Establishing a Land Administration System for Rwanda: Technical and Economic Analysis

Ministry of Natural Resources (MINRENA), Department for International Development (DFID), HTSPE (UK), Premier Consulting Group (Rwanda), Matrix, Kenya
National Land Tenure Reform Programme: Rwanda

Phase I: 2005-08 (preparatory)
• Reviewing law and policy and requirements for secondary legislation - trials work at district level (rural, urban and peri-urban) followed by;
• Development of strategy and phasing of the reforms ‘Strategic Road Map’ (SRM)

Phase II: 2009
• Full Implementation and roll-out
Six Parts

1. Beginnings: Policy and Law; the key principles and issues
2. Proposed Land Governance Institutions
3. Field Testing and Research
4. The Strategy
5. Economic Case for Reform
6. Implementation – ongoing challenges
1: Policy and the Law


- Progressed to drafting of **orders and decrees** (2006) that set the details for planning and land administration

- This progression has allowed field experience and trials results to be taken into account

- Progress has been rapid – policy issues hotly debated

- Practical implementation issues now strongly on the agenda 2009
Legislative Framework

Constitution

National or Sectoral Policies

Laws

Decrees

Organic Laws

Other Laws Arising from Organic Law

Decrees

Presidential Order/Decree Across Institutions/Sectoral but of Supreme Importance

Prime Minister Order/Decree Across Sectors

Ministerial Order Sectoral

Presidential Order/Decree Across Institutions/Sectoral but of Supreme Importance

Prime Minister Order/Decree Across Sectors

Ministerial Order Sectoral
Relationship with other laws

**Constitution**

- National Human Settlement Policy in Rwanda (July 2004 now withdrawn)
- National Land Policy Feb 2005

**Laws recently passed or in preparation**
- i) Expropriation Law
- ii) Land Valuation Law
- iii) Land Tax Law
- iv) Condominium law
- v) Valuation
- vi) Survey Law
- vii) Law Establishing the National Land Centre

**Other Land Related Laws**

- Civil Code
- Land Review
- Succession Law
- Environmental Law
- Decentralisation Law
- Law Determining the Organisation and Functioning of the Districts
- Law on Functions of City of Kigali

**Organic Land Law**

- September 2005

**Decrees (secondary legislation)**
- Land Administration and Management
  - i) Land Tenure Decree
  - ii) Demarcation and Adjudication
  - iii) Land Transactions
  - iv) Rural Land (Marshland, Forest, National Parks Etc)
  - v) Decrees on Public Land
  - vi) Land Management

**Decrees**
- Governance Structures
  - i) Land Commissions
  - ii) Land Bureaux/Sector and Cell Land Committees
  - iii) Office of the Registrar
  - iv) MINIRENA

**Systems Procedures and Regulations (Surveys, Recording and Registration) – tertiary legislation**

**Development of Public Messages**
- Public Information – Local and National Campaigns

**Land Tenure Regularisation**

- Demarcation and Adjudication

**Objections**
- No Objections
- Dispute Resolution

**Registration and titling**

**Civil Code**

**Land Review**

**Succession Law**

**Environmental Law**

**Decentralisation Law**

**Law Determining the Organisation and Functioning of the Districts**

**Law on Functions of City of Kigali**

**Land Administration and Management**

**Decrees on Public Land**

**Land Management**

**Governance Structures**

**MINIRENA**

Current Legal Position; the Organic Land law

• The law is a framework (covers protection of rights, types of tenure categories of land, land planning and management and institutions arrangements)

• It requires over 20 pieces of secondary legislation (decrees and other laws).

• Substantial legal drafting and consultation underway and ongoing.

• Drafting of regulations and local consultation required

• Training of land admin staff in new laws and procedures required
Salient Features

• Defines rights in land – customary tenure effectively abolished but rights previously obtained are protected

• All land in country to be registered and titled – forms of tenure - dispute resolution will be required

• Sets out institutional arrangements central and district levels and below – to enable effective implementation

• Meeting urban and rural requirements in a unified system

• Requires a rational land planning framework for country
2: Land Governance Institutions

- **Centralised Office of the Registrar** housed within a National Land Centre (NLC) – handle mostly land administration and planning issues sets procedures and standards for land administration.

- **District Land Bureaux** to handle all district land issues, planning and land administration (30 in number) and liaise with sectors and cells.

- **National and District Land Commissions** to oversee work of the NLC and the Districts.

- **Strong Sector and Cell** involvement ensures there is space for maximum local participation and transparency.
An Institution too Far?

- Office of the Registrar and ‘Zonal’ Deputy Registrars cover the five provinces – centralised signature and documentation
- Local Government Reforms in 2005-2006 created 30 districts – old districts became sectors – district are effectively ‘new’:
  - An ‘institution too far’ – framework needs to be more tailored to requirements, demand and procedure rather that the other way around
  - Need to reconcile the centralised documentation approach with the principles of decentralisation
  - At lower levels Sector, Cell and Umudugudue - it is easier and cheaper to maintain systems – accessibility, transparency and low cost are better served
Institutional Framework

Land Tenure Regularisation

Sector Land Committee
• 5 members

Cell Land Committee (CLC)
• 5 members

District Land Bureau

Sector Council (SC)
• Membership variable according to size

Cell Council
• Cell coordinator
• 9 members

Umudugudu Committee
• Umudugudu head
• 4 Committee Members

Monitoring and Supervision
• District Land Officer
• Sector Officer in Charge of Land (overseeing as req’d)

Adjudication Committee
• 5 CLC Members
• Umudugudu head and 4 committee members

Technical Team
• Surveyor
• Para surveyors (from cell as required)
• Community liaison officers

Implementation Framework District Level and below
3: Field Testing and Research

1. **Field Consultations 2006;** to gain understanding of what was required

2. **Field trials and analysis 2007-08;** test acceptability, buy-in and appropriate systems for implementation of the law

3. **Monitoring and Evaluation 2008;** how trials had worked and baseline information outside of the trials areas
Conclusions from Field Consultations 2006

State seen as both guarantor and source of tenure insecurity through expropriation and land sharing

– Strong demand for formalised tenure arrangements through systematic registration
– Many land owners already have documents formal mixed with informal – most have no documentation at all
– Some local authorities already set up ad hoc systems – desire for this to be standardised nation-wide
– To reduce land disputes (mostly intra-family), increase tenure security and provide a foundation for economic growth and long term peace
Field Trials 2007-08; General Objectives

• Test the law and the main issues related to implementation. Fact based assessments, supported by primary data
• Inform the secondary legislation (laws and decrees) to reflect the issues on the ground
• Identify un-forseen issues that may arise resulting from implementation
• Quantify more specifically the resources required at District, Sector and Cell Levels
• Test the public requirements/response
Land Tenure Regularisation (LTR) – the guiding principles

LTR is an administrative procedure undertaken for the purpose of recognising and securing *existing rights* that people and organisations other than the State have to, in or over land in Rwanda and to convert those into *legally recognised rights*.

• Establishing rights and obligations in land
• Transparent mechanism for resolving disputes
• Public and open process
• Just administration
• A model programme that can be adapted and is replicable in all areas.
All Citizens in occupation of land can make a claim

- All persons/organisations with a valid claim of right to land under customary law, or through sale or gift are presumed to be on a ‘statutory’ leasehold footing.
- If they can prove their claim through sporadic application or LTR they have a legitimate expectation of a 99 year lease and registration of their land
- After adjudication claims are registered and formal title is issued
Scale of the Task

- Country with 9 million people
- Possibly up to 8 million land parcels
- 30 Districts 416 Sectors and over 2,146 cells
- Low institution base – newly de-centralised inst.
- Low capacity
- Partial legal vacuum – spectacular progress in last two years

One major asset is people power – and the impetus and commitment of GoR to get the job done
Bringing land onto the Register: The Land Tenure Regularisation Process

- Notification of LTR areas
- Training of Committees and Local Information Campaign
- Demarcation and Adjudication
  \(\text{(Recording claims and land parcels)}\)
- Objections and Corrections Period
  - Claims with no objections
  - Claims with objections
    \(\text{Abunzi/Dispute Resolution or other mediation}\)

- Final Registration and titling
## Four Areas

<table>
<thead>
<tr>
<th>Province</th>
<th>District</th>
<th>Sector</th>
<th>Cell</th>
<th>HH (no)</th>
<th>Umudugudu (no)</th>
<th>Parcels (no)</th>
<th>Total (Ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>Karongi</td>
<td>Ruganda</td>
<td>Biguhu</td>
<td>358</td>
<td>8</td>
<td>3,019</td>
<td>740</td>
</tr>
<tr>
<td>North</td>
<td>Musanze</td>
<td>Rwaza</td>
<td>Kabushinge</td>
<td>1,118</td>
<td>8</td>
<td>7,432</td>
<td>584</td>
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<tr>
<td>Kigali</td>
<td>Gasabo</td>
<td>Gatsata</td>
<td>Nyamugali</td>
<td>1,200</td>
<td>5</td>
<td>1,562</td>
<td>66</td>
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<tr>
<td>East</td>
<td>Kirehe</td>
<td>Muhama</td>
<td>Mwoga</td>
<td>837</td>
<td>5</td>
<td>2,895</td>
<td>2,058</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>3,513</td>
<td>26</td>
<td><strong>14,908</strong></td>
<td><strong>3,448</strong></td>
</tr>
</tbody>
</table>

