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

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Rwanda is small country with a gross area of 25,300 km^2 and a net useable area (excluding lakes, national parks) of 20,635 km^2. With a total population of 9.9 million this gives an average population density of 479 persons/ km^2 across the country – one of the highest in Africa. Variations from west to east range from 640 persons/km^2 in NW to 466 persons/ km^2 in the SE. Limited land area and a rapidly growing population has resulted in almost all areas of land in the country outside of the conserved areas and national parks being cultivated.

The land, though highly productive in many areas has become fragmented into small holdings. Nationally land parcel sizes vary with population density. In the west and north-west high population areas, average parcel sizes are around 0.17 ha often smaller, whilst in the east 0.77 ha. The national average land parcel size is 0.35 ha. (National Land Tenure Reform Programme, NLTRP Statistics 2007). Households usually hold more than one parcel in different locations and grow a variety of crops.

Rapid population growth and successive waves of social unrest culminating in the 1994 genocide have weakened traditional land allocation systems. Tenure insecurity has been compounded by increasing scarcity and marketisation of land and, in some areas rapid development driven by a State led expropriation process. In Eastern District government has engaged in a land sharing and reallocation programme to settle returning refugees and landless people. This has resulted in smaller land holdings in Eastern district as subdivision continues. All of these processes have accelerated in recent years.

The country is divided into 30 districts, three of which are in Kigali City. Districts are divided into Sectors and thence to Cells. Within the cells 'villages' or *'Imidugudu'* are the smallest unit. There are 416 Sectors and 2,146 Cells nationwide. Maps of the country are presented as **Figure 1**. Baseline statistics are presented as **Annex I** and **II** at the end of this paper.

Existing systems of land administration and planning under the old laws are no longer enough to meet these challenges. The old colonial laws left a legacy of inequality between urban and rural lands and a system of land

administration that is outdated and cumbersome. What is needed for the 21st Century is a new system that covered all areas of the country that is inclusive for all land users.

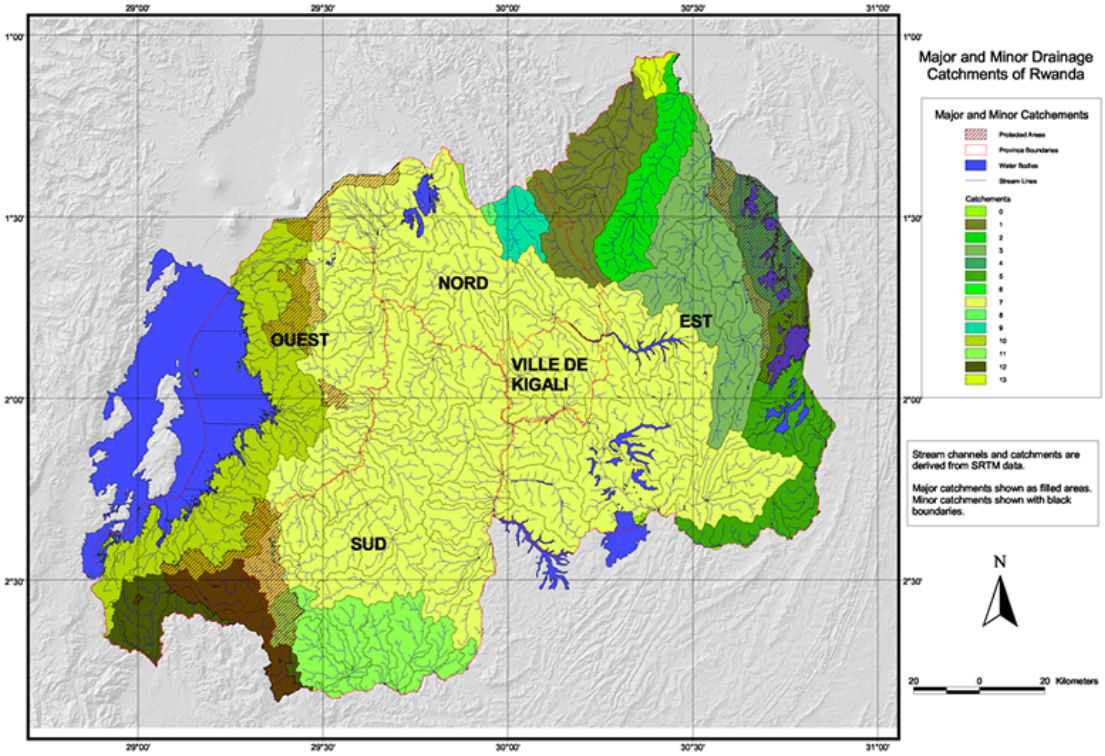
In June 2004 the Government passed a new National Land Policy. Following a period of public consultation this was followed by the passing of the *Organic Law N° 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda*, referred to as the Organic Land Law (OLL), which took effect from 15th September 2005. The law aimed to improve tenure security through land registration, facilitate the development of an equitable land market in Rwanda and promote the sustainable use of land.

Following its enactment, research and field tests were completed to prepare a detailed, time bound and costed strategy for its implementation. Field consultations were completed in 2006 and field trials in December 2007 in four areas of the country. These provided substantial detail to enable the design of clear transparent land use planning and land administration systems and procedures that will enable the country to meet its visions and objectives. These are set out in Vision 2020 and the Economic Development and Poverty Reduction Strategy (EDPRS).

This paper presents an overview of these developments in the context of the development of national formal systems of land administration in Rwanda. The paper concludes with a review of some of the challenges ahead for effective and sustainable land reform in Rwanda. The paper is structured under the following headings;

1. Beginnings; A New Policy and Legal Framework
2. The Land Governance Institutions
3. Researching the Issues; Field consultations, Trials and Analysis
4. Developing the Strategy
5. The Economic Case for Reform
6. Implementation; Ongoing Challenges, 2009

Figure 1,
General Maps of Rwanda showing Principal Watersheds and District Boundaries



1. Beginnings: A New Policy and Legal Framework

The historical background and progress of the legislation in Rwanda is worth relating in some detail to understand fully the context of ongoing developments.

Land tenure in Rwanda has historically been based in part on customary law and in part on written law of the Civil Law tradition. The majority of land holdings in Rwanda fell under customary law while the latter is almost entirely confined to built-up areas, Church lands and some commercial estates.

1.1 Customary Law

Under customary law the pre-colonial land system in Rwanda was characterised by collective ownership of land. Subject to traditional conditions, families enjoyed certain rights over lands they occupied. Land rights, which were accorded on behalf of the King, were respected and transmitted from generation to generation according to Rwandan custom. Only a small proportion of the land in Rwanda allocated to colonialists and other foreigners by the colonial administration was under the written law, all occupied land remained subject to customary law.

After Rwanda attained Independence in July 1962, the existing system of customary tenure was altered by national legislation, the most significant of which was Law N° 09/76 of 4th March 1976. Article 1 of that Law declared that all land not held under the written law, including all occupied land governed by customary law, belongs to the State. The Law also provided for the purchase and sale of customary land rights (the right of use of the soil), with the prior permission of the Minister responsible for lands, provided that the seller retained at least 2 ha of land and the buyer did not own as much as 2 ha of land.

Since enactment this law, effectively nationalising the underlying title to customary land, the State only recognised the right of private ownership of land based on land registration; however, the State recognises the rights of persons in legitimate occupation of unregistered land under customary law, and the rights of persons who have come into possession of such land by means of legitimate transactions or authorisation from the State

1.2 Civil Code and Laws

The written law of Rwanda, set out primarily in the *Codes et Lois Du Rwanda* (Codes and Laws of Rwanda 1995) derived from the European Civil Law tradition, and was introduced during the colonial period to guarantee security of land tenure for foreigners wanting to invest in Rwanda. In addition to the Code, the written law includes legislation enacted since 1995 published in the Official Gazette.

Under the written law, individuals and corporations own the absolute title to land under Certificates of Registration (*Certificat d' Enregistrement d' une Propriété Foncière*). Such title has been acquired either by means of a gratuitous grant (*Contrat de Cession Gratuité*) or purchase (*Contrat de Vente*). In practice, land is not sold until the buyer had satisfactorily discharged an obligation to develop the land within 3 to 10 years of allocation, entered into under a previous contract (*Contrat de Location*) with the State or, in the case of land in Kigali, the City government.

Private land held under registered title is transmissible on death in accordance with the law of succession, and may be freely transferred and hypothecated (mortgaged) on the open market in accordance with the provisions of the Civil Code. Other rights related to land known to the Civil Law, including but not limited to, servitudes and emphyteutic leases (*Contrat de Emphytéose*) for terms of [15] to 99 years, can exist over registered land and be vested in persons other than the landowner.

1.3 The Constitution, 2003

The current Constitution of the Republic of Rwanda was adopted by referendum on 26th May 2003 and came into effect on the date of its promulgation in the Official Gazette, 4th June 2003. The following provisions of Title II Chapter One (Fundamental Human Rights) deal with property rights:

- ***Article 29:*** *Every person has a right to private property, whether personal or owned in association with others. Private property, whether individually or collectively owned, is inviolable. The right to property may not be interfered with except in the public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.*

- ***Article 30:*** *Private ownership of land and other rights related to land are granted by the State. The law specifies the modalities of acquisition, transfer and use of land.*

- ***Article 31:*** *The property of the State comprises of public and private property of the central Government as well as the public and private property of decentralized local government organs. The public property of the State is inalienable unless there has been a prior transfer to the private property of the State.*

- ***Article 43:*** *In the exercise of rights and the enjoyment of freedoms, every person shall only be subject to the limitations set by law in order to ensure the recognition and respect of other's rights and freedoms, good morals, public order and social welfare which characterize a democratic society.*

Article 200 of the Constitution provides that the Constitution is the supreme law of the State and any law which is contrary to the Constitution is null and void. Article 93, which provides for the making of 'Organic laws', provides that Organic laws govern all matters reserved for them by the Constitution as well as matters the laws in respect of which require related special laws. It also provides that an Organic law may not contradict the Constitution, neither may an ordinary law or decree-law contradict an Organic law and a decree may not contradict an ordinary law.

1.4 National Land Policy, 2004

In 2004, the Government of Rwanda developed a National Land Policy to enable the population to enjoy a more secure form of land tenure and bring about proper land utilisation, efficient land management and administration. The Guiding Principles underpinning this policy were as follows:

i) Land is the common heritage of past, present and future generations;
ii) According to the Constitutional principle of equality for all citizens, all Rwandans enjoy the same rights of access to land without discrimination;
iii) Land tenure and land administration should guarantee security for the holder of a title deed and should ensure optimum development of land;
iv) The guarantee of rights in land is a pre-requisite to sustainable management and proper use of land, being the source of development and life;
v) Methods of management and use will differ according to whether it refers to urban or rural land, land comprising hill terrain, marshlands and natural reserves;
vi) Fragile zones that are of national interest should be protected;
vii) Good land management should include a good planning system, including organisation of houses and regrouping of plots for a more economic and productive use of the land resource;
viii) A well defined and strengthened legal and institutional framework is indispensable for the implementation of the land policy.

The enactment of an 'Organic Law dealing with the use and management of land' and other related legislation was proposed as the mechanism for facilitating the implementation of, and having land users comply with, the National Land Policy.

1.5 The Organic Land Law, 2005

The passing of the *Organic Law N° 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda*, referred to as the "Organic Land Law" (OLL), with effect from 15th September 2005, aimed to improve tenure security, through land registration facilitate the development of an equitable land market, and the sustainable use of land in Rwanda.

Through its various articles the OLL anticipated wide ranging and radical reforms in land administration and planning. These represent a major shift in land legislation and administration in Rwanda and provide the basis for the current reforms. Key strategic principles of the law are as follows.

i). A clear recognition of rights and obligations of both the State and the individual in land. This means that landowners now have rights beyond simply the exploitation and use of the land but also an obligation to use it well and sustainably.
ii). A nationwide land registration and titling system accessible to all citizens – previously only open to a few mainly urban based land holders, registration will now be extended to all land holders.
iii). A system for land planning and development control

As stated, until the enactment of the OLL, land rights in Rwanda were effectively divided between the majority who held their land under a customary or informal rights and a minority who had title issued under the Civil Code introduced in the colonial era. Government's first objective with the introduction of the OLL was to eliminate this division so that all Rwandans hold their land under one unified legal and administrative tenure system defined by the OLL and its associated orders and laws.

General Provisions of the OLL

The OLL commences with eight General Provisions which provide the foundation for the specific measures detailed in the subsequent Chapters. Key amongst these are:

- ***Article 3**, which declares that the land is the common heritage of all Rwandans, past present and future and that, notwithstanding the recognized rights of people, the State has supreme powers to manage all national land, is the sole authority with the power to grant rights of occupation and use of land and has the right to expropriate private land for public purposes, on prior payment of fair compensation.*

- ***Article 4**, which provides for equality with respect to the land rights to be enjoyed by individuals (natural persons) and corporations (legal persons), prohibits discrimination by gender or origin and provides for spouses to have equal rights to land.*

- ***Article 5**, which provides that all persons in possession of land acquired under customary law or by virtue of authorisation granted by government or by purchase, who are recognised as the owners of that land, are entitled to documentary title to the land in the form of an emphyteutic (long term) lease.*

- ***Article 6**, which provides for the grant of absolute title to land to Rwandans or foreigners who invest in Rwanda by carrying out works of a residential, industrial, commercial or similar character on land.*

- ***Article 7**, which provides that the OLL protects equally rights over land resulting from custom and written law and specifies the classes of persons who, in the context of the OLL, are recognised as customary landowners.*

Categorisation of Land

The OLL recognises three broad categories of land, namely: *the private land of individuals* (including both natural and legal persons), *land vested in the State* and *land vested in the Local Government Authorities* (Districts, Towns and Municipalities). Land in the latter two categories is further divided, in the conventional manner under Civil Law, into land in the public domain and land in the private domain respectively. In addition, specific provision is made with respect to lands to be allocated to the landless. The provisions of the OLL with respect to these categories of land can be summarised as follows:

i) Private land

Private land is comprised of land acquired under customary or written law, by purchase, gift, exchange or partition (*Art.11*). This includes land to be held under emphyteutic leases (*Art.5*), which create property rights analogous to full ownership during the term of the lease, and by virtue of absolute title (*Art.6*).

With respect to land acquired under customary law, the OLL provides (*Art.5*) for title to be conferred on individuals who are recognised as the customary landowners (*Art 7*) in the form of an emphyteutic lease for a renewable term of 3 to 99 years, as specified by Presidential Order (*Art.24*). What this means is that anybody who has a claim of right to land nationalised in 1976, either under customary law or by virtue of official authorisation, or who has purchased such land, may apply for documentary title to that land. The OLL does not specify what evidence will be required to support such a claim of right. The procedures whereby such leases will be obtained from the State or Local Government Authority in which the land is vested are specified by Ministerial Order (*Art.25 & 27*).

The OLL provides for the continued grant of absolute title to land to persons investing in the construction on land of works of various kinds that would inevitably result in the annexation of their immoveable property to the land (*Art.6*). The procedures (include the investment thresholds) required to qualify for the grant of absolute title under the OLL are to be prescribed by the Minister.

Registration of title to land is compulsory (*Art.30*). While rights based on land are freely transmissible upon death and transferrable by sale or gift, and land may be leased, rented out, encumbered or mortgaged in accordance with the Civil Code (*Art. 33 & 34*), no transfer, mortgage, emphyteutic lease, rental agreement, or servitude is binding on third parties unless recorded on the register (*Art.38*). In cases of joint ownership, the prior consent of specified family members is required for the lawful transfer or mortgage of land, long term rental agreements and creation of servitudes (*Art.35, 36, 37 & 38*).

These arrangements effectively mean that the existing forms of private land tenure – both under the Civil Code and customary law will be replaced with new forms of tenure that will give all existing landowners a new set of rights and obligations embodied in a registered title. This will include rights to use the land, to exclude others, within set limits, and to dispose of it. However, to ensure compliance with government policy on land use, the right to develop land would be restricted, as indicated in the OLL.

In every respect this is a radical departure from what had been previously in place under the Civil Code and related decrees. The law requires radically new systems and procedures, a new institutional framework and an extensive programme of public awareness.

ii) State Land

Under the OLL State land is divided into land in the *public domain (land reserved for organs of the State or for environmental protection, including; land and buildings dedicated to public use, service and administration; State roads and road reserves, national lands reserved for environmental conservation (including national forests, national parks, reserved swamps, public gardens and tourist sites); the foreshore of lakes and rivers)* and land in the *private domain*. All land that does not belong to private individuals or local (District, Town, Municipality and Kigali City) authorities and is not comprised in the public domain is classified as *State land in the private domain*, *including: any vacant land (defined as land which is without an owner and land confiscated under Article 75 of the OLL); land expropriated for public purposes or purchased by or donated to the State; land occupied by State forests; swamps suitable for agricultural use; and land previously part of the public domain that has been re-classified in accordance with law (Art.14).*

Under the Civil Law the basic distinction between these two types of State land is that land in the public domain does not have commercial properties and is immune from inadvertent alienation by prescription, whilst land in the private domain, although it belongs to the State, is analogous to private property and is susceptible to prescriptive acquisition by squatters.

iii) District, Town & Municipal Land

As is the case with State lands, lands vested in the District, Town and Municipal authorities may be categorised as land in the public domain and land in the private domain respectively. Land transferred

to the local authorities by the State may be allocated to the public or private domain. The local authorities may also acquire land by purchase or donation from private persons and corporations for incorporation into either its public or private domain (*Art.16*).

1.6 Development of Secondary Legislation and Tertiary Regulations

At the time of its enactment the OLL was only an enabling legal framework for land tenure reform requiring other legal and administrative instruments for implementation. The drafting required was substantial both for secondary orders (decrees) and tertiary regulations. The immediate strategic priority was to prioritise the main orders, agree the details for drafting and prepare a plan for reconciling the new systems with the old. Over 20 orders (ministerial and presidential) were required, including detailed orders relating to leasing and registration of land. The details of these and associated regulations had still to be developed through field research and analysis of existing conditions.

Meanwhile, with no formal interim arrangements in place following the enactment of the OLL for completing these tasks, existing land administration systems as used under the Civil Code were retained.

The existing legal and administrative documents (letters, forms, contracts and concessions) based on 1940s legislation were all presented in French. These needed to be comprehensively reviewed and revised in terms of the new land law and translated into Kinyarwanda and English. This presented problems. The Governments requirement for all laws and orders to be published in tri-lingual format – though laudable - proved to be a major problem where technical terms were used. For the tertiary regulations covering systems and procedures, the language that described them also needed to be simple, succinct and clear with minimal scope for ambiguity or interpretation.

Tasks related to policy, legislation and procedures were to be based on a set of short term objectives providing for:

i). Clarifying the *detailed* status of rights and obligations in land for all citizens and the State
ii). Finalising orders establishing new and confirming the status of old title instruments
iii). Finalising orders and operational procedures establishing the registration system in all its aspects
iv). Agreeing principles, guidelines and procedures for first registration of all land holders – including simple guidelines for households to register land
v). Finalising operational procedures for Land Tenure Regularisation
vi). Reviewing orders and laws establishing the key governance institutions and their mandates including;
- Law establishing the institution of the National Land Centre
- Order establishing the Office of the Registrar of Land Titles
- Order establishing the District Land Bureaux
- Order establishing the National and District Land Commissions and the mandates of the Sector and Cell land Committees

Given the short time frame, sequencing was important. Administrative strategies, procedures and systems development for example were not entirely dependent on legislative development and did not require legal specialists leaving scope for development over time based on best practice and field testing.

All of the Orders establishing the land governance institutions (see Section 2) were drafted in advance of the orders that defined legal and administrative principles and procedures for the reform process. This required the functions and responsibilities for those institutions that would be significantly impacted by legal and administrative orders be kept under review and modified as the legislation and regulations developed.

The drafts were prepared quickly and were subjected to several iterations. A list of the key orders is set out in **Table 1.** All of these orders may still require policy decisions that will require field research and consultation

to resolve. However, enactment of all of these will enable the essential task for land administration and planning to become operational.

Table 1
Orders Drafted or in Progress under the Organic Land Law in Rwanda 2006 – 2009

No.	Articles OLL/Laws	Title	Explanation
1	***OLL Art 25,*** *3, 4, 5, 7, 11*	Draft Ministerial Order Determining the Content and Procedures for land allocation and lease	Sets the framework for leasing and titling of land and defines the legal instruments of title and must be in place for the reform to proceed.
2	***OLL Art 6***	Draft Ministerial Order Determining the Content and Procedures for the extension of full ownership rights.	This makes provision for full ownership outside the leasehold framework. The criteria for which this will be implemented will need to be clarified in a order.
3	***OLL 24***	Presidential order determining the length of the lease for different categories of land in line with what such land is intended for	A complement to the above and is mandatory for the implementation of the Article 25.
4	***OLL 30***	Ministerial Order determining the modalities of land registration of title to land	The order that establishes a land registration system, setting out the principles and parameters. An operations manual must be prepared from this
5	***OLL 26,*** *83*	Presidential Order Determining the Structure, the Powers and the Functioning of the Office of the Registrar of Land Titles	This order will need revision following a period of operations of the Office of the Registrar under the support of the ICF funded project.
6	***OLL Art 31***	Ministerial Order Determining the Structure of Land Registers, the Responsibilities And The Functioning Of Land Bureaux In Districts.	This order was drafted early in 2006 without the benefit of experience of the day to day functioning of the District Land Bureaux. A review will be required following the formal establishment of registration procedures.
7	***OLL Art 8,*** *15, 73 and 74*	Presidential Order Determining the Organisation, Responsibilities, the Functioning and the Composition of Land Commissions	This order was also drafted early without the benefit of experience of the functioning of the District Land Bureaux which the Land Commissions are to oversee.
8	***OLL Art 87***	Ministerial order on land sharing	A draft is in place but this has still be to be reviewed in detail.
9	***OLL Art 29***	Article 29: Ministerial order on the Use, Management and Tenure Arrangements for Cultivated Wetlands	This order will be required to clarify the tenure arrangements on swampland that will be leased as state land in the private domain and that which will be protected as land under the public domain.

The preparation of operations manuals and documents templates was to be completed for use in training at both central and District levels. **Table 2** gives a summary of the priority manuals required for implementation of the land law.

Table 2
Required Operations Manuals for Bringing the Law into Effect

Title		*Operations Manuals*
1	***Land Administration Manual***	Framework drafted awaiting commencement of the ICF programme
2	***Land Tenure Regularisation Manual***	First draft completed to be amended following the completion of the field trials.
3	***Expropriation Procedures Training Manual***	A companion document to the expropriation law that will clarify any ambiguities and ensure implementation on the ground is carried out to set standards.
4	***Family Law Manual***	Preparation of citizens guidelines for Registration, Inheritance and Transfer of land

The Short Term Legislative Programme (Phase 1 of the programme) was to complete all of these tasks before the Government could meet its target of rolling out the implementation programme (Phase 2) commencing 2009.

1.7 Forms of Tenure

Despite these legal developments, land rights acquired by sale, inheritance or under customary or indigenous practices (the majority – as much as 98 percent of all land holders), remain largely undocumented and informal, and are not well defined or understood outside of the written legal framework. However, under the assumed statutory lease as given in the OLL, these rights are protected but need to be fully understood and confirmed before registration and titling can take place.

For those on statutory leases under the OLL the principal task is to bring all those with a valid claim of right onto the register (first registration) through adjudication procedures and the adoption of legal principles of acceptance of evidence (witnesses, and informal documents such as bills of sale etc). A formal procedure of systematic land tenure regularisation (LTR) was devised to allow for all of these steps to be completed in a single unified process, thus bringing all land rights held under the OLL onto the register for the first time.

Current land rights acquired under the Civil Code are set out in various orders and are more easily defined within the current legal framework. These will also need to be formally registered under the OLL and in some cases converted to a new form of tenure. The Government proposes to make legal land title instruments easily obtainable for all citizens of Rwanda. These will be;

i). Certificat d'enregistrement d'une Propriete Fonciere; a full ownership certificate or absolute title.
ii). Contrat d'Emphyteose; an emphyteutic lease of varying terms but with a basic term of 99 years for all individual land as defined under the organic land law.
iii). Interim Land Certificates (ILCs) will be issued to meet immediate requirements for land documents and proof of ownership. These will be converted to registered emphyteutic leases.

For the proposed title instruments to gain popular acceptance under the law they must be a significant improvement on informal and formal title instruments individuals and households have already acquired – and continue to use. Title instruments to be issued will be modelled largely on those existing under the civil

code but will be modified to meet the new arrangements for countrywide application and registration. **Table 3** summarises the forms of tenure that are being proposed.

Table 3
Summary of Forms of Tenure to be provided under New Arrangements

Instruments to be used under the Organic Land Law	Description/Explanation
i) Certificat d'enregistrement d'une propriété foncière: This is absolute title that is granted after the land has been developed. These are currently quite widely held and are generally much sought after as the most secure form of tenure under the old laws.	This is 'absolute title' (full ownership), that was granted under the civil code. Under the OLL existing titles will be respected. New titles will be issued under conditions set out in an order under *Article 6* and registered. Titles issued before the organic land law will also be checked and registered.
ii) Contrat d'Emphyteose Long term emphyteutic lease granted up to 99 years creates real rights in land. The term of emphyteutic leases to be granted under the OLL are as follows; 99 years: for individual (or private land) land 49 years: for agriculture on State land of the Private Domain, animal husbandry tourism or forestry 30 years: allocated for activities or services 20 years: allocated for residential 20 years: approved activities in swamps 15 years: waterways for fishing purposes	This will now be the standard lease granted to persons in occupation of all individual land as described under *Article 11*. Eligibility is confirmed under *Article 5*. All except for individual land must apply for allocation before being granted a leasehold title. Emphyteutic leases of 20 – 30 years replace the contrat de location. They are conditional on completion of development. Ground rent is paid and they are converted to absolute ownership on completion of the lease term and fulfilment of the contrat conditions.
iii) Interim Land Certificate (ILC) The ILC will be issued to all citizens who participate in, and have their land regularised. The ILC will; – be a legal document that is guaranteed by the state with regard to all rights and obligations – be exchanged for a full lease not later than *five years* after issuance and must be formally registered – carry all rights of disposition, including mortgage rights – ILCs will only be issued at Cell level – ILCs can only be issued after the designated formal processes of adjudication and demarcation have been concluded and only against a designated adjudication record. – The Office of the Registrar will be legally bound through his/her District Land Officers to convert ILCs to full registered leasehold before the period of expiry of the ILC.	Interim titling measures will allow for registry functions to be fully developed without delaying systematic or sporadic titling. This will require a rolling programme of lease preparation, issuance and registration to meet the requirements of the OLL. To achieve full registration the Office of the Registrar must provisionally register all cells that have completed field registration processes (LTR). This must be done with regard to the cell boundaries, the number of individual registrations within that cell and the legal provision to conclude all registration formalities by the required date.

Those title instruments already issued under the Civil Code and related orders will be registered under the new registration arrangements. This will necessitate a check of all existing records and ownership as part of the land tenure regularisation programme. Other title instruments currently in use include;

i). Contrat de Location; a simple contract of tenancy granted on an initial term of three years pending development of the land. All contracts currently in circulation will be honoured. No further contracts will be issued but will be replaced with emphyteutic leases.

ii). Contrat de Cession Gratuite; often held by Churches, the status of titles and holdings will be reassessed according to the current records and situation on the ground.

iii). Acte de Notoriete; a permission to occupy land that will be cancelled on issuance of an interim land certificate.

Table 4 summarises those title instruments currently in use and how these will be converted.

Table 4
Current Title Instruments in Use and Conversion Arrangements

Title Instruments previously in use	Current Status and Conversion Arrangements
ii) <u>Contrat de Location</u>: This is a simple contract of tenancy granted on an initial term of three years pending development of the land. Building authorisation is required to develop the land. The contract may be extended for three years and then a further four years up to the limit of ten years. Ground rent is due for the full ten-year period. When this is paid and the land is developed a Contrat de Vente transfers the land and absolute title is obtained. This contract does not create real rights in land and cannot be used at the bank for collateral.	All contracts issued before and after September 2005 will be upheld and converted to Certificat d'enregistrement d'une propriété foncière on completion of the development as stated in the contract. From a pre-determined date these will be gradually phased out and henceforth replaced by emphyteutic leases of 20-30 years.
iii) <u>Contrat de Cession Gratuite</u> Granted to NGOs and churches for a variable term of 14-50 years. No taxes or charges are levied under 24th Jan 1943 order. No use changes are allowed or no profitable activities are allowed. This cannot be transferred.	These will be subject to regularisation through a detailed records check but all approved titles must be registered. The OLL has not provided for them but the Constitution protects their rights.
iv) <u>Acte de Notoriété:</u> This is an affidavit giving permission to occupy and use non-registered land. There is no fixed term. Ground rent is paid per ha for more than 5 ha and graduated upwards. A flat fee to obtain the document is paid. This instrument was quite widely used in urban areas but they were also in circulation in the districts. These could be freely transferred and passed on to descendants but could not be used for collateral.	These instruments will provide evidence during adjudication of having occupied and exploited land for a given period and will provide evidence for claimants to obtain an emphyteutic lease. On registration the existing Acte de Notoriété documents will be cancelled.

As part of a national land tenure regularisation process the existing title records will be systematically checked and placed on the register under the new registration arrangements. The current estimates are that these number some 80 - 100,000 records nationally. This number excludes the many informal documents that are currently held by land holders and the Acte de Notoriété which are widely held but not registered. Existing obsolete title documents will be phased out and replaced with new ones where appropriate.

Informally held documents (ie those not in written law), whatever their legal status or source will be examined as supporting evidence as part of the claims process under LTR. Field research established a firm basis for the acceptance of evidential documents. Where claims are deemed to be valid the land will be registered and new titles issued.

Careful analysis has provided estimates of the number of land parcels per district, sector and cell. It is estimated that nationwide the country would have to regularise up to 7.9 million land parcels.

2. The Land Governance Institutions

Land tenure reform is part of Rwanda's wider programme of public sector reform and decentralisation. This is structured around three separate functions in each sector:

- a sector ministry responsible for policy making, coordination, budgeting and accountability to Parliament
- service delivery decentralised to the districts
- specialised agencies to provide technical and professional functions

The OLL sets out the governance of land management in terms of the following institutions (see **Figure 2**);

i). Ministry level – principally MINIRENA - addressing issues of policy, in particular through Ministerial orders and/or orders that set out laws and procedures for the administration, planning and allocation of land. The OLL provides for Land Commissions and Land Bureaux as the key land service delivery agencies at the district level. Under the National Land Policy, a law has been passed to establish a National Land Centre, as the technical agency and the main implementing arm of the Organic Land Law.

ii). A new institution of Land Commissions bears the principal responsibility for overseeing the implementation of the Organic Land Law. Under *Article 8* of the OLL, Land Commissions are established, by Presidential Order, at National and District Levels.

iii). The National Land Centre: Is a new institution described under a separate law that makes provision for key land related functions of spatial planning, survey and land administration within a single institution under a single management framework. The Office of the Registrar will be housed within the National Land Centre.

iv). Office of the Registrar: The OLL prescribes the establishment, by Presidential Order, of a "registrar of land titles." He/she is supported by five deputy zonal registrars covering each of the four provinces of Rwanda and Kigali City.

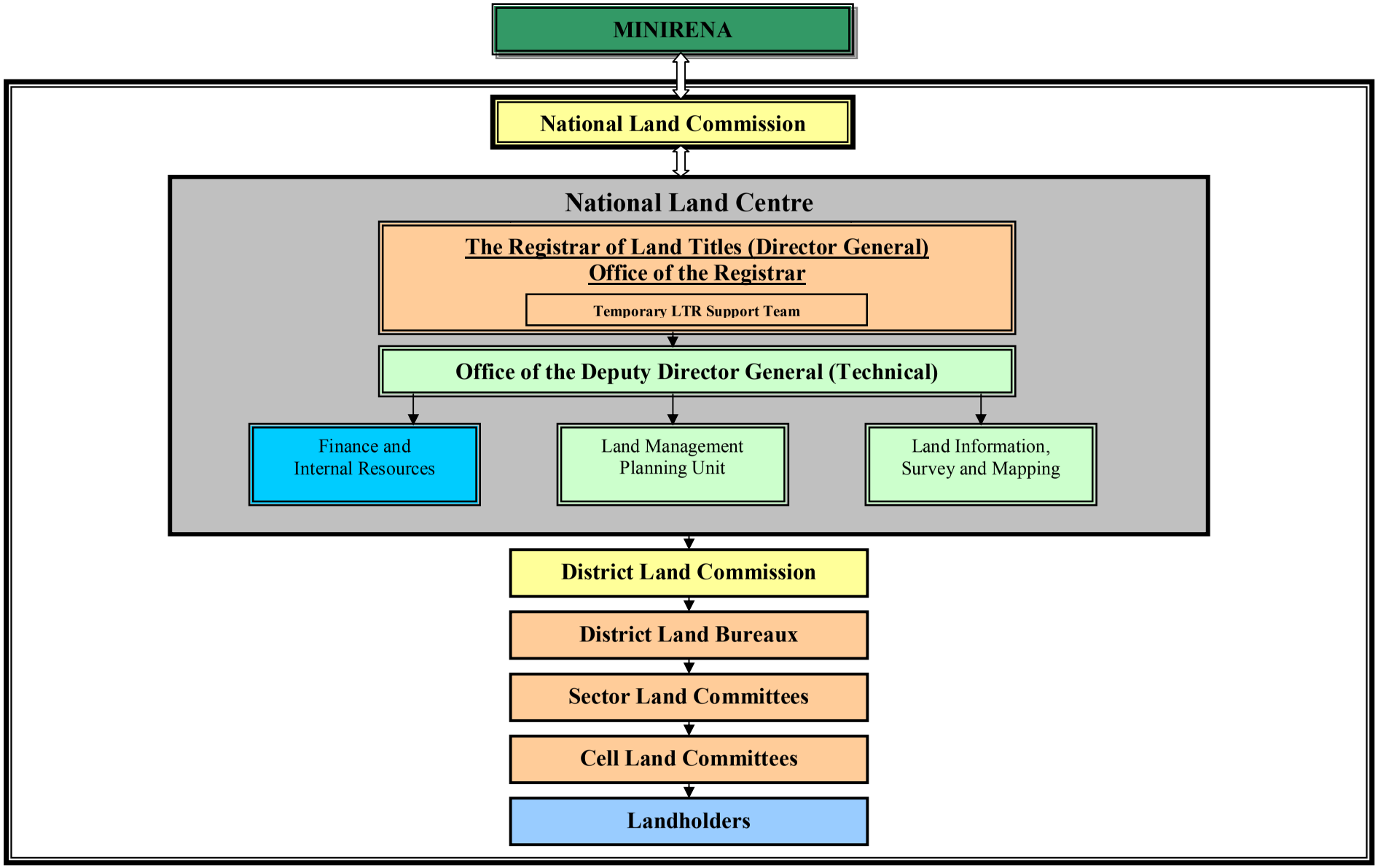
v). District Land Bureaux: The OLL establishes District Land Bureaux (DLB), as the focus of land use planning and administration at the district, town and municipality level. The Bureaux are established by Ministerial order of the OLL and they are administratively answerable to the local authority. The DLBs are to be directed by a District Land Officer (DLO). As public notary for land, the DLO will certify applications for land, maintain the cadastral index maps and record all land to be registered by sporadic or systematic means on behalf of the Office of the Registrar. He/she will be authorised to issue leases and prepare records for certificate of registration.

vi). The sub-district organisations – the sectors and the cells – will have an important part to play as the first point of contact for land registration and land use planning. **Figure 5** illustrates this overall structure.

Since the passing of the OLL and the local government laws in 2005 and 2006 respectively MINIRENA has put a major effort into the preparation of the laws, orders and regulations needed to implement this new institutional structure. Though these are now largely complete many have advanced ahead of the legislation that sets out the key procedures and functional mandates for land administration and planning for each of the governance institutions.

The Ministry of Lands, Environment, Mines, Water and Forestry (MINITERE) - now Ministry of Natural Resources (MINIRENA)) was established in 1999 to centralise land issues from other ministries including those responsible for agriculture, infrastructure and the environment. When first established, MINIRENA's Department of Lands held the national land register except that of Kigali City, which only covered property held under the Civil Code. Only 100 or so titles were processed a month, on a limited range of mostly urban land. The records for all land in Kigali City were held by the city authority from 1997.

Figure 2
Land Management Organisation



This situation prevailed up until the passing of the OLL, when both MINIRENA and Kigali City records were required to be transferred to the new national registry, The Office of the Registrar, housed in the newly formed service oriented National Land Centre (NLC). Copies of title documents are now to be held by the District Land Bureaux. This act finally separated land administration functions from the MINRENA to a service outlet – with branch District service outlets - leaving MINRENA with responsibility for National Policy, coordinating the drafting of laws, orders and regulations to implement policy, planning, budgeting and monitoring all government activity in the land sector.

Although the NLC is a technical agency, its primary function is to support the delivery of land management services, its proposed mission statement is *"to effectively and efficiently administer lands for the benefit of all Rwandese citizens and national development".* The law establishing the National Land Centre states that "land administration, land use planning, land management and all related technical functions thereto under the Ministry in charge of lands, the Ministry in charge of infrastructure and Kigali City Council and other State institutions shall be transferred to the NLC."

> *"The NLC is responsible for overall management, supervision and coordination of all activities related to land administration, land use planning and management. In particular, its main responsibilities are:*
>
> *to have charge of and act as a guardian over all land in Rwanda, represent and exercise effectively on behalf of the State, the supreme right over all land in conformity with the Organic Law determining the use and management of land in Rwanda"*

The NLC is the central implementing agency for Land Reform, with the following principal tasks:

i). to set standards for land administration, survey, mapping etc
ii). to advise Government, through the Minister, on land policy
iii). to advise and support the District Land Bureaux in implementing the OLL and land policy
iv). to set '*fair, just, transparent and easy to implement procedures and regulations'* for land administration
v). to prepare National land use plans
vi). to prepare guidelines for land use planning

In addition a *'Land Tenure Regularisation (LTR) Support Team'* is to be established in the National Land Centre to support the Office of Registrar and District Land Bureaux in setting basic standards and regulations for first registration and implementing these through field programmes. The LTR Support team functions are to be both administrative and technical as related to registration processes and procedures on the ground. The intention is for the LTR Support Team is to consolidate all District LTR plans into a National LTR plan and support and monitor its implementation.

The LTR support team will also have overall responsibility for training for LTR in the field and assisting implementing institutions such as the DLB and Sector and Cell Land Committees on process and procedures. The LTR Team will be responsible directly to the Registrar and his/her deputies. Plans, priority areas and targets will be established through the District Land Bureaux, the District Land Commissions and the Mayors and the District Council.

The National Land Commission is to be responsible for the strategic direction of the NLC, managed by a Director General answerable and accountable to the Commission, which will act as the Centre's Board of Directors or Governors. The Commission is also responsible for overseeing the District land commissions and bureaux and promoting, by advocacy and consultation, public ownership of land policy.

3 Bringing the Laws into Effect - Researching the Issues: Field Consultations, Trials and Analysis 2006-2008

All of the above initiatives – the Land Policy, the OLL and related decrees and regulations, and the proposed institutional framework - were framed by the desire to provide tenure security to all Rwandans as part of the continuing process of national unity and reconciliation. To better understand how these laws would be implemented and to help shape the legislation and design a strategy three interrelated tasks were undertaken;

i). Field consultations 2006
ii). Field trials of tenure regularisation 2007-08
iii). Field trial evaluation and baseline studies 2008

3.1 Field Consultations 2006

The objective of the field consultations with district and sector authorities and with members of the public was to understand local land tenure practices and issues and devise a feasible consultative and participatory approach to the registration of landholdings. This required engaging fully at district, sector and cell level to design both the scope and content of the field trials interventions, and to ensure that the drafting of decrees and design of the strategy was evidentially based.

Tenure issues investigated included: means of access to land, the functioning of the informal land market, state expropriations, inheritance, land fragmentation, consolidation and parcel size, boundary demarcation methods, current formal and informal documentation practices, the nature and number of land disputes; and the overall status and strength of local land tenure practices. Over 2,500 people were consulted in rural, urban and peri-urban settings, through 229 focus group discussion with members of the public and 139 structured interviews with local authorities and other local and national stakeholders.

The majority consulted saw the Government and statutory law, and not 'custom', as the best guarantor of tenure security. However, awareness and understanding of the *Organic Land Law* was low with regard to the nature and legal status of existing land rights. It was also clear that reconciliation of real and perceived rights currently existing with the new arrangements would have to be undertaken through a formal process of regularisation based at the local level. The more salient findings of the public consultations were as follows.

General comments:

i). All land users are increasingly reliant on and demanding, written proof of land ownership to increase tenure security – this may be formal from local Sector offices or informal through agreement.
ii). Increasing land scarcity and population pressure is encouraging the continued growth of the land market in Rwanda, involving sales and rentals of small parcels of land. In most cases land sales are informally documented, whereas rentals are largely verbally agreed.
iii). Rights over land are perceived to have improved since the *Organic Land Law* making it easier to buy and sell land legally however, there is a strong demand for statutory regulations on sales.
iv). The growth of land sales involving small parcels of land and the continuing importance of land inheritance – traditionally involving subdivision – suggest that land fragmentation is a continuing trend in Rwanda. The OLL seeks to reduce land fragmentation by restricting subdivisions of land of one or less than one hectare.
v). Increasing land scarcity and population pressure are reducing the availability of land for young people to inherit.
vi). Multiple landholdings – often widely dispersed are the norm in many parts of the country diversifying the livelihood base.

vii). The main causes/types of land disputes are inheritance, boundary encroachment, polygamy, and land transactions, with the majority being within extended families. Other, lesser, causes of disputes include past land sharing problems and trespassing of livestock on neighbours' land. However, most land disputes that have come before the new sector authorities have been easily resolved.

viii). Most expressed confidence that clarifying rights through tenure regularisation leading to land registration and titling will reduce and resolve the majority of land-related disputes in the longer-term, through 'once and for all' recognition of the owners of each and every parcel of land.

For specific land user groups;

i). Long term tenure security is particularly important to tea and coffee farmers, while the land rights of pyrethrum farmers on SOPYRWA land in NW Musanze District specifically need to be clarified.

ii). Urban land users, particularly those in informal settlements expressed the greatest concerns about expropriation and the role of the State.

iii). Commercial food crop farmers and people renting land and/or residential and commercial premises expressed a strong demand for statutory rental market guidelines and regulations.

iv). Marshland and livestock farmers currently using private state land seek clarification of their status; most want to be given the opportunity to retain access to land.

v). Most new case returning refugees consulted in South East, Kirehe District wanted registration of their landholdings as they currently stand (post-land sharing) in order to improve their overall security of tenure;

vi). Old case refugees said they would be willing to put aside any unresolved claims to their former land in return for increased security of tenure on the land they have now.

vii). Orphans and widows want the Government to protect their land rights from relatives, guardians and in-laws, and expressed confidence in formal land registration to help achieve this.

viii). Women are, in general, all aware of the importance of legal marriage in securing their land rights, but there are nonetheless many women might be potentially vulnerable during the implementation of the *Organic Land Law*, and especially during land registration.

From these consultations the common strand was, that on the one hand land users require clarification of rights and a more formal system through new laws, whilst on the other, that one of the principal causes of tenure insecurity is Land Planning and State Interventions through expropriation – particularly in urban areas. The State is seen as both the guarantor of rights whilst at the same time a source of insecurity.

The question remained whether the implementation of statutory law and consequent introduction of written title through the regularisation of land tenure would alleviate some or all of these concerns? Though there is evidence from similar experiences in Sub-Saharan African countries to suggest the implementation of statutory law does not increase security, or at least does not have the intended effects, what emerged from field consultations in Rwanda was that the context and experience may be different. Many local authorities are already establishing *ad hoc* 'registration systems' to meet demand whilst most citizens continue to participate in a thriving and expanding market in land.

Recent history, land pressures and the increasing marketisation and accelerating expropriation of land by the State suggests that the time for change is already overdue. As a start land users considered that a one off clarification of rights and obligations through tenure regularisation would address very specific problems faced on the land.

3.2 Field Trials of Land Tenure Regularisation 2007 - 08

The results of consultations provided direction to the field trials. Subject to detailed design and approval through stakeholder consultation, the systematic clarification of rights and obligations through a programme of tenure regularisation was the preferred method. Regularisation would be used to test laws, procedures and methods for formal, systematic land registration using low-tech, local level methods based on active public participation. Broad principles and detailed methodologies for what has become known as Land Tenure Regularisation (LTR) were prepared with regard to field approaches and procedures.

Land Tenure Regularisation (LTR) is a set of administrative procedures undertaken for the purpose of recognising and securing existing rights that people and organisations other than the State have to, in or over land, including Individual Land, State Private Land and Private District and City of Kigali Land. It is designed to clarify the rights of the existing owners and occupants of land and, where necessary and desirable, to convert those rights into a legally recognised form that will allow people to legally transact their interests in land, and use their titles for mortgaging and credit purposes.

The principle is that the process of completing LTR would also raise awareness of the law and requirement to clarify the situation on the ground and resolve specific issues. Trials work commenced in March 2007 and was concluded in December 2007. Four sample areas were selected based on widely differing land use and tenure situations. **Figure 1** shows the location of the trial areas and **Table 5** gives baseline information.

Figure 3

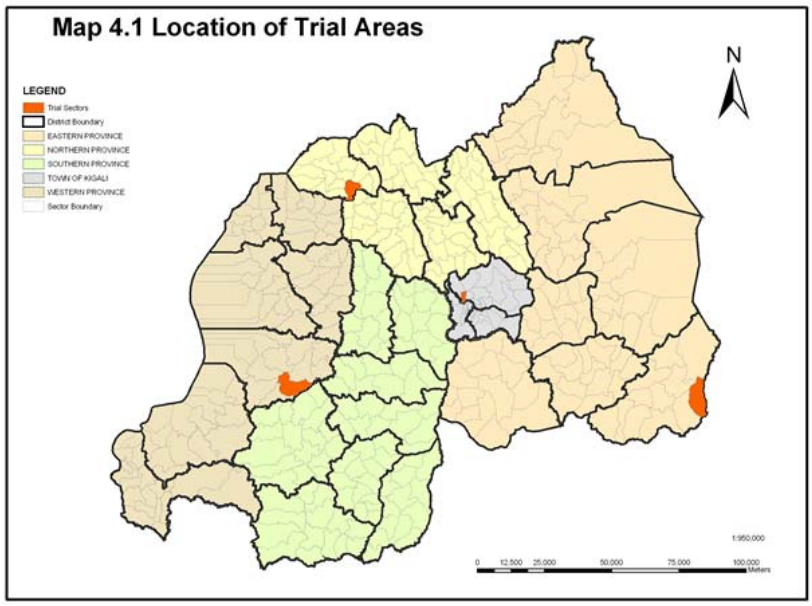


Table 5
Four Field Trial Areas 2006-2007

Province	District	Sector	Cell	HH (no)	Umudugudu (no)	Parcels (no)	Total (Ha)
West	**Karongi**	**Ruganda**	**Biguhu**	358	8	3,019	740
North	**Musanze**	**Rwaza**	**Kabushinge**	1,118	8	7,432	584
Kigali	**Gasabo**	**Gatsata**	**Nyamugali**	1,200	5	1,562	66

East	**Kirehe**	**Muhama**	**Mwoga**	837	5	2,895	2,058
	Total			***3,513***	***26***	***14,908***	***3,448***

In addition to testing procedures and systems for LTR the field trials were also designed to:

i). Quantifiably support, and develop, the findings of preparatory field consultations to guide policy and development of the new land administration system
ii). Inform the preparation and design of the Strategy for implementation of the National Land Tenure Reform Programme.
iii). Provide a baseline for detailing formal land law in Rwanda with regard to secondary legislation and tertiary regulations.
iv). Inform the preparation and design of locally based land administration and planning procedures.
v). Inform the design and development of local institutions dealing with land and requirements for capacity building.

Supplementary information regarding the type and number of informal land transfers that had been undertaken in recent years as well as information on persons dependent on, or with an interest in the land being claimed. In addition to standard information collected for adjudication record (names, ID card numbers etc) supplementary data was also collected related to *inter alia* land use, land sales and rental, all of which would be used to ensure that any system of recordation and/or registration that would be introduced would not hinder local production and business.

Methods
In practice LTR is a set of procedures that systematically brings land owners to first registration of their land. It requires all land owners in a designated LTR area to participate. There are ten related procedures that have to be followed;

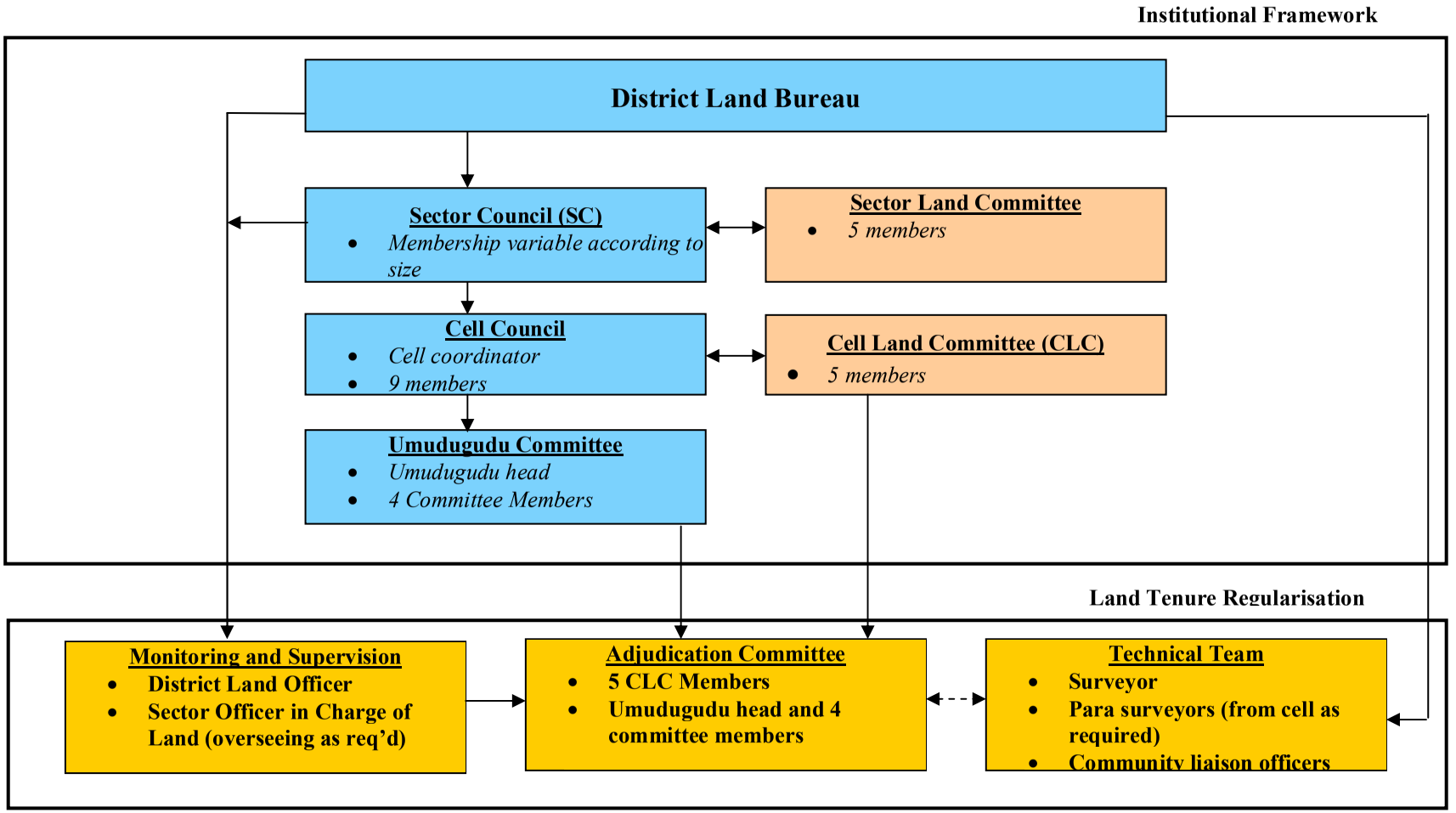
i). Notification of areas for an LTR Programme
ii). Local information dissemination-public meetings and sensitisation,
iii). Appointment and training of Land Committees and Para-Surveyors
iv). Demarcation of land, marking of boundaries on an image of photograph
v). Adjudication; recordation of personal details, issuing a claims receipt, recording objections and corrections simultaneous with demarcation
vi). Publication of adjudication record and compilation of a parcel index map
vii). Objections and corrections period finalising the record and disputant lists
viii). Mediation period for disputes.
ix). Registration and Titling – preparation and issuance of Documents.

The first six procedures are administrative in nature but require tasks are completed to a set of clear procedures using simple documentation and boundary demarcation methods. The remaining four procedures are legal. The latter is the final legal outcome of the LTR process and requires the results from the other six procedures to be completed before registration and titling can be completed.

Demarcation, adjudication and (if possible) registration was undertaken transparently at the lowest administrative level 'the cell' with maximum public participation, working systematically through each village or *umudugudu* in the cell – parcel by parcel. Local Adjudication Committees oversaw the examination of evidence of claims, adjudication and demarcation that would lead to final and registration and titling. The system relies on community attestation and recording and allows sufficient time for clarification, objection and, where necessary correction of records. The basic framework for completing LTR at the local level is shown in **Figure 4.**

Low-tech methods were used based on ‘general boundaries’ rules, and using simple methods of boundary demarcation marked on aerial photography and/or satellite imagery. The majority of land holders consulted seemed to be generally accepting of what are largely ‘general boundaries’ principles

Figure 4
Local Institutional Arrangements for Land Tenure Regularisation



based on their existing demarcation methods, and wished to continue using natural boundaries wherever possible. These procedures were completed on over 14,900 land parcels. Ownership information was recorded for each parcel and the parcel boundaries recorded on a satellite image. All of the work was undertaken by the community at village level. Disputes over land were recorded separately for subsequent resolution. All of the data was captured in a database for analysis and final registration and titling. Summary procedures are shown in **Figure 5.**

Figure 5
Summary LTR Procedures

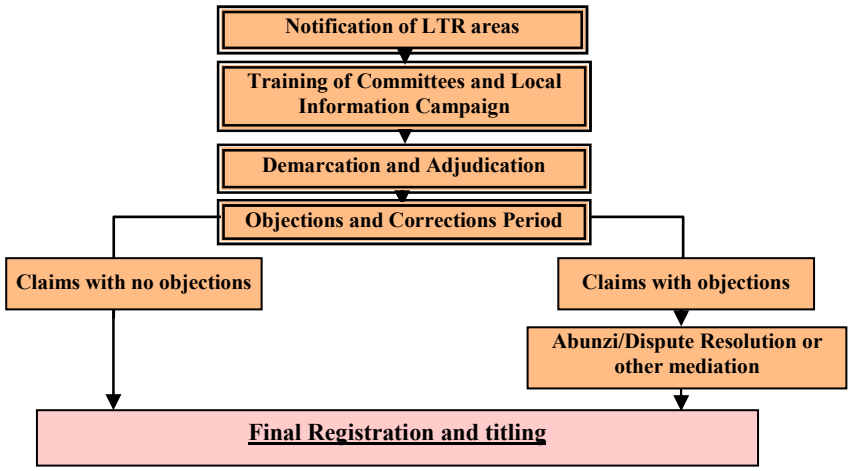
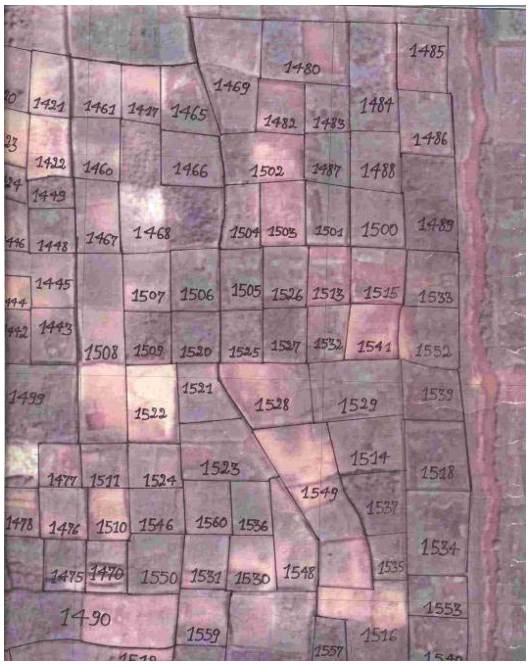
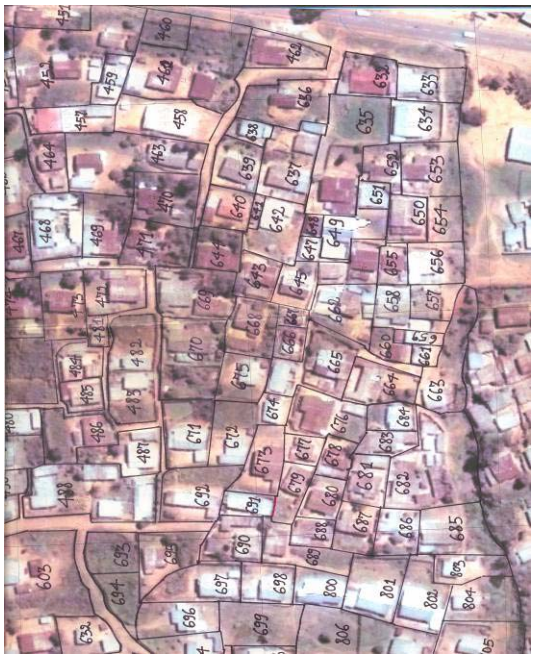


Figure 6
Sample Boundary Demarcations Completed by locally trained 'Para-Surveyors





Analysis of Trials Results

Once completed the LTR trials results were used to analyse all aspects of how the land was owned, perceived to be owned and used to determine how best to apply the Organic Land Law with regard to registration and titling. Comprehensive analyses were completed on parcel sizes, land use, land sales and inheritance, gender balances in ownership claims and other issues relating to how households used land. Analysis of land disputes was also undertaken. Salient points and conclusions from these analyses are as follows.

How land is acquired:

i). Most landholders acquire land through inheritance or purchase (**Table 6**). It is likely that these transactions will continue under a new title system. It is important that land policy, laws and procedures are clearly defined and implemented to ensure these mechanisms of transaction can be undertaken easily, fairly, and transparently under a leasehold system.

Table 6
Means of Acquiring Land

	Biguhu	Nyamugali	Mwoga	Kabushinge
Purchased	393	703	1,445	2,605
Inherited	2,190	367	176	4,022
Allocated by Government	102	76	1,052	6
Land Sharing	1	0	7	7
Land Exchange	2	3	27	256
Gift	250	109	31	190
Other	5	112	10	5

ii). The trial enabled verification of claims and testing of available evidentiary documentation provided by the claimants to support their claim - this provided a spectrum of documents that could coded and used in the registration process.

The land Market:

i). The informal market was found to be strong. Land prices were found to be increasing in all of the trial areas. Prices were greater in the highest parcel density rural cell (Kabushinge – See **Table 5**), and in the urban trial cell (Nyamugali).

ii). A very high demand for residential land in was found in the urban trial area. A decline in the volume of sales suggested that demand appeared to be exceeding supply. Prices tended to be determined by property and location. Annual land price inflation in the informal urban areas was recorded at 24 percent with prices at US$ 11 per square meter.

iii). In rural areas the price of a parcel tended to be determined by family relationships and the proximity to other holdings rather than proximity to roads and services.

iv). In rural areas average prices range from US$ 3,400 per hectare in Eastern District (Kirehe District, Mwoga Cell) to US$ 3,600 per ha in Northern District (Musanze District, Kabushinge Cell). In the remote part of Western District Karongi District Biguhu Cell, land prices are less at US$2,200 per ha though the volume of sales was less than the other two cell areas.

v). Data suggests the volume of sales in any one year will be as much as 5-10 percent of land parcels for which claims were received. This can be extrapolated to similar areas to determine required service levels for District Bureaux. All of the data collected on land sales suggest both the number of sales and prices are increasing year on year.

vi). In Mwoga cell which is located in a newly established area for returning refugees land prices have fluctuated according to Government land allocations occurring over the last 10 years. Post allocation both the price and volume of sales increases. Much of the land is sold to migrants from other parts of Rwanda or even outside absentee land owners in Uganda and Tanzania.

vii). The experience from Mwoga suggests that farmers are prepared to move from other parts of the country if they perceive a livelihood benefit. This may relieve some of the pressure on land in densely populated areas such as the Northern Province.

viii). Many land sales are driven by a need for cash. These sales often involve the sale of only a portion of the parcel. By applying a formal title to these lands a formal request will need to be made subdivision of the parcel, the opportunities for landholders to make sales may be restricted by the time this will take.

Rental Market:

i). The rental market is strong in the urban trial area, with high rental prices based on location and property factors. The rental market is likely to continue to grow as land and property prices increase and it becomes less affordable to buy outright.

ii). In the rural trial areas there was no relationship between rental prices and the location/quality of the parcel. Rents are largely determined by family relationships and social obligations.

iii). Rents tended to mirror the land prices. If a registration driven increase in the market value of land occurred there is a possibility that landowners will also increase rents on the land accordingly. An increase in rents would adversely affect the landless and other poor and marginalised groups.

Parcel Sizes:

i). The average parcel size in each of the trial areas was very small, while a small number of larger parcels dominated the available land area in each cell (**Table 7**). In each case most of the occupied land was in the hands of only a few households.

Table 7
Size of Parcels in each of the Four Trial Areas

	Biguhu	Nyamugali	Kabushinge	Mwoga
Count:	3,019	1,562	7,432	2,895
Minimum (Ha):	0.003	0.003	0.001	0.002
Maximum (Ha):	10.51	5.11	12.79	335.48
Sum (Ha):	740.9	141.3	580.8	1,904.4
Mean (Ha):	0.245	0.090	0.078	0.658
Standard Deviation (Ha):	0.595	0.223	0.257	7.449
% Parcels > 1ha	5.40	1.15	0.36	13.40

ii). The density of parcels in a cell, accessibility, and the local terrain, are significant in determining the resourcing requirements for LTR fieldwork. Parcel density and terrain vary significantly throughout the different regions of Rwanda, thus a large cell in Eastern Province may be easier and less costly to regularise than a small cell in Northern Province.

iii). Households generally hold more than one parcel – the sum of the parcel areas being the size of the holding in Ha. In one area of Karongi district 65 percent of all land holders held 4 or more parcels often with a holding size exceeding 1 ha. Against this backdrop of multiple parcels households, buy sell and rent according to circumstances and requirements.

Profile of Land Claims and Ownership:

i). Most claims in all trial areas involved husband and wife claimants. There were also many de facto male and female claimants in each trial area. De facto females outnumbered de facto males in all trial areas except Mwoga (**Table 8**)

Table 8
Profile of Claimants in the Four Trial Areas

	Biguhu	***Biguhu %***	**Kabushinge**	***Kabushinge %***	**Mwoga**	***Mwoga %***	**Nyamugali**	***Nyamugali %***
Husband and Wife	1,826	*60.5*	4,211	*56.7*	1,453	*50.2*	782	*50.1*
De facto Female	633	*21.0*	1,632	*22.0*	555	*19.2*	398	*25.5*
De facto Male	335	*11.1*	917	*12.3*	679	*23.5*	149	*9.5*
Unknown Claims	57	*1.9*	169	*2.3*	48	*1.7*	170	*10.9*
Other Claims	168	*5.6*	503	*6.8*	160	*5.5*	63	*4.0*
Total Claimed Parcels	**3,019**		**7,432**		**2,895**		**1,562**	

ii). Female claimants tend to have larger holdings than male claimants, while male claimants are more likely to own land. The difference in ownership between male and female claimants is generally slight, and may equalise within a generation observing the current succession laws. The exception in terms of ownership is in Mwoga cell, where males are far more likely to own land. This is likely to either stem from the allocation of land in this area, or be due to opportunistic migration.

iii). The large number of de facto female claimants most likely contains some second wives, as the family has agreed to allow second wives to claim in this way in order to avoid future ownership dispute between the children of each wife. This practice is broadly accepted by community as a practical solution to the problem of second wife land ownership and inheritance.

iv). It was apparent that claimants feel that succession, and avoiding succession related disputes is an important aspect of land registration.

v). Orphans are not clearly captured in the data, as most orphaned adult claimants would claim land according to their current status as a de facto owner, husband, wife or even brother or sister.

vi). By returning to the trial areas with clarifications and clear instructions on the succession laws and the legal ownership rights of claimants, claimants have time to consider their claims and make adjustments if necessary.

Land Disputes:

i). The number of land disputes (**Table 9**) encountered in the field was low – less than 1 percent of claims taken. Despite this, disputes are still problematic for local government as they present a heavy administrative burden and can take a long time to resolve.

Table 9
Summary of Disputes Recorded During LTR

	Biguhu	Gatsata	Kabushinge	Mwoga	Mwoga Adjusted **
No.of Parcels Disputed	93	29	82	26	25
Total Area (ha)	31.720	2.200	7.930	90.750	13.100
Largest Parcel (ha)	3.640	0.210	0.650	77.650	1.180
Smallest Parcel (ha)	0.003	0.010	0.006	0.019	0.019
Mean Parcel Size (ha)	0.341	0.076	0.097	3.490	0.520
Percent of Total Parcels	3.1	1.9	1.1	0.87	0.83
Percent of Total Area	4.3	1.6	1.4	4.8	0.06

ii). The majority of disputes are intra-family and are often easily resolved during adjudication. A sample of the type of disputes are shown as **Table 10** for Kabushinge. The most common dispute issues are related to inheritance and land transactions that have occurred without the permission of other owners or persons of interest. A formal title may make it more difficult to sell land without the permission of other owners, limiting the number of future disputes of this type.

Table 10
Types of Disputes for Kabushinge

Classification of Disputes	Number of Cases	Percentage
boundary and other dispute: individual Vs Church	1	1.2
other dispute: inter family	4	4.9
other dispute: intra family	2	2.4
ownership and boundary dispute: intra family	2	2.4
ownership and other dispute: intra family	1	1.2
ownership dispute: individual Vs the State	1	1.2
ownership dispute: inter family	12	14.6
ownership dispute: intra family	58	70.7
Unknown	1	1.2

iii). There is a risk that issuing land titles may generate new intra-family disputes. It is important that due process be followed and that proper advice is given to claimants to avoid future disputes.

iv). Involving the *Abunzi* (village committees for resolving disputes) in the adjudication process of formalisation will allow them to advise and inform people on the most appropriate way of registering their land in order to secure their own family needs.

The strong and committed participation during LTR field trials in 2007 and the results of the 2006 field consultations suggest a high level interest in, and demand for, formal registration of land – or at the very least the process of field LTR.

Whilst LTR is perceived to be desirable in the short term these developments must be weighed against potential risks. Three key areas will require constant attention.

i). The delivery of the registration process - planning of the work and the procedures
ii). The application of legal mechanisms (and appropriate regulations) which are appropriate to the situation and needs of landholders in both urban and rural settings.
iii). The long and short term socio-economic impacts of formal titling.

3.3 Field trial evaluation and baseline studies 2008

Following completion of the field trials additional analyses were undertaken including the design and implementation of a quantitative survey in and around four trial areas and control locations to provide impact assessment information on reactions to the field trial intervention activities, and measuring the perceived effectiveