and with success. The follow up impact study analyzed the short-term impact of the registration program and found that it improved access to land among legally married women, prompted better gender-neutral recording of inheritance rights, and led to increased investment and maintenance of soil conservation measures, particularly among female-headed households<sup>55</sup>.

LTR figures show that women own 24% of registered lands, while joint ownership (could be men and women, or joint women, or joint men) own 62% (4,757,886 land parcels) of

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<sup>54</sup> RNRA, Land Tenure Regularisation Programme, Quarterly Report for 6<sup>th</sup>Quarter, April to June 2015

<sup>55</sup> Ali, Deininger, and Goldstein 2011

registered land.<sup>56</sup> These figures seem to be consistent with the Fourth Population and Housing Census (RPHC4) where females represent 51.8% of the total population.<sup>57</sup>

**Table 6: Types of land ownership and their size**

Types of ownership	Total parcels		Total size (km <sup>2</sup> )	
Parcels owned by women alone	2,068,137	24%	3,438	24%
Parcels owned by men alone	1,177,130	14%	2,439	17%
Parcels jointly owned by men and women	5,278,513	62%	8,647	59%
Other types of ownerships (more than two owners)	26,101	0%	64	0%
Total	8,549,881	100%	14,588	100%

Source; RNRA, 2015

## 4.2. Rights to Forest and Common Lands & Rural Land Use Regulations

This panel has two indicators:

- **LGI: 2.2: Effectiveness and equity of rural land use regulations**
- **LGI: 2.1: Rights to forest and common lands**

The table below outlines the score for each dimension assessed.

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LGI: 2.1 Rights to forest and common lands</b>						
2.1.1	Forests are clearly identified in law and responsibility for use is clearly assigned.					Forests are clearly identified and responsibility for land use is unambiguous assigned
2.1.2	Common lands are clearly identified in law and responsibility for use is clearly assigned.					Not applicable
2.1.3	Rural group rights are formally recognized and can be enforced.					Not applicable
2.1.4	Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice.					Users' rights to key natural resources are legally recognized and consistently and effectively protected in practice throughout
2.1.5	Multiple rights over common land and natural resources on these lands can legally coexist.					Co-existence of multiple rights is possible by law, respected in practice, and any disputes that may arise are swiftly resolved
2.1.6	Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist.					Co-existence of multiple rights is legally possible, respected in practice, and any disputes that may arise are swiftly resolved
2.1.7	Multiple rights over land and mining/ other sub-soil resources located on the same plot can legally coexist.					Co-existence of land and mining rights is possible by law, respected in practice, and any disputes that may arise are swiftly resolved
2.1.8	Accessible opportunities exist for					Not applicable

<sup>56</sup> RNRA, LTR Q6 Report April to June 2015 2015.

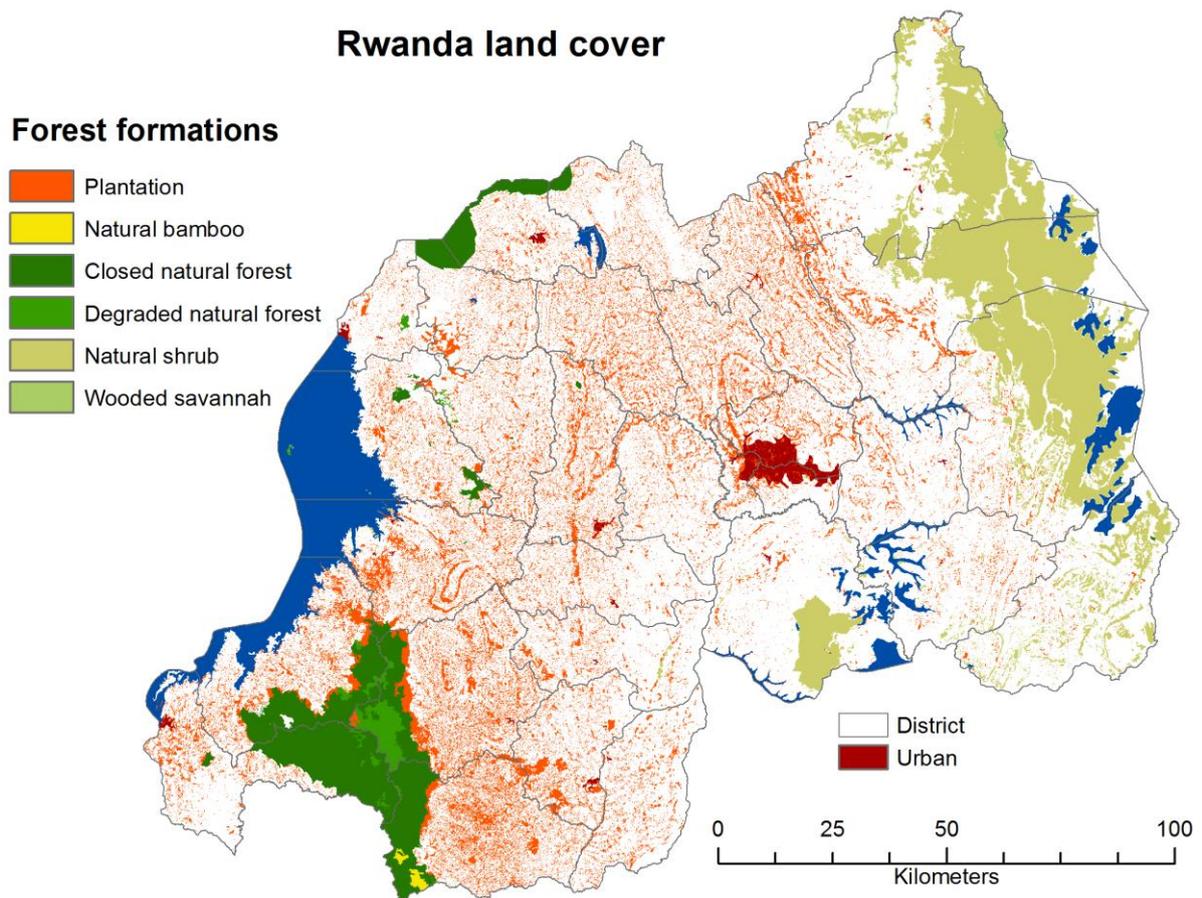
<sup>57</sup> NISR, Statistical Year Book-Rwanda, 2013.

	mapping and recording of group rights.				
2.1.9	Boundary demarcation of communal land.				Not applicable

#### 4.2.1. Introduction to the forest sector

The “Forest Mapping Project” (2005- 2008)<sup>58</sup> concluded that in 2007 the total forest cover (defined as all forests and woodlots >0.5 ha large, with a height of >7m, and with a crown coverage of >20%) was 241,000 ha. This includes 80,000 ha of humid natural forest, mostly confined in the two blocks: Nyungwe Mountain Forest in the South West; and the Volcano National Park in the North-West. Eucalyptus, pine, young plantations and coppices occupied roughly 115,000 ha, while the rest consisted of smaller areas of dry forests, bamboo and bush land.

Forestry or tree dominated agro-forestry land-use (including forest areas less than 0.5 ha) cover in total some 640 000 ha, which is about 28% of the country’s surface. There are large numbers of trees on farm, which are growing individually or in groups smaller than 0.5 ha



<sup>58</sup> The project was funded by the Government of the Netherlands and implemented jointly by GIS Centre at the National University (responsible for reliable and up-to-date satellite inventory methodologies) and RAB (carrying out the field sampling measurements).

The forest law<sup>59</sup> clearly identifies categories of forests, ownership, and responsibilities for use. Forests are owned by the State, the district or by individuals, and subsequently subdivided by category. Rwanda no longer has forest under customary tenure or as classified communal areas and thus there is no more group ownership. The law provides that natural forests may, through contract management, be granted to private investors. State productions forest and private forests of more than 2ha will be managed according to the forest plan. Forest harvesting shall always be subject to a prior license, except for individual forests of less than ½ ha.

The forest types are:

- State forests:
  - Protected forests<sup>60</sup>;
    - National parks;
    - Natural forests;
    - Forests along the shores of rivers and lakes;
    - Isolated protected trees.
  - Production planted forests ;
  - Forests reserved for research
- District forests:
  - Production planted forests;
  - Protected forests to maintain and safeguard environment.
- Private forests:
  - Small production planted forests which do not exceed two hectares (2 ha);
  - Large production planted forests exceeding two hectares (2 ha).

However, the law is not widely known and forest categorization is only known by professionals. There is also a lack of robust forest management practices. According to information from Department Forestry and Nature Conservation (DFCN) the ownership structure of planted forests larger than 0.5 ha is as follows:

State forests:	27%
District forests:	12%
Private forests:	61%

Vision 2020 aims at ensuring that present forest cover is first over all maintained, well managed and increased to 30% of country total area in 2020. The goal of the National

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<sup>59</sup> Law n°47bis/2013 of 28/06/2013 determining the management and utilisation of forests in Rwanda, *Official Gazette n° 37 of 16/09/2013*

<sup>60</sup> The largest protected areas are: Akagera National Park, Virunga National Park, Nyungwe National Park, Mukura Forest (to be soon a national park) and Gishwati Natural Forest.

Forestry Policy is to make the forestry sector one of the bedrocks of economy and national ecological balance for sustainable benefits to all segments of the society. The latest forest law dates from 2013, but implementation is suffering from the lack of the deriving secondary legislation.

In each District, a DFO (District Forest Officer) manages forests on a daily basis. Whereas it is supposed that in each administrative sector a forest technician is in charge of forestry extension, a forest extension worker is often in charge of two sectors without adequate transportation means for carrying out forest extension tasks in the whole area of afforestation.<sup>61</sup>

The governance of forestry has gone through crisis and has not yet overcome the consequences of the war and the genocide resulting in the loss of most forest professionals and ceasing of all development projects. Currently there are various initiatives set up to deal with the issue of insufficiently qualified staff, including on-the-job training of existing staff and local universities training foresters. The forest department has recently recruited skilled staff to support the implementation of forestry policy and development programmes. Supervision of forests is an area that also needs attention. This is especially for the smaller natural forests which are left to the responsibility of already understaffed local authorities, making them vulnerable to encroachment and degradation. It is thus essential that forest management plans or conservation strategies be developed.

Rwanda has made commitments to promote activities of Reducing Emissions caused by Deforestation and forest Degradation (REDD+) and the roles of conservation, sustainable management and enhancement of carbon stocks in forests, and will prepare a National Forest Monitoring System (NFMS) regarding Monitoring and Measurement, Reporting and Verification (M&MRV) of the forest cover and REDD+ activities, and via COMIFAC, engage in the Congo Basin Forest Fund (CBFF) and implement a "Forest Monitoring Systems and National MRV ( Measurement, Reporting and Verification).

#### **4.2.2. Rights to forest and common lands**

Forest rights in Rwanda follow the land tenure regime as provided for the law governing land in Rwanda. It is only when it comes to forestry management, especially harvesting, that owners have to deal with restrictions and permissions.

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<sup>61</sup> Rwanda Natural Resources Authority/Forestry and Nature Conservation Department, Forestry and Small-scale Forest Enterprises Project (FSFEP) proposal, with no date

As part of LTR, private forests were registered by their owners, and granted a lease period of 99 years, while the State registered the public forests on behalf of central government, parastatals or districts. Forest concessions have been granted to investors, for production purposes, such as Nyungwe Forest Company, who was granted a lease of 49 years on Nyungwe buffer zone forest. Elsewhere, the use of natural forests and national parks is well protected. Use of natural parks is subject to permission, limited to touristic activities, granted by RDB. Use of natural forests is subject to an eventual management contract, between the Government and an investor, as provided for by Article 40 of the forest law.

Customary based group rights no longer exist in Rwanda and were converted into leasehold during the LTR process.

A new type of group rights is being developed as part of a land consolidation policy. Land Use Consolidation (LUC) has been designed as a component of the Crop Intensification Programme. The rationale for LUC is that joining small plots together to farm as a single unit would deliver important economies of scale. Under LUC, participating farmers agree to grow a single priority crop that has been identified by MINAGRI as best suited to local conditions and consistent with Rwanda's overall agricultural strategy. Farmers retain individual ownership of their parcels under LUC, but agree to consolidate aspects of their operations within the program, with the minimum size of a consolidated plot being 5 ha (MINAGRI, 2012). The law links LUC to settlement patterns and commercialization of agriculture (GoR, 2004). In 2011, approximately 13% of the total land area under cultivation in Rwanda was under LUC, with approximately 40% of the farmers in the country participating and involving all district (MINAGRI, 2012).

There are 352<sup>62</sup> land disputes cases between the state and individuals, as some people registered state forest under their names during the LTR.

The "Plan Forestier de District" brings together all relevant forests information (including the size, the name of the transaction, if any, etc.), while a forest cadastre is under development. Law n° 47bis/2013 of 28/06/2013 determining the management and utilization of forests in Rwanda provides a list of forests to be recorded in an appropriate register, which is under establishment by the Department of Forestry and nature Conservation within RNRA, based on the Land Registry or LAIS, which is the land data base and is now fully established following the identification of public lands with forests (protected and not protected) as well as private forests.

Natural resources include water, mining, forests and other protected areas.

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<sup>62</sup> RNRA, 2014

- The land law defines “land” as “the surface of the earth identified by specific boundaries, including the airspace above that portion of surface, the minerals beneath it, and surrounding biodiversity, erections and developments on that surface. In legal terms, it is an immovable and permanent asset inclusive of rights associated with the surface of the earth from the centre to the infinite sky”<sup>63</sup>.



**Figure 2 Land definition**

- Article 9 of the Water law<sup>64</sup> stipulates that permanent streams, rivers, navigable or not, floatable or not, banks of lakes and ponds, are part of the natural water domain of the State. Article 12 of the same law provides that the public water domain is inalienable, imprescriptible and not seizable. Only some temporary use rights can be granted on a temporary basis by the State in a concession form.
- Fishery: fishing rights are granted by Rwanda Agricultural Board<sup>65</sup>. Many local communities depend on these fish sources for their livelihood. Experimental fishing has been tried in Lake Ihema.
- Swamps constitute an important fish habitat and may support large populations of fish.
- Smallholder farmers’ water rights in irrigation schemes: Kirehe Watershed Management Project (KWAMP) aims to irrigate 1,500 hectares in government-owned marshlands and 1,500 hectares of family-owned land.<sup>66</sup> The project supports the development of new approaches for securing land and water rights, and

<sup>63</sup> Article 2 of the land law.

<sup>64</sup> Law n°62/2008 of 10/09/2008 putting in place the use, conservation, protection and management of water resources regulations.

<sup>65</sup> Article 4 of Law N° 58/2008 of 10/09/2008 determining the organisation and management of aquaculture and fishing in Rwanda, OG n°16 bis of 20/04/2009.

<sup>66</sup> [http://www.ifad.org/english/land/perspectives/gln/LandAndWater\\_FactSheet.pdf](http://www.ifad.org/english/land/perspectives/gln/LandAndWater_FactSheet.pdf) accessed on 29/04/2015.

innovative irrigation regulations that include provisions for securing small-holder farmers' land rights<sup>67</sup>.

- Mining: the expropriation law provides that mines are the property of the Government. Exploitation permissions may be granted to individual applicants by the state and a contract is signed with the Government, including respect for and protection of rights. The National Policy on Mining puts emphasis on exploration for minerals, industrial processing of minerals and value addition to minerals as part of exports and national revenue diversification and job creation. A new mining code which is more investor-oriented has been developed. It is anticipated that investing in research and value addition through industrial processing; mineral mapping and exploration will transform Rwanda's mineral potential into a real economic sector. The mining policy recognizes the need to work with other closely interfacing sectors namely lands, forests, water and energy and environment, thereby strengthening institutional synergies in natural resources management.

Multiple rights on natural resources (such as water, mining, forests and other protected areas) can legally coexist as stated above. Article 36 of the land law stipulates that rights on land containing minerals and quarries shall be held by the person that has proof of legal allocation. However, the minerals and quarries designated are State property which is also emphasized by the expropriation law<sup>68</sup> which classifies minerals as acts of public interest, such that exploitation by the concession holder may not be obstructed by the land holder, although compensation will be given.<sup>69</sup> The provision implies that a land title can coexist with concession permission. However, there are examples where certain conflicts arise between landowners and the State. For example, the law provides that subsoil resources belong to the State. Where such resources, (e.g. coltan) are discovered on land owned by an individual, the State has the mandate to expropriate the land and compensate the land owner, even if the land is freehold. In practice, disputes have been reported, most of them relating to the compensation value.

Multiple uses can exist for a plot, though disputes may arise where different people claim the use right and/or land right itself. This is in fact addressed in the land law.<sup>70</sup>

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<sup>67</sup> Ibidem.

<sup>68</sup> Law n° 18/2007 of 19/04/2007 relating to expropriation in the public interest.

<sup>69</sup> Ministerial Order n° 001/2008 of 01/4/2008 determining the requirements and procedures for land lease (Article 19) provides that "the emphyteutic lessee has no right to mines on or underground and he/she shall not act against the person who is entitled to enter in his/her land or part of it for research purposes or extraction of mines. However, the emphyteutic lessee shall obtain compensation in accordance with laws for his works that could be damaged".

<sup>70</sup> The land law (Article 35) gives a solution to the situation: "*All buildings, crops and other works found on land that have been performed by the land owner using his/her money or otherwise are presumed to be his / hers. However, this does not prohibit any other person to own buildings, crops and any other works on other person land in accordance with procedures provided for by the law, other laws or agreement with the land owner.*"

### 4.2.3. LGI: 2.2 Effectiveness and equity of rural land use regulations

LGI: 2.2 Effectiveness and equity of rural land use regulations					
2.2.1	Restrictions regarding rural land use are justified and enforced.		Yellow		Restrictions regarding rural land use are justified and enforced.
2.2.2	Restrictions on rural land transferability effectively serve public policy objectives.		Yellow		There are a series of regulations that for the most part serve public purpose but that are not enforced
2.2.3	Rural land use plans are elaborated/changed via public process and resulting burdens are shared.			Orange	Public input is required and sought in preparing and amending land use plans but comments are not reflected in the finalization of land use plans
2.2.4	Rural lands, the use of which is changed, are swiftly transferred to the destined use.	Green			More than 70% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use (e.g. forest, pastures, wetlands, national parks etc)
2.2.5	Rezoning of rural land use follows a public process that safeguards existing rights.		Yellow		Processes for rezoning are public and clear but mechanisms to safeguard existing rights are not fully effective
2.2.6	For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use.	Green			The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is less than 10%.

The NLP's fundamental principles are the following:

- The land use and development must be administered and managed so as to contribute to the sustainable development for the benefit of current and future generations of Rwanda;
- The land use and development must take into account gender considerations among all Rwandans and between men and women;
- The land use must help minimizing the need for land development based on the excessive use of land, energy and natural resources;
- The planning of land use and development must prioritize higher density, multi-family residential settlements either located in an urban or rural area;
- The land use must prevent urban sprawl, maximize mixed zoning and integrated land uses; and

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*When buildings or crops have been developed by a person on the land that is not his/hers through procedures that are contrary to laws or agreement with land owner, the later has the right to request the person who performed them to remove such development without prejudice to the land owner to claim indemnities for any damages suffered."*

- The land use must focus on integrated land uses like residential, commercial, civic and community and light industrial in settlement areas in which people live and work to minimize physical distances.

The national land use planning portal<sup>71</sup> contains land use plans and related information such as maps, to make them easily accessible.

The land law contains numerous stipulations as to effective management of land. Landlords have to use their land in a productive manner. The State has the right to requisition the land over a given period and eventually confiscate it, if the landowner does not use the land in the way prescribed by land use regulations.

Harvesting woodlots on farmland requires permission, but as a result of the decentralization of the decision making process, it is reported that obtaining permits has become very difficult, partly due to overlapping responsibilities between local governments and forestry services.

The land law<sup>72</sup> stipulates that land leases and transactions shall respect land use plans. Restrictions regarding rural land use are mainly related to the implementation of the National Land Use and Development Master Plan<sup>73</sup>, which is included in the list of acts of public interests in the expropriation law. Legally, regulations and restrictions should be regarded as serving the public interest but enforcement is challenging because restrictions often are seen as imposed on the public and sometimes people claim that they have not been consulted.

The notion of public interest<sup>74</sup> in relation to expropriation has led to discussion and misunderstandings (see USAID, 2014<sup>75</sup>). There is general agreement putting in place roads, public schools, hospitals, electric lines, and water and sewage facilities qualify as being in the public interest given that they generate clear public benefits, but becomes more controversial when aim is not clearly defined and involves private benefits too. Some District Land Officers carried out land expropriation in the name of public interest for a master plan that is still in development, to anticipate meeting their performance contract

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<sup>71</sup> <http://www.rwandalanduse.rnra.rw/index.php?id=2>.

<sup>72</sup> Article 27 of the land law stipulates that *“the national land management shall be governed by the law relating to the planning of land use and development in Rwanda. All land leases and land transactions shall respect the land use plans of the area where the land is located”*.

<sup>73</sup> Law n°24/2012 of 15/06/2012 relating to the planning of land use and development in Rwanda

<sup>74</sup> Public interest in the expropriation law includes, *“activities to implement master plans of the organization and management of cities and the national land in general”* as well as *“any other activities aimed at public interest which are not indicated on the expropriation list that are approved by an Order of the Minister in charge of expropriation, at own initiative or upon request by other concerned persons.”*

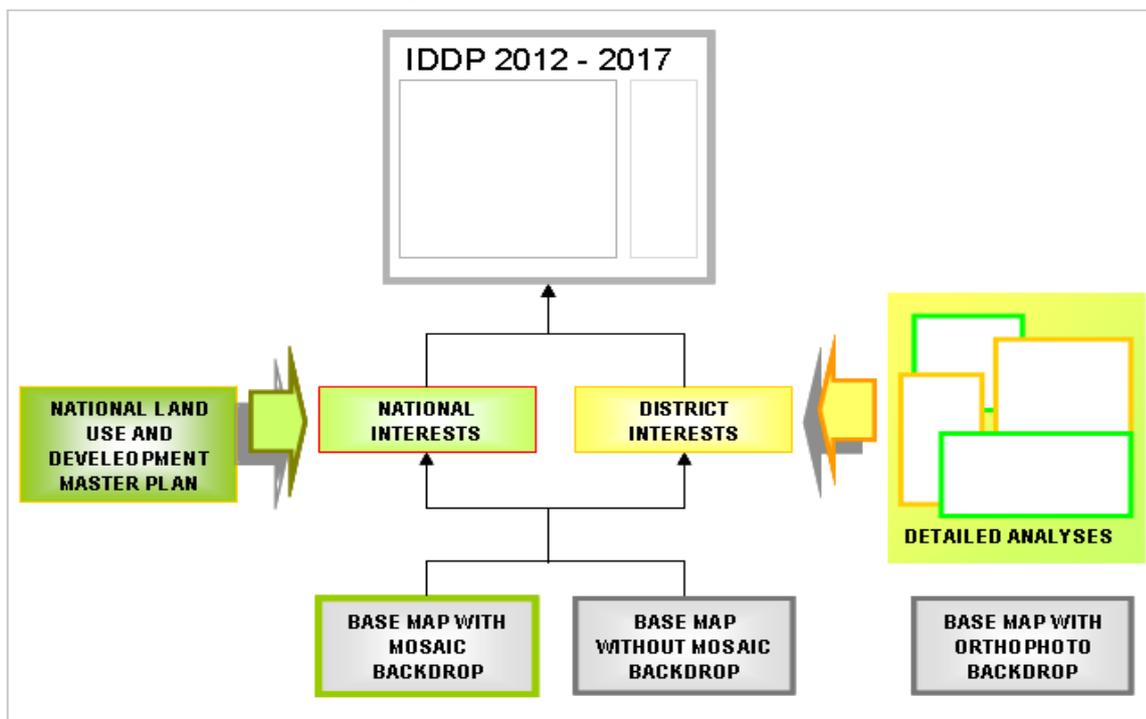
<sup>75</sup> USAID-Rwanda/Land Project, Implementation of expropriation law in Rwanda: challenges and ways forward, Kigali, May 2014.

(Imihigo) commitments toward implementation of master plans. Although presented as a win-win situation between private investors and the GOR, others argue that it only benefitted a small number of affluent persons (USAID, 2014).

The second category of restrictions is dictated by the provisions of Article 30 of the same land law whereby, for the purposes of optimization of productivity, land use consolidation for agricultural and livestock has been set up, as defined in the master plan. As indicated above, rural land transferability is restricted by minimum plot size to prevent further land fragmentation.

By the end of 2015, all rural land use plans have been approved by district councils.

### Preparation process of an Integrated District Development Plan (IDDP)



Public participation in rural land use plan development needs to be thorough and given enough time. The government’s commitment to capture people’s views in the plans is a good indication of participatory planning. However, the process of collecting the public’s views needs to be properly monitored to ensure consultations are done effectively so that due consideration has been given in the final approved plan.

The number of applications for change of land use that were received by districts in Rwanda varied from 0 to 10,550<sup>76</sup> in Gasabo, with a mean of 37.<sup>77</sup> It was however, not possible to

<sup>76</sup> Basically, this big number is dictated by the compliance with master plan.





from the persons in charge of environment, infrastructure, and hygiene and sanitation at the District level. However, the Draft Rural Land Subdivision Plan cannot be submitted to the District Council unless it is accompanied by a written advice.

Land use consolidation programme in rural areas has been a controversial subject. While assessing the economic, social and environmental impacts of land use consolidation of the crop intensification programme in Rwanda, the research team from the University of Rwanda<sup>78</sup> concluded that: *'most but not all farmers are satisfied with Land Use Consolidation (LUC) and believe it has brought them benefits, including increased yield; while both satisfaction and agricultural productivity of land are high, food insecurity, vulnerability to shocks, and poverty remain a serious problem for LUC farmers; participation in LUC provides farmers with important access to inputs, such as improved seed and fertilizer, as well as frequent visits by extension agents and these aspects should be emphasized; although LUC is voluntary by law, many farmers felt some degree of pressure to participate and initially exhibited resistance to the program. Working with farmers to understand and address these concerns when rolling out the program to new areas should receive greater emphasis; and farmers lack access to storage and post-harvest processing for crops, which should be emphasized to maximize benefits from increases in productivity.'*

Although from the above one could see many positive views of the land use consolidation programme, there are other views that suggest otherwise. For Huggins, land use consolidation in Rwanda is an attempt by the government to exert state control over agricultural land.<sup>79</sup> It is not clear how the state control on agriculture land is achieved when ownership, use and benefits from land is exclusively the responsibility of land owners whose land is under the land use consolidation scheme.

### 4.3. Urban land use management and planning

This panel has four indicators:

- **LG13.1. Restrictions on rights: land rights are not conditional on adherence to unrealistic standards**

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<sup>78</sup> Birasa Nyamulinda et al, Assessment of the economic, social, and environmental impacts of the land use consolidation component of the crop intensification program in Rwanda, 2014, USAID.

<sup>79</sup> Huggins, C. (2013). Consolidating land, consolidating control: state-facilitated 'agricultural investment' through the 'Green Revolution' in Rwanda. *Land Deal Politics Initiative Working Paper*.

- **LGI3.2. Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific groups.**
- **LGI3.3. Efficiency in the urban land use planning process: land use plans are current, implemented, do not drive people into informality, and cope with urban growth.**
- **LGI3.4 Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and based on reasonable requirements.**

#### 4.3.1. Restrictions on rights: land rights are not conditional on adherence to unrealistic standards

The table below presents the score results for each indicator assessed.

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LGI 3.1: Restrictions on rights: land rights are not conditional on adherence to unrealistic standards</b>						
3.1.1	Restrictions on urban land ownership and transfer effectively serve public policy objectives					There is a series of regulations that for the most part serve public purpose but enforcement is efficient
3.1.2	Restrictions on urban land use (disaster risk) effectively serve public policy objectives					There is a series of regulations that for the most part serve public purpose and that are enforced

During the land tenure regularisation, only land rights are formalized, not housing. Currently, there is no differentiation between land and fixed assets on the land, collectively called property. However, where buildings do not match with newly introduced zoning regulations, they will eventually be demanded to be redeveloped as per current practice observed in the City of Kigali.

For most of Rwanda's territory, urban planning and land use planning documents have recently been developed, or else development is ongoing, or has not started. This means that there was no previous formal assignment to most areas in terms of land use. Planning and zoning have a direct effect on people's rights to land, even if formally registered as rightful owner. Master Plans change use regulations, because they make the landholder dependent on whether or not the new plan and zoning are suitable; and due to their current power to be implementable in the public interest based on expropriation law. The issue is that zoning regulations, which come with Master Planning, are by nature conditional, and in that way limit the unconditional land use right to the plot.

This may be seen as problematic, because land tenure regularization was carried out *after the de facto possession* of land. This way, for the use of their land, plot owners are dependent on the decision taken regarding the zoning of a plot, but which might not fit the

purpose of the plot owner, for which s/he wants to, or has to, utilize it. In other words, landholders of concerned land have not purchased their plot according to their desired land use and zoning regulations suitable to his/her budget, but are now identifying the newly introduced zoning regulations and use for their particular plot. This is the case for the City of Kigali, which is covered by a detailed Master Plan in all locations, and will also affect other urban areas when urban planning documents are introduced or detailed. However, in cases where adherence to zoning regulations is problematic, there are mechanisms in place to revise the Master Plan to meet people's needs without jeopardising zoning regulations.

Further, most of these land use restrictions introduced by planning regulations are meant to serve the general public interest. In areas where land use regulations inhibit full enjoyment of land rights by the user (i.e. in cases where private land is planned to be used to build public infrastructure such as roads) compensation has to be paid. However, because most of the proposed zoning regulations are long term projects, some people whose land is affected have not been given compensation for their land and are not allowed to do any development on the identified land. Clearly, zoning regulations do not necessarily please everyone especially in a country like Rwanda where planning is a new phenomenon.

Regulations restricting land use for the purpose disaster prevention exist in all urban centres. Currently, such regulations are through zoning within planning documents. Effective enforcement is only seen in Kigali City and other cities where plans exist. What is defined are non-buildable slopes and their grade, and it is prohibited to build in wetlands or along lakeshores. Moreover, zoning regulations are not yet developed with a legal basis, except for lakeshore development. The Urban Planning Code, which is planned to be established by the Ministerial Order Determining Urban Planning and Building Regulations, will guide zoning principles.

Some of the regulations do not provide alternatives regarding building techniques and technology which may facilitate building in moderate risk areas because of the generally challenging terrain in Rwanda. The implementation and enforcement of disaster risk-based land use restrictions may therefore lead to rather rigid activity and decision-making, and may include unreasonable cases of denying permits, or involuntary resettlement, because of a lacking differentiation in their applicability.

Alternatives could provide sustainable and environmentally sound solutions for stepped building on steep slopes, or building on stilts in wetland areas. Low density of small buildings made of natural materials could be permissible even within a lakeshore protection zone; stable existing constructions on steep slopes must not be demolished; accurate topographic surveys shall be the basis of slope determination before any demolition is being proposed. With the effective implementation of the new national urbanization policy, most of the issues raised above are expected to be addressed.

#### 4.3.2. Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific groups

This indicator is divided into three dimensions, as analysed below.

LGI 3.2. Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific groups						
3.2.1	The Process of urban expansion/ infrastructure development process is transparent and respects existing rights					Information on planned urban expansion and infrastructure development is not publicly available
3.2.2	Changes in urban land use plans are based on a clear public process and input by all stakeholders					Public input is sought in preparing and amending land use plans and the public responses are used by the official body responsible for finalizing the new plans, but the process for doing this is unclear or the report is not publicly accessible
3.2.3	Approved requests for change in urban land use are swiftly followed by development on these parcels of land					Not scored

Information on urban expansion is not publicly available. Even the national land use master plan as a guiding document is not known by some leaders who are meant to facilitate its implementation, although available online.

Citizens are informed about Master plan regulations but consultations need to be thorough to ensure the public is fully involved in the plan preparation. In the past and before the adoption of new orders regulating a plan elaboration process, Master Plans were developed with limited public input, because of the way public consultations were conducted. Previously, procedures were not determined, and most of the plan designs were elaborated by foreign firms with little supervision by the responsible agency. Views were not well reflected, and often people were only represented by a Council. In that way, plans were prepared for people but not with people.

Lacking human resources are a driver of mistakes made in the plan elaboration process, and its supervision and approval. A best practice example from Gisagara District (rural district) demonstrates how ownership may result in realistic and adapted plans, reflecting people's wishes and experience within the area. Change and plan review was caused in this case, because the Mayor refused to validate the proposed plan since no consultations had been carried out.

Urban planning documents for the majority, are not yet implemented. Concrete figures are not available at this point. There is currently no way to monitor in detail the issue at District level. In fact, the existence of urban planning documents is still limited at district level.

A set of newly adopted orders, however, will address the procedures of plan revision valid for urban planning documents. The procedure clearly defines the steps and opportunities for public involvement.

A newly adopted set of implementing orders addresses the details of a land use plan elaboration process, including public participation. The process of urban expansion/infrastructure development is therefore expected to become more transparent, and respectful of existing rights.

#### 4.3.3. Efficiency in the urban land use planning process: land use plans are current, implemented, do not drive people into informality, and cope with urban growth

This indicator has four dimensions, as presented below.

LGI 3.3. Efficiency in the urban land use planning process: land use plans are current, implemented, do not drive people into informality, and cope with urban growth						
3.3.1	Policy to ensure delivery of low-cost housing and services exists and is progressively implemented					A policy for low cost housing and services and effective instruments to implement it exists so that there is a clear trajectory to provide adequate shelter for all
3.3.2	Land use planning effectively guides urban spatial expansion in the largest city					In the largest city, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban spatial expansion is guided by the provision of infrastructure without full implementation of the land use plans
3.3.3.	Land use planning effectively guides urban development in the four next largest cities					In the four major cities in the country a hierarchy of regional/detailed land use plans may or may not be specified by law and in practice urban development occurs in an ad hoc manner with little if any infrastructure provided
3.3.4	Planning processes are able to cope with urban growth					In the largest city, the urban planning process/authority is able to cope to some extent with the increasing demand for serviced units/land as evidenced by the fact that most new dwellings are formal

The current urbanisation rate is 16.5%. The goal of Vision 2020 is for this figure to rise to 35% by 2020, which is about 4.5 million people and at least 560,000 additional housing units in addition to the current gap in housing supply, as well as at least 5,000 ha of additional urban land for houses, services etc. Meanwhile, the NLP seeks to contain urban sprawl to ensure ease of infrastructure service provision. It therefore provides for measures to discourage disorderly growth of squatter areas and unplanned settlements. However, out of the 127 neighbourhoods in Kigali, 71 are informal and 23 mixed and are partly located in peri-urban areas. Most people live in informal or semi-formal neighbourhood, where population density is highest.

One additional problem which the country is currently facing is the wasteful development noticeable in rural areas in relative proximity to urban centers. This is the result of lower land prices, lower tax, and inexistent zoning regulations. Such transformation of the use of agricultural land for individual residential development is a noticeable change during the last few years, and likely a consequence of LTR.

Current zoning regulations, where available, in many zones do not match the intensity of ongoing and desired urbanisation, and need to accommodate growth with higher focus on resource-efficiency. This is especially the case for the expansion areas. Currently, the urban planning documents for the four next largest cities are limited in terms of effectiveness and applicability, considering the need for higher compactness, resource efficiency, and the need to address the demanded land uses. Also, they have been developed not in a comprehensive approach but rather for 500 ha of the urban areas only. There was until now no quality control in terms of planning hierarchies and consistencies between the different hierarchy levels and across different sectoral plans. The infrastructure demand does not cover the supply in the current context, and much less for the projected demand.

However, there is a set of implementation orders that have just been adopted, which determines the validity of urban planning documents and the need for updating, among other basic provisions. Complementary, detailed feasibility studies for six next largest cities are in preparation and will help guide infrastructure development in response to the current and projected demand.

The largest city is the City of Kigali. Kigali is advanced in terms of availability and coverage of urban planning documents, development management tools based on digitized systems, and staffing. Also, the approach to the liveability of a city makes exemplary progress. Every sector in Kigali city has a properly trained urban planner and civil engineer. Yet, the Kigali City One Stop Centre mainly focuses on building permitting without strategic planning contributions to the best use of the municipal resources. The collaboration between the permitting authority and other infrastructure development departments (transport, water and sanitation, waste management) is un-optimally coordinated.

The city is not yet operating fully autonomously and especially in the areas of service infrastructure and related implementation strategies still depends on the technical and financial support by the MININFRA's implementing agencies. To draw a clear line between the responsibilities between the national agencies and the city becomes another constraint in the efficient management of development.

Access to housing for all is still constrained by a number of factors, mainly by a low household income structure respectively to high formal house construction and sales costs, and to large household sizes requiring rather large unit sizes. During the report validation workshop, it was reported that RHA has acquired land in Kigali City to start the construction

of affordable housing units which primarily will benefit civil servants. A survey is currently underway to determine those civil servants who are eligible for this scheme. One would request that this scheme be extended to all those in need of low cost affordable housing. Informal construction activity is decreasing due to increasing awareness and enforcement of urban planning documents especially in inner-urban areas. However, it continues to exist (see also 7.4.4) and a shift toward residential mansions on rural land in the peripheries of urban areas is noticeable, and the reasons for this have been discussed in the analysis section of this report.

A lacking clear policy and implementation framework had to date made it difficult for the government to provide clear answers to potential private investors in housing development and to clearly frame such development and integrate clear conditions in order to achieve affordability and accessibility for the largest population groups in need of housing. A National Housing Policy has been adopted and an implementation framework is in adoption process. The National Housing Policy sets the framework for governmental, non-governmental and private housing programs and projects and guides their sustainable implementation. It looks at urban and rural housing holistically and systemic, and addresses three pillars: 1) Public Benefit, 2) Resource-Efficient Planning, Green Technology and Professionalism, 3) Governance and Partnership.<sup>80</sup>

A strong political will from the government of Rwanda presents hope that many people have been waiting for to reform urban planning and development process in Rwanda. This started with the adoption of six orders related to urban development and the adoption of the national human settlement law. Further, each district has now approved its master plan taking into consideration all provisions and procedures provided for by the recently adopted legal framework. Under, the country's long term development horizon know as Economic Development and Poverty Reduction Strategy (EDPRS2), six secondary cities have been identified and during EDPRS2 lifespan, these identified cities are meant to be developed to resolve existing problems and cater for future demands.

Whilst most of the strategic and policy developments towards the provision of low cost housing have been set up by government, it is still too early to assess their impact.

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<sup>80</sup> The policy clearly addresses the issue of access to housing for all groups of people irrespective of income situation and location. The National Housing Policy sets the framework for housing programs and intends to guide and boost private sector engagement. It outlines the principles pursued by the Government when supporting housing development, and the conditions of support to the private sector to engage in cost-efficient and sustainable human settlement development and construction. The strategic policy principles are especially: Collaborative finance and investment; Promotion of saving for housing; Collaborative development and land pooling; Strengthen the local construction industry through emphasis on professionalism, skills development and increase of local material production and SME's; Optimum use of land.

#### 4.3.4. Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and based on reasonable requirements

This indicator has five dimensions as discussed below.

LGI 3.4: Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and based on reasonable requirements						
3.4.1	Provisions for residential building permits are appropriate, affordable and complied with					Requirements to obtain a building permit are technically justified but not affordable for (and not complied by the majority of those affected)
3.4.2	A building permit for a residential dwelling can be obtained quickly and at a low cost					All applications for building permits receive a decision within 3 months
3.4.3	Formalization of urban residential housing is feasible and affordable					Not scored
3.4.4	In cities with informal tenure, a viable strategy exists for tenure security, infrastructure, and housing					A strategy exists to regularize land rights and provide services to existing informal occupants but existing regulations provide incentives for new informal occupations
3.4.5	A condominium regime allows effective management and recording of urban property					Common property under condominiums is recognized and the law has clear provisions for management and publicity of relevant records that are followed in practice

Obtaining building permit is expensive for buildings above 100m<sup>2</sup> especially because of the requirement of having to work with professional architects and engineers. However, for single storey buildings below 100m<sup>2</sup>, requirement for professional services has been drastically limited by the new order on building permitting, which makes a permit affordable.

An equally important question is how many residents actually request a building permit before constructing; also, how many make this request at the competent planning authority.

Yet, Rwanda is among the best performers in the region in terms of improvements so far made to expedite processing and issuance of building construction permits. This is mainly applicable to Kigali's inner urban areas, since Kigali has an established building permitting procedure. Permitting in the City of Kigali, which is based on an online application system, is within maximum 30 days and may be as fast as 10 days. For other districts the time frame is still arbitrary and varies largely, but the online permitting system is currently being extended to more districts, which raises expectations of higher efficiency and transparency of the building permitting process. The cost in the case of the City of Kigali is between Rwf 20,000 and Rwf 60,000. This is difficult for the majority of the population to afford, but is cheap for investors. A Ministerial Order regulating building permitting is in adoption and will regulate time frame, among other procedural issues.

There is a parallel permitting process ongoing at administrative levels below the responsible district level, which is illegal because it does not follow any procedures and does not contribute to ensuring public health and safety. The illegal payments which are demanded from builders may reach very unaffordable amounts coupled with repetitive requests for payment.

A new legal framework has recently been adopted by cabinet and dissemination of clearly laid out processes is now intended for the rest of the country, so is the roll-out of the online construction permitting system which Kigali is already using. The new legal framework and its dissemination among local authorities and also among the public is expected to reduce any informal permitting practices thorough which faulty permits may have been issued due to lacking knowledge. Up to now, there are no building permitting procedures clearly anchored in the legal framework, but a Ministerial Order has recently been adopted by the cabinet to cater for this.

Formalization of existing housing does not exist in Rwanda. With LTR, most of the plots have been registered and rights acknowledged country-wide. The only informal tenure after LTR is due to non-recorded transfers. However, informal construction of houses continues and is incentivised by different factors, including:

- Corruptive practices at local administrative levels below district level;
- Lack of knowledge of proper procedures within local administrations including Districts outside of Kigali;
- Lack of awareness of possible accessibility of building permits among low income residents;
- Hardly achievable zoning regulations depending on the location.

There is a Condominium law, which will be complemented by an implementing order regarding real estate development (in adoption process). The land registration system allows for the registration of multiple owners to the same plot. The law is currently not widely adapted but the transformative process is supported by new policies promoting collaborative development and ownership, especially by the new Draft National Housing Policy.

#### **4.4. Public land management**

This panel has three indicators:

- **LGI: 4.1. Identification of public land and clear management: public land ownership is clearly defined, effectively serves the public purpose, is inventoried, under clear management responsibilities, and relevant information is publicly accessible**
- **LGI: 4.2. Justification and time-efficiency of acquisition processes: the state acquires land for public interest only and this is done efficiently**

- **LGI: 4.3. Transparency and fairness of acquisition procedures: acquisition procedures are clear and transparent and fair compensation is paid expeditiously.**

**4.4.1. LGI 4.1: Identification of public land and clear management: public land ownership is clearly defined, effectively serves the public purpose, is inventoried, under clear management responsibilities, and relevant information is publicly accessible**

The table below presents the score results for each dimension.

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LGI 4.1: Identification of public land and clear management: public land ownership is clearly defined, effectively serves the public purpose, is inventoried, under clear management responsibilities, and relevant information is publicly accessible</b>						
4.1.1	Criteria for public land ownership are clearly defined and assigned to the right level of government					Public land ownership is justified by provision of public goods at the most appropriate level of government but management may be discretionary
4.1.2	There is a complete recording of public land					More than 90% of public land is clearly identified on the ground and on maps
4.1.3	Information on public land is publicly accessible.					All the information in the public land inventory is accessible to the public, but information for some types of public land (used by the military, security services, etc.) is not available for justifiable reasons
4.1.4	The management responsibility for different types of public land is unambiguously assigned.					The management responsibility for different types of public land is unambiguously assigned but this is not always consistent with objectives of equity and efficiency or institutions are not always properly equipped so that sometimes these are not achieved
4.1.5	Responsible public institutions have sufficient resources for their land management responsibilities.					There are significant constraints in the financial and/or human resource capacity but the system makes effective use of limited available resources, with limited impact on managing public lands
4.1.6	All essential information on public land allocations to private interests is publicly accessible.					Key information for public land allocations (the locality and area of the land allocation, the parties involved and the financial terms of the allocation) is recorded and publicly accessible

The Rwandan Constitution<sup>81</sup> and the land law<sup>82</sup> sets out clear criteria for public land, which can be in the public or private domain of the State. It may donate to any public institution or

<sup>81</sup> Art. 31 Rwandan Constitution: “The property of the State comprises of public and private property of the central Government as well as the public and private property of decentralized local government organs.

<sup>82</sup> Art. 11 land law: ‘Public land consists of land in public and private domain of State, land belonging to public institutions and land that belongs to local authorities whether being in their public domain or in their private domain’.

local authority its land reserved for public<sup>83</sup> or private domain. Public institutions or local authorities may also acquire land by purchasing or through donation from individuals or associations.

During Land Tenure Regularisation, all public land was registered. According to figures from RNRA, the area under public land is 57,494,251m<sup>2</sup>. This information is accessible by law,<sup>84</sup> and in practice, no restrictions are reported, except for national security activities or due to some privacy reasons some of the information related to public land may not be accessed by interested parties. In Rwanda, allocation of state land in the public domain can be done by Central Government through the Cabinet, City of Kigali and Districts through their Councils. The land registry is able to provide information for a specific piece of public land that has been allocated. However, the current land register functionality does not record source of land allocated for parcels in the register as most of the parcels registered were brought to the register as a result of LTR.

Although management responsibility of public land is legally well assigned, functions and levels of government are either not well defined, are at the wrong level (i.e. at local level instead of central or regional level), or lack resources. As a result, implementation is hampered by overlap and ambiguities. Information on public land is also not well disseminated. Sometimes, institutions do not know what belongs to them and what belongs to others. An example to this is Rusizi lakeshore's parcels which were removed from State public land to State private land by the cabinet, although the Rusizi District believed that those lands belonged to them.

Most institutions with a responsibility for public land have a very low budget allocated to land management and as a result, land management is left mostly to local authorities. However, they do not have the technical and financial resources to effectively manage public land assigned to them. Local generated revenues and resources from government annual budget or donor organisations have to be used and the focus is mostly on development of the land (buildings, forests, conservation, roads). There are some institutions such as RHA that have funds dedicated to land management.

One implication of the general lack of effective management of public land leads is that the land is not protected. The LTR process noticed that there were many cases of individuals having encroached on public land and attempting to register it in their names. A recent

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<sup>83</sup> Art 12 land law: State land in the public domain consists of all land meant to be used by the general public or land reserved for organs of State services as well as national land reserved for environmental protection.

<sup>84</sup> Art. 22 of Ministerial Order n°002/2008 of 01/4/2008: "the Register of Titles and the Alphabetical Index are public documents. Anyone may consult them under the supervision of the Registrar or the Deputy Registrar, after paying the fee determined by the regulations".

report conducted by the Office of the Ombudsman identified more than 5,000 parcels of public land registered by individuals to their names.

**4.4.2. LGI: 4.2. Justification and time-efficiency of acquisition processes: the state acquires land for public interest only and this is done efficiently**

This indicator has three dimensions:

<b>LGI: 4.2. Justification and time-efficiency of acquisition processes: the state acquires land for public interest only and this is done efficiently</b>				
4.2.1	There is minimal transfer of acquired land to private interests.			Less than 10% of land acquired in the past 3 years is used for private purposes
4.2.2	Acquired land is transferred to destined use in a timely manner.			More than 70% of the land that has been acquired in the past 3 years has been transferred to its destined use
4.2.3	The threat of land acquisition does not lead to pre-emptive action by private parties.			None at all

The main ways public institutions use to acquire land are: purchase, expropriation, acquisition through donation, foreigners lease non-renewal, confiscation of unused land and acquisition of vacant and escheat land. The most common mean is however expropriation, but no pre-emptive action has been reported.

Expropriation in the public interest after LTR seems to have transitioned to land acquisition for private sector led development with public support. The situation after LTR seems to strengthen this tendency, because individual land rights are now legally acknowledged, while most land holders have small plots perceived as not fit for modern development, making private sector led large-scale land purchases a generally accepted development tool in planning.

There is no administrative data available to assess whether acquired land is transferred to its destined use in a timely manner. Although the land law (Articles 14, 15 and 16) stipulates that land acquired through expropriation due to public use is included in the private domain of public institution, the expropriation law provides that expropriation is always made in public interest. In other words, land acquired through expropriation should always serve the general public interest and not private interests. However, a quick assessment conducted in five districts (Kicukiro, Gicumbi, Nyanza, Kayonza and Karongi) showed that about 10% of expropriated land was allocated to private investors. However, allocation of land to private investors does not imply that land allocated would be used without public interest benefit. Indeed most of these investors build education and health facilities, recreational facilities

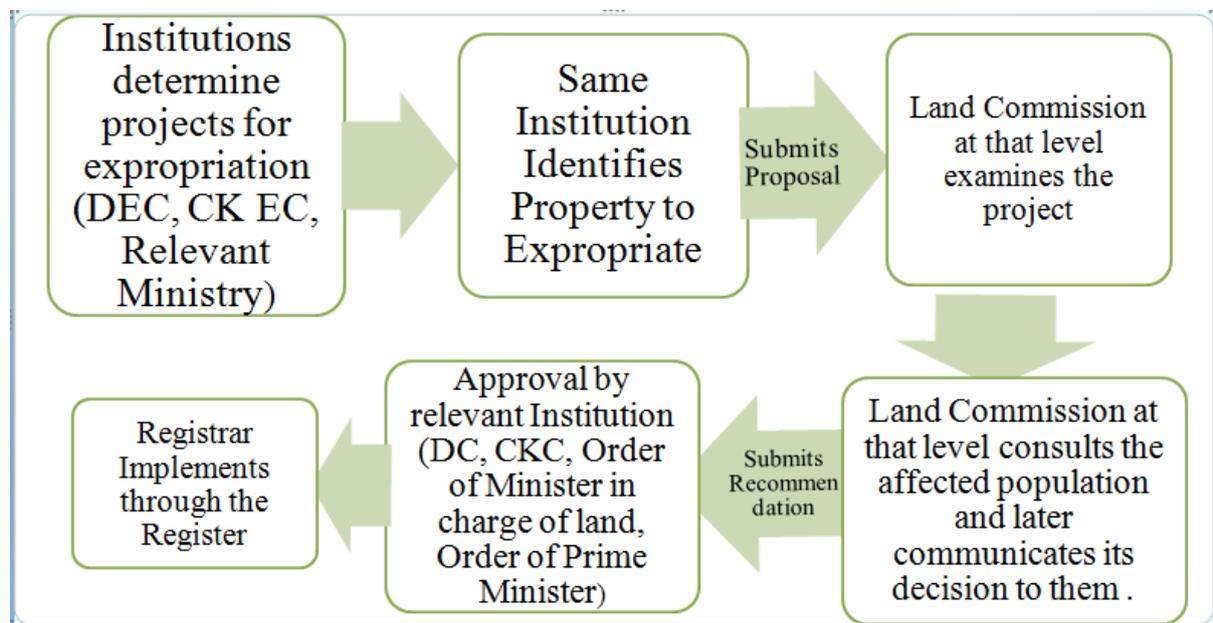
which generally benefit the general public. The assessment mentioned above found that there was no change in land use for any of the acquired land.<sup>85</sup>

**4.4.3. LGI 4.3: Transparency and fairness of acquisition procedures: acquisition procedures are clear and transparent and fair compensation is paid expeditiously**

This indicator has five dimensions that are described below.

<b>LGI 4.3: Transparency and fairness of acquisition procedures: acquisition procedures are clear and transparent and fair compensation is paid expeditiously.</b>					
4.3.1	Compensation is provided for the acquisition of all rights regardless of their recording status.				Compensation, in kind or in cash, is paid for some unrecorded rights (such as possession, occupation etc.), however those with other unrecorded rights (which may include grazing, access, gathering forest products etc.) are usually not paid
4.3.2	Land use change resulting in selective loss of rights there is compensated for.				Where people lose rights as a result of land use change outside the acquisition process, compensation in cash or in kind is paid so that these people have comparable assets
4.3.3	Acquired owners are compensated promptly.				Between 50% and 70% of acquired land owners receive compensation within one year
4.3.4	There are independent and accessible avenues for appeal against acquisition.				Independent avenues to lodge a complaint against acquisition exist but there are access restrictions (i.e. only accessible by mid-income and wealthy).
4.3.5	Timely decisions are made regarding complaints about acquisition.				A first instance decision has been reached for more than 80% of the complaints about acquisition lodged during the last 3 years

The flowchart below provides a summary of the acquisition (expropriation) procedure:



<sup>85</sup> Districts Benchmarking conducted for 2012-2013 exercise (report not yet available)

Even though provided by the expropriation law, land commissions are no longer operational<sup>86</sup> and have been replaced by Expropriation Committees as provided for by the amended expropriation law. Meanwhile, institutions with expropriation projects have to seek no objection from the Ministry in charge of expropriation matters.

As already discussed previously in the report, land use changes are generally dictated when a masterplan is developed and implemented with landholders having to comply with new zoning regulations. This is mainly happening in Kigali city. When land owners cannot comply with these requirements, they will not lose their land rights but some may feel pressured to sell because they cannot afford to comply with the zoning regulations.

The expropriation law stipulated that compensation for loss of registered land can be paid in kind or in cash, but does not include compensation for unregistered resource use rights (grazing, gathering forest products etc.). In Rwanda, the expropriating entity deals with the real right holder while unregistered secondary rights are the responsibility of the real right holder to handle. However, the amended 2013 land law states that 5% of the property valuation will be paid as a 'disturbance fees'.

Article 24 of the 2007 expropriation law provides that just compensation approved by the competent authorities shall be paid within a period not exceeding 120 days from the day when the amount of compensation is determined. In cases where it exceeds that period, the expropriation is supposed to be rendered invalid, unless the person to expropriate and the one to be expropriated come to acceptable terms. In this case, during the time the person to be expropriated is still waiting for payment, s/he has the right to cultivate crops within a period not exceeding 90 days and harvest the crops on the land.

However, in practice a study found complaints over delayed compensation, with expropriated landholders having waited several years to be compensated, despite the stipulations of the law (USAID, 2014). There are also complaints over the amount of compensation (see also section land taxation and valuation on valuation). For example, expropriated residents in a village in Kacyiru Sector, Gasabo District bemoaned delays in compensation payments for 39 demolished homes in order to construct new embassies. Land holders had agreed to move because the government constructions would benefit the general public. While awaiting compensation, residents were forbidden to repair their halfway demolished houses or undertake any business activity, even though the project had stalled. These cases have been similar to the ones faced by residents of Gahanga Sector in Kicukiro District and Rilima Sector in Bugesera District where a new stadium and national airport are to be built, respectively.

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<sup>86</sup> repealed by law n° 043/2013 Of 16/06/2013 governing land in Rwanda

This situation seems to be caused by the haste to implement master plan projects combined with limited financial capacity, poor planning and weak coordination among government institutions charged with implementing expropriation. The officials involved noted that compensation delays were due to multiple procedures required before compensation can be released to ensure that the process is transparent.

Complaints are registered at the district level. The table below shows the number of complaints with regard to land acquisition by expropriation which were registered during the benchmarking exercise conducted between 2012 and 2013. However, the benchmarking gives no indication on whether complaints registered concerned the expropriation project, the valuation or the liquidation of compensation. Based on previous experience, it can be assumed that the majority of the complaints are compensation (valuation) related. The inventory registered 136 cases of expropriation; 435 complaints related to expropriation of which 86% were successfully resolved. Most districts are involved in expropriation and complaints seem to be common; only 25 cases did not produce complaints.

**Table 6: expropriation status**

District	Number of expropriation cases	Number of complaints concerning expropriation	Percentage of successful complaints <sup>87</sup>
Burera	3	227	93%
Gakenke	5	3	100%
Gasabo	4	2	100%
Gatsibo	No information		
Gicumbi	15	148	80%
Gisagara	1	0	-
Huye	4	0	-
Kamonyi	3	0	-
Karongi	2	0	-
Kayonza	21	2	0%
Kicukiro	4	20	100%
Kirehe	2	1	100%
Muhanga	4	0	-
Musanze	9	2	100%
Ngoma	0	0	-
Ngororero	5	2	50%

<sup>87</sup>Successful complaints are complaints which have been resolved in a favour of the person who filed the complaint

District	Number of expropriation cases	Number of complaints concerning expropriation	Percentage of successful complaints <sup>87</sup>
Nyamagabe	12	3	67%
Nyamasheke	6	3	100%
Nyanza	No information	10	0%
Nyarugenge	11	0	-
Rubavu	4	No information	No information
Rusizi	2	3	100%
Rutsiro	17	3	100%
Rwamagana	2	6	100%
total	136	435	375 complaints = 86%

There are various independent appeal avenues available for land holders who are not happy with the process or the compensation offered. An administrative appeal can be made to the decision maker (and escalated within the hierarchy of the decision making authority for expropriation). The other avenue is via the courts (intermediate court, high court and Supreme Court). However, the courts seem not to be used very often. Even though access to justice may be an issue for some categories of people as the case introduction fees have increased (see panel nine for details), existing administrative avenues are accessible free of charge and help deal with such cases. From 2009 to July 2012,<sup>88</sup> from information gathered in the high court, only five complaints cases related to expropriation were received and were dealt in the following order as the Vice president of High Court<sup>89</sup> indicated:

- 1 case received a decision within 5 months;
- 2 cases received a decision within 12 months;
- 1 case received a decision in 17 months;
- 1 case has not yet received a decision.

#### 4.5. Transfer of large tracks of land to investors

This panel has four indicators and 19 dimensions. The following are the indicators:

- **LGI: 5.1 Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited (with the exception of transfers to improve equity such as land distribution and land for social housing).**
- **LGI: 5.2 Private investment strategy**

<sup>88</sup> Communication with Judge HITIMANA Jean Marie Vianney of the High Court.

<sup>89</sup> Data collected in 2012.

- **LGI: 5.3 Policy implementation is effective, consistent and transparent and involves local stakeholders.**

**4.5.1. LGI 5.1: Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited (with the exception of transfers to improve equity such as land distribution and land for social housing)**

The table below outlines the score results:

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LGI.5.1: Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited (with the exception of transfers to improve equity such as land distribution and land for social housing)</b>						
5.1.1	Public land transactions are conducted in an open transparent manner.					The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is greater than 90% (Except for equity transfers).
5.1.2	Payments for public leases are collected.					Between 70% and 90% of total the agreed payments are collected from private parties on the lease of public lands
5.1.3	Public land is transacted at market prices unless guided by equity objectives.					All types of public land are generally divested at market prices in a transparent process irrespective of the investor's status (e.g. domestic or foreign) and the purpose for which the public land is assigned (e.g. education, health or infrastructure).
5.1.4	The public captures benefits arising from changes in permitted land use.					Mechanisms to allow the public to capture significant share of the gains from changing land use are rarely used and applied in a discretionary manner
5.1.5	Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored.					No policy in place to improve access to and productive use of assets by poor and marginalized groups

Transfer of public land in Rwanda is done in a transparent and competitive process using open tender, especially since the 2013 review of the land law.<sup>90</sup> Allocation is done on an equal treatment basis whether the investor is foreign or local. The equal treatment phenomenon regarding investment is legalized in the Investment code article 7 which states that, "Foreign investors may invest and have shares in investment projects in Rwanda and shall be treated in the same way as Rwandan investors in matters related to incentives and facilities".

<sup>90</sup> Law 43/2013 of 16/06/2013 art. 17: "Allocation of public land in private domain for investment shall be done through an open competition except when authorized by an Order of the Prime Minister on a well-defined land".

Foreigners are guaranteed 100% freehold in free economic zone<sup>91</sup> and the procedure is that, upon purchasing land, a leasehold is assigned which will facilitate the investor to develop the land. Freehold is only given after the investor has finished building as per the building regulations as set by the Zone Authority. Up to 2015, no foreigner in the free economic zone has yet obtained a freehold title.

Only in case of a “strategic investment” the condition for open tender can be exempted. An example is the allocation of 700 hectares to Bramin Ltd company to grow maize and soya beans for local food production and to supply raw materials to a local brewing industry (Bralirwa), which was considered a strategic investor because it had switched its source of raw material from scarce sorghum to maize, which would be in a constant supply via Bramin Ltd. The exemption process will take at least three months. It involves RDB writing to MINAGRI for approval in case the investment is agricultural. Upon satisfaction, the ministry prepares a cabinet paper explaining the need to have public land given to an investor showing all the social-economic benefits to the nation. After cabinet approval, the legal formalities take place. This requires a prime minister’s order changing land from public to private, prepared in three languages, then submitted to cabinet approval. After that, it is sent to the official gazette for publication. It is only upon publication that the office of the land registrar can start the property transfer process.

Land prices are decided by the district council based on the technical advice from certified valuers hired by the district. The section on land taxation and valuation below provides further details.

Those who have been allocated public land are required to pay a lease fee. All payments of public land leases are collected at the district level in accordance to the rules and procedures although this is being taken over by RRA. Everyone who leases land pay the required amount before the end of the year. Before 2013, land owners were paying a lump sum before 31<sup>st</sup> of March but now they have the flexibility of paying in installments. However, it was difficult to get exact figures of collections due to the fact that data is scattered. Land can be given out at ministerial level or district level. There is no central desk to provide such information.

Although there is no guideline or mechanism to ensure public capture of benefits, allocations of public land are often accompanied by agreements that spell out issues related to local job creation (employment), local raw material usage etc.

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<sup>91</sup> The 2013 land law, article 6 states that, all Rwandan citizens are entitled to freehold titles. The same article stipulates that, “For a group of individuals co-owning land, a business company, an organisation or association with legal personality, freehold title can only be granted if at least 51% of its stake is owned by Rwandan citizens, except for land designated as Special Economic Zones”.

There is no written policy in place on using public land to improve equity in asset use. However, equity is invariably the common denominator in all Rwanda government policies, including the NLP. Actual interventions deriving from this policy include, for example, land sharing that was affected across the country, with the main aim being to ensure all Rwandans have access to land and property. This was also the case with the land redistribution programme implemented in the Eastern province where land was taken away from those with large portions and given to the poor and landless. In some cases, urgent ad-hoc policies have been developed to make land available to returning refugees. An example is related to incoming refugees from Tanzania (2012-13) with no ability to access land. Subsequently, the government initiated a scheme to resettle all refugees on land allocated by the local district government. Districts without land to accommodate the refugees, like Bugesera district, then reassigned part of land intended for forestry research for distribution to these refugees. There are no reliable records for redistributed land areas.<sup>92</sup> Assisting the poor and marginalized groups to secure their land (LTR) and make them productive is “normal” practice.

#### 4.5.2. LGI.5.2: Private investment strategy

This indicator on private investment strategy has seven dimensions which are assessed below.

LGI.5.2: Private investment strategy						
5.2.1	Land to be made available to investors is identified transparently and publicly, in agreement with right holders.					A policy to identify land that can be made available to investors exists, based on ad hoc assessment of land potential but with community consultation and agreement, and is applied in more than 90% of identified cases
5.2.2	Investments are selected based on economic, socio-cultural and environmental impacts in an open process					Process is in place that properly considers both national and local benefits and is adhered to. Benefit sharing mechanism are in place
5.2.3	Public institutions transferring land to investors are clearly identified and regularly audited					Institutions to make decisions are clearly identified and have the necessary capacity (incl. resources for field verification) and strong incentives in ensuring socially beneficial outcomes in a way that minimizes transaction costs
5.2.4	Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (including sub-soil).					There is effective coordination to solve competing land use, although no policy is in place for effective inter-ministerial coordination to ensure that decisions on land use and land rights are well coordinated across sectors.
5.2.5	Compliance with contractual obligations is regularly monitored and remedial action taken if needed.					There is regular monitoring of compliance, results are publicly available but remedial action is taken only in some cases
5.2.6	Safeguards effectively reduce the risk of negative effects from large scale land-related investments.					Substantive application and disclosure of safeguards (EIA, SIA etc.) are in line with global best practice, and mostly applied
5.2.7	The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice.					Resettlement policy does not exist; if resettlement takes place than it is in an ad-hoc manner.

<sup>92</sup> [Department of refugees at the Ministry of Disaster Management and Refugees Affairs.](#)

Institutions that transfer land to investors are in place. In Rwanda, the law is very clear; it is either the Cabinet or district councils that approve allocation of public land (transfer) and issue instruments to that effect. The registrar of land titles can then register the transfer. With a decentralization policy, districts are even allowed to allocate land to investors and the level of resourceful persons is actually guaranteed because all land offices must be run by qualified personnel at least of university degree level.

In Rwanda, there is no written policy that describes how land is transferred to investors. In practice, all institutions dealing with transfer of public land have got clear coordination amongst them. Normally, the process starts from RDB for purposes of registering the investment and consequently requesting land. From that stage, RDB consults for farmland either with MINAGRI first if it is a large piece of land and whether this is available, or directly works with the district to identify land and informs the ministry later.

The only part of the country where land is set aside for investment is Kigali City via the 2013 Kigali master plan, which includes a free economic zone. The rest of the country does avail land on an ad hoc basis. Potential land for investor is availed according to availability of investment whose nature clearly meets the requirements of investment registration.

A process is in place for selecting and approving the investment based on economic, socio and environmental benefits to the nation and the local people in general. In Rwanda, the issue of environmental protection is treated with priority by each level of administration and the general public is highly sensitized, though this should be a continuous process. Legislation exists to ensure sustainable land use<sup>93</sup> and prevent degradation and pollution.<sup>94</sup>

Upon the satisfaction of the Ministry concerned as regards the economic, social and environmental matters, a cabinet decision is requested to transfer public land to investor. Rwanda normally requires the consensus of the cabinet to reach such decision and this high level meeting will assess the economic, social and environmental benefits and agreed upon the land allocation. If approved, then RNRA is informed so as to implement the decision.

Consultations with the rightful owners are done and an agreement is reached before land is acquired by investors, which is usually done through expropriation process. Although this

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<sup>93</sup> Law n°24/2012 of 15/06/2012 art 3: “ to ensure the transparent modalities of determining, coordinating, monitoring and enforcement of the planning of land use and development at all levels of administrative entities in Rwanda towards sustainable and equitable social, economic and environment development for current and future generations in Rwanda.

<sup>94</sup> Law n°63/2013 of 27/08/2013 determining the mission, organization and functioning of Rwanda environment management authority (Rema) spells out regulations, modalities and penalties to prevent environmental degradation or pollution.

process is done in a transparent manner, there are complaints over the compensation given which is often low compared to the market value.

Resettlement policy does not exist and it only takes place when the need arises, on an ad-hoc basis. However, Rwanda should develop a resettlement policy with all the regulations for implementation, such as modalities of resettlement, responsibilities, categories of people to be resettled, their rights and obligations of the authority. Policy should also be looking at the short term and long term resettlement schemes based on the circumstances. For instance some resettlement might be needed due to disaster or any other reason of similar nature.

A process of sharing benefit is in place as one of the contractual obligations is to give back some benefits to the residents of the place. This is well established in the tea sector. All fifteen contracts for tea plantation privatization signed between government and investors indicate that employees, who are organized in cooperatives, should get a percentage in the shareholding structure, have stability in employment, and could be a supplier of tea leaves (see examples in the table below).

**Table 7: Shareholding structure between investors and cooperatives formed by the citizens in tea sector**

NAME OF COOPERATIVE	TEA FACTORIES	SHARES OWNED BY COOPERATIVES
COOP THE MULINDI	MULINDI	35%
COOP THE MWAGA GISAKURA	GISAKURA	15%
COOP THE SHAGASHA	SHAGASHA	20%
THE VILLAGEOIS	ALL TEA FACTORIES	10%

The process of monitoring of contractual obligations is in place and remedies where necessary are also in force. In an instruction from Prime minister dated 28<sup>th</sup> May, 2014 on recommendation from the Senate, it was emphasized that districts should always participate in contract process regarding public assets transferred to investors for effective monitoring of compliance. However, the results of the monitored obligations are only made public when contractual obligations are not met and might necessitate repossessing the land. Otherwise there is no practice of publicly showing the results from monitoring process.

The case of a “biofuel Company” is an example of how the monitoring process is implemented. This company was given 8000 hectares of land to plant jatropha for producing bio diesel fuel. However, the contractual obligations were not met as the company did not grow jataropha and the government now intends to terminate the lease agreement and assign to another investor to better utilize that land. Once the land is back in government’s

possession, any investor interested in the land would go through competition as explained above.

#### 4.5.3. LGI.5.3: Policy implementation is effective, consistent and transparent and involves local stakeholders

This indicator has four dimensions analysed below.

LGI.5.3: Policy implementation is effective, consistent and transparent and involves local stakeholders					
5.3.1	Investors provide sufficient information to allow rigorous evaluation of proposed investments.		Yellow		Investors' business plans (application materials) require some evidence of technical viability, community consultation, and availability of resources but this is only sufficient to identify project risk ex ante
5.3.2	Approval of investment plans follows a clear process with reasonable timelines	Green			All investment application related documents are reviewed according to a uniform process and receive a response within 3 months of date of submission
5.3.3	Right holders and investors negotiate freely and directly with full access to relevant information.		Orange		Those holding rights to land with potential for investment have incentives to properly negotiate but their rights are unclear or opportunities to obtain relevant information or assistance do not exist
5.3.4	Contractual provisions regarding benefit sharing are publicly disclosed.		Yellow		Modalities for benefit sharing are routinely included in relevant contractual arrangements, but there is limited public disclosure

Law n° 26/2005 of 17/12/2005 relating to investment and export promotion and facilitation in its article 3, stipulates that, all investors in Rwanda submit their business plan together with their application of investment certificate. The investment business plan should clearly include the following; executive summary of the project, profile of the project promoters, project background, market study or market analysis, investment plan over a five year period, the level of loan and equity financing, projected statement of income and expenditures, projected balance sheet (five years), projected statement of cash flow, payback period, NPV and IRR, loan amortization plan/schedule, project implementation plan, notes on assumption made in the business plan (RDB, Rwanda investor info pack, 2014).

The process passes through an evaluation procedure conducted by RDB experts. The aim is to verify whether the information therein actually matches the economic, social and environmental benefits to the country. All investment plans at RDB are reviewed using the uniform process and summarized in a table<sup>95</sup> (RDB, One stop center, 2015). The investment license will only be issued when RDB is satisfied with the flow of information in the business

<sup>95</sup> Areas to be filled by RDB staff: brief information about the company, project classification if it is new or an already existing company, name of the company, promoter of the company, legal nature of the company (Limited liability or public etc), address of the company, planned investment capital (equity or loan etc), employment to be created as in numbers, categories of jobs, technical viability (kind of technology to be used), financial viability which includes the expected yearly profits, expected taxes to be paid, expected net profit etc, proposed methods of waste treatment, what promoters expect from RDB, observation by the staff and his/her recommendation.

plan. The aim is that investors receive the decision on their licenses within 48 hours from the time of application (which can be done online).

Following approval and identification of the land, right holders and investors negotiate freely and they have full access to relevant information. However, there is no clear assistance given to landowners when it comes to negotiating with investors, even although this requires some skills and knowledge. It has been reported<sup>96</sup> that educated and affluent people are able to negotiate higher prices than those people who are uneducated.

The benefit sharing modalities is always embedded in the contracts and information is open to public, like in the case of the tea industry (see example above). However, the means used to know such details require the interested party to visit the land office, RDB or the concerned investor or submit an application letter requesting such information with an indication of the intended use of the information requested. There is no repository centre (i.e. an electronic portal) where such information is stored and can be accessed by any interested party.

#### 4.5.4. Contracts involving public land are public, easily accessible, with agreements monitored and enforced

This indicator has three dimensions as presented below.

LGI: 5.4 Contracts involving public land are public, easily accessible, with agreements monitored and enforced.					
5.4.1	Information on spatial extent and duration of approved concessions is publicly available.				Spatial and temporal information is available to relevant government institutions and made available routinely to interested private parties upon request
5.4.2	Compliance with safeguards on concessions is monitored and enforced effectively and consistently.				There is little third-party monitoring of investors' compliance with safeguards and mechanisms to quickly and effectively ensure adherence are virtually non-existent.
5.4.3	Avenues to deal with non-compliance exist and obtain timely and fair decisions.				Third-party monitoring of investors' (and the state's) compliance with contractual provisions is routine and mechanisms to quickly and effectively reach arbitration in case of problems exist

Information related to leases for investors is always available in land offices to any interested party by law<sup>97</sup>, but it is given on request.

There is little third-party monitoring of investors' compliance with safeguards and mechanisms to ensure adherence quickly and effectively are virtually non-existent.

<sup>96</sup> The investor who developed the Kigali conventional centre was in charge of negotiating and carrying out the expropriation. Some people claimed to have received more money because they were better able to negotiate.

<sup>97</sup> Ministerial order n°002/2008 of 01/4/2008 determining modalities of land registration article 21 which states that "The Register of Titles and the Alphabetical Index are public documents. Anyone may consult them under the supervision of the Registrar or the Deputy Registrar, after paying the fee determined by the regulations.

The avenues to deal with non-compliance exist in Rwanda, but it is not done in a systematic way. It happens on a case by case basis through community initiatives or through government offices like those in charge of environment for issues related to land degradation. A good example is the recent mining concession (Gatumba) that was closed due to the outcry of residents who claimed that the mining activities were contaminating their water as well as creating noise pollution. This initiative from local residents brought the mine to a stop.

Other examples include:

- 1- Sociex Ltd in agriculture. This was a company that had around 100 hectares of land where the company was supposed to grow maize. Instead, the company resorted to renting land to cooperatives of residents of the same area, who subsequently complained to government on the wastage of land by the company for it was not doing what it presented to government, as well as their behaviour of renting out land at higher prices when it had been obtained at small price.
- 2- Rwanda Flora Ltd, flower farm in Nyacyonga. The people complained about the wastage of a large piece of land that was not utilised by the company for over five years when it could be made productive by other people. In addition, people complained about the loss of employment opportunities for farmers. This flower farm spent many years without working and consequently was declared bankrupt by court of law and placed in liquidation. So the residents of Nyacyonga through its district of Gasabo complained and government decided to take back the land.

#### 4.6. Public provision of land information: registry and cadastre

This panel is comprised of five indicators:

- **LGI: 6.1 Mechanisms for recognition of rights.**
- **LGI: 6.2. Completeness of the land registry.**
- **LGI: 6.3 Reliability: Registry information is updated and sufficient to make meaningful inferences on ownership.**
- **LGI: 6.4 Cost-effectiveness and sustainability: Land administration services are provided in cost - effective ways that are sustainable in the long term.**
- **LGI: 6.5 Fees are determined transparently to cover the cost of services provision.**

##### 4.6.1. LGI 6.1: Mechanisms for recognition of rights

The table below presents the dimensions assessment score results for the above indicator:

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LGI 6.1: Mechanisms for recognition of rights</b>						

6.1.1	Land possession by the poor can be formalized in line with local norms in an efficient & transparent process				There is a clear, practical process for the formal recognition of possession and this process is implemented effectively, consistently and transparently
6.1.2 a	Non-documentary evidence is effectively used to help establish rights – LTR phase				Non-documentary forms of evidence allow full recognition of claims to property when other forms of evidence are not available
6.1.2b	Non-documentary evidence is effectively used to help establish rights – On-demand registration (maintenance)				
6.1.3	Long-term unchallenged possession is formally recognized				Legislation exists to formally recognize long-term, unchallenged possession and this applies to both public and private land although different rules may apply
6.1.4 a rural	Rural - First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.				
6.1.4 B	urban - First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.				

To ensure land rights of every individual are protected,<sup>98</sup> the GoR put in place the NLP, land law and other subsidiary decrees. As a result, there is a clear, practical and formal process of recognizing individual, State and public land and this process has been implemented effectively, consistently and transparently since 2009 when implementation of land tenure regularization started through a systematic land registration process as explained above (Chapter 3).

The land law and other subsidiary decrees recognize all forms of ownership that existed prior to formal registration of land as well as long-term, unchallenged possession, whether public or private land (although different rules may apply). During LTR, non-documentary evidence (mainly word of mouth) was acceptable<sup>99</sup> as proof of land rights. The adjudication committee would accept evidence from neighbours or local authorities about who owns the

<sup>98</sup>Constitution law, Art 29: 'Every person has a right to private property, whether personal or owned in association with others. Private property, whether individually or collectively owned, is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by Law and subject to fair and prior compensation.'

<sup>99</sup> Article 5 of the land law stipulates: "Every person who is in possession of land, acquired either in accordance with custom, or granted by a competent authority, or by purchase, is the recognized proprietor..."

land without necessarily requiring any written evidence. Post LTR, this is clearly no longer an acceptable form of evidence, since land documents now protect landowners' land rights.

First time registration in Rwanda has been a systematic process, with registration fees for a rural parcel (irrespective of size) amounting to USD 1.5 and less than USD 8 per parcel in urban areas. Government exempted poor people from paying the registration fee.

Post LTR, registration is much more expensive. Fees charged for parcels that are subdivided or merged are high. In addition, land survey costs are USD 50 per parcel, which is particularly high for many people in rural areas where the land value may be very low. Survey costs for parcel subdivision may even exceed USD 50 if the surveyor has to travel long distances.<sup>100</sup>

#### 4.6.2. LGI 6.2. Completeness of the land registry

This indicator has seven dimensions, as assessed below.

LGI 6.2. Completeness of the land registry						
6.2.1 a	Total cost of registering a property transfer is low – <u>rural</u>					On-demand recording of rights includes proper safeguards to prevent abuse and costs may exceed 5% of the property value <sup>101</sup> .
6.2.1 b	Total cost of registering a property transfer is low – <u>urban</u>					On-demand recording of rights includes proper safeguards to prevent abuse and costs do not exceed 0.5% of the property value.
6.2.2	Information held in records is linked to maps that reflect current reality					More than 90% of records for privately held land registered in the registry are readily identifiable in maps (spatial records).
6.2.3	All relevant private encumbrances are recorded					Relevant private encumbrances are recorded consistently and in a reliable fashion and can be verified at low cost by any interested party
6.2.4	All relevant public restrictions or charges are recorded					Relevant public restrictions or charges are recorded consistently and in a reliable fashion and can be verified at a low cost by any interested party.
6.2.5	There is a timely response to requests for accessing registry records					Copies or extracts of documents recording rights in property can generally be obtained within 1 week of request.

<sup>100</sup> To merge or subdivide plots, rectify boundaries or move from general boundaries to fixed boundaries, there is a minimum survey fee of 30,000 Frws to a private surveyor for land less than a hectare. Each portion above a hectare will be charged at an additional fee of 30,000 Frws. This fee is not organized by any legal instrument.

<sup>101</sup> This dimension has been split into urban and rural areas because the situation is different in both areas. In rural areas, the cost of registering a property transfer may exceed 5% of the property value because generally land holdings in rural areas are small and therefore their value is small.

6.2.6	The registry is searchable				The records in the registry can be searched by both right holder name and parcel.
6.2.7	Land information records are easily accessed				Copies or extracts of documents recording rights in property can only be obtained by intermediaries and those who can demonstrate an interest in the property upon payment of the necessary formal fee, if any.

As stated earlier, all land in Rwanda has been registered and mapped. The current land register has been linked to the spatial database to the extent that there is only one digital land register integrating both textual and spatial databases. Each individual parcel is mapped and has a unique parcel identifier (UPI). Information on land use, owner’s name, parcel location, lease term, parcel size etc. are all registered in the land register including the rights and obligations of landowners.

Rwanda has a digital land register (LAIS) which makes land related records easily searchable by both right holder name and parcel. They can also be searchable by identification number (ID) or passport number of the right holder. The digital land register has now been decentralized for 29 out of 30 districts across the country, so this system can be accessed more easily as applications are being processed at this level.

According to the law, the land register is a public document<sup>102</sup> and anyone interested can view its content. In practice, no restrictions are reported, except for national security activities or privacy reasons. Copies or extracts of register documents can be obtained by anyone who pays the appropriate fee (if any).

For information sharing purposes, some government organisations such as RDB, District Land offices and commercial banks are connected to the land register with the right to access only the information/function they need. However, the digital register is not yet linked to other important systems such as e-court systems.

All encumbrances such as mortgages, caveats of various forms and disputes are recorded against the relevant parcel on LAIS. However, some encumbrances may not be recorded mainly as a result of people not knowing how and where to do so. There are no alternative means to verify encumbrances that are unreported and awareness campaigns would be useful.

LAIS records all relevant public restrictions or charges which are brought to the registrar of land titles for registration and these can be verified at a small cost by any interested party.

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<sup>102</sup> Article 22 of Ministerial Order n°002/2008 of 01/4/2008 determining modalities of land registration provides that “the Register of Titles and the Alphabetical Index are public documents. Anyone may consult them under the supervision of the Registrar or the Deputy Registrar, after paying the fee determined by the regulations”.

Because there is no categorisation of public restrictions in LAIS, it is almost impossible to carry out any analysis.

Rwanda has introduced a 'one day, one procedure'<sup>103</sup> for commercial and all investment related land transactions. Should an application meet the necessary requirements, the transaction will be done in a day with a new title issued the same day. All other transactions are processed within seven days. In Kigali, the office of the Deputy Registrar of Land Titles in partnership with District Land offices receive and process at least 50 files a week and the service is regularly monitored by the legal department.

The decentralization of land administration services has reduced the cost, number of steps and time for land transactions. Additional benefits include: giving powers to district land officers and sector land managers to act as public notaries; the abolition of a required notarized sale contract; and the abolition of a required tax clearance certificate. Local authorities below sector level are being strengthened and assigned with the task of monitoring and providing the service of registering land transfers as well as notary services.

There is a flat fee of 27.000 Frw for property transfer irrespective of value (comprising 20,000 Frw for transfer fee, 2,000 Frw for notary fee and 5,000 Frw for the issuance of a new title). The standard fee for property transfer of 20,000 Rwandan francs was introduced in 2009 and replaced 6% of total sales value. For urban land, the total cost for property transfer is now less than 1% of the property value whereas in rural areas, the transaction fees can be more than 30% or even 40% of the property value.<sup>104</sup>

Although this flat fee might have facilitated investment, small rural landowners have been facing challenges to pay this amount. This is a primary reason for not reporting transactions as the flat transfer fee is disproportionate to the relatively low value of rural land holding. Distance and high travel costs to land offices are other reasons. As a result, a considerable number of land transactions have not been formally registered, undermining the quality of the registry and the LTR process. Moreover, unregistered transactions are not legally recognised, and can become a source of dispute.

The policy of setting up a flat fee for all transactions is advantageous for those who have high property value, but is punitive for those who cannot afford to pay. Hence, there is a need to review this policy to make it more balanced. A formal process has been initiated to reduce transfer fees.

In order to inform people about land related services and encourage them to register land transactions, RNRA introduced a land week campaign where staff from RNRA head offices and zonal offices, district land officers and sector land managers run various meetings in all

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<sup>103</sup> This was introduced following a study visit by the office of registrar staff to Georgia.

<sup>104</sup> These figures are estimates only because there has not been a proper study to document this.

districts to meet land owners, answer questions, provide notary services for those who transacted their land etc. This campaign lasts for one month and is done annually.

When there is a transaction which needs parcel boundary rectification (i.e. parcel merging or subdivision), the cadastral map must reflect the new changes and update the information in the land register. However, where such transactions are not reported, the cadastral map will not be reflective of the reality on the ground. Below is example of mapped parcels in rural areas:

#### 4.6.3. LGI 6.3: Reliability: Registry information is updated and sufficient to make meaningful inferences on ownership

This indicator has two dimensions as detailed below.

LGI 6.3: Reliability: Registry information is updated and sufficient to make meaningful inferences on ownership					
6.3.1	Information in public registries is synchronized to ensure integrity of rights & reduce transaction cost				Links are in place for all types of public land information registries; mandatory checks are performed to ensure legitimacy of any transactions that materially affects certain parties' land rights before they can be finalized
6.3.2	Registry information is up-to-date and reflect ground reality				Not scored

Links are in place for all types of public land information registries and mandatory checks are performed to ensure legitimacy of any transactions that materially affects certain parties' land rights before they can be finalized. Interoperability between the land register and the national ID project helps to ensure that claimants to land are genuine and that land leases and certificates are allocated correctly. Further, the register is linked to the mortgage registration system and Kigali city master plan. Interoperability in this way helps to reduce costs and risks associated with mortgage registration.

Some LTR registration may have been fraudulent. For example, where the adjudication process was not able to identify clearly the real owner, it may have been possible for someone to register a parcel of land that did not in fact belong to them. During panel discussions, it was noted that there were a few cases where claimants used non-documentary evidence to abuse other people's legitimate rights. As indicated earlier, there are also cases of private registration of public land, some of which are now disputed by government. It should be noted that fraudulent land owners, with legal land documents (that have not been disputed) can legally sell a parcel that does not belong them. The "curtain principle" of Torrens registration system, also applied in Rwanda, enables the person who is appearing in the land registry to be regarded as the true owner.

The expert investigator had scored A for this dimension, “Registry information is up-to-date and reflects ground reality“, because he believed the register is up to date to the scale of 90%. However, panellists argued that the land week campaign showed that many informal transactions are not recorded therefore the register is not kept up to date. They also revealed that there are no statistical records which would serve as basis for the dimension score.

**4.6.4. LGI: 6.4 Cost -effectiveness and sustainability: Land administration services are provided in cost - effective ways that are sustainable in the long term.**

This indicator has two dimensions, described below.

<b>LGI: 6.4 Cost -effectiveness and sustainability: Land administration services are provided in cost - effective ways that are sustainable in the long term.</b>					
6.4.1	The registry is financially sustainable through fee collection to finance its operations				Not scored
6.4.2	Investment in land administration is sufficient to cope with demand for high quality services				Human and physical capital investment allows to maintain a medium in human and physical is sufficient to maintain high service standards but does not allow to proactively adapt to new developments

Currently, there is no mechanism in place to monitor if the registry is financially sustainable.

The government, in collaboration with development partners, is supporting the land administration system. The law that sets up the registry does not allow it to collect any fees. RNRA collected land registration fees during the land registration process but all revenues were given to the national treasury. Some key activities including the payment of sector land managers are funded by donors.

Collected fees from land transactions and other land services are used for district operational services. Most land-based service fees, including issuing a new title, transaction fees and fixed asset taxes are collected by the district authorities even though some of these services are provided by RNRA (as required by law). Some districts fail to invest in their land offices despite them generating a bigger share of the district budget.

Human and physical capital investment is sufficient to maintain current service standards related to LTR, but does not account for new land administration requirements. Demand for quality services still weighs supply. For example, 86 sector land manager positions out of 416 are still not filled. Further, some key services (such as land valuation, land surveying etc.) do not have sufficiently qualified and skilled staff to occupy these posts.

#### 4.6.5. LGI: 6.5 Fees are determined transparently to cover the cost of services provision.

This indicator has three dimensions, as discussed below.

LGI: 6.5 Fees are determined transparently to cover the cost of services provision.					
6.5.1	Fees have a clear rationale, their schedule is public, and all payments are accounted for				A clear rationale and schedule of fees for different services is publicly accessible and receipts are issued for all transactions.
6.5.2	Informal payments are discouraged				Effective mechanisms to detect and deal with illegal staff behaviour exist in all registry offices and all cases are promptly dealt with.
6.5.3	Service standards are published and regularly monitored				Effective mechanisms to detect and deal with illegal staff behaviour exist in all registry offices and all cases are promptly dealt with.

Each district can set its own land administration service fees (although some are fixed)<sup>105</sup> within the range as provided for by the law. District councils have the responsibility to implement and publish rational and affordable fees. Fees paid differ between the 30 districts depending on land use and location. The way the fees are established is therefore not necessarily based on cost of service provision.

Effective mechanisms to detect and deal with illegal staff behaviour exist in all registry offices and all cases are promptly dealt with. To discourage illegal payments, payments for various services are paid through the bank. In rural areas, payments are done through saving cooperative schemes (SACCOS), with RRA being in charge of monitoring this process. The office of the Ombudsman also monitors (mainly senior) staff in the land registry that have the ability to abuse their positions to acquire wealth illegally. This is done through an annual declaration of wealth to the Ombudsman office.

The land registry has introduced a digital document tracking system which notifies the route of a file at different levels to support the standard monitoring process. This “land query notification system” sends text messages to the applicants once the application moves through various steps/phases. In addition, there is a “document tracking system”, an application used by staff responsible for land administration services. It allows progress to be monitored in processing applications and allows management to monitor staff

<sup>105</sup> Fees charged for services related to land titles, leases of immovable property are set as follows: Changing ownership of immovable property for any reasons shall be subject to a fee equal to twenty thousand Rwandan francs (Rwf 20,000) irrespective of the value of concerned immovable property; Registration, cancellation, review or assignment of debt mortgage shall be subject to a fee equal to one thousand and two hundred Rwandan francs (Rwf 1,200); Changes or requests for a new land lease title issued by the Land Registrar shall be subject to a fee equal to five thousand Rwandan Francs (Rwf 5,000); Request for a map showing the boundaries, design and acreage of a land plot shall be subject to a fee equal to ten thousand Rwandan franc (Rwf 10,000).<sup>105</sup>

effectiveness in service delivery. However, the tracking system is neither structured nor regular.

If an application is delayed by one particular staff, the system would be able to detect who is delaying the process and necessary action can be taken.

Service standards are published through a district client charter and are always monitored by a task force established by the prime minister to ensure services are delivered effectively.

To improve further the quality of services a “land model office” is being developed. This model office is meant to be a place where all land delivery service procedures are tested, and applied effectively. Other land offices will come to learn and apply similar procedures and processes in their respective offices.

#### 4.7. Land Taxation and Valuation

This panel has two indicators:

- **LGI 7.1:** Transparency of valuations: valuations are based on clear principles, applied uniformly, updated regularly, and publicly accessible. Describe the process of fixing and revising land valuation
- **LGI: 7.2:** Collection efficiency: land and property taxes are collected and the yield from doing so exceeds collection cost

##### 4.7.1. LG 7.1. Transparency of valuations: valuations are based on clear principles, applied uniformly, updated regularly, and publicly accessible. Describe the process of fixing and revising land valuation

This indicator has two dimensions, as presented above.

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LGI 7.1: Transparency of valuations</b>						
7.1.1	There is a clear process of property valuation.					The assessment of land/property for tax or compensation purposes has some relationship to market prices, but there are 50-75% differences between recorded values and market prices across different uses or types of users and valuation rolls are not updated.
7..1.2	Valuation rolls are publicly accessible.					Not assessed

The focus of this section is on valuation for the “fixed assets tax<sup>106</sup>” or property tax for land and property held under freehold and annual lease fee for parcels held under long term lease, and with also some references to expropriation.

Initially, valuation was mainly done for expropriation purposes and only investment/infrastructure on land was valued. The value of the land itself was excluded because the State claimed ownership. This practice changed after the promulgation of the 2005 land law that recognised people’s rights to land and which fed into the 2007 expropriation law that set out modalities and procedures for expropriation.

The valuation profession in Rwanda is relatively new and only formally established in 2010<sup>107</sup>.

This is unlike in the past where valuation was carried out by random people who were predominantly civil engineers and were regulated by the central bank. This was mainly the case because there were not land economics and land valuation specialists in the country. Anyone who had completed a civil engineering, architecture or construction degree and was willing to enter the valuation profession had to apply to the central bank which registered them and allowed them to carry out valuation work. However, this process was not a requirement under any law.

In 2010, the government of Rwanda introduced law N°17/2010 of 12/05/2010 establishing and organising the real property valuation profession in Rwanda. However, the Institute of real property valuers (IRPV) has not done enough to raise awareness amongst land users, and apart from registering professional land valuers, IRPV has done much yet to improve capacity and benefit from regional cooperation as Rwanda valuers are lagging behind and it was also observed that some of the registered valuers struggle with some of the valuation methods. During panel discussions in February 2015, the president of the IRPV announced that an action plan is being developed, including a land valuation database. IRPV is in discussions with Rwanda Revenue Authority and the banks on how to strengthen relationships and improve knowledge of IRPV members.<sup>108</sup>

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<sup>106</sup> Law N° 59/2011 of 31/12/2011 establishes the sources of revenues and property of decentralised entities and governing their management defines fixed asset tax as “a tax levied on immovable property”/ “property that has a fixed location and cannot be moved elsewhere and includes parcels of land, buildings and improvements thereto”. All fixed assets must be valued.

<sup>107</sup> law N°17/2010 of 12/05/2010 on establishment of the Institute of real property valuation in Rwanda, its functions, organisation and responsibilities and the establishment of the council of regulation and its responsibilities. The law also discusses briefly valuation methods. Article 27 stipulates that “Valuation of any type requires that the valuer apply one or more valuation methods provided by the valuation law this Law or any other method accepted by the Council. The valuer shall select the best valuation method that can be used to determine the fair market value of the real property.”

<sup>108</sup> Information from Egide Gatsirimbo during panel discussion, February 2015.

The 2010 law also stipulated land valuation to be based on land market price. However, in some rural areas this is not the case. Prior to the law approval of the law mentioned above, in 2008, the Government had established reference land prices used for expropriation purposes. These land prices are still being used as reference prices during the valuation process for expropriation purposes mainly in the rural areas partly because people cannot afford to pay professional valuers. Moreover, even when land valuation is done, market prices are not always considered. In this regard, Goodfellow<sup>109</sup> notes for example that in Ubumwe cell in Kigali city, landowners were paid by the city authorities around Rwf 1000/m<sup>2</sup> while the land nearby was paid Rwf77,000/m<sup>2</sup> and suggests that this “huge discrepancy in pricing emerged partly because there was little by way of systematic Valuation.” All these practices lead to many complaints by expropriated land holders over lack of fair compensation.

This is expected to change as the amended expropriation law gives professional certified valuers the right to review land prices every two years as a way of avoiding speculation and ensuring that expropriated people are given fair compensation which is equivalent to the market price. There are still challenges related mainly to the limited number of qualified valuers, inability to pay for them by many people in rural areas.

There are no valuation rolls in place yet in Rwanda even though the 2011 fiscal decentralization law<sup>110</sup> suggests that such document/file containing all property values in districts be established.

Currently, there are ongoing discussions between Australian company, Property Mode, and the Government to see how property values can be captured and updated on a regular basis. Further, the government through the ministry of finance has started the process of reviewing the property taxation system with the proposal of having property tax and other local land revenues collected by the RRA which has more capacity than districts which currently have the task of collecting all land based revenues. Consultations with all key government and private institutions are underway to ensure that their ideas are taken on board. It is assumed that RRA will establish a uniform and advanced property and land revenues collection system across the country and establish effective ways of monitoring property tax and land based revenues collection system.

#### **4.7.2. LG 7.2. Collection efficiency**

This indicator has four dimensions, as discussed below.

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<sup>109</sup> Goodfellow, T (2014) Rwanda’s political settlement and the urban transition: expropriation, construction and taxation in Kigali, *Journal of Eastern African Studies*, 8:2, 311-329.

<sup>110</sup> Law N° 59/2011 of 31/12/2011 establishing the sources of revenue and property of decentralized entities and governing their management.

LGI 7.2. Collection efficiency					
7.2.1	Exemptions from property taxes payment are justified and transparent				There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds and applied in a transparent and consistent manner
7.2.2	All property holders liable to pay property tax are listed on the tax roll				Not scored
7.2.2a	All property holders liable to pay annual land lease fee are listed on in the land register.				More than 80% of lessees liable for annual land lease fee are listed on the land register
7.2.3	Assessed property taxes and land lease fees are collected				Less than 50% of assessed land/property taxes and land lease fees are collected
7.2.4	Receipts from property tax exceed the cost of collection				The amount of property taxes collected exceeds the cost of staff in charge of collection by a factor of more than 5

Though real property tax and lease fees are newly introduced since the LTR, taxation as such is not new. Pre-colonial, indigenous rulers and institutions *Umwami* allocated land to their subjects who were expected to provide free labour in return. The Belgian colonial administration built on this practice and introduced in 1912 a graduated tax and tax on real property.<sup>111</sup> After independence, the 1973 law governing property tax was adopted, which was reformed in 1997. The 2002<sup>112</sup> reforms that introduced administrative decentralization also addressed fiscal decentralization, which was repealed in 2011. After adopting Law n° 59/2011 of 31/12/2011, the government promulgated Presidential Order N°25/01 of 09/07/2012 establishing the list of fees and other charge levied by decentralized entities, including the threshold levels.<sup>113</sup> This order serves as the main legal guide for establishing land-related revenues.<sup>114</sup>

Article 4 of the 2011 law stipulates that the revenue of decentralised entities should come from various sources, including funds obtained from rent and sale of land of decentralized entities, funds obtained from issuance of land certificates by decentralized entities, all other fees and penalties that may be collected by decentralized entities according to any other

<sup>111</sup> B. Kagarama, Taxation reforms: Past achievements and plans for the future, available on [www.devpartners.gov.rw/.../index.php?dir...Taxation+reforms](http://www.devpartners.gov.rw/.../index.php?dir...Taxation+reforms)

<sup>112</sup> law n° 17/2002 of 10/05/2002 establishing sources of revenue for districts and towns and its management. Law n° 17/2002 was repealed by Law n° 59/2011 of 31/12/2011,

<sup>113</sup> Presidential Order n° 25/01 of 09/07/2012 establishing the list of fees and other charges levied by decentralized entities and determining their thresholds, OG, no Special of 27/07/2012.

Annual land lease fees; Land lease fees to be collected annually on land used for agriculture and livestock activities; Fees charged annually on land reserved for quarries exploitation; Fees based on land services rendered to citizens, including fees charged on official documents authenticated by the public notary and fees charged on the issuance of land certificates; Fees charged on public cemeteries; and Parking fees.

Rwandan law, fixed asset tax and rental income tax. The tax on a “fixed asset,”<sup>115</sup> should be levied on the market value of parcels of land, buildings, and other immovable improvements, such as quarries.

Most land is held under leasehold from the state and land holders pay an annual lease fee. A lease certificate is subject to pay an annual lease fee, which applies to commercial, industrial and residential lands. Article 18 of the 2011 law establishing sources of revenue for decentralised entities provides a list of property which should be exempted from paying tax. Land used for agriculture, livestock or forestry which is under two hectares, fixed assets and usufructs used primarily for residential purposes with a value not exceeding 3,000,000 RwF is exempt to pay tax or lease fee. If the assessed value exceeds such an amount, only the excess value shall be taxed. The law also exempts land reserved for construction of houses in rural areas, without basic infrastructure. The order also gives the District Council the authority to exempt any other land. There are some poverty categorisations of those who cannot afford to pay social service fees (e.g. mutuel de santé etc.) and various taxes imposed by the State, including land-based taxes and fees. This poverty categorisation process is community led.

As mentioned above, there is no land valuation rolls in place in Rwanda for fixed asset tax. The fact that districts (responsible for collecting land-based taxes and fees) usually do not possess adequate records of all taxable land parcels and the amount of fees to be collected presents a major challenge to revenue collection efforts. Only a few land fixed asset / property tax payers are known (especially in urban areas) as well as those own their land under freehold tenure system.

Since all land in Rwanda is registered, the land register has all parcels where annual land lease fee is required. Figures collected in November 2014 from the digital land register (LAIS) shows that the number of parcels where lease fees are required to be paid is 1,545,105 or 15% of all land registered across the country. A study by Musharraf et al (2013) revealed that the estimated revenue potential from only assessing fees and taxes on agriculture parcels over 2 hectares that are liable to pay RwF 4,000 per hectare<sup>116</sup> is Rwf 1.4 billion.<sup>117</sup>

Parcels where lease fees are required are scattered in both urban and rural areas with urban areas requiring the majority of lease fees since most agriculture and grazing land in Rwanda are smaller than two hectares and therefore are not subject to paying any lease fee. However, the register was not able to provide the total amount of lease fees. At the time of

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<sup>115</sup> Article 2, 19<sup>o</sup> of Law n<sup>o</sup> 59/2011 of 31/12/2011 defines “fixed asset” as a property that has a fixed location and cannot be moved elsewhere and include parcels of land, buildings and improvements thereto.

<sup>116</sup> Musharraf, R.C, et al, Local Government revenue potential in Rwanda, 2013

<sup>117</sup> Musharraf, R.C, et al, Local Government revenue potential in Rwanda, 2013.

collecting the information, reporting modules were being developed in LAIS to ensure that in the future such information is easily accessible.

Even though property tax and land lease fees collection system is inefficient and almost non-existent in some districts of the country, assessed property taxes and land lease fees are collected at the maximum level. This is eased by the fact that currently, identified tax payers have been given the option to pay the land tax and land lease fees in instalments instead of being required to pay a lump sum as used to be the case. Before October 2012, taxes were paid directly to the tax collection branches of the districts located in sector offices. Now, taxpayers first go to a financial institution, either a bank or a SACCO (a financial cooperative institution) pay the amount due for a specific tax or fee such as the annual lease fee, obtain a receipt from the financial institution and surrender this receipt to the tax collection office in exchange of a tax receipt.

Although, Kigali city districts have systems that facilitate property tax and land lease fee collection, these need further improvement to ensure all amount due are effectively collected. A recent study on land lease fees and property tax collected by local government in Kigali City found that collected land revenues increased sharply from RwF 1,934,072,537 in 2011 to RwF 10,628,076,702 in 2013 (World bank, 2014).<sup>118</sup> For all Rwanda as a whole, the targeted land lease fees amount (RwF 182,342,675), of which only 41.6% (RwF 76,000,353) was collected up from 30 % between 2012 and 2013, only 30% <sup>119</sup>. There are exceptions and Kayonza district, for example, collected 100% of targeted fixed assets tax (property tax) for 2013 and 2014 , while this is less in other districts due to a of information on the exact number of properties owing taxes and fees. Most of the time the targeted amount to be collected is based on pure assumption (USAID, 2014). <sup>120</sup>

Even though the property tax collection system still faces challenges, the amount of property tax collected on assessed property exceeds the total cost spent to collect these taxes. Property tax departments in districts do not have many staff since tax payment is done through the bank. The tax department's role is to ensure that bank reconciliation is done properly and for this role, districts do not need many staff.

#### 4.8. Dispute resolution

This panel has two indicators with seven dimensions.

- **LGI: 8.1: Assignment of responsibility: responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against**

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<sup>118</sup> World Bank, Rwanda Land Governance indicators, April 2014. These figures concern land lease fees, property tax, rental income tax, transaction fees including notary fees, issuance of building permits etc.

<sup>119</sup> USAID, Land Tenure reform and local government revenues, Policy research brief 3, December 2014.

<sup>120</sup> Same as 22 above

- **LGI: 8.2: The share of land affected by pending conflicts is low and decreasing.**

**4.8.1. LG 8.1 Assignment of responsibility: responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against**

The table below presents the results of the assessment score for the dimensions

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LG18.1: Assignment of responsibility</b>						
8.1.1	There is clear assignment of responsibility for conflict resolution.					There are parallel avenues for dispute resolution but cases cannot be pursued in parallel through different channels and evidence and rulings may be shared between institutions so as to minimize the scope for forum shopping
8.1.2	Conflict resolution mechanisms are accessible to the public.					Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities
8.1.3	Mutually accepted agreements reached through informal dispute resolution systems are encouraged.					There is a local, informal dispute resolution system that resolves a significant number of conflicts in an effective and equitable manner and which is recognized in the formal judicial or administrative dispute resolution system
8.1.4	There is an accessible, affordable and timely process for appealing disputed rulings.					A process exists to appeal rulings on land cases at high cost with disputes resolved in a timely manner

In Rwanda, there are parallel avenues for dispute resolution. They can be informal or formal and either dealt with at the local administrative level – including mediation committees (“Abunzi”) - and judicial ways via conventional tribunals.

There are numerous informal systems that are used to resolve land disputes. When a land dispute involves members of the same family, often the family council can solve the dispute. When land disputes are outside the family, two or more people who are in dispute can agree on how to resolve the dispute and most of the time groups like ikimina<sup>121</sup>, cooperative or association intervene to mediate parties in such disputes.

<sup>121</sup> “Ikimina” is an informal group of people who actually work together, practice same activity like motorcycle drivers, or who are de facto group. The aim of those kind of groups is to help each other, advisory, to mediate in case of dispute, ...

On the other hand, if concerned parties cannot agree on how to resolve the disputes, there are other local and informal methods used such as “**Population council**” (**Inteko y’abaturatione**) where citizens are invited to participate in land dispute resolution. Usually, resolution of land disputes where the local population is invited to help find a solution takes place on the disputed land itself. All disputants with the help of local people are encouraged to resolve their issue on the spot. The same system is applied during “**Inama ya nyuma y’umuganda**” (meetings held after community works held every last Saturday of the month in all neighbourhoods) and “akagoroba k’ababyeyi”. All these are platforms used where citizens come together to share ideas, best practices and to resolve disputes, including land disputes.

Land disputes amongst individuals, families and other private parties may be taken to administrative authorities (Umudugudu, Cell, Sector, District, Office of the ombudsman, etc) and those institutions would assist in getting the disputes resolved. Given the decentralisation nature of the Rwanda administration system, it is possible to use the lowest administrative entity, either the umudugudu (village level), which is supposed to cover 100 households, or the cell level - composed of three to five imidugudu. Both umudugudu and cell levels are very near to the population and they both play a key role in dispute resolution before the dispute is escalated to other levels. There is no need for anyone to pay for transport costs or walk long distances to access umudugu or cell leaders. When a dispute case is pursued at local administration level, the appeal is done at the superior level at any time free of charge.

Methods described above resolve a significant number of land disputes and solution adopted by using one of those methods is recognized in formal administration or judicial system. A good example is the case whereby the Registrar of land titles may remove a land dispute recorded in any case and at any time with the consent of all interested parties without any intervention of local administration or judges.

One case can be submitted to different institutions in parallel. Parallel dispute resolution can only happen in informal disputes resolution practices and never in the judicial system. However, even though there is no established mechanism for sharing information, some methods used are helpful as far as information sharing is concerned:

- Institutions have learned to resolve land disputes in the field. Once field visits are organized to resolve land disputes, local-based institutions are invited to participate and therefore information is shared amongst all represented institutions.
- Another method is “**Dispute booklet (Agakayi k’ibibazo)**”- a system introduced by local authorities that helps track how a given dispute was resolved. With this system, the

dispute resolution starts at the lowest administrative entity “**Umudugudu/Village**”. At each administrative level, they record how a given dispute was resolved and the authority who resolved has to sign and stamp in that booklet. When the case is appealed to a higher administrative authority, they are required to present the booklet.

However, clear information and communication exchange mechanisms amongst all institutions involved in land disputes resolution is needed, as it is very easy to overlap.

The judicial system begins with mediation committees (Abunzi) based at cell and sector levels. All these instances are accessible to all communities and they are empowered to provide a first instance of conflict resolution as well as to take a bidding decision. The mediation committee’s competence is limited to the value of the land in dispute, the case has to be pursued in the Primary Court if the land being disputed is above a certain value (Frw 3,000,000). In Rwanda there are 60 primary courts which have the power to deal with land disputes; an equivalent of at least two Primary Courts in each district.

Whereas when the case was taken to the mediation committee at cell level, the appeal is done at the sector level free of charge. However, if the dispute is not resolved at any of the levels mentioned above, it will be referred to the primary or intermediate court according to their respective competency. At this stage, the disputant has to pay court fees. People are often advised to refer to the mediation committees to settle their disputes in order to save time and money because cases heard in the courts involve many people, cost a lot of money and time, affecting not only the parties but also judges, lawyers, bailiffs and even the State. For instance, the court fee to introduce a demand before primary court is 25,000 frw and 50,000 frw at intermediate court.<sup>122</sup>

In addition to this, though the appeal is free at certain levels, the applicant has to follow the case and s/he is obliged to leave her daily activities which is likely to impact household income, require transport and accommodation etc. Further, if the dispute is not resolved amicably by using the above mentioned informal or administrative methods, the applicant will have to bear the cost of the court bailiff to execute the decision.

However, any strategy that would help people use informal dispute resolution methods which are less time consuming and costly would be recommended. On top of solving the dispute, they also provide reconciliation and restore trust in the community.

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<sup>122</sup> Ministerial order N°002/08.11 of 11/02/2014 on court fees in civil, commercial, social and administrative matters published in the Official Gazette n° Special of 12/02/2014, page 44.

#### 4.8.2. LG 8.2. The share of land affected by pending conflicts is low and decreasing

This indicator has three dimensions.

LG8.2: The share of land affected by pending conflicts is low and decreasing						
8.2.1	Land disputes constitute a small proportion of cases in the formal legal system.					Land disputes in the formal court system are more than 50% of the total court cases
8.2.2	Conflicts in the formal system are resolved in a timely manner.					A decision in a land-related conflict is reached in the first instance court within 6 months for more than 90% of cases
8.2.3	There are few long-standing (> 5 years) land conflicts.					The share of long-standing land conflicts is between 5% and 10% of the total pending land dispute court cases

In Rwanda, there is a comprehensive land dispute database which is integrated in the land register but this is not linked to the e-court system. As a result, there is a difficulty in knowing the exact number of land disputes in courts the former are categorised within the category of civil matters which include other cases not related to land. Since land related disputes are recorded under civil cases, it is not easy to find the exact number of land related cases in a given court. It would be good if the judiciary system could review their classification and record system accordingly.

However, at intermediate court, there are many land related cases and it is estimated that 70% of case brought before primary court and intermediate court in the first Instance are land related cases<sup>123</sup>. Also, those figures may be justified by the fact that some cases are submitted directly to formal courts without passing through the mediation committees due to the limited jurisdiction and competence of the mediators.

The table below presents a report by the Supreme Court for the period between 2012 and 2013 on the average time a certain court would take to make decision about cases received.

**Table 8: Time for court case resolution**

n°	Court	Time from the date of introduction of case in court up to the date of taking a decision	Time from the date of first panel up to the date of taking a decision	Time to deliver a court decision (copy)
1	<b>Primary Court</b>	152.6 days	43.02 days	4.35 days
2	<b>Intermediate</b>	126 days	60.25 days	1.44 days
3	<b>High Court</b>	221.8 days	40.7 days	2.57 days
4	<b>Commercial Court</b>	49.55 days	35.3 days	1 day
5	<b>Commercial High Court</b>	123 days	122.2 days	1 day

<sup>123</sup> Grégoire DURUZ, *op cit*, p 15

6	<b>Supreme Court</b>	960 days	65 days	9 days
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**Source: Supreme Court, 2012 – 2013 Annual Report, p. 22.**

From what can be seen in the table above, the timeline between receiving cases and making decision illustrated above is in line with what is proposed by the law except for the Supreme Court.

Based on the annual report produced by Supreme Court; a decision in Primary court is reached in Five months, four months in intermediate courts and seven months in High court and 32 months in Supreme Court<sup>124</sup>. As for the cases submitted to administrative officials, the seized authority is required to respond in a period of one (1) month which runs from the date he/she received the informal appeal<sup>125</sup>. If he/she does not respond, the request shall be considered as if it is rejected and the party can lodge the case in a competent court.

The increased knowledge and capacity of judges have reduced the amount of time previously spent in making decision. This has led courts to make quicker decisions. If the party who lodges the case does not follow it for a period of more than 6 months, his or her case is dismissed in court's records. This reform also contributed to the reduction of long-standing land disputes in the courts around the country.

There are no long standing land cases considering that most land cases are found in primary and intermediate courts. Some cases which may take long in the court are found in the Supreme Court. Thus, following what has been said above, one would conclude that, the long standing land disputes in Rwanda are between 5 and 10 percent of all cases in the courts.

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<sup>124</sup> Supreme court, Annual Report 2012-2013, page 22.

<sup>125</sup> Law N° 21/2012 of 14/06/2012 relating to the civil, commercial, labour and administrative procedure, article 336.

## 4.9. Institution arrangements and policies

This panel has two indicators and 13 dimensions. The indicators are:

- **LGI: 9.1: Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed.**
- **LGI: 9.2 Equity and non-discrimination in the decision-making process: policies are formulated in a broad public process, address equity, and implementation is meaningfully monitored.**

### 4.9.1. LG 9.1 Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed

The table below presents the score results for all dimensions:

LGI	Dimension description	Score				Dimension
		A	B	C	D	
<b>LGI.9.1:</b>						
9.1.1	Land policy formulation, implementation and arbitration are separated to avoid conflict of interest					In situations that can entail conflicts of interest or are sensitive to abuse (e.g. transfers of land rights) there is some separation in the roles of policy formulation, implementation and arbitration
9.1.2	Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap).					The mandated responsibilities of the various authorities dealing with land administration issues are defined with a limited amount of overlap with those of other land sector agencies but there are few problems
9.1.3	Administrative (vertical) overlap is avoided.					Division of land-related responsibilities between the different levels of administration and government is clear with minor overlaps
9.1.4	Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible.					Information related to rights in land is available to other institutions that need this information at reasonable cost and is readily accessible, largely due to the fact that land information is maintained in a uniform way
9.1.5	Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.					The Legal framework and procedures for land-related matters (incl. renewable and subsoil resources) are fully consistent but there may be differences in the way complaints and grievance redress are handled
9.1.6	Ambiguity in institutional mandates does not cause problems.					Different public institutions deal with land-related matters very differently but functioning mechanisms for coordination are in place and regularly used

All institutions dealing with land administration issues have their respective mandates clearly defined and are decentralized to facilitate service delivery at different territorial administrative levels. The legal framework and procedures related to land are consistently drafted.

When a land policy is formulated, such as the NLP, the ministry responsible for land provides a draft which is then debated within the wider environment and natural resources sector, and land sub-sector group (comprising government ministries and departments, civil society organizations, donor agencies, and academic institutions). The agreed final draft is then taken to Cabinet for consultation, then approval. Once approved, the policy is implemented by the relevant land institutions under the ministry responsible for land, namely, RNRA, as well as other departments from ministries also involved in land use/management. The Abunzi and lower courts are responsible for arbitrating local land issues. Where these issues cannot be resolved, they are escalated to the higher courts. These functions generally operate separately and independently with some level of collaboration, mainly limited to information exchange. For example, with respect to land litigation, the land registry would be required to disclose relevant information to assist in the resolution of land related disputes handled by the court in question.

Generally, there are few examples of overlaps of rights since the legal and regulatory framework that governs land management, land tenure and land administration in Rwanda is clear about tenure typology. However, there are examples where certain conflicts arise between landowners and the State. For example, the law provides that subsoil resources belong to the State. Where such resources, (e.g. coltan) are discovered on land owned by an individual, the State has the mandate to expropriate the land and compensate the land owner, even if the land is freehold.

Interpretation and application of these tools are sometimes contradictory. This is often as a result of a lack of capacity in terms of knowledge by the responsible body. For example, with respect to the judiciary, there have been some recent examples of the courts finding that individual pieces of land should be sub-divided in situations where the piece of land is agricultural land and is less than one hectare in size. In this case, the Office of the Registrar of Land Titles has not enforced these rulings since the law only allows subdivision above one hectare.

There are also situations where separation of roles is not always clear-cut. For example, where there are complaints with respect to service delivery by a particular institution, that same institution will be responsible for addressing the complaint (e.g. complaints by individuals for delaying transfer of land rights, or title documents, with RNRA being both the subject and arbiter.

Horizontal overlaps amongst institutions are often a result of having mandates that are similar. This is the case, for example, between Rwanda Housing Authority (RHA) and RNRA, where both are responsible for land use planning at national and local level. This causes confusion when land use plans are being prepared especially at district level. Although RHA is supposed to focus more on urban centres and RNRA on rural land at national level, RNRA also has the mandate to draw national land use plans to provide guidelines on land use plan development in both urban and rural areas. When it comes to individual land use plan development at district level, there are similarities in mandates of both organizations. This is evidenced by district professionals working with both RHA and RNRA in district land use plans where they often complain of receiving diverging messages from both bodies. During panel discussions, it was suggested that where such duplication arises, institutions should be merged (where the problem is endemic) or responsibility be delegated to one institution only. This would improve efficiency.

That said, there are examples where institutions sometimes have conflicting mandates with respect to land which can cause problems. Following the land registration process, Rwanda Transport Development Authority (RTDA) was given the mandate to allocate road reserves, sometimes encompassing (either partly or wholly) privately-owned land which was previously registered (thereby sanctioned) by RNRA. These landowners were unable to use their land, and were even required by Rwanda Revenue Authority to pay tax for the land they 'owned'.

Institutions at the decentralized level are generally set up with distinct mandates but more clarity of roles and responsibilities is desirable especially during the implementation of cross cutting projects such as land use plans. The District land office (DLO) was used as an example. RNRA considers that it has the technical mandate to support and advise the DLO, but the district executive authority also believes that the DLO is under its mandate as it is housed under district premises, and they also pay the district land officers. Inevitably, the DLO receives multiple (sometimes contradictory) instructions from the two institutions. Panelists observed that often planning is done in isolation and in an *ad hoc* manner, resulting in poor implementation of various programmes. Lack of integrated planning and communication amongst institutions were raised as reasons for these issues.

There are functioning mechanisms in place to support the coordination between all land institutions, and cooperation is observed on a regular basis through various working group meetings, workshops and joint field visits. For example, the environment and natural resources (ENR) sector group brings together all institutions working on land and other natural resources. There is also a land sub-sector committee that brings together all institutions that work on land at central and local level, development partners and civil society organizations.

Regarding information sharing, RNRA has also developed a national land use master plan and is currently supporting districts to develop detailed districts land use plans. This information is held by RNRA, as custodian. The National Land Use Planning portal which is an electronic platform used to share land use information and data free of charge.

Land right and use information is stored in a uniform way, by a single institution, RNRA. The land register holds land information for each parcel of registered land, including parcel size, location, and land owners' names, information related to the rights and obligations of landowners, land use and restrictions. Individuals, government and private institutions in need of information pertaining to land apply to RNRA. Information requested by government institutions is given free of charge, such as to the courts, the ombudsman office and other ministries. With respect to land litigation, the land registry would be required to disclose relevant information to assist in the resolution of land related disputes handled by the court in question.

Given that the register is public information, individuals who are interested in land related information recorded on the register, are also able to access certain information under the supervision of the registrar of land titles. There is a small cost involved for obtaining this information. However, due to confidentiality issues, not all information can be shared with the general public (e.g. information related to national security, personal information, mortgage details etc.). Some information can be accessed via other methods such as the National Land Use Planning portal which is an electronic platform used to share land use information and data free of charge.

#### 4.9.2. LG 9.2 Equity and non-discrimination in the decision-making process: policies are formulated in a broad public process, address equity, and implementation is meaningfully monitored

This indicator has six dimensions which are assessed below.

<b>LGI.9.2: Equity and non-discrimination in the decision-making process: policies are formulated in a broad public process, address equity, and implementation is meaningfully monitored</b>					
9.2.1	Land policies and regulations are developed in a participatory manner involving all relevant stakeholders.				A comprehensive land policy exists or can be inferred by the existing legislation, and those affected by decisions were consulted beforehand and their feedback on the resulting policy is incorporated
9.2.2	Land policies address equity and poverty reduction goals; progress towards these is publicly monitored.				Land policies incorporate clearly formulated equity and poverty objectives that are regularly and meaningfully monitored, and their impact on equity and poverty issues is compared to that of other policy instruments
9.2.3	Land policies address ecological and environmental goals; progress towards these is publicly monitored.				Land policies incorporate clearly formulated ecology and environmental sustainability objectives that are regularly and meaningfully monitored, and their impact is compared to that of other policy instruments

9.2.4	The implementation of land policy is costed, matched with benefits and adequately resourced.					The implementation of land policy is costed, though not necessarily based on a comparison of expected benefits and costs. There is an adequate budget, resources and institutional capacity
9.2.5	There is regular and public reporting indicating progress in policy implementation.					Formal land institutions report on land policy implementation but in a way that does not allow meaningful tracking of progress across different areas or in a sporadic way
9.2.6	Land policies help to improve land use by low-income groups and those who experienced injustice.					Policy is in place to improve access to and productive use of assets by poor and marginalized groups, is applied in practice, but is not effective
9.2.7	Land policies proactively and effectively reduce future disaster risk.					Policy is in place to prevent settlement in high risks areas which is enforced, and translates anticipated future risks into land use planning that is enforced

Food security, security of tenure, and poverty reduction are some of the key pillars upon which the NLP is built. Its objectives advocate for equity and poverty reduction (GoR, 2004), including: (i) to establish a land tenure system that guarantees tenure security for all Rwandans for the promotion of investment in land; (ii) to promote good allocation of land in order to enhance rational use of land resources according to their capacity; (iii) to establish mechanisms which facilitate giving land its productive value in order to promote the country's socio-economic development; and (iv) to focus land management towards more viable and sustainable production by choosing reliable and time-tested methods of land development. Whilst these objectives have been implemented, where land rights are equitable, and the rights of the poor are protected, progress towards these goals is not publicly monitored or recorded.

Three of the NLP objectives are specifically related to ecological and environmental sustainability: (i) to develop actions that protect land resources from various effects of land degradation; (ii) to promote the involvement and sensitization of the public at all levels in order to infuse land use practices that are favourable to environmental protection and good land management; and (iii) to promote conservation and sustainable use of wetlands. In practice, all rivers, reserve areas such as wetlands and lakes have a buffer zone where human activities such as farming or building are prohibited. For wetlands, for example, farming and building is only allowed 50 meters from the wetland boundary. For rivers, farming is allowed 10 meters away from the river and 50 meters from the lake shore. This buffer zone principle is respected in practice and where the land in buffer zones is privately owned, land owners are only allowed to develop "friendly" activities that do not cause soil degradation or water pollution. Whilst these objectives have been implemented, progress towards these goals is not publicly monitored or recorded.

The NLP advocates for security of tenure and equity for all landowners including vulnerable and poor people. The land tenure regularization programme included land belonging to

poor and vulnerable groups such as orphans and widows. These groups were issued land titles during the registration process notwithstanding failure to afford the fee. In such cases, these fees were waived by government. Although the NLP is clear in its objectives to protect the vulnerable and poor, in practice this is not always the case. For example, given that the law does not recognize women in informal marriages, these women are unable to have joint ownership rights recorded on the land register. Moreover, whilst the law protects the rights of women to inherit land, in practice, there is still some unawareness, leading men to assert incorrectly their claim over the land in question.

One key component of both national and district plans (part of the implementation of the NLP) is to ensure that all high risk zones are identified and the concerned institutions are informed. For example, according to the plan “The Districts of Gicumbi, Gakenke, Nyabihu, Rulindo and Muhanga have the greatest proportion of land above 13 and 25 degrees” and this makes them high risk zones in Rwanda. Based on the national land use plan, these high risk zones were demarcated. The ministry of local government was tasked to draw up a resettlement plan to ensure all concerned communities or individuals would be relocated to safer areas. Due to financial constraints, the planned resettlement plan has not been fully implemented.

There is no systematic regular reporting on policy implementation on NLP or the OLL. Most policy implementation reports are done on an *ad hoc* basis and usually those reports are not publicly accessible, nor is the public aware that such reports exist. Although, the NLP’s implementation is not reported systematically, it is worth noting that the implementation of the NLP was broken into various key programmes, which were systematically monitored and reported. These include mainly the land tenure reform programme and the national land use master plan.

The NLP came into being in 2004 after more than seven years of consultations amongst various stakeholders. Stakeholders the public and private sector organizations, civil society organizations and the general public were consulted and views were gathered from all these groups. The current revised, legal framework governing land issues has gone through several public consultations where various stakeholders were invited to give their views, which in most cases, were considered in the final draft legislation. Given that some objectives of the NLP have been achieved, new objectives need to be set to deal with changes that have taken place since the NLP’s adoption, as well as reforms to the policy as a result of lessons learnt. It is therefore timely that the NLP review has already started, as anticipated by Government when it suggested a mid-term review in order to make any necessary adjustments. Some of the changes needed in the policy review as noted by Byamugisha include: *‘urban growth, climate change, environmental conditions, land pressures and intra family land disputes*. Other issues include defining and implementing

expropriation; implementation and impact of land use consolidation; concerns on implementation of grouped settlements; confiscating and managing unused and abandoned land and property; prohibiting sub-division of agricultural land to below one hectare; concerns over sustaining land administration services; prevalence of land disputes and the ability of institutions to address them; taxation and high land transaction fees for the poor; concerns over sustainability of land administration services; need for guidance in allocating and leasing marshlands; concerns over land lease durations and conditions for renewal; concerns regarding land rights of women in informal or polygamous marriages etc.

Land policy implementation activities are costed but usually expected benefits are not systematically calculated and compared with the costs incurred since the advantages are obvious but medium term, and there is a necessity to implement the activity itself, such as for example, the national land tenure regularization programme. The focus was more on mobilizing the budget required to get all land on the register. However, the same approach is used for the current land administration system that should be sustainable as much as possible with local resources. Costing is done for the investment needed to establish a sustainable land administration system, but no calculations of the benefits the system would generate.

There are common challenges to all institutions listed above. These are limited capacity, lack of sufficient funds, high staff turnover and regular civil service reforms. According to the review of the training needs assessment of the land sector, capacity issues are prevalent at three different levels (Makuza, 2011).<sup>126</sup> Staff working in the land sector lack basic land administration and management skills. This is a historic problem stemming from Rwanda's education system which did not have a specific curriculum on land. Land administration graduates from INES, University of Rwanda, and Umutara Polytechnic are still few. For some technical areas including land valuation and land surveying, there is insufficient local expertise to fill the gaps currently present, such that Rwanda is dependent on expertise from regional countries. On the job training is affected by civil service reforms transferring trained staff to other sectors. At the organizational level more capacity is needed regarding effective communication and sharing information and the review recommended that a reporting system should be established.

#### **4.9.3. Key institutional challenges**

- Financial sustainability of the land administration system. It is important to ensure that beyond development partners support, the land will be able to establish cost recovery system and therefore allowing the service to be self-financing; and

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<sup>126</sup> Jules Makuza, Review of training needs assessment and capacity building plan of National Land Centre, 2011

- Capacity of the justice sector to handle all land related disputes.
- Frequent changes and reshuffles in the civil service sector
- The functioning of District land Offices can be hindered as responsibility for supervision is scattered between the District Authorities and the Rwanda Natural Resources Authority. Moreover, DLOs are often also assigned tasks by their administrative hierarchy in addition to land matters (such as rural settlement implementation policy, expropriation matters, or very different monitoring tasks such as tracking “Nyakatsi” (grass thatched houses, etc...)). It is imperative that District Land Bureaus are fully dedicated to land matters, with clear supervision channel.
- Governance of the forest sector has gone through real crisis with regards to consequences of the war and the genocide. For instance the death and exile of forest professionals and end of all development projects due to the withdrawal of donors had great impact on the sector. Currently there is a general shortage of human resources in terms of competence and number. Supervision of forests is an area that also needs attention. This is especially for the smaller natural forests which are left to the responsibility of already understaffed local authorities, making them vulnerable to encroachment and degradation. It is thus essential that forest management plans or conservation strategies be developed.

## Chapter 5: Best practice, key issues and recommendations

### 5.1. Best practice

The implementation of the LTR programme has resulted in a number of good practices which other countries could learn from should they wish to roll out a similar programme. The section below presents a summary of key best practices:

- Implementation of a low cost (less than USD 8/parcel) community-led mass land registration campaign using aerial photography for land demarcation. Post demarcation and adjudication, all spatial data was digitalised and centralised in an electronic land register and cadastre. The national land register and cadastre contains all land in Rwanda which is recorded and mapped (including State-owned land, private land, forests, protected areas, wetlands and swamp lands);
- There is no disparity between men and women owning land in Rwanda (reflected in the figures where, for example, land solely owned by women amounts to to 2,068,137 (18%) parcels);
- Open competition in the allocation of public land, where everyone interested in acquiring public private land for investment has to go through an open bid tender process. This process has been in place since June 2013 with the aim of improving transparency in terms of public goods management;

- Reserve and protected areas such as wetlands, lakes and rivers are well protected with a buffer zone around them. A national land use development master plan was developed in guiding land use and management in Rwanda;
- Establishment of both forest and mining cadastre and register;
- Establishment of a national continuous operating system (CORS) covering the entire national territory to facilitate all land survey work;
- Creation of e-governance in land administration including a digital land administration information system (register and cadastre); a land query notification system (that is, where the applicant receives a tracking number for the file. S/he receive the message indicate the number of the file, where the file is, brief the status of the file; a mobile phone land information system which is currently under construction. This system will anyone willing to buy any piece of land to check information on that piece of land including land size, location, use and any encumbrances that might be registered to the parcel.
- Introduction of land week awareness programme. Since 2014, the government of Rwanda adopted the land week awareness programme every year. Land week aims at raising awareness on land related issues especially encouraging land owners to register any land transaction, collect their land titles and respond to any query landowners might have. Staff from RNRA, zonal offices, District land offices and sector land managers make various visits to meet local community and held meetings with them. Local authorities including Mayors and sometimes Ministers are also invited to attend such meeting to stress the importance on registering land transactions. Campaign also helps land officials to know issues pertaining to land they may not have known shouldn't they have visited the communities.
- Regular and speedy revision of laws and policies to keep up with developments and emerging issues;
- Model office: The model office concept is currently being tested at Kicukiro district. The purpose of the model office it to optimize organizational design, reduce procedures, staffing, tooling, control and monitoring in small and large office. This Module office will reduce time for applicant and also cost for transport. The handling of physical files and the issuance of certificates at the zones office should be phase out. The files should be scanned and stored and used to process and approve. That would improve the delivery time and available capacity effectively. In the module office certificates should be replaced by computer printouts.

## 5.2. Summary of key issues

Whilst Rwanda has made significant in-roads in its land reforms, LGAF has identified a number of areas which require improvement. The main issues identified in this report are:

- Non-recognition of rights of women in informal marriages;
- High level of informal land transactions;
- Lack of policy governing public land;
- Institutional overlaps in land management;
- Absence of resettlement policy;
- Ineffective land revenue collection;
- Inadequate compensation for expropriated land.

Other issues along suggested recommendations are outlined in 5.3 section below in the policy matrix. The policy matrix also provides ways in which the identified issues can be resolved.

### 5.3. Policy matrix

Having identified areas of improvement, this report provides a series of recommendations for each issue identified.

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
<b>Land tenure recognition:</b>			
<i>The Land tenure regularization (LTR) programme culminated in demarcation and adjudication of 11.4 m. parcels and issuance of 8m land titles and leases. The 2004 legal framework (OLL) is clear and was reviewed in 2013</i>			
<ul style="list-style-type: none"> <li>Urban land rights can be weakened by land development requirements in new masterplans.</li> <li>Sub-leases are neither prohibited nor approved, when concerning land other than agricultural.</li> </ul>	<p>Urban plans must respect tenure security of land owners. Expropriation carried out for urban master plan implementation purposes must respect the market value of the property and owners of land to be expropriated must be paid according to market price.</p> <p>Regulation on land lease should clarify categories of land when sublease is allowed and when it is not and should specify the rights of sub-lessees.</p>	<p>City authorities</p> <p>MINIRENA, RNRA and MINAGRI</p>	<p>Clear regulations, procedures on sublease rights and registration of these rights</p>
<b>Gender</b>			
<i>Recognition of women's land rights in numerous laws; women's rights in monogamous marriages registered by civil law. De facto majority of women enjoy land rights, even in informal marriages.</i>			
<ul style="list-style-type: none"> <li>Ownership rights of women in polygamous marriages are not protected; the constitution recognizes only one legally married wife.</li> <li>Perception that women should not have equal rights to land.</li> </ul>	<ul style="list-style-type: none"> <li>Review Succession law and the Gender Based Violence law (particularly art. 39) to harmonize with gender provisions in the Land Law</li> <li>Establish legal provision allowing women in informal and polygamous marriages to own land on an equal basis as men and be</li> </ul>	<p>MINIRENA, MINIJUST, GMO, RNRA, NGOs working on women's land rights issues (i.e: HAGURUKA, RISD), LAND Project</p>	<ul style="list-style-type: none"> <li>Revised succession law and article 39 of the gender based violence law.</li> <li>Legal provisions allowing women in informal and polygamous marriages to own land and have rights</li> </ul>

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
	<p>registered on land document.</p> <ul style="list-style-type: none"> <li>•</li> <li>• Continue information and awareness campaigns on women's rights.</li> </ul>		<p>registered in their own names or as co-owners alongside their male partners.</p> <ul style="list-style-type: none"> <li>• Positive change of attitudes where people, especially men, understand that women should have equal land rights as their male counterparts.</li> <li>• % of land documents registered in husband and wife's names in informal marriage.</li> <li>• % of land registered in women's names in informal marriages</li> </ul>
<b>Forest</b>			
<b><i>The forest legislation and national forest policy are adequate and unambiguous, and include benefit sharing arrangements with communities. Protected areas and wetlands have a buffer zone</i></b>			
<ul style="list-style-type: none"> <li>• Rights to forests and protected areas are registered and mapped, but the forest register and cadastre are not yet completed and this constitutes a hindrance to forest management.</li> <li>• Some disputes between the State and individuals over forest ownership.</li> <li>• Ambiguous boundaries of national parks hinder enforcement of protected area regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Complete both forest register and cadastre.</li> <li>• Demarcate and mark boundaries of Nyungwe National and Virunga National Parks.</li> <li>• Ensure timely compensation due to wildlife damages.</li> <li>• Ensure that communities neighbouring protected areas have a stake in management, benefit from this, and are part of decision making on use of revenues.</li> <li>• Develop time-bound strategy for fairly resolving disputes over forest lands.</li> </ul>	<p>RNRA (Forest department)</p> <p>RDB (tourism department) and Lands and Mapping department of RNRA;</p> <p>RDB (tourism department)</p>	<ul style="list-style-type: none"> <li>• Fully functioning forest register and cadastre.</li> <li>• Clear boundaries around Nyungwe and Virunga national parks.</li> <li>• Document outlining community's roles in management of protected areas and the benefits.</li> <li>• Forestry services and staff posted at district and sector levels.</li> <li>• Increase number of skilled foresters.</li> </ul>

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
<ul style="list-style-type: none"> <li>Absence of fencing of protected areas cause wildlife related crop damage, house invasions and human injuries, though compensation is offered.</li> <li>Neighbouring communities are not engaged in management of the Akagera national park or other protected areas, contrary to 2004 national land policy.</li> <li>Land holders cannot always obtain permits to harvest woodlots on their fields.</li> </ul>	<ul style="list-style-type: none"> <li>Develop strategy for effective implementation of forest policy and ensure adequate resources.</li> <li>Consider full decentralization of forestry services to the Districts and Sectors, while integrating RNRA forestry staff into local Government.</li> <li>Provide on-job training to existing forestry staff and, where necessary, send staff abroad for more advanced forestry trainings to ensure forest staff capacity is maintained.</li> </ul>	RNRA (forest department)	
<b>Land use Planning</b>			
<ul style="list-style-type: none"> <li>Urban and rural land are ambiguously delineated, hindering enforcement of land use regulations and plans in both peri-urban and rural zones.</li> <li>Implementation of land use plans lacks coherence, is ad-hoc, and bottlenecks for implementation are not analysed properly.</li> <li>Land use planning regulations are not well-known</li> <li>District land use plans are under development but public participation in their preparation</li> </ul>	<ul style="list-style-type: none"> <li>Adopt presidential order determining urban delineation.</li> <li>Include costed implementation plan in the review of the NLP document.</li> <li>Develop integrated planning frameworks and processes to guide all land institutions.</li> <li>Make public consultation during land use plans preparation mandatory in the review of the NLP Make monitoring of NLP's implementation mandatory and develop monitoring framework.</li> <li>Apply rural and urban land use regulations.</li> <li>Assess impact on livelihoods and incomes of changes in land use zoning and urban</li> </ul>	MINIFRA and RHA, Districts and Kigali City Council, MINALOC, MINIRENA, PRIMATURE AND RNRA	<ul style="list-style-type: none"> <li>Presidential order on urban delineation in place.</li> <li>Revised NLP to include requirements for costing land use plans implementation.</li> <li>Revised NLP to include mandatory public consultations during land use planning process.</li> <li>Revised NLP to include a monitoring framework</li> </ul>

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
<p>needs to be thorough.</p> <ul style="list-style-type: none"> <li>Restrictions on building in disaster prone areas (wetlands, steep slopes) are too strict given that this concerns a large proportion of scarce lands.</li> <li>Demolition of stable houses on slopes should be prevented where possible.</li> </ul>	<p>delimitation and apply mitigation measures.</p> <ul style="list-style-type: none"> <li>Develop alternative measures to mitigate the risk in disaster prone areas (terracing, building materials).</li> <li>A participatory planning approach be adopted when developing land use plans;</li> <li>Tools used to present the plans to the public should be simple and flexible in order to facilitate the public's understanding of the plans and to gather their input</li> </ul>	<p>MIDIMAR</p> <p>RNRA, RHA, districts</p>	
<b>Urban land use</b>			
<ul style="list-style-type: none"> <li>Condominium law in place but not all people concerned are aware of its existence.</li> <li>Legal framework for urban planning is partly not in place.</li> <li>Preparation of urban land use plans needs to be made more participatory.</li> <li>New urban land use plans and regulations result in many buildings becoming informal.</li> <li>Not all buildings meet the criteria to be granted renovation/ rehabilitation permits.</li> <li>Flat fee for building permits is burden for low-income groups.</li> </ul>	<ul style="list-style-type: none"> <li>Review the communication and awareness campaign on condominium law and other related regulations and procedures.</li> <li>Adopt and implement the Ministerial Order Determining Urban Planning and Building regulations;</li> <li>Address challenges of urban land use regulations in the new urbanization policy and implementing orders.</li> <li>Base urban zoning regulations on legal principles.</li> <li>Reviewe/ modify urban planning documents (land use specifications/ zoning) to improve land use efficiency.</li> <li>Make multidisciplinary development of urban plans mandatory in the new urbanization policy.</li> </ul>	<p>RNRA, City authorities, Association of real estate developers</p> <p>MININFRA, RHA</p> <p>RHA, MININFRA and city authorities, RNRA, MINIRENA, PRIMATURE, MINECOFIN</p> <p>City authorities</p> <p>City authorities</p>	<ul style="list-style-type: none"> <li>Awareness strategy on condominium law dissemination.</li> <li>Adoption of the ministerial order determining urban planning and building regulations and review of dated urban regulations.</li> <li>More trained local authorities in urban land use preparation and building permitting process.</li> <li>New building permit fee structure.</li> <li>Monitoring framework of urban plans implementation in place.</li> <li>Low cost housing schemes and policy in place.</li> <li>Instructions and processes of housing formalization established.</li> </ul>

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
<ul style="list-style-type: none"> <li>• Lack of low-cost houses and land for development.</li> <li>• The list of civil servant who qualify for affordable housings to be built by the government should include other categories of people and not be limited to civil servant;</li> </ul>	<ul style="list-style-type: none"> <li>• Mandatory monitoring of urban plans implementation.</li> <li>• Involve community at cell level in regular development and review of zoning regulations and plans preparation processes.</li> <li>• Engage with and build capacity of local authorities on land use planning and building regulations.</li> <li>• Provide capacity building to local authorities (at cell, sector and district levels) responsible for implementing land use plans and building permits.</li> <li>• Introduce progressive fee structure for building permits proportionate to the cost of the building.</li> <li>• Develop transition plan towards formalization of existing buildings that became “illegal” when new zoning regulations and plans were introduced.</li> <li>• Develop and implement detailed policy for affordable housing for low-income groups including strategy for making land available.</li> <li>• Information on urban planning expansion should be made public and consultations should be held to gather views on the expansion project. These consultations should be preceded by thorough studies which provide the benefits of the urban</li> </ul>	<p>City authorities and MINECOFIN</p>	

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
	expansion and the consequences that the expansion may cause		
<b>Public land</b>			
<b>All public land in Rwanda is identified, titled and stored in land register (State land 379,398 parcels (1309 km<sup>2</sup>); wetlands 635,368 parcels (1,049 km<sup>2</sup>))</b>			
<ul style="list-style-type: none"> <li>• Public land is not always well demarcated on maps and land use is not always respected in land use plans.</li> <li>• Lack of policy governing public land.</li> <li>• Unambiguously assigning responsibilities creating inefficiencies.</li> <li>• No specific institution responsible for public land management.</li> <li>• Assigned resources for public land management are limited.</li> <li>• New road reserve law has limited individual land rights but no compensation is given; some individuals continue paying lease fees on land demarcated as road reserves.</li> </ul>	<ul style="list-style-type: none"> <li>• Include either a specific policy on public land in the new NLP under preparation or develop special policy for public land.</li> <li>• Review and clarify procedures and laws governing public land management by institutions such as RNRA, RHA, MINIRENA, MINAGRI and MININFRA; define the role of local authorities.</li> <li>• Prepare a costed implementation plan for public land policy with monitoring criteria set.</li> <li>• Pay compensation to all individuals living in road reserves.</li> <li>• Stop charging lease fees to individuals (with ownership documents) in road reserves.</li> </ul>	<ul style="list-style-type: none"> <li>• MINIRENA, RNRA, PRIMATURE, REMA, MINALOC, MINECOFIN, MINICOM and MINAGRI</li>   <li>• RTDA with technical support from RNRA and RRA</li> </ul>	<ul style="list-style-type: none"> <li>• Policy/specific provisions in the revised NLP on public land management in place.</li> <li>• Specific institution mandated to manage public land established.</li> <li>• Clear local government authority roles in public land management determined.</li> <li>• Individuals with land in road reserves areas compensated and where possible relocated.</li> <li>• Available data on number of parcels expropriated and amount of compensation paid.</li> <li>• Number of investment projects with area of land assigned (public land, government acquired; expropriated).</li> <li>• Timeliness of compensation payment.</li> <li>• Number of complaints.</li> </ul>



Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
	<ul style="list-style-type: none"> <li>• Contracts between the State and investors be in the public domain;</li> <li>• Social benefits deriving from the transfer of public land to private use be publically known and systematically monitored;</li> <li>• Private land owners are appropriately informed of their land rights when an investor is interested in acquiring their land for investment.</li> <li>•</li> </ul>		
<b>Expropriation and compensation</b>			
<ul style="list-style-type: none"> <li>• Inadequate compensation for expropriated land.</li> <li>• Expropriation procedures do not take into account secondary rights (rental of land or house) or unrecorded rights to natural resources.</li> <li>• Absence of resettlement policy.</li> <li>• Resettlement is often far from original community, to sites that are not prepared, causing hardship and grievances.</li> <li>• Loss of plots for family homes due to expropriation.</li> </ul>	<ul style="list-style-type: none"> <li>• Review expropriation law to include compensation of unrecorded rights (rented land, road reserves, fisheries and grazing lands).</li> <li>• Develop resettlement policy.</li> <li>• Resettlement should be close to former homes; sites should be well-planned.</li> <li>• Compensate expropriated (rural and urban) homestead plots with alternative residential plots.</li> </ul>	<p>MINIRENA, RNRA and partner organisations</p> <p>Authority carrying out expropriation</p>	<ul style="list-style-type: none"> <li>• Amended expropriation law with provisions on compensation of unrecorded rights;</li> <li>• Resettlement policy in place;</li> </ul>
<b>Land register (LAIS) and land administration</b>			



Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
<p>history of transactions, undermining its utility as evidence for any dispute that may emerge in future;</p> <ul style="list-style-type: none"> <li>• Fraud during LTR registration (appropriation of public land, appropriation of private land) is difficult, expensive and slow to correct as a result of application of Torrens registration principle</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and disseminate a client charter on RNRA mandate and services, requirements, timelines, location and costs.</li> <li>• Make land transaction fees progressive.</li> <li>• Consider exemptions for registration fees for inheritance below a certain size and for <i>umunani</i>.</li> <li>• Establish a self-financing land administration system.</li> <li>• Review land registry mandate to enable income generating activities to ensure sustainability.</li> <li>• Review law on land-based revenues, collection and use to allow land institutions to maximise the collection of land related fees.</li> <li>• Establish a system enabling cost-benefit analysis of the land register operations.</li> </ul>		<ul style="list-style-type: none"> <li>• Cost benefit analysis of land administration system in place</li> </ul>
<b>Land valuation and taxation</b>			
<i>All landowners liable to pay annual land lease fees and fixed asset taxes are listed in digital land register; freehold pay a “fixed asset tax”. Fees important revenue for local government</i>			
<ul style="list-style-type: none"> <li>• Tax/owed fees gap is considerable (estimated at more than 50%)</li> <li>• use of market prices instead of reference prices affects poor land holders who cannot afford a</li> </ul>	<ul style="list-style-type: none"> <li>• Improve tax collection by amending Law N° 59/2011 of 31/12/2011 to enable the Rwanda Revenue Authority to collect all land lease fees and taxes on fixed assets</li> <li>• Enhance the connection between the land</li> </ul>	RNRA, MINIRENA, MINECOFIN, IRPV, RRA and MINALOC	<ul style="list-style-type: none"> <li>• Law on land revenue collection amended;</li> <li>• LAIS fully connected to RRA tax collection system;</li> <li>• Valuation rolls in place and</li> </ul>

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
<p>counter valuation when expropriated;</p> <ul style="list-style-type: none"> <li>• valuations system lacks efficiency and coherence due to limited understanding of valuation law and procedures by District land officers;</li> <li>• No policy requirements for establishing valuation rolls;</li> <li>• Insufficient skilled valuation professionals;</li> </ul>	<p>register and the tax authority (land based revenue information system) to help ensure property tax and lease fees are paid;</p> <ul style="list-style-type: none"> <li>• Monitor land collection processes and affordability by land owners;</li> <li>• Make valuation rolls mandatory in the NLP review;</li> <li>• Establish district level valuation rolls and review them on annual basis of property values under IRPV guidance with central government financial support;</li> <li>• Make valuation calculation formula available on a public platform;</li> <li>• Task the Institute of Real Property Valuers (IRPV) to establish reference prices reflecting market price;</li> <li>• Strengthen technical capacity of IRPV members; promote collaboration with East African Community to improve their capacity;</li> <li>• Train District land officers responsible for land valuation and improve their understanding of the valuation law and practice;</li> <li>• Ensure supervision of land valuation profession is following rules and procedures prescribed by Law</li> </ul>	<p>MINIRENA, RNRA and IRPV</p> <p>MINALOC, LARGA, IRPV</p> <p>IRPV</p> <p>RNRA</p>	<p>made public;</p> <ul style="list-style-type: none"> <li>• Reference prices for expropriation purposes established and their revision schedule in place and made public;</li> <li>• Collaboration platform between IRP and EAC valuation bodies established;</li> <li>• IRPV members trained;</li> </ul>

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
<b>Land dispute resolution</b>			
<b><i>Comprehensive dispute data base exists as part of LTR; 23,488 parcels listed as under dispute; Mediation and a range of other forms of alternative dispute resolution (ADR) are well-developed, accessible and recognized by courts</i></b>			
<ul style="list-style-type: none"> <li>• Data on types of disputes, and length of procedures for their resolution not available;</li> <li>• Agreed land disputes resolutions are not always executed;</li> <li>• Information sharing platform between the various structures involved in dispute resolution does not formally exist;</li> <li>• Disputes escalated to courts are handled relatively quickly, but constitute at least 50% of case load;</li> <li>• Insufficient capacity in judiciary system, with cases not being segregated</li> </ul>	<ul style="list-style-type: none"> <li>• Improve land dispute data base by adding typology, types and status (pending or resolved) and integrate them in land governance monitoring system;</li> <li>• Establish mechanism for information-sharing between institutions involved in dispute resolution process;</li> <li>• Provide training in land law and implementing orders to local mediators, judiciary, lawyers, and court bailiffs, local government authority;</li> <li>• Strengthen capacity of lower courts and Abunzi ( training) to increase productivity and improve quality by reducing the number of challenges on appeal to higher courts</li> <li>• Appoint specialized land judges to reduce case load and, improve quality and consistency of judgments</li> <li>• Establish coordination mechanisms amongst institutions dealing with land disputes to avoid overlaps and duplications</li> </ul>	<p>RNRA</p> <p>RNRA, MINIJUST, Office of the Ombudsman,</p> <p>RNRA, NGOs working on land issues (i.e. RISD, RCN)</p> <p>MINIJUST</p>	<ul style="list-style-type: none"> <li>• Complete land dispute database in LAIS with clear categories of land disputes;</li> <li>• Information sharing platform established;</li> <li>• Specialised land judges appointed and trained;</li> <li>• Local mediators, judges local authorities and lawyers knowledge on land laws increased.</li> </ul>
<b>Policy and institutional framework</b>			

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
<b><i>Comprehensive legal framework (NLP; land law) that is regular reviewed; Establishment of land institutional framework at central, zonal and district level, supported by sector and cell land committees; an inter-ministerial structures; Staff training program towards maintaining system; standard review of procedures to improve effectiveness</i></b>			
<ul style="list-style-type: none"> <li>• Insufficient institutional and staff capacity and resource gaps still exist</li> <li>• Institutional overlaps in land management due to weak communication and coordination</li> <li>• Insufficient Public awareness on land laws;</li> <li>• District land Offices are supervised by both District Authorities and RNRA, and can be assigned other tasks in addition to their work on land related matters;</li> <li>• Land administration institutions built on first registration requirements;</li> <li>• Lack of organisational business development strategy that focuses on sustainability;</li> </ul>	<ul style="list-style-type: none"> <li>• Create effective communication strategy for all land institutions;</li> <li>• Strengthen multi-stakeholder engagement (incl CSO/Ngo) in Policy implementation, awareness raising, capacity building and monitoring;</li> <li>• Develop functional land governance monitoring system and report regularly on progress implementation process;</li> <li>• Develop a land administration business development strategy that focuses on sustainability;</li> <li>• Review and clarify institutional mandates and responsibilities; address duplication, overlapping responsibilities and ensure independency;</li> <li>• Develop integrated and harmonized coordination of land institutions at local and central level, with all sector and district land staff under RNRA;</li> <li>• Ensure that DLOs can fully focus on land related work;</li> <li>• Introduce staff performance monitoring and</li> </ul>	<p>MINIRENA, RNRA, ENR sector, PRIMATURE</p> <p>RNRA</p> <p>RNRA</p> <p>PRIMATURE</p> <p>RNRA</p>	<ul style="list-style-type: none"> <li>• Communication strategy amongst land institutions in place;</li> <li>• Land governance monitoring system in place;</li> <li>• Land administration institutional development strategy in place;</li> <li>• Clear land institutional mandates and responsibilities;</li> <li>• Staff performance monitoring and incentive scheme introduced;</li> <li>• Cost of the NLP implementation in place.</li> </ul>

Issues	Recommendations	Responsible agencies	Indicator/outcome where applicable
	incentive system. <ul style="list-style-type: none"> <li>• Cost the implementation of the land policy</li> </ul>	MINIRENA and RNRA	

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## ANNEX 1: SUMMARY OF INSTITUTIONAL MAPPING AND EFFECTIVENESS

Institution	Level	Responsibility	Effectiveness
Ministry of Natural Resources (MINIRENA)	National	<ul style="list-style-type: none"> <li>• Policy formulation on land administration, land use planning and management;</li> <li>• Setting out laws, ministerial orders and/or orders that set out procedures for the administration, planning, management and allocation of land.</li> </ul>	<ul style="list-style-type: none"> <li>• Existing clear national land development vision and strategy;</li> <li>• Well defined legal and regulatory framework;</li> <li>• Existence of a national land policy;</li> <li>• Lack of adequate staff especially in policy and law formulation;</li> <li>• Lack of technical knowledge and expertise;</li> <li>• Heavy dependency on RNRA; and</li> <li>• Insufficient sector coordination mechanisms</li> </ul>
Rwanda Natural Resources Authority (RNRA)-Lands and Mapping Department (L&M)	National	<p>Established in 2011 by law 53-2010 of 01-2011 as a merger of the National Land Centre (NLC), the National Forestry Authority (NAFA) and the Rwanda Geology and Mines Authority (OGMR).</p> <p>Main responsibilities include:</p> <ul style="list-style-type: none"> <li>• Leading the management and promotion of natural resources, comprising land, water, forests, mines and geology;</li> <li>• Carrying out land registration and issues</li> </ul>	<ul style="list-style-type: none"> <li>• Clear institutional mandates;</li> <li>• Good synergy with other government departments;</li> <li>• Achieved goals in terms of land titling and land use planning;</li> <li>• Some key activities mainly supported by donor agencies (current land administration maintenance programme);</li> <li>• Lack of some key technical personnel-dependency on short-term international consultants;</li> </ul>

Institution	Level	Responsibility	Effectiveness
		<p>land titles through the office of the registrar or land titles;</p> <ul style="list-style-type: none"> <li>• Designing and overseeing the implementation of land use plans;</li> <li>• Land mapping, surveying and cartography;</li> <li>• Providing training to local land institutions and</li> <li>• Providing information related to land</li> </ul>	<ul style="list-style-type: none"> <li>• Although accountable to MINIRENA, the agency receives orders from different governmental management levels;</li> <li>• Ambiguity of land title register – many informal transactions;</li> <li>• Unclear coordination between the agency and district land offices (DLOs are technically answerable to RNRA but administratively answerable to district administration);</li> <li>• Some overlapping responsibilities with other government agencies (i.e. the organisation overlaps with Rwanda Housing Authority (RHA) on land use issues);</li> <li>• Lack of independency for certain key decisions concerning the institutions (e.g. staff recruitment);</li> <li>• Lack of clear procedures for general boundary maintenance especially in rural areas, resulting in delays in service delivery etc.</li> </ul>
Office of the Registrar of Land Titles (ORLT)	Zonal	<p>Embedded in the RNRA under the department of Lands and Mapping. It is headed by the Registrar of land titles and has five zonal offices that cover the whole country. Each zone is headed by a Registrar</p>	<ul style="list-style-type: none"> <li>• Commendable achievements in terms of land registration and titling;</li> <li>• Insufficient staff and in some cases this leads to poor service delivery;</li> <li>• Difficulties in monitoring informal land</li> </ul>

Institution	Level	Responsibility	Effectiveness
		<p>of land titles who generally oversees around 6 districts or slightly more. Main responsibilities include:</p> <ul style="list-style-type: none"> <li>• Land registration and title issuance;</li> <li>• Maintenance of land register and cadastral database;</li> <li>• Certification of land allocation;</li> <li>• Certification of property transfer;</li> <li>• Awareness of land rights;</li> <li>• Clear land administration manual and procedures for various land transactions in place with all types of forms required;</li> <li>• Several responsibilities to manage (land administration and land use management in their respective zones, where they mainly focus on land administration)</li> </ul>	<p>transactions;</p> <ul style="list-style-type: none"> <li>• Lack of procedures in relation to making the register public as provided by the law;</li> </ul>
District Office (DLO)	Land Local	<p>30 District Land Office (DLO) are established by the land law, technically answerable to RNRA and directed by the District Land officer. Responsibilities include:</p> <ul style="list-style-type: none"> <li>• Follow up the implementation of land policy at local level;</li> <li>• Follow up on the implementation of land</li> </ul>	<p>Generally perform well under some difficult conditions:</p> <ul style="list-style-type: none"> <li>• Xx% districts have adequate infrastructure and equipment;</li> <li>• Xx% do not have the basic number of staff recommended at present (minimum 5) to maintain the land administration system and</li> </ul>

Institution	Level	Responsibility	Effectiveness
Sector Management Office	Land Local	<ul style="list-style-type: none"> <li>use plans; Participate in the design of their districts land use plans and local development plans and oversee their implementation</li> <li>Maintain the land related records.</li> <li>Certification of land transactions (DLO act as land notaries);</li> <li>Land surveying;</li> <li>Issue construction permit (in rural districts);</li> <li>Collection of land revenues;</li> <li>Land notary at sector level;</li> <li>Certification of land transactions at sector level;</li> <li>Oversight of the implementation of the national land policy, land use plans and the issuance of land titles in systematic land registration;</li> <li>Awareness of land rights</li> </ul>	<ul style="list-style-type: none"> <li>ensure proper land management.</li> <li>All District Land Officers are very well trained</li> <li>DLO cannot concentrate only on land administration and land management and responding to RNRA, because accountable to various institutions, and receives request from district mayors, RNRA, ministry of infrastructure, ministry of local government.</li> <li>Inadequate land revenues collection system;</li> </ul>
		<p>Where they exist they help land owners to:</p> <ul style="list-style-type: none"> <li>Travel shorter distances for land notary services;</li> <li>Raise awareness on land rights, land administration and management.</li> </ul> <p>However:</p> <ul style="list-style-type: none"> <li>Only 323 sectors have sector land managers (SLM);</li> <li>Some SLMs do not have the knowledge required to perform their land administration duties because they have just been recruited.</li> <li>Most SLM are in addition to their primary responsibility also involved in other activities</li> </ul>	

Institution	Level	Responsibility	Effectiveness
Sector and Cell Land committee		<ul style="list-style-type: none"> <li>• Follow up of management and use of land;</li> <li>• Take part in the adjudication process during land registration ( and played a key role in LTR program);</li> <li>• Raise awareness on various land regulations, policies and programmes.</li> </ul>	<p>reducing time available for land administration. These activities include infrastructure development and supervise construction activities, road works, grouped settlement, etc</p> <ul style="list-style-type: none"> <li>• work on ad-hoc basis; Since completion LTR, current activities are limited</li> <li>• Performance improves when well-coordinated by district land office</li> <li>• members are elected and work on voluntary basis, but may claim a per diem each time their service is required (not always possible)</li> </ul>
MINIRENA, RNRA, DLO	See ORLT, above	See above	See above
Ministry of Infrastructure (MININFRA)	National	Responsible for infrastructure planning; produce urban plans and follow up the effective implementation with support from districts and provinces	Work closely with RNRA but there is still room for improvement. RHNR, RHA and MINIFRA need to work closely together to harmonise their work. At present time, their coordination is ad-hoc and limited.
Ministry of trade and commerce (MINICOM)	National	Responsible for designing industrial parks and free trade zones around the country	Works mainly at sector level with less integration with other agencies responsible for land use planning around the country. Sometimes this

Institution	Level	Responsibility	Effectiveness
			approach leads to difficulties in implementing their plans
Ministry of Agriculture (MINAGRI)	National	Responsible for determining agricultural land use mainly for large scale agriculture projects	Works at sector level but does not integrate its agriculture plan into the broad national land use plan
Rwanda Housing Authority (RHA)	National and local	Under MININFRA, RHA supports districts to design urban and local development plans and follows up their implementation	Good role in developing district local development plans and urban plans but sometimes overlaps with RNRA which is responsible for land use plan (rural)
Rural settlement task force (RSTF)	National and local	Responsible to determine areas where grouped settlements will be built around the country and to design architectural plans	Good responsibility, however, the agency tends to work in isolation.

## ANNEX 2: RWANDA VISION 2010 AND DEVELOPMENT STRATEGY

Key objectives of Vision 2020 approved in 2000 are:<sup>127</sup>

1. *Good political and economic governance:* “Good governance is essential to successful development. Security is an absolute prerequisite, as Rwanda’s experience has clearly shown. Respect for human rights and increased popular participation in Government, through the bottom-up approach to democratisation, are critical. Equally important is the establishment of sound economic management and macroeconomic stability.”
2. *Rural economic transformation:* “In order to raise agricultural incomes and generate opportunities to earn incomes outside agriculture, the rural economy needs to be recapitalised and transformed. This can be achieved by building on the traditional strengths of the rural Rwandese economy and by introducing new technologies.
3. *Development of services and manufacturing:* “As incomes rise, we need to develop other engines of growth and to transform our economy. We therefore need to increase competitiveness in services and industry. Key sectors identified are the re-establishment of Rwanda as a regional trade and service centre, by strengthening our use of information and communication technology (ICT) and by encouraging the development of tourism. In the manufacturing sector there are opportunities to expand the production of mass consumer goods, in particular of garments.”
4. *Human resource development:* “Rwanda currently imports human resources within the region and has scarce human capacity. An increase in educational attainment is needed at all levels. Better health care is needed to reverse the decline in health indicators and to confront the major killer diseases, HIV/AIDS and malaria.”
5. *Development and promotion of the private sector:* “Private sector development calls for further liberalisation, privatisation and enhanced public-private partnership. In order to lower risks of doing business in Rwanda, and to encourage the formalisation of existing informal enterprises, the whole legal framework for business needs to be reviewed.”
6. *Regional and international economic integration:* “Rwanda has joined the Common Market for Eastern and Southern Africa (COMESA) with a three year phasing in period of the free trade area. We are committed to joining the East African Community [Rwanda joined in 2007], and to exploiting the opportunities offered by

<sup>127</sup> Government of Rwanda (2000). Rwanda Vision 2020, MINECOFIN, Kigali. See also MINECOFIN (2002). The Government of Rwanda Poverty Reduction Strategy Paper. MINECOFIN, Government of Rwanda, Kigali.

international trade agreements, including the World Trade Organisation and the recent Africa Growth and Opportunities Act (AGOA) in the USA.”

7. *Poverty reduction*: “The reduction of poverty is not a separate objective, but the effect of the achievement of out other objectives. A concern with the reduction of inequality needs to be a foundation for all public actions. This includes reducing inequalities arising from gender and age.”

In 2007 Government adopted the EDPRS,<sup>128</sup> which represents a comprehensive strategy to tackle poverty, and was the result of an extensive consultative process and the involvement of a number of stakeholders. Priority areas, linked to Vision 2020 are:

1. Poverty and vulnerability reduction.
2. Institutional capacity building and social capital formation.
3. Sustainable management of the natural environment.
4. Good governance and enhanced efficiency and accountability of the public sector.
5. Enhanced performance of the private/service sector focusing on information communications technology.
6. Economic infrastructure development, specifically transport, energy, water and information communications technology.
7. Rural development and agricultural transformation.

EDPS1 ended in 2012 and in 2013, EDPRS2 was introduced, covering the period between 2013 and 2018, with special focus to the following four priorities thematic areas:

**Economic transformation:** “This thematic area targets accelerated economic growth (11.5% average) and restructuring of the economy towards more services and industry as we move towards middle income country status. The main targets relate to: strategic infrastructure investment for exports, increased private sector financing for increased exports coverage of imports, urbanisation and green economy approach for sustainability.”

**Rural development:** “This thematic area is focused on ensuring that poverty is reduced from 44.9% to below 30% by 2018. This will be achieved through focus on increased productivity of agriculture which engages the vast majority of the population and ensures sustainable poverty reduction. Enhanced linkages of social protection programs will also be developed with particular attention to increasing graduation.”

**Productivity and Youth Employment:** “This thematic area is focused on ensuring that growth and rural development are underpinned by appropriate skills and productive

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<sup>128</sup> Government of Rwanda (2007a). Economic Development and Poverty Reduction Strategy, MINECOFIN, Government of Rwanda, Kigali.

employment, especially for the growing cohort of youth. The main objective is the creation of at least 200,000 new jobs annually.”

**Accountable Governance:** “The objective of this thematic area is to improve the overall level of service delivery and ensure citizen satisfaction above 80%. It also focuses on increased citizen participation as a way of ensuring ownership and feedback for efficiency and sustainability.”

## ANNEX 3: LIST OF PANEL MEMBERS AND EXPERTS INVESTIGATORS

### ***Panel 1: Land Tenure recognition***

<b>Name</b>	<b>Organisation</b>	<b>Sector</b>	<b>Position</b>
Jean Paul Ntezimana	Search for Common Ground	CSO	Communication specialist
Bonaventure Nizeyimana	RNRA	Public	State Attorney
Madina Ndingiza	Land Project	Private	Lawyer
Pothin Muvara	Expert Investigator		
Thierry Ngoga	Country Coordinator		

### ***Panel 2: Rights to forest and common lands & rural land use regulations***

<b>Name</b>	<b>Organisation</b>	<b>Sector</b>	<b>Position</b>
Lambert Urayenzeza	Lands and Mapping department	Public	Land use planner
Bonaventure Nizeyimana	RNRA	Public	State Attorney
Obed Muhirwa	Nyamagabe District	District	District Land Officer
Christian Munyankindi	Ruhango District	District	District land Officer
Pothin Muvara	EI		
Thierry Ngoga	Country Coordinator		

### ***Panel 3: Urban planning, management and development***

<b>Name</b>	<b>Organisation</b>	<b>Sector</b>	<b>Position</b>
Prof Jean Nduwamungu	University of Rwanda	Academia	Associate professor
Rwigamba Vincent	Rwanda Housing Authority	Public	Senior Urban Planner
Dr Antje Ilbert	Urban planner	Independent consultant	Advisor to the ministry of infrastructure in urban development
David Niyonsenga	Ministry of infrastructure	Public	Division Manager
Lambert Urayenzeza	Department of Lands and mapping	Public	Land use planner
Leonard Kayonga	Department of lands and mapping	Public	Director of land use spatial planning and land management
Thierry Ngoga	Country coordinator		

### ***Panel 4: Public Land Management***

<b>Name</b>	<b>Organisation</b>	<b>Sector</b>	<b>Position</b>
Dr Fidele Masengo	LAND Project	Private	Deputy Chief of Party
Ms Justine Mirembe		Private	Independent researcher and gender lawyer

Ms Grace Nishimwe	RNRA	Public	Deputy Registrar of land titles
Mr Janvier Muhire	RHA	Public	Director of Regulations
Mr Karim Tushabe	RDB	Semi-public	Head of Doing Business
Pothin Muvara	El		
Thierry Ngoga	Country Coordinator		

**Panel 5: Transfer of large tracks of land to investors**

Name	Organisation	Sector	Position
Bonaventure Nzaymana	Rwanda Natural Resources Authority	Public	Legal Advisor
Pierre Andre Mutabaruka	RDB	Semi-public	Investment Promotion and after care officer
Vianney Mugabo	RDB	Semi-public	Investment registration officer
Karim Tushabe	Expert Investigator		
Thierry Ngoga	Country Coordinator		

**Panel 6: Public Provision of Land Information: Registry and Cadastre**

Name	Organisation	Sector	Position
Alexis Kagame	Association of Bailifs	Private	Bailif
Pothin Muvara	Office of the Registrar of land titles	Public	Deputy Registrar of Land Titles
Benoit Mwitende	I&M Bank	Private	
Mireille Biraro	INES	Academia	Ass. Lecturer
Claude Rwakazina	Kicukiro district	Public	District land officer
Francois Ntganda	Expert investigator		
Thierry Ngoga	Country Coordinator		

**Panel 7: Land taxation and Valuation**

Name	Organisation	Sector	Position
Egide Gatsirimbo	BAOBA REALITY Co. Ltd	Private	Managing Director
Ntaganda Francois	RNRA	Public	Director-Land administration
John Karamajye	IRPV (land valuers institute)	Private	Secretary General
Edward Bagamba	Geo-Info	Private	Managing Director
Claude Rwakazina	Kicukiro district	Public	Coordinator, One stop centre
Thierry Ngoga	Country Coordinator		

**Panel 8: Land disputes management**

Name	Organisation	Position
Clement Habiyambere	Public	State Attorney
Alexis Kagame	Bailif Association	Bailif

Bonaventure Nzeyimana	Public	State Attorney
Francois Ntaganda	Public	Director of land administration
HAGURUKA	Civil Society Organisation	
Nadia Ingabire	Expert Investigator	
Thierry Ngoga	Country Coordinator	

***Panel 9: Institutional arrangements and policies***

<b>Name</b>	<b>Organisation</b>	<b>Sector</b>	<b>Position</b>
Dr Alfred Bizoza	IPAR	Private	Director of Research
Mr Bonaventure Nzeyimana	RNRA	Public	Legal Advisor
Eng Didier Sagashya	RNRA	Public	Deputy Director General
Mr David Niyonsenga	MININFA	Public	Division Manager
Mr Karim Tushabe	EI		
Mr Francois Ntaganda	EI		
Thierry Ngoga	Country coordinator		