

REPUBLIC OF RWANDA



MINISTRY OF ENVIRONMENT

National Land Policy

“Efficient Land Management for Sustainable Development”

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Acronyms and Abbreviations

AUC	African Union Commission
DDS	Districts Development Strategy
EAC	East Africa Community
EDPRS	Economic Development and Poverty Reduction Strategy
ENR	Environment and Natural Resources
FAO	Food and Agriculture Organization of the United Nations
FDI	Foreign Direct Investment
GIS	Geographic Information System
HA	Hectare
INES	Institut d’Enseignement Supérieur
IRPV	Institute of Real Property Valuers
LAIS	Land Administration Information System
LPG	Liquefied Petroleum Gas
LTR	Land Tenure Regularization
MINECOFIN	Ministry of Finance and Economic Planning
MIGEPROF	Ministry of Gender and Family Promotion
MININFRA	Ministry of Infrastructure
MINIJUST	Ministry of Justice
MINALOC	Ministry of Local Government
MINAGRI	Ministry of Agriculture and Animal Resources
NST-1	National Strategy for Transformation
ORLT	Office of the Registrar of Land Titles
PPP	Public-Private-Partnership
PSF	Private Sector Federation
RAB	Rwanda Agriculture Board
REMA	Rwanda Environment Management Authority
RTDA	Rwanda Transport Development Authority
RLMUA	Rwanda Land Management and Use Authority

SDGs	Sustainable Development Goals
SEZ	Special Economic Zone
UNEP	United Nations Environment Programme
UR	University of Rwanda

Executive Summary

This policy comes at a very important stage when Rwanda is embarking into a shift towards becoming an upper-middle income country by 2035 and a high-income country by 2050. In this respect, the country has already designed its National Strategy for Transformation (NST1) that will serve as the implementation plan and strategy for the remainder of Vision 2020 (2019-2020) and the first four years (2021-2024) of the Vision 2050.

This revised land policy builds on the achievements of the 2004 land policy and ensures continuity of the unfinished agenda in different land thematic areas such as land use planning, land use management and land administration. The 2004 land policy focused mainly on land administration (e.g. Land law reform, securing land rights and tenure, administration of land fees and taxes, land registration and decentralization of land services), but left important gaps on new emerging issues related to efficient land management for sustainable development.

Other achievements include but not limited to: The adoption of the organic land law (2005), establishment of the National Land Commission and the Office of Registrar of land titles (2006/7), adoption of the land law (2013), establishment of the National Land Center which kept changing names over time, successful implementation of LTR program with 11.4 million land parcels registered, development of the national land use and development master plan, development and operationalization of LAIS (since 2008), etc.

Furthermore, the revised land policy will focus on efficient use and management of land to support the national transformation goals without compromising the benefits of future generations. For this purpose, actions proposed to be implemented in the course of this policy are organized around three main pillars (land use planning, surveying and mapping; land use management; and land administration) with eight thematic areas: (i) land use planning, surveying, and mapping, (ii) land utilization by various sectors, (iii) efficient land use management, (iv) land for private sector investment, (v) land registration, (vi) administration of land lease fees, real property taxes, and land markets, (vii) securing land rights and management of land disputes, and (viii) institutional and coordination framework of the land sub-sector.

The above thematic areas were informed by findings of the situation analysis and consultations conducted at central government, local government entities, and community level. The analysis revealed key policy issues facing the land sub-sector that were translated into the proposed policy actions. Cognizant of the progress made during implementation of the 2004 land policy, especially in the areas of land administration.

In this policy, some policy actions propose radical changes that need to be considered to support the development goals and address emerging development issues. Other policy actions focus on improving and upgrading the current land management system

The changes proposed in this policy are made along the various pillars of the land management as outlined below:

- (1) ***Land use planning, surveying, and mapping:*** in this pillar, one of the proposed major changes is a shift from a district boundary-based planning to a sectorial and land suitability based planning. At central level, the policy proposes two levels of land use master plans, namely the National Land Use and Development Master Plan and the Sector Land Use Master Plan, and land use plans at local level (districts and CoK). Currently, the Sector Land use Master Plan is not part of the land use planning hierarchy. Under this policy, it is proposed that all the sectors linked to land management system shall develop their respective Sector Land Use Master Plans with reference to the National Land Use and Development Master Plan which serves as the overall guiding tool in matters related to land use planning across the country.
- (2) ***Land Use Management:*** this pillar provides guidance on how to efficiently use and manage all the available lands across sectors as per the national land use and development master plan and sector level land use master plans. A particular emphasis is put on how to secure and demarcate land to support strategic investments, and measures for efficient use of the available land. The policy further proposes the Ministry in charge of land to be the custodian of all state-owned land while other ministries and agencies are considered as land users.
- (3) ***Land administration:*** in this pillar, the policy orientation is to strengthen the current land administration system, effective administration of land related fees and real property taxes, reduce land related disputes, enforce the land sub-sector coordination and develop a dynamic institutional arrangement to enhance the governance of the land sub-sector.

A five-year implementation strategy of this policy has been developed to guide interventions by government and all stakeholders. Roles and responsibilities of different stakeholders are described in the implementation framework of this policy, which calls for more integrated and inclusive approaches in the planning and implementation of the proposed policy actions.

1. General introduction

1.1. Background

Following the recovery period after the Genocide committed against Tutsi in 1994, the year 2000 marked a shift in the national development agenda from emergency-led interventions towards a sustainable development as envisioned in the Vision 2020.

The role of land in supporting the country's development and growth was critical especially to those sectors relying on land including agriculture, forestry, industry, livestock, tourism and settlement among others. For example, about 70% of Rwanda's land is in agriculture and forestry uses, 5.7% for livestock, 8.5% for residential use, and 0.2% for industry in 2015¹.

It is projected that the total population of Rwanda will reach between 16.9 million (high scenario) and 15.4 million (low scenario) by 2032 compared to 10.5 million in 2012². Accordingly, this growth will translate into growth in urban populations that in turn will exacerbate pressure on land, settlements, and physical infrastructure. Within this context, there is need to revisit the land use planning and land use management policy framework in order to ensure that future development of new houses for settlement and other development facilities are sufficient for such population increase.

Land is further expected to support modern infrastructure and improved livelihoods in terms of urbanization and smart cities enshrined in the country's Vision 2050. The urbanization rate is estimated to increase from 17.3% in 2015 to 70% in 2050. There is a close link between land use and investment in infrastructure development. This calls for a connection between both economic and spatial planning in order to integrate national development priorities within national land use plans to increase the economic dividend of urbanization³.

Modernization of agriculture will also require innovation in efficient land use management. Land will support key strategic interventions to increase agriculture and livestock productivity. The total agricultural sector production in 2016 was estimated at Frw 2 trillion of which food crops was a dominant sub-sector taking up 58% of the sector's overall size, forestry constituting 21%, livestock 12%, export crops 7%, and aquaculture 1%⁴.

¹ NISR, 2018.

² NISR (2014): RPHC4: Population Projections.

³ Minecofin (2017). Rwanda: Future Drivers of Growth – Innovation, Integration, Agglomeration, and Competition: Faster Urbanization, Greater Agglomeration. Ministry of Finance and Economic Planning, Kigali, Rwanda.

⁴ MINAGRI (2017).

Since the introduction of the land policy in 2004, the land sub-sector has undergone significant legal, institutional, and land administration reforms. A number of laws and regulations have been in place such as the 2013 land law, demarcation, digitization and registration of 11.4 million of land parcels⁵. Land registration improved land tenure security especially for women and led to considerable increases in farmers' investment in their own soils (Ali et al. 2014).

The convergence from the literature is that before the 2004 land policy, all previous land reforms during pre- and post-colonial periods were dominated by the customary land tenure systems, characterized by unclear land rights and tenure insecurity (see Place and Hazell, 1993; Musahara and Huggins, 2005; Rurangwa, 2013; Bizoza, 2015)⁶. The post-2004 reforms therefore, introduced a framework to ensure private land rights, contributing to the country's social and economic development (Deininger et al. 2011; Ali et al. 2014).

This policy is backed by a general understanding that land will remain a fixed and a very critical asset, its use requires therefore more innovative economic options to ensure efficient land use and management in support of various development programs across the sectors without compromising the benefits of the future.

Taking stock of 15 years of implementation of the 2004 land policy, justifies the need to integrate the new national development aspirations as embedded in the National Strategy for Transformation (NST-1) as well as in the Vision 2050.

1.2. Rationale for the review of the national land policy

The justification for reviewing the 2004 National Land Policy is fourfold. Firstly, over the past fifteen years, there have been significant improvements in land management with implications on the overall context of the land sub-sector in Rwanda. For instance, there have been legal and institutional reforms e.g. organic land law (2005), land law (2013), establishment of the national land commission (2006), establishment of the office of Registrar of land titles (2006/7), establishment of the National Land Center currently known as RLMUA (2017), successful implementation of Land Tenure Regularization (LRT) program with 11.4 million land parcels registered, development of the national land use and development master plan and the development and operationalization of Land Administration Information System (since 2008).

These achievements among others, demonstrate how the focus of the 2004-land policy, though successful, was more tied on land administration and less on land use management. Going forward, and also taking into account the current national development context, more focus will be on land use planning and management while ensuring continuity and sustainability in land administration.

Secondly, Rwanda is currently undergoing a very crucial planning phase of its long-term transformational development. Indeed, the year 2018 marked the end of EDPRS-2 while the Vision 2020 will end next year. At the same time, the National Strategy for Transformation (NST1) was

⁵ LAIS database 2018, RLUMA, Ministry of Land and Forestry

⁶ AfDB (2016). Land tenure regularization in Rwanda: Good Practices in Land Reform. African Natural Resource Centre, African Development Bank, Abidjan Cote D'Ivoire.

developed and is being implemented. Further, the Vision 2050 is in its development phase. Hence, a new land policy is required to inform and guide the implementation of the above development strategies.

Thirdly, the 2004 national land policy ought to be reviewed in order to ensure that new global and regional commitments that are specific to land are effectively integrated and mainstreamed in the national development program.

Finally, this new land policy is meant to provide guidance on effective coordination for optimal use and management of land to manage competing priorities and interests over land use across sectors.

2. Situational Analysis of the Land Sub-sector

This section positions land in the national, regional and international policy context. It also provides an overview of key achievements under the 2004 land policy to inform the assessment of the remaining key issues currently facing the Land sub-sector and orientation for this new land policy.

2.1. The National Policy Context

This section describes how land management is considered in the Constitution of the Republic of Rwanda as well as in national strategies and policies that are linked to the land management.

2.1.1. Land in the Constitution and national strategies

(1) National Constitution

The Constitution of the Republic of Rwanda of 2003 as amended in 2015 acknowledges that Rwanda's territory comprises of areas covered by land, rivers, lakes, and airspace located within the borders of the Republic of Rwanda (Article 5). It also provides that "private ownership of land and other rights related to land are granted by the State. A law determines modalities of concession, transfer, and use of land" (Article 35).

(2) Rwanda's Vision 2020

According to Rwanda's Vision 2020, land use management is a fundamental tool for the national development. The aim is to ensure that every development plan is guided by the land use master plan with a land tenure regularization that increases security of ownership and improve productive land usage. Through the Vision 2020, Rwanda proposes to pursue a harmonious policy on organized and grouped settlement commonly known as *Imidugudu*. The Vision also emphasizes land use consolidation as a mechanism to create adequate space for modern and viable agriculture farming system⁷.

⁷ Government of Rwanda, Vision 2020.

(3) Economic Development and Poverty Reduction Strategy (EDPRS-2)

Integrated Approach to Land Use and Human Settlements has been one of the key priorities throughout the implementation of EDPRS-2. Given its scarcity, land allocation for agriculture, industry and settlements is highlighted as a key factor in determining growth in rural areas under EDPRS-2. The challenge was how to manage and administer a range of land use issues, from dealing with land allocation to managing land disputes amongst smallholders. The more efficient the system is the more investment and income generation are likely to occur. Therefore, the EDPRS-2 focused on the need for strengthening two functions: overall land use allocation for development and the decentralized process of land allocation and management. Growth in high-quality human settlements will depend on effective land management and the framework of infrastructure and services especially in rural areas⁸.

(4) National Strategy for Transformation (NST-1)

The National Strategy for Transformation (NST-1) is the new Government strategy replacing EDPRS-2 and will cover the period of seven years from 2017 to 2024. The aspiration of this NST-1 with respect to land is “*strengthening land administration and management to ensure optimal allocation and use of land*”⁹. This goal entails the need to improve the current land governance and management to address the existing deficiencies in the land allocation and use for various interests.

(5) District Development Strategies (DDSs)

DDSs are developed to support and contextualize the implementation of the NST-1 based on districts’ specific potentialities. Therefore, the DDSs show the new development aspirations and innovations that will drive the District's contribution towards national goals over the next seven years (2017-2024).

In addition to increasing land area available for agricultural purposes and promoting agricultural land use consolidation, hillside irrigation and marshlands development, the DDSs propose to strengthen land administration and management to ensure its optimal allocation and use. More specifically, DDSs emphasize on the need for improving urbanization based on District Land Use Plan. It includes:

- To develop and integrate urban and rural settlements;
- To implement existing districts’ urban planning and development tools;
- To improve soil conservation, wetlands and river banks; and
- To sustainably improve environment protection.

(6) Strategic Plan for Agricultural Transformation (PSTA-4)

In the context of Rwanda’s agriculture, the main production-limiting factor is land. In fact, the small plot size and limited land availability are major constraints to increasing productivity and profitability for most farmers. Furthermore, limited land resources coupled with population growth constrain agriculture land expansion and cause more land subdivision. Indeed, land subdivision is

⁸ Government of Rwanda, EDPRS2

⁹ Government of Rwanda, NST1

a critical issue that Rwanda is facing. For instance, in 10 districts of the Western, Northern, and Southern Provinces, 40-50% of farmers have farmland of less than 0.2ha (46.4 per cent of national total arable land). Extremely small farms are concentrated in Western Province (31 per cent of national total area) with 70% of farmers owning plots smaller than 0.2ha of land¹⁰.

(7) Strategic Plan for the Environment and Natural Resources Sector (2018-2024)

The Environment and Natural Resources sector strategic plan's overall objective is to optimize and scale-up sustainable and climate resilient management of natural capital resources to anchor and accelerate achievement of Rwandan prosperity.

The specific objective with regards to land sub sector is to develop a holistic and integrated land management system to optimize productivity, building on successes in land administration/registration and improve established land use plans and systems; ensuring integrated sectoral, District and national-level management that is participatory, reliable and sustainable

2.1.2. Land in other National Policies

(1) Agriculture Policy (2018)

The policy aims at increasing productivity and commercialization for better food, nutrition, and incomes; promoting resilience and sustainable crop intensification; inclusive employment and improved farmer's skills; and ensuring an effective enabling and responsive environment¹¹. Existing relationship between the land policy and the agriculture policy is observed in the areas of crop intensification program such as land use consolidation and the management of agricultural land, agriculture infrastructure (e.g. irrigation schemes and development of marshlands, post-harvest handling facilities including storage and processing units), and land as a prime resource to support agriculture development.

(2) Irrigation Policy (2015)

The irrigation policy was developed to support the agriculture policy in terms of irrigation and puts more emphasis on marshland development. In 2010, Rwanda inaugurated the Irrigation Master Plan (IMP, 2010) which clearly identified the immediate need to “formulate an irrigation policy to foster the adoption of irrigation technology and development”.

The policy envisages the increase of land under irrigation according to demand and feasibility with more emphasis on promoting and supporting irrigation for micro-scale (0-0.5ha), small scale (0.5-2ha) and medium scale (2-20ha) with low pumping heads (<50m) gravity fed supplies, and marshland development as a priority. The policy does not determine the plot sizes targeted for irrigation as it will depend on the need to irrigate, the type of available investors in agriculture sector and types of crops to be irrigated. Few of the overlaps and conflicts identified include the competing uses of wetlands such as infrastructure development and environment protection.

¹⁰ PSTA4, 2018

¹¹ National Agriculture Policy (2018). Ministry of Agriculture, Kigali, Rwanda.

(3) Housing policy (2015)

Housing policy relies on principles of integrated and coordinated planning and decision-making, efficient use of land, safeguarding of fertile agricultural land, and the adoption of green principles for economic growth. It recognizes land as a scarce resource with an increasing urban population, rising rural and urban consumption. The increasing demand for land for development and economic growth has to be well-balanced making its efficient use a key concern for Rwanda.

Transformation programs for land use attributions to housing development have to be carefully designed in view of the protection of natural and agricultural land resources. The national land use and development master plan came after the majority of land is owned by private individuals and companies. The actual residential constructions are being done by private individuals and most of the time with small housing investment on their own plots which will again complicate the land restructuring and replotting in the future.

(4) National Urbanization Policy (2015)

Urbanization is a strategic driver of economic development and a necessary condition for easing demographic pressures, while facilitating employment creation and sustainable land use. Urbanization also makes service delivery easier and more cost-effective by reducing travel distances and concentrating populations around service delivery points such as administrative buildings, schools and hospitals. The policy provides for densification, which aims at using land efficiently by phasing investment strategically and integrating green principles for development.

(5) Mining Policy (2010)

Mining like any other productive sector relies on land and is susceptible to potential conflicts between large-scale mines and community groups when strategies and mechanisms for conflict management are not effective. It is becoming increasingly challenging for mines, which demand a significant amount of area to operate, to coexist with the surrounding communities who depend largely upon land for their livelihoods. Especially issues of poor communication and preventable environmental accidents have been, and continue to be, the main cause of intense land use disputes between miners and the surrounding communities, and more so than many of the unavoidable environmental problems that occur at sites and which lead to progressive land degradation namely erosion, sedimentation and vegetation removal.

Conflict in land use is significant not only in different productive sectors but also in environmental and conservation sectors. The mining industry argues that some conservation areas should be considered as multiple land-use areas to allow exploration and mining in them. These areas would still be managed 'primarily for their conservation values' but also could allow for mining if it did not permanently damage those values, while conservationists disagree with this concept of multiple use, arguing that conservation areas are already catering for a multitude of uses, including ecological, scientific, recreational, aesthetic and spiritual, and that any mining in such areas would not be compatible with these uses. Therefore, the current concept of "green mining" have the potential to bring balanced solutions to the Rwandan mining sector in the proper management of land use, change of land use, proper mechanisms of expropriation in public interests.

(6) Forestry Policy (2018)

Rwanda has a clear national forestry policy and forestry law that govern forest land use. The goal 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. Reserved and protected areas such as wetlands are well protected with a buffer zone around them. A national Land Use and Development Master Plan was developed in 2011 to guide the overall land use and management, including forestry development across the country. 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 incentivized to engage in its management to improve conservation.

The existing national land policy stresses that agroforestry should be part of the agricultural landscape on the hills, given the fact that it contributes to soil protection. The long-term forest policy and strategy is to contribute to the sustainable land use management by having forest cover maintained at 30% while the natural forest ecosystem will be kept at 10.25 % of the country's territory managed as protected area by 2020. The latter will be achieved by using different approaches of landscape restoration especially on degraded land and for this, Rwanda has committed to an ambitious target to restore 2.0 million hectares to the Bonn Challenge by 2020.

(7) Biodiversity Policy (2011)

Biodiversity is often adversely affected by planning and development decisions and actions. This may be exacerbated by a failure to incorporate biodiversity considerations into regional and district plans, inadequate information and misguided decisions and inappropriate policies. The biodiversity policy institutionalizes the requirement for incorporation of biodiversity considerations in land-use planning and environmental assessment procedures.

Biodiversity across the landscape is negatively affected by land use changes, particularly agriculture, rural and urban development. It is critical to harmonize conflicting policies in key sectors such as land, agriculture, water, forestry, fishing and wildlife with a view to enhancing cross- and inter-sectorial linkages associated with joint land use planning which consider all aspect of the country's development pillars. Currently there are inadequate incentives to motivate communities and land owners to adopt land use practices that are compatible with biodiversity conservation and management. The policy advocates for promoting an ecological management approach to planning, whereby conservation is proactively incorporated into land-use plans as a specific land use.

(8) National Water Resources Management Policy (2011)

The water resources in Rwanda face growing challenges arising from pressures of rapidly changing demographic patterns, the demands of intensified socio-economic development, degradation resulting from unsustainable and inappropriate land use practices; and the uncertainties created by climate change, among others. Given the small size of the country, dependence on subsistence agriculture as the primary means of livelihood imposes severe pressure on land, with the majority of farmers cultivating less than one hectare.

Due to severe land pressure, farming activities have been taking place on steep slopes, exacerbating the degradation of land, and causing massive soil erosion, which in turn affect negatively water bodies and water quality. Moreover, there is a significant threat of depletion of water resources due to various factors such as high levels of land degradation due to permanent pressure on land coupled with inadequate farming techniques and use of wetlands, deforestation and increased siltation among others. The national water resources management policy therefore proposes to consider the establishment of economic value of wetlands and to ensure their conservation and management. The proper land use planning, its implementation and the concept of catchment rehabilitation and protection will result in land protection and sustainable water resources management.

(9) Rwanda Environment Policy (2003)

Rwanda's environmental problems are associated mainly with bad management of natural resources such as land, forests and water. There are also problems caused by industrial, commercial and human settlement activities and various pollutions, which are mainly caused by lack of technology and environmentally friendly practices in the farming systems. The production and management of waste also constitute a challenge to environment quality, particularly in urban areas. The degradation of land in Rwanda was happening at a worrying speed before the environmental policy was adopted, mainly due to uneven relief with a geographical configuration formed of steep slopes exposed to erosion. The destruction of lake shores and river banks has led to the sapping of shores, resulting in silting and inverted soils due to inflow of new materials deposited by water erosion from neighboring watersheds.

Excessive land parceling as a result of land heritage has contributed to land fragmentation which in turn leads to inefficient land management. The policy classified the phenomenon as a crisis situation which contributed to the exhaustion of land resources and accelerated its deterioration. With the need to have sufficient agriculture production, wetlands were the remaining available free land to be used and were progressively reclaimed for agriculture purposes. However, wetlands have several functions and provide numerous services to man, some of which are flood water and erosion control, ground water replenishment, and biodiversity protection¹². They also constitute biological diversity reservoirs. The environmental policy strategized the rational use of land resources by means of developing national land use and development master plan and adoption of best practices which promote land protection and insure sustainable environment management.

(10) National Industrial Policy (2011)

The cost and lack of availability of land are rated as the greatest constraints to starting and expanding a business according to the 2010 Investor Perception Survey. Land is also ranked as the second highest issue faced by firms in the Private Sector Federation (PSF) Business Investment Climate Survey while it is also considered as part of the main challenges for the private sector companies by the 2018 Investor Perception Survey (P. 16).

The GoR has implemented land registration in order to streamline land registration processes. The Office of the Registrar of Land Titles (ORLT) has been established and equipped as part of the

¹² http://www.personal.ceu.hu/students/03/nature_conservation/wwdetail/Funct_serv.html. [Internet]. Accessed on 13th December, 2018.

land registration process. Processes for using land services should be simple and compliance costs should be kept low. Though the national industrial policy does not provide a direct linkage with land use, land has been and will be allocated for industrial purposes. Therefore, the access of land for investment should sound clearly in the revised policy and services related to acquisition to be more decentralized. Allocating land for industrial parks and special economic zones (SEZs) in the national land use and development master plans, leveraging Public-Private-Partnerships (PPPs) for development and management of SEZs, should keep special emphasis in this revised land policy.

(11) *Rwanda Tourism Policy (2009) and Protected Area Conservation Management policy (2013)*

Ensuring a properly developed tourism policy requires that the Government has a land use policy as a vast majority of Rwanda's tourism products is land dependent. The success of the policy implementation requires to define procedures for the proper management of land for tourism-related activities and investments. Furthermore, conservation strategies shall be embraced to reduce the negative impact and contention due to the loss of use of land for local communities. In addition, the opportunity cost of setting aside land for product development and the extent to which tourism revenue off-sets this opportunity cost must be analyzed while adequate market-related compensation shall be given for the loss of income from use of said land for tourism related activities. Land tenure security and rights for all stakeholders will continue to be clarified and strengthened.

(12) *National Gender Policy (2010)*

Previous policy actions were formulated to facilitate the establishment of gender sensitive land administration services that are accessible to all; ensure equal land rights for all citizens (women and men of all social categories) are in place and enforced, facilitate and support land use planning and management processes for improved and sustainable land use. Because of the above enabling policy conditions, about 89% of women own lands, ownership of acquired farm land is equally common among male (93%) and female (93%)¹³. Though a lot has been done so far, more efforts are still needed to eliminate all forms of barriers to achieve equal land rights to all Rwandans.

(13) *Public Transport Policy and Strategy for Rwanda (2012)*

The political layer as stipulated in the public transport policy and strategy places the Ministry of Infrastructure as responsible for formulating integrated transport, public transport policies and corresponding strategies. There is a potential for conflict with the responsibilities of the Ministry in charge of land resources management as far as land use is concerned, which may lead to land misallocation and may complicate the coordination of land use and management across various sectors.

¹³ GMO (2018). Rwanda State of Gender Equality and Women Empowerment. Gender Monitoring Office, Government of Rwanda, Kigali, Rwanda.

The land-based transport is planned to be done systematically and in accordance with the national land use master plan which also advocates for the development of a high density and mixed-use integrated land-use and transport planning. A well-organized transport system is also a tool of avoiding unprecedented levels of urban sprawl and any other form of misusing land resources. The land public transport will expand and include railway network in Rwanda which is a key element missing in land transport system. This expansion will require expansion of land under transport services and infrastructure. The land transport systems does not consider the use of flyover and use of underground space for efficient use of available land.

(14) National feeder roads policy and strategy (2017)

A significant proportion of Rwanda rural population whose livelihoods depend on agriculture lacks access to rural transport infrastructure, including feeder roads, strongly constrains the agricultural development and prevents them from increasing access to markets, enhancing their competitiveness and improve their incomes and livelihoods. Feeder roads priorities shall be aligned with areas of high value staple food crops, export crops, intensive livestock production, irrigated and consolidated land for agricultural use.

The policy is meant to organize and improve livelihood by bringing technologies to improve rational utilization and land use management especially in areas meant for agriculture. However, the land use and development master plan should clearly demarcate areas to be covered by feeder roads in all potential areas as above mentioned for better coordination and efficient use of land.

(15) National decentralization policy (2012)

Development planning shall be integrated, participatory, evidence-based, and focused on addressing the priority needs of citizens, taking into consideration the overall national development vision and constraints of the resource envelope. As much as possible, national plans shall guide local development plans that are regularly prepared, the timelines of which shall be prescribed by responsible agencies in consultation with the Ministry responsible for National Development Planning. Putting in place essential complementary interventions to social protection such as financial services, ownership of productive assets such as land, skills development, and enabling environment will further enhance the ability of households to generate income and graduate from social protection programs.

The decentralization policy advocates for the process of urbanization and urban development should be planned, controlled and well directed for better and efficient land use planning and management. Powers have been decentralized to take actions on land uses and decide suitable land use plans. In some cases, local authority decide on land uses without consulting national policies and sufficient supporting documents to inform district councils on decisions to be made. For instance, in some districts, local authorities have allocated land (marshlands) to local associations to engage in commercial farming activities.

2.2. Land in the Regional and International Context

This section provides an overview of the land in the regional and international context with focus on the Sustainable Development Goals (SDGs), the 2063 agenda of the African Union, and the East African Community Vision 2050. As clearly stated in the sub-sections below, land is considered as one of the key enabling factors for achieving the SDGs, the African Union’s Agenda 2063, and the East African Community’s Vision 2050.

2.2.1. Sustainable Development Goals (SDGs)

The Sustainable Development Goals dedicate a whole goal to natural resources management, including land. This is the Goal 15 on “*Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss*”¹⁴. The goal reflects the need to continue preserving and sustainably using the Earth’s terrestrial species and ecosystems.

Furthermore, through other land related SDGs, the world finds land as one of the important factors for poverty reduction and achievement of the socioeconomic transformation. For instance, under “*Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture*”, equal access to land is proposed as one of the most important drivers for access to nutritious, healthy food, and the means by which it can be sustainably secured for everyone. This results from the fact that the well-functioning markets, increased incomes for smallholder farmers, equal access to technology and land, and additional investments, all play a role in creating a vibrant and productive agricultural sector that builds food security¹⁵.

With regard to Goal 11: “*Make cities and human settlements inclusive, safe, resilient and sustainable*”, the 2017 SDGs report points on rapidly growing urban populations and on the need for effective planning and management of urban land¹⁶. The report also states that in many parts of the world, women’s limited access to land is one of the main factors which limit their economic opportunities and their ability to lift their families out of poverty.

2.2.2. Land in the African Union Agenda 2063

In the African Union Agenda 2063 that portrays “the Africa we want”, it is anticipated that “*Africa shall be a major social, political and economic force in the world, with her rightful share of the global commons such as land, oceans and space*”¹⁷.

The agenda recognizes the need for all Africans to have decent and affordable housing in clean, secure and well-planned environments by:

- Providing access to affordable and decent housing to all in sustainable human settlements;

¹⁴ United Nations: *Sustainable Development Goals*, 2015

¹⁵ United Nations: *The Sustainable Development Goals Report 2017*

¹⁶ *idem*

¹⁷ AU, *Agenda 2063, Africa we want*

- Ensuring effective and territorial planning and land tenure, use and management systems;
- Ensuring balanced development of all human settlements while embracing a rural urban continuum; and
- Improving the livelihoods of the great percentage of the people working and living in slums and informal settlements.

Access to land for rural women is a major priority under the agenda. Indeed, the agenda intends to develop and implement affirmative policies and advocacy to ensure women’s increased access to land and inputs and ensure that women access at least 30% of agricultural financing.

2.2.3. Land policy in the EAC Vision 2050

The East African Community (EAC) Vision 2050 lays out “a broad perspective in which the region optimizes the utilization of its resources to accelerate productivity and the social wellbeing of its people. It portrays a future East Africa with rising personal prosperity in cohesive societies, competitive economies, and strong inter-regional interaction¹⁸”.

Particular to land, the Vision has a specific goal on “sustainable utilization of natural resources, environment management and conservation with enhanced value addition”. Land is one of the natural resources envisaged to be well managed for various use categories. The focus of the vision in this context is on sustainable harnessing and utilization of the resources for value addition, transformation and sustainability of the economy and the environment to the benefit of the people of the EAC. The Vision also emphasizes on the sustainable land management, particularly its contribution to biodiversity, sustainable agriculture and food security, eradication of poverty, women empowerment, addressing climate change and improving water availability. In addition, for the context of rural development, the Vision will address land tenure issues among other actions meant to facilitate the development of rural communities.

It is clearly indicated how land is expected to play a major role in achieving the EAC goals and Vision 2050. This Vision’s length is similar to the period of the next 2050 Vision of Rwanda. This presents an open window to domesticate the EAC Vision and to establish the anticipated development linkages as far as sustainable land management is concerned.

2.3. National Land Policy Review Process

The review of this land policy resulted from a multi-stage process, which involved a desk review of land-related research materials and policy documents, a number of both vertical and horizontal consultations, and validation of consecutive drafts through various forums.

(1) Review of the land policy issue papers: the first step towards the development of this policy was an extensive review of all policy issue papers drafted by the Ministry in charge of land and its partners. These include the main policy issue papers on:

¹⁸ EAC (2016). The EAC Vision 2050: Regional Vision for Socio-Economic Transformation and Development. Arusha Tanzania.

- Developing master plans and implementing expropriation for sustainable urbanization and rural development;
- Measures to optimize land use through efficient urbanization and housing;
- Administration of land-related taxes and fees to enhance land administration services and sustain the land administration system;
- Reducing land disputes in Rwanda
- Securing land rights for women in informal marriages
- Efficient use of rural land through special government initiatives
- Addressing inconsistencies in land related policies and laws

(2) ***Consultations were done among different stakeholders at central level, District level and community level.*** At central level, entities consulted include the Ministry of Finance and Economic Planning (MINECOFIN), Ministry of Environment (MOE), Ministry of Infrastructure (MININFRA), Ministry of Local Government (MINALOC), Ministry of Agriculture (MINAGRI), Ministry of Justice (MINIJUST), Ministry of Gender and Family Promotion (MIGEPROF), Rwanda Agriculture Board (RAB), Rwanda Housing Authority (RHA), Rwanda Transport Development Authority (RTDA), Rwanda Environment Management Authority (REMA), University of Rwanda (UR-GIS), the Institute of Applied Sciences (INES), and Office of Ombudsman.

(3) ***Consultations at local government and community levels were conducted in nine Districts covering all Provinces and the City of Kigali.*** The choice of these districts was guided by the following three main criteria: (i) consideration of urban and rural area, (ii) inclusion of districts planned as secondary cities, (iii) representation of each province (2 districts per province) and the City of Kigali (one district). Therefore, based on the above criteria, the following districts were sampled: Nyamasheke and Rubavu in the Western Province, Musanze and Gicumbi in the Northern, Nyamagabe and Muhanga in the Southern, Bugesera and Nyagatare in the Eastern, and Kicukiro in the Kigali City. In each selected district, Focus Group Discussions (FGDs) were conducted in two selected Sectors (one rural and one urban/peri-urban). The discussions involved members of mediators (Abunzi), FGD with men and women, and FGD with youth (both boys and girls). In total, 58 FGDs were conducted with more than 1,800 participants both at District and community levels. Consultations at local levels were conducted between 9th July and 9th August 2018.

(4) ***A number of Civil Society and Professional Organizations were also consulted.*** These comprise of the Legal Aid Forum, Transparency International Rwanda, Haguruka, Profemme Twese Hamwe, and the Rwanda Institute of Real Property Valuers (IRPV).

(5) ***Sequential validation meetings and workshops with members of the inter-ministerial committee and development partners.*** At the beginning of this review process, an inter-ministerial committee of focal persons representing some relevant government institutions

was formed to validate various drafts of this land policy. Entities represented include Ministry of Finance and Economic Planning, Ministry of Local Government, Ministry of Infrastructure, Rwanda Housing Authority, former Ministry of Land and Forestry. Among partners who participated in the validation workshop include the DFID and the Netherlands Embassy.

(6) *Other key informants' interviews* include high level leaders in the land-related sectors, representatives of Development Partners, experts with relevant skills in various sectors in the country, members of the private sector and civil society, researchers and scholars.

(7) *Consultation with land thematic working group, ENR sector working group and Economic Cluster:* After the validation of the draft land policy at Ministry level, further inputs were obtained from members of the land thematic working group (05th September 2018), ENR sector working group and Economic Cluster and incorporated in the final draft (5th October 2018).

3. Vision, Mission, Objectives and Guiding Principles

3.1. Vision of the Land Policy

A nation that enjoys equal land rights, security of land tenure, efficient land use planning and management for sustainable development.

3.2. Mission of the Land Policy

To ensure mid and long-term efficient land use planning, management and administration in Rwanda.

3.3. Overall and specific objectives

In the perspective of the National Strategy for Transformation (NST-1), the overall objective of the national land policy is to strengthen land administration and management to ensure optimal allocation and use of land. Specifically, the policy shall address existing gaps or deficiencies in land use planning and mapping, land utilization by various sectors, and land administration and management. The policy is further expected to:

- SO1.*** Guide, develop, and monitor the implementation of land use plans.
- SO2.*** Ensure effective and efficient land utilization and management across various sectors such as agriculture, industry, forestry, livestock, human settlement, mining, and other public investment.
- SO3.*** Support investment promotion through allocation of land for strategic investment.
- SO4.*** Strengthen the current land administration system for enhanced land-based service delivery.
- SO5.*** Strengthen mechanisms for effective administration of land fees and real property taxes (e.g. proper and up-to-date land records, maximization of real property tax and lease fees collection, and capacitate decentralized administrative entities in tax administration).
- SO6.*** Enforce land sub-sector coordination to ensure an integrated approach for efficient cross-sectorial land utilization and collaboration towards sustainable land use and management.

3.4. Leading principles

This policy is grounded on the overall principle that land remains the most precious national asset of Rwandans. It constitutes the main resource for production, survival, and it supports other sector development programs. The following are the major guiding principles:

- P1.* The government is the overall guarantor of the country's land heritage and must ensure that it is well used and managed, while taking into account the needs of the present and future generations.
- P2.* All Rwandans must enjoy the same rights of access to land without any discrimination whatsoever as per the Rwanda's Constitution.
- P3.* All categories of land utilization and their changes must be informed and guided by the overall national land use and development master plan, suitability mapping and land classification system.
- P4.* Land information system must be up-to-date through the existing LAIS to provide relevant data needed to inform land use planning and mapping, monitoring of land use change, land transactions, security of tenure, and other land related decisions.
- P5.* All land use must be identified and counted by the system of national accounts through natural capital accounts.
- P6.* All land (private or state-owned) shall be mapped to determine their specific land use suitability and profitable utilization.
- P7.* Appropriate legal and institutional frameworks are indispensable for smooth implementation of this policy.
- P8.* This policy will be assessed and reviewed when deemed necessary.

4. Land Policy Framework

Taking into account the current national development aspirations as reflected in the Vision 2050 and the National Strategy for Transformation, this chapter focuses on major land related issues that need attention for both policy development and strategic planning. This chapter also provides a set of policy actions proposed to address the identified issues. This policy is structured around the following eight thematic areas clustered under three main pillars of the land management as detailed below:

Pillar 1. Land Use Planning, Surveying and Mapping: This pillar is a key component for efficient land management. It describes the hierarchy of land use planning process from the central to district levels. It provides a shift from a district boundary-based planning to a sectorial and land suitability-based planning. The main thematic areas under this pillar are: (i) the National land use and development master plans, (ii) Sector specific land use master plan, and (iii) District land use implementation plans.

Pillar 2. Land Use Management: This pillar provides guidance on the efficient use and management of available land across sectors based on prescriptions of the national land use and development master plan and sector level land use master plans. Thematic areas under this pillar comprise: (i) land utilization by various sectors, (ii) efficient land use management and (iii) land for strategic investment.

Pillar 3. Land Administration: This pillar provides policy orientation on how to improve the current land administration system in Rwanda in terms of (i) land registration, (ii) administration of land lease fees and real property taxes, (iii) management of land related disputes and iv) coordination of the land sub-sector.

4.1. Pillar 1: Land use Planning, Surveying and Mapping

Policy objective: Guide, develop, and monitor the implementation of the land use plans.

4.1.1. Hierarchy of land use planning and mapping

Key policy issues

The current hierarchy of land use planning consists of the national land use and development master plan, the Kigali City Master Plan, and the District Land Use Plans. The City of Kigali and Districts make reference to the national land use and development master plans to elaborate their respective land use plans. The main limitations with the current planning process are: (i) lack of alignment between the national land use and development master plan on one hand and the Kigali City and district land use plans on the other hand, (ii) the planning that is mainly based on administrative boundaries rather than being guided by land suitability mapping and competitive advantages across sectors, (iii) lack of sector land use master plans to guide detailed sector specific land use plans.

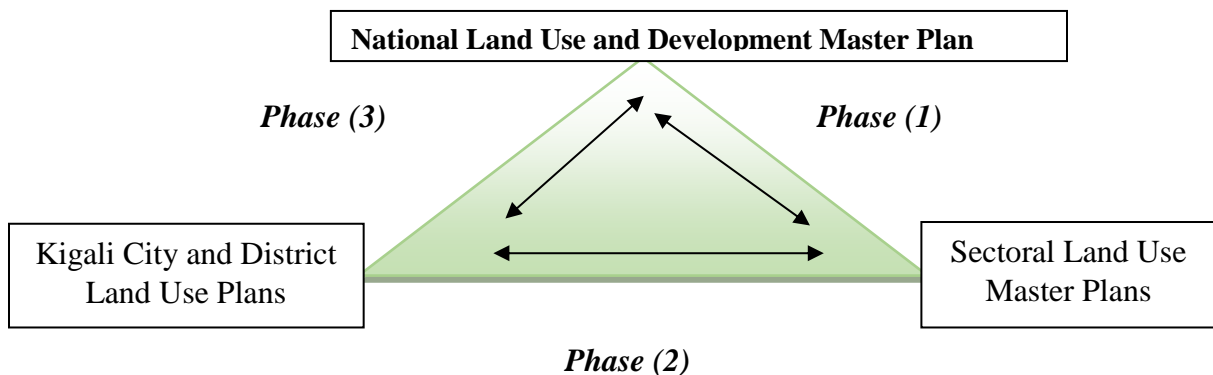
Policy actions

The newly proposed land use planning hierarchy is constituted by the following key planning stages:

- a) Development of the National Land Use and Development Master Plan (NLUDMP¹⁹): this should be the main land use planning reference document and shall provide the overall strategic guidance on the development and implementation of subsidiary land use plans. A comprehensive land suitability mapping, sector specific development projections and their competitive advantages should inform the development of NLUDMP.
- b) Development of Sectorial Land Use Master Plans (SLUMP). These shall be long-term land use planning tools that will provide guidance on spatial and physical demarcations of each land use category based on development dynamics across economic sectors. These plans will further inform the process of developing other sub-sectors, the Kigali City and districts land use plans.
- c) Development of Kigali City and District Land Use Plans: The Kigali City and Districts shall develop their respective land use plans based on the national land use and development master plan as well as sector specific land use master plans. The Ministry in charge of Land and the institution in charge of land management and use shall provide adequate support in the development, implementation and monitoring of compliance with the land use plans.

¹⁹ This hierarchical terminology need to be adapted to the existing terminology for consistency.

The above first three land use planning and mapping steps are illustrated in the figure below.



4.1.2. Development and implementation of land use plans

Key policy issues

- (1) Limited contextualisation and alignment between land use plans. In terms of contextualisation and alignment between land use plans at different levels, the following issues have been observed: (i) lack of clear and detailed guidance on how land should be used for different land use categories and sectorial development (agriculture, industry, tourism, housing, settlement, etc.) and (ii) limited alignment between national land use and development master and the Kigali City and districts land use plans.
- (2) Low level of compliance during the implementation of land use plans. The compliance to land use plans is subject to the level of their ownership by users, citizen's socio-economic conditions, zoning standards, urban delineation, and the cost of implementing the land use plans. The situational analysis of this policy review has revealed limited consultations with citizens²⁰ in the development and implementation of land use plans, limited financial capacity of the majority of citizens in complying with the zoning regulations and standards²¹, insufficient consultation with Central Government entities dealing with land use matters, dissemination and awareness raising about land use plans, lack of delineation of urban, peri-urban and rural areas and high costs for implementing land use plans.
- (3) Lack of sectorial land use master plans and demarcations. The current land use planning framework does not have sector specific land use master plans and their demarcations for guiding the sectorial development at different levels.

²⁰ Ngoga et al. 2016.

²¹ Nkurunziza et al. (2015).

- (4) Limited technical expertise in developing, monitoring and implementing land use plans. The development of the National Land Use and Development Master Plan and its subsequent land use plans is mostly led by international experts who are only available during the design phase, making it difficult to ensure adjustments and adaptation during the course of their implementation.
- (5) Lack of projections on extension of the Kigali City and Secondary Cities. Currently there are no clear plans for the extension of the Kigali City and secondary cities in their respective land use plans.

Policy actions

In view of the above issues, the government shall:

- (a) Conduct a comprehensive land suitability mapping and sector thematic studies to inform the land use plans at different levels.
- (b) Review, develop, and operationalize the land use plans based on specific sector projections and land suitability mapping of various land use categories.
- (c) Align the national land use and development master plan to the new national development agenda and inform district and sectoral development plans.
- (d) Delineate all urban, peri-urban and rural land. This involves developing and adapting detailed physical plans for urban, peri-urban and rural settlements to guide effective and efficient use of land for sustainable development.
- (e) Establish mechanisms and tools to enforce compliance and ensure effective implementation of land use plans.
- (f) Devise mechanisms to increase public participation in the elaboration and implementation of land use master plans.
- (g) Initiate and support the process for developing sectorial land use master plans to guide sectoral development and optimal use of land in each sector.
- (h) Build human resources capacity to respond to specific skills gap in the development, monitoring and implementation of land use master plans.
- (i) Establish basic infrastructure as pre-condition for efficient urbanisation and housing development.
- (j) Carry out regular quality assurance of resettlement plans before expropriation and enforce their effective implementation.
- (k) Develop a guideline on the expansion of the Kigali City and secondary cities.
- (l) Establish the national spatial data framework (infrastructure) to enable easy access to standardized spatial data. This implies strengthening the surveying and mapping services to enhance the decision-making in land management.

4.2. Pillar 2: Land Use Management

Policy Objectives:

1. Ensure an effective and efficient land utilization and management across sectors such as agriculture, industry, forestry, livestock, settlement and housing, mining, and other public investment.
2. Support investment promotion through allocation of land for strategic investments.

4.2.1. Land utilization by various sectors

Looking at the land use data in the current LAIS as reported by the Rwanda Natural Capital Accounts, land is used for various reasons between and within different sectors. Agriculture has the biggest share (60.6%) of the total land use in Rwanda compared to other land use categories: forestry (9.3%²²), industrial (0.2%), livestock (5.7%), and settlement and housing (8.5%). The unclassified land is estimated at 13.5% and others (2.2%)²³. Accordingly, while overall land use change remained small in most cases, residential land use has experienced rapid growth during the two years period²⁴. The same report substantiates that some of these changes are due to reclassification of previously unclassified land (of about 5%). Cognizant of the good progress made in terms of efficient land utilization, some issues remain to be considered in this policy's perspective.

Key policy issues

- (1) The current land utilization is characterized by scattered residential settlement, low compliance to the zoning standards as required by master plans, use of construction materials that are costly and not environment friendly, limited responsiveness to the village settlement policy by eligible beneficiaries.
- (2) High proportion of unclassified land use. The current data from LAIS estimate the unclassified land use share at 13.5% which is relatively high.
- (3) Lack of integrated spatial land use and development plans across sectors. There are about 16 sectors and sub-sectors that are linked to land use management. However, the current land use planning rarely integrates development plans of other relevant sectors and vice-versa. Consequently, there is no clear guidance on how different sectors should complement and accommodate each other's development prospects linked to land use.
- (4) Continued claims on the possibility to subdivide agricultural land that is less than one hectare. Despite the provisions of the 2013 land law (article 30) prohibiting the subdivision

²² This does not include natural forests and Savana.

²³ NISR (2018). Rwanda Natural Capital Accounts- Land. National Institute of Statistics of Rwanda

²⁴ Idem.

of land reserved for agriculture and livestock if the results of subdivision leads to parcels of land less than 1 ha each, there are persistent claims on the possibility of subdividing land due to various inherent transactions including subdivision of inherited land among the siblings and other types of land ownership transfers.

Policy actions

In light of the issues presented above, the following policy actions are proposed:

- (a) Enforce the implementation of planned settlements in rural areas, densification in urban areas in accordance with the condominium law and propose appropriate housing models that ensure economic use of residential land.
- (b) Promote locally produced and environment-friendly construction materials.
- (c) Discourage individual house construction by creating more enabling and attractive conditions for the private sector, the banking sector, and property developers to play major role in developing affordable housing and real estates.
- (d) Guide and regulate land use change for each land use category.
- (e) Identify and assign land use to all unclassified land.
- (f) Promote integrated and coordinated planning of land use for strategic development programs across sectors.
- (g) Allow administrative subdivision of all agriculture plots of land while enforcing land use consolidation.

4.2.2. Efficient land use management

Efficient use and management of land and other natural resources is critical to ensure sustainable development. Concerning sustainable land management, the overall principle is that land must be used for productive and development purposes without compromising its use by future generations. The following key issues are identified as priority areas in the course of this policy:

Key policy issues

- (1) Inefficient use of available land: some private or state owned land remain idle for many years due to several reasons such as speculation (buying land for re-selling at relatively high prices especially in neighborhoods of the Kigali City and other growing cities) and lack of proper mechanism to optimize use of state owned land. This negatively affects the expected economic dividend linked to effective land use.
- (2) Management of state lands: In this context, state lands consist of lakes, waterways, national roads reserves, national parks, water bodies and wetlands, marshlands, buffer zones, protected areas, land with public infrastructures, marginal land. The main issues pertaining these types of land include: continued claims made on marshlands and swamps by individuals and private sector; lack of policy guidance on how buffer zones should be managed or used; illegal activities in protected areas and some protected areas with high-but-unused economic potentials. There is also lack of proper mechanism to follow up on lease agreements between Government and investors where Government has allocated land for investment.
- (3) Slow pace of public resettling of people currently living in high risk zones. Some people still live in high-risk zones with limited capacity to acquire new land for resettlement in risk-free zones. Regions like the Northern and Western Provinces still have large numbers of people living in areas considered as high-risk zones, who need to be resettled for their safety. Due to the topography and population density, obtaining new areas for settlement becomes challenging and the pace of resettlement has been below expectations to date.
- (4) Limited implementation of policies and strategies related to soil reclamation and land rehabilitation. While there are policies in place for soil reclamation and rehabilitation, especially focused on the mining and quarry areas as well as land degradation caused by soil erosion and excavated soils, these policies are not fully implemented due to a number of reasons. For full achievement of development goals, these policies need full implementation.

Policy actions

In order to ensure an efficient land management, the following policy actions are proposed:

- (a) Devise mechanisms to enforce use and efficient management of all available land and ensure alternative management models for expropriated land during the transitional period awaiting for the planned investment projects.
- (b) To conduct the profiling of all government unused lands and devise a model for productive use.
- (c) To devise the modalities of land lease in marshlands.
- (d) Establish legal/binding instrument (such as law, contractual arrangement, orders or regulations) to ensure rational use and expected return from the established land management infrastructure.
- (e) Put in place an appropriate land management system (e.g. by encouraging single entry of all state land across sectors) of all state-owned land including: land in the government's private and public domains, marginal land, expropriated lands, fragile areas, critical ecosystems, land in the buffer zones, registration of wetlands to be gazetted as well as land in protected areas. Furthermore, for optimal use of available government land, there is a need to put in place formal mechanisms to temporally acquire and use government land awaiting investment as prescribed by the master plans.
- (f) Put in place mechanism to follow up on utilization of land allocated by Government for investment.
- (g) Identify which buffer zones to be used for environment-friendly economic activities without compromising the preservation of the protected area.
- (h) Enforce the relocation of people living in high risk zones and ensure restoration of landscapes in conformity with land use suitability maps.
- (i) Enforce existing policies and strategies on land reclamation, rehabilitation (vertical and horizontal) and soil conservation measures including transboundary catchment protection initiatives.

4.2.3. Land for Strategic Investment

Rwanda has made remarkable progress in creating suitable environment for doing business processes and investment promotion as sustained by the World Bank Doing Business Report (2019). In fact, according to the report, Rwanda was ranked second in Africa and 29th worldwide. The overall objective of the Government of Rwanda is to create a conducive environment that facilitates business development in the country by attracting more private sector investments. Therefore, the aim of this policy is to support large-scale and land based strategic investment by the private sector.

Key policy issues

- (1) Land for strategic investments in key sectors such as tourism, agriculture, industry and real estate development is not demarcated. This constitutes one of key challenges in attracting large-scale and land-based strategic investment due to insufficient land reserves. Thus, the current land use planning does not consider such a potential demand for land.
- (2) Lack of consolidated records of investment projects for which state-owned land was assigned as well as records of land acquired by the government through expropriation for public interests.
- (3) There is no proper mechanism to assess social and community benefits attained through various investment projects. Investors are assigned land through state-owned land or land acquired through expropriation or a process that does not fully consider the wider social implications of their projects.
- (4) Lack of policy guidance on mainstreaming crosscutting issues such as people with disability, youth and gender.

Policy actions

In order to address the above issues, the following policy statements are proposed:

- (a) Secure and demarcate land for strategic investments across sectors and in accordance with their respective sector-specific land use master plans. This implies among others:
 - Engage actors across the sectors and coordinate the process of identification of different types of land required by investors along various land use categories,
 - Map and build a dynamic database for all land reserves that can potentially be assigned to investors in different development sectors,
 - Assess the possibility of government having a land bank to support future investments.
- (b) Put in place a recording system of the private investments for which state-owned land has been assigned and investments meant to be of public interest.
- (c) Conduct monitoring/ evaluation of private investment on state-owned land in order to ensure whether the anticipated benefits are materialized.
- (d) Develop a strategy for mainstreaming cross-cutting issues such as people with disabilities, youth and gender in land sub-sector.

4.3. Pillar 3: Land Administration

Land administration is a system in which land-related laws and regulations about land tenure are applied and made operational. It is also the process of recording, handling and disseminating information about land transactions, land tenure, ownership, value, and use²⁵. Therefore, an efficient land administration system guarantees land rights and security of tenure.

There has been substantial improvement in the land administration over the last decade in Rwanda. Some of the best practices resulting from previous policy implementation comprise of: a successful design and rapid implementation of the LTR, decentralized land administration entities, land information management system through LAIS, improved land related services such as tax collection, land as collateral for potential loan demand, among others. Therefore, the current policy shall address the following gaps or issues by strengthening the current land administration system.

Policy Objectives:

1. Strengthen the current land administration system for enhanced land-based service delivery
2. Strengthen mechanisms for effective administration of land lease fees and real property taxes (e.g. proper and up-to-date land records, maximization of real property tax collection and lease fees, collection of taxes, and capacitation of decentralized administrative entities in tax administration).
3. Enforce land sub-sector coordination to ensure an integrated approach for efficient cross-sectorial land utilization and collaboration towards sustainable land use and management.

4.3.1. Land registration

Rwanda has over the past ten years recorded tremendous achievements in the area of land registration. Indeed, about 11.4 million land parcels are registered. This has opened a range of opportunities to not only ensure land tenure security but also facilitate other land-based investments. However, a number of emerging issues are to be addressed in the course of this policy implementation as described below:

Key policy issues

- (1) There are cases of inconsistencies of land related information in the land register. Despite the successful registration of land in Rwanda, there are still cases whereby the information recorded during the land registration process, especially with regard to the land use, do not reflect the realities on the ground. For instance, some agricultural and livestock land have been erroneously recorded as residential or industrial with negative implications on land

²⁵ MINIRENA (2012).

information management system and actual land lease fees and property taxes. This needs to be corrected and harmonised for better land use and management.

- (2) Long and tedious processes for registering land for people who were not covered under the land tenure regularisation program, especially those who lost important documents such as marriage certificates that are crucial for proving joint land ownerships and people that are currently in prisons and who cannot access their land certificates. Despite the improvements made to the process for handling such cases, it is perceived to be too long and involves courts and payment of associated legal services which are unaffordable for some people.
- (3) High cost for land related transactions. Indeed, transactions such as subdivision of land and transfer of ownership involve costs that are beyond the financial capacity of many Rwandans, especially those living in rural areas with limited incomes. Wishes to reduce these costs were expressed by different stakeholders during the consultation process of the policy;
- (4) Non-optimization of the benefits expected from Land Tenure Regularization: Despite successful implementation of the LTR program, there is still a room to improve the optimization of economic benefits expected to be generated from the effective implementation of the LTR (e.g. Use of land titles for loan collaterals, attracting investors, etc.);
- (5) Delay in land related service delivery at the district level. It is increasingly observed that some services such as land certificate transfer take long to be processed.

Policy actions

In order to address the issues expressed above, the following policy statements are proposed:

- (a) To update and harmonise land use information gathered during previous land registration with respect to various land use categories.
- (b) To simplify land registration processes and facilitate easy access to land documents by the right owners using IT-based solutions.
- (c) To reduce land transaction costs related to transfer of ownership and rights in order to avoid informal transactions.
- (d) To promote maximization of expected benefits from Land Tenure Regularization.
- (e) To identify land related services that can further be decentralized at the sector level and capacitate the latter to perform such responsibilities through ICT-based solutions.
- (f) To define the role of the private sector in land administration services.

4.3.2. Land lease fees, real property taxes and land markets

This thematic area focusses on land lease fees, real property taxes and land market to inform their effective administration. The aim is to put in place mechanisms for effective administration of land and real property related taxes (e.g. proper and up-to-date land records, maximization of real property tax collection and lease fees, collection of taxes, and capacitate decentralized administrative entities in tax administration).

Land lease fees and taxes

Key policy issues

- (1) The structure of land lease taxes is complex and varies on the basis of a range of criteria mostly tied to size and physical location of the land which sometimes does not correspond to its market value. Furthermore, land registration data recorded on land lease contracts are sometimes misleading. For instance, the amount of money recorded on the land certificate as land lease taxes are different from what land owners are actually requested to pay on annual basis.
- (2) Some plots located in urban areas have been recorded as agriculture land, hence exemption from the payment of the land lease fees, which should not be the case. Similarly, there is no systematic adaptation of the land use change categories resulting from urbanization. Consequently, in some areas, land lease fees are increased simply based on a decision of changing land use category by the competent organ (e.g. change from agriculture to residential) before the land use change is effective.
- (3) There are instances of privately owned land accommodating portions of land allocated to public investments such as road reserves (including buffer zones along the roads, electrical polls, etc). However, these portions of land are still counted as part the individual land titles, leading to payment of unjustified land lease fees.
- (4) About 70% of land area in agriculture is in parcels that are less than 2 hectares in size and hence exempted from land taxes according to the land law and the law on sources of revenues and property of decentralized entities. This affects land related resource mobilization especially for the local government.

Policy actions

- (a) Review land-related taxes based on actual value of land on the market, update the land registry on regular basis to inform the tax collection process and in case of land use change, adjust land taxes based on effective phases of the implementation of land use plans.
- (b) Strengthen community awareness on the structure of land lease fees and taxes, how the values are fixed, and how to deal with any possible adjustment needed.

- (c) Identify individual land parcels with government infrastructure such as roads, electricity poles, water facilities, buffer zones along the roads and expropriated land and remove them from individual land certificates or exempt them from the payment of land fees and taxes.
- (d) Review the payment modalities for land related taxes to ensure sustainable land management.

Real property taxes

Key policy issues

- (1) A major challenge related to the real property taxes administration remains on the maximization of real property revenue collection by local authorities using available land records.
- (2) Real property taxes are perceived by citizens to be high compared to their household income

Policy actions

- (a) Ensure up-to-date property databases are available for each district and accessible by respective district officials with the aim to capture the needed information for establishing reliable tax bases.
- (b) Conduct a comprehensive property registration exercise across the country with the aim to create reliable database for fixed asset taxpayers.
- (c) Update real property taxes in consultation with citizens.

Land and property markets

Key policy issues

- (1) There is limited availability of relevant data on asset values and the acquisition of up-to-date information of market values of properties. This is mainly because charges by private certified land valuers are perceived expensive and property owners may not see any gain to cover the cost. Thus, in most cases, revenue collection officers only rely on the value reported by the taxpayer.
- (2) The number of available land and property valuers is still low compared to the demand and despite the fact that the government has enacted the Law N° 59/2011 of 31/12/2011 to ensure proper administration of all property values at the district level.

Policy actions

- (a) Ensure that responsible administrative units at the CoK and district levels have accurate data on asset market values (land and real property).
- (b) Enforce the collection and access of accurate and up-to-date information on market values for land and real property assets to serve as benchmark for land and real property market transactions.

Tax administration capacity

Key policy issues

- (1) Limited capacity of City of Kigali and districts in tax administration and more specifically in tax collection.
- (2) Limited appropriate facilities for effective tax collection (e.g. database, software, and transport).

Policy action

- (a) Build and strengthen the City of Kigali and districts' capacities to collect land- and property-related taxes as well as the establishment of a sound land lease fees, taxes and property tax system.

4.3.3. Land rights and Land disputes

The government of Rwanda has made commendable progress in securing land rights, equity in land distribution, land-related legal reforms, and promotion of women's land rights. This policy proposes to address the remaining gaps as detailed below.

Key policy issues

- (1) There is an increasing trend of polygamous and other types of informal marriages such as cohabitation, jeopardizing land rights for women and leading to land related disputes.
- (2) There are still cases of land-related transactions that are not supported by enough evidence, leading to noncompliance with land use plans and legal disputes.

Policy actions

- (a) Continuously raise public awareness on the risks related to illegal and informal marriages in order to formalize such cases.
- (b) Ensure that land transfer services are supported with sufficient evidence to avoid any resulting disputes.

- (c) Build capacity of local entities, mediators and the judiciary in the management of land related disputes/conflicts.

4.3.4. Institutional and Coordination Framework of the Land sub-sector

The institutional framework reflects how the land sub-sector is governed and coordinated to ensure integrated land use planning and management. Despite its cross-cutting nature, the planning of land use across sectors is still done in siloes. The take of this policy is to improve the current sectoral coordination by ensuring an integrated land use planning approach to guarantee efficient cross-sectorial land utilization and collaboration towards sustainable land management.

Key policy issues

- (1) Low enforcement of land law and other land related legal instruments (Presidential, Prime Minister's and Ministerial Orders, and Instructions).
- (2) The legal framework is complex, leading to different interpretation. There are many laws and regulations that are land-related, which to some extent gives room for misinterpretation by different users and therefore leading to their violation.
- (3) The current institutional arrangement of the land sub-sector is most tied to the land tenure regularization, land registration, land rights and less on land use management. Furthermore, the current institution in charge of land management and use in Rwanda (RLMUA) is vested with duties related to land registration, keeping the land registry, national land use planning, surveying and mapping, and overall land management in Rwanda. However, the RLMUA is still constrained by limited financial resource capacities for improved land administration.
- (4) There is no appropriate coordination mechanism to streamline inter-sectoral interests and competing needs over land leading to ineffective land use planning and management.

Policy actions

- (a) Review and ensure that all land-related legal instruments (laws and regulations) are harmonized, enforced, disseminated and made easy for right interpretation by users.
- (b) Revise the current institutional arrangement at all administrative levels for effective and efficient land use management.
- (c) Establish a sustainable financing mechanism for the institution in charge of land management and use to support diversification and scale up of land related service delivery.
- (d) Strengthen the coordination of the land sub-sector.
- (e) Regularly update the land administration information system to provide accurate information for monitoring the land management across key concerned sectors.

- (f) Establish a high level and inter-ministerial coordination committee to oversee the development, approval and effective implementation of land use plans at all levels.
- (g) For state-owned land, all other sector ministries shall be considered as land users, while the ownership and management of land remains a sole responsibility of the Ministry in charge of land.
- (h) Develop institutional, organizational, and individual capacities based on the identified needs to support the implementation of the actions prescribed under this policy.

5. Implementation framework and Policy Implications

5.1. Implementation framework

The implementation of this policy will be supported by effective and integrated collaboration between all concerned stakeholders. Furthermore, active involvement of all planning actors across sectors is crucial to ensure successful implementation of this policy. These include central government, local government, private sector, non-governmental organizations (NGOs), financial institutions, development partners and communities.

5.1.1. Central Government

The ministry in charge of land is the leading central government institution that ensures effective implementation of all the proposed policy actions under the three pillars of this policy: (i) land use planning, surveying and mapping, (ii) land use management and (iii) land administration. The Ministry in charge of land will rely on implementing agencies, currently RLMUA to guide and support the land use planning process, land use management strategies and land administration.

Due to the cross-cutting nature of the land use and management system, the implementation of this policy requires strong and inclusive coordination with other government institutions including MINAGRI, MINALOC, MININFRA, MINECOFIN, MoE, MINICOM, RDB, RMB among others. The expected role of these ministries and boards will be to facilitate and support mainstreaming of land management in their respective policies, sector strategies and plans that are linked to the land management system. Furthermore, with support and guidance from ministry in charge of land, concerned ministries will be responsible for their sectorial land use master plans and contribute to land suitability mapping.

The coordination of implementation of the land policy lies in the responsibility of ministry in charge of land through the established coordination mechanisms such as land thematic working groups, sector working groups, a land steering committees and the economic cluster.

The central government will mobilize required financial resources and provide required institutional capacity development for implementation of this policy.

5.1.2. Local Government

Throughout the implementation of this land policy, the local government (districts and the CoK) will be responsible for the development and implementation of their respective land use plans following the prescription of the national land use master plan and sector land use master plans and by ensuring active community participation and compliance.

5.1.3. Private sector

Reference made to the expected role of the private sector in the national transformation strategy, it is expected that the private sector, both domestic and foreign, will play a key role in the large-scale and land based strategic investment. In the course of this policy's implementation, the government will continue to create an enabling environment for land-based investments. In addition, financial institutions are expected to support land related investments through the development of new and adapted financial products.

5.1.4. Communities

Communities are expected to play a major role in the implementation of this land policy by adopting new best practices for land use and management. Furthermore, communities will be involved in different land education campaigns aiming at raising awareness on land-related legislations and management procedures.

5.1.5. Non-Governmental Organizations (NGOs)

NGOs will support the implementation of this policy at different levels, including: resource mobilization, community education and campaigns, bridging program between communities and local and central government as well as constructive engagement.

5.1.6. Development Partners

Development Partners will support Government and other organizations involved in advancement of the land sub-sector through different programs and projects.

5.1.7. Monitoring and evaluation

The implementation of this land policy is operationalized by the proposed land policy implementation strategy, which provides a five-year action plan highlighting intended policy outcomes and detailed activities meant to achieve the policy objectives. Moreover, the proposed hierarchy for land use planning and management (national and sector land use master plans, districts land use plans) will play an important role to inform progressive implementation and compliance to this land policy's prescriptions.

5.2. Policy Implications

5.2.1. Economic Implications

The economic implication of this land policy is seen at three levels. Firstly, the proposed efficient land use management is expected to increase productivity across economic sectors that depend on land use management system such as agriculture, industry, forestry, mining, tourism, housing and urbanization, use of some buffer zones and protected areas for environment friendly economic activities, etc. Secondly, by allocating specific land for strategic investments, this policy opens a window for Rwanda to boost its economic investments. Thirdly, it is also anticipated that effective tax administration will increase tax revenues that in turn will support public spending.

5.2.2. Financial Implications

This policy will have financial implications mainly in terms of additional budget needed to finance activities proposed under various policy actions. Funding sources for this policy include Government funding through the national budget allocation, internally generated land-related services fees, land taxes, donors funding as well as non-state resources from partner organizations

5.2.3. Legal implications

The Government in collaboration with parliament will ensure review of the existing land law to accommodate new changes proposed by this land policy. In addition, the Government will ensure that all land-related legal instruments (laws and regulations) are complementary, enforced, disseminated and made easy for the right interpretation by users.

5.2.4. Social Implications

With regard to social implication of this policy, it is anticipated that the enforcement of village settlement in rural areas, densification in urban areas and relocation of people living in high-risk zones, are expected to increase social cohesion, economic security and people's livelihoods. Secondly, the land policy proposes the mainstreaming of gender, youth and people with disabilities for a more inclusive land use and management.

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