Analyse records acquired to gain an understanding of:

1. how land is held and transferred,
2. analysis of local land markets and ‘means of access’ to land
3. supporting evidence documents and community attestation
4. family arrangements for land allocation and use (gender family/household issues, inheritance, polygamy etc)
5. test arrangements for formal documentation and institutional structures
6. disputes – number, nature, typology
7. parcel sizes, no, of parcels held per household (holding), size of holding
Musanze District

Sample of Kabushinge Cell Parcels
- 7,400 parcels
- over 584 ha;
- av parcel size .078 ha

- National Average
  stated at 0.6 – 0.75 ha
- National average more
  likely smaller 0.35 ha
2,895 parcels over 2058 ha; av size 0.71 ha
A Thriving Land Market

Mwoga in SE US$ 3,400/ha
Kabusinge in NW US$3,500/ha
Biguhu in West US$ 2,300/ha
Nyamugali Kigali US$ 11/m²
Nyamugali, Land Parcel Overview
# Means of Access to Land – data from Field Trials

<table>
<thead>
<tr>
<th>Means of Access to Land</th>
<th>Biguhu</th>
<th>Nyamugali</th>
<th>Mwoga</th>
<th>Kabushinge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchased</td>
<td>393</td>
<td>703</td>
<td>1,445</td>
<td>2,605 (36%)</td>
</tr>
<tr>
<td>Inherited</td>
<td>2,190</td>
<td>367</td>
<td>176</td>
<td>4,022 (45%)</td>
</tr>
<tr>
<td>Allocated by Government</td>
<td>102</td>
<td>76</td>
<td>1,052</td>
<td>6 (8%)</td>
</tr>
<tr>
<td>Land Sharing</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>7 (0.1%)</td>
</tr>
<tr>
<td>Land Exchange</td>
<td>2</td>
<td>3</td>
<td>27</td>
<td>256 (1.9%)</td>
</tr>
<tr>
<td>Gift</td>
<td>250</td>
<td>109</td>
<td>31</td>
<td>190 (3.8%)</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>112</td>
<td>10</td>
<td>5 (0.9%)</td>
</tr>
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</table>
## Number of Disputes in Four Trial Areas (<1.5% of total)

<table>
<thead>
<tr>
<th></th>
<th>Biguhu</th>
<th>Gatsata</th>
<th>Kabushinge</th>
<th>Mwoga</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No.of Parcels Disputed</strong></td>
<td>93</td>
<td>29</td>
<td>82</td>
<td>26</td>
</tr>
<tr>
<td><strong>Total Area (ha)</strong></td>
<td>31.720</td>
<td>2.200</td>
<td>7.930</td>
<td>90.750</td>
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<tr>
<td><strong>Largest Parcel (ha)</strong></td>
<td>3.640</td>
<td>0.210</td>
<td>0.650</td>
<td>77.650</td>
</tr>
<tr>
<td><strong>Smallest Parcel (ha)</strong></td>
<td>0.003</td>
<td>0.010</td>
<td>0.006</td>
<td>0.019</td>
</tr>
<tr>
<td><strong>Mean Parcel Size (ha)</strong></td>
<td>0.341</td>
<td>0.076</td>
<td>0.097</td>
<td>3.490</td>
</tr>
<tr>
<td><strong>Percent of Total Parcels</strong></td>
<td>3.1</td>
<td>1.9</td>
<td>1.1</td>
<td>0.87</td>
</tr>
<tr>
<td><strong>Percent of Total Area</strong></td>
<td>4.3</td>
<td>1.6</td>
<td>1.4</td>
<td>4.8</td>
</tr>
</tbody>
</table>
Monitoring and Evaluation 2008

All issues and assumption worked in the trials tested through M&E covered;

- Participation and awareness
- Ownership and Registration
- Land Markets
- Expropriation
- Economic Issues
- Complaints and Challenges
- General Attitudes

A framework for future monitoring of implementation also established
4: The Strategy

- Key strategic issues clarified – legal, institutional, technical *(Phase 1)*
- Programmes, timelines and costs developed *(Phase 1 - but still under discussion)*
- Framework for future monitoring and evaluation *(Phase 1)*
- Donor, Public and CSO consultation and information structures developed *(Phase 1)*
The Strategic Road Map the Main Components

**Land Policy**

Legal and Regulatory Framework – Drafting Decrees, New and Comprehensive Laws, Land Administration and Planning, a new **Land Code for Rwanda**

**Institutional Arrangements (Level 1)**

- MINIRENA
- MININFRA
- MINAGRI
- KIGALI CITY
- NATIONAL LAND CENTRE/Office of Registrar
- NATIONAL LAND COMMISSION

**Institutional Arrangements (Level 2)**

- District Land Commissions
- District Land Bureaux
- Sector/Cell offices

**Monitoring and Evaluation**

Main Indicators:
- EDPRS indicators
- Establishment of key institutions and capacity building
- Local institutions in rural areas established and functioning
- Security of tenure established
- Functioning land registry
- Increased no of land transactions
- Improved levels of Investment
- Increased land related revenues
- Improved taxation base

**Land Audit**

- National land audit and, forms of tenure analysis

**Research**

- Field survey, public consultation, stakeholder consultation and review

**Technical**

- Registration
- Survey
- Developing the cadastre
- GIS/RemoteSensing
- IT support systems
- Land Records maintenance
- Land Planning and Management

**Public Information Campaign**

- National, District and Local

**Service Delivery – initial LTR for first registration**
Phase 2 roll-out, 2008-13

• Advance registration to the remainder of the country 2009-13 – a five year programme

• Programme of Systematic Registration field regularisation of Tenure (LTR) – want to complete fieldwork in as short a possible time – one off investment

• LTR Support Team managing LTR to enable effective development and management of new system

• Build capacity in institutions as work progresses – learning by doing – specifically Investment Climate Facility for Africa (ICF) programme to implement new registration system
5: Economic Case for Reform

Completed after the Consultation and Trials to enable all of the issues to be evaluated.

- Costs – three strands LTR field, LTR support team and Recurrent costs of land management organisations
- Potential revenues, required levels of service, land related revenues (fees and charges), tax baseline, fiscal cadastre

All still under discussion – still work to be done – the story so far........
Dependent on geography but sector by sector analysis gives precise estimates - costs comprise:

- Cell Land Committees
- Umudugudu Committees
- Para – Surveyors
- Objections and Corrections Period
- Dispute Mediation
- Imagery and Document infrastructure
- Issuance

US$ 3 per parcel rural to adjudication and issuance
US$ 5.50 per parcel urban – trials estimates = $9.6 million
LTR Support Team Costs

Over three year 2009 – 2011;

• Staffing – several levels well organised management team
• Vehicles, equipment and printed materials
• Photography (already completed by Swedesurvey)
• Operating Costs over 3 years

US$ 39.2 million
Recurrent Costs of Institutions

To support land management institutions for 5 years 2009 – 2013, capital equipment, salaries, media Campaigns etc.

• National Land Centre – Office of the Registrar
• District Land Bureaux
• National and District Land Commissions

US$ 35 million

Total US$ 35 million over 5 years
<table>
<thead>
<tr>
<th>Description</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>LTR Field Costs</td>
<td>1.92</td>
<td>1.92</td>
<td>1.92</td>
<td>1.92</td>
<td>1.92</td>
<td>9.60</td>
</tr>
<tr>
<td>LTR Support Team Costs</td>
<td>13.89</td>
<td>6.34</td>
<td>6.34</td>
<td>6.34</td>
<td>6.34</td>
<td>39.24</td>
</tr>
<tr>
<td>Total Land Management Institution Costs</td>
<td>8.30</td>
<td>6.52</td>
<td>6.63</td>
<td>6.80</td>
<td>6.83</td>
<td>35.09</td>
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<tr>
<td>Contingency</td>
<td>1.21</td>
<td>0.74</td>
<td>0.74</td>
<td>0.75</td>
<td>0.75</td>
<td>4.20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>25.32</td>
<td>15.52</td>
<td>15.63</td>
<td>15.81</td>
<td>15.84</td>
<td>88.12</td>
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</table>
# Unit Costs for 5 year Programme

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Per parcel</td>
<td>Per 100m²</td>
</tr>
<tr>
<td><strong>Urban</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10.53</td>
<td>1.83</td>
</tr>
<tr>
<td><strong>Rural</strong></td>
<td></td>
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<tr>
<td></td>
<td>11.2</td>
<td>40</td>
</tr>
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</table>
Potential Benefits

Rural

**Investment Demand** – or security benefits – social welfare can stimulate Investment

**Collateral benefits** – can increase access to credit; do not anticipate an explosion of credit use

**Land Market Efficiency Benefits** – improved functioning of land sales and rentals

Urban

**Investment in property** – residential commercial

**Property value benefits** – increases in asset values - greater security

**Credit access benefits** – increased credit access more likely to be realised in urban than rural

Formal or informal settlements is key determining factor
Other Benefits

- Contested claims to land clarified – including those between State and individuals
- Transparency and good governance in land
- Free market in land
- Reduction in disputes
Cost Effectiveness

Analyses shows:

• Agric production would need to increase 1-2 percent per annum for programme to be justified

• After 2013 we expect annual cost of US$ 6.5 million per year – must be raised either through Government subvention or fees – or both

• Urban Land Registration – need only 0.04 percent increase in economic activity – represented by increase in urban land prices – only a 1 percent increase in land values will justify the costs.

• Lower number of parcels and smaller areas means recurrent costs are lower than for rural at US$ 0.34 million

Need to target where need is greatest – hotspot approach based on geographic priorities
6: Implementation – Challenges and Risks 2009

- Strong demand for and commitment to implementation
- Processing of claims and registration of rights central part of programme
- Discussions ongoing about how the programme will be implemented particularly the timing and
Bringing the Laws into Effect

- Understanding the Issues – government and public
- Complex new laws and procedures – all prepared in a short space of time
- Clarify the messages and mobilise the public – need is particularly strong in urban settings
Planning and Development

• Development racing ahead of the rights and obligations issues

• Land acquisition, allocation and confiscation all in the hands of local authorities – the mayors

• The interplay of rights and obligations law in all of these processes needs to understood and implemented
The Urban Challenge to meet vision 2020

• Need progressive tenure laws to assist with development of housing sector
• Effective regularisation of tenure; policies and laws for formal and informal settlements
• Progressive pro-investment tenure laws - rapid access to land through the market or by state allocation
• Expropriation to be linked tightly to valuation, compensation, voluntary and involuntary resettlement policies and laws
• Institutional framework that delivers without conflict of interest
Fees and Taxes

• LTR – free or cost recovery, if latter how will this be done – risk of damaging public buy-in

• Viable fee rates for service provision in land institutions to cover costs

• Need to price competitively to bring informal market into a formal structure
Timing

• A five year time frame allowed for two years for LTR field – five years for registration
• Accelerating the reforms – the Government is committed to doing this – worried about inequalities
• If implemented badly, risks of creating more disputes
Thank you for listening, ladies.....
and gentlemen
Former System Urban Land Sporadic (MINITERE)

Land Remains in State Ownership

Application for Land Allocation

- Recommendations
- Site Assessment

Issuing Contract of Allocation

Building Regulations;
- Site Assessment
- Building permit granted
- Occupation permit granted on completion

Application for Title Grant

Tax checks

Contract of Sale

Land Transfers to Private Ownership

Certificate of Title Grant
Certificate of Title Grant

Application for Lease/Title

Lease Granted (20-30 Years) for designated use

Application for Absolute Title (Full Ownership)

Tax checks

Land Transfers to Private Ownership

Certificate of Title Grant

Land Remains in State Ownership

Leasehold (Mortgageable, transferable)

New System for urban land - Sporadic (Office of Registrar)
Expropriate and/or direct purchase of vacant land, registered or unregistered. Land is obtained for development through the land bank for public/private use, registered in the name of the state. Occupied land, registered or unregistered, can also be expropriated and/or purchased directly. The registrar currently has little control over these transfers.
City and Municipalities

**Constraints:**
- Establishing Land Bank required land use plans.
- Plans (above) responsibility of Districts and City of Kigali
- Overall Urban Planning responsibility of MININFRA

➢ Above issues often cause most of the delays in issuing Leasehold Titles.

**Constraints:**
- Land may be purchased (willing buyer/willing seller) but planning conditions may hamper issuance of Leasehold or Full Ownership Title
- Responsibility outside mandates of MINIRENA

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**Land Bank**

1. Application for allocation
2. Office of the Mayor District Land Bureaux
3. District Land Officer Prepares Emphyteutic Lease
4. Deputy Registrar of Title Prepare Certificate of Registration

**Purchased Land**

1. Application for Lease/Title
2. District Land Office
   - Reject
   - Approved
3. Registrar of Title Process lease/title
4. **Lease to Applicant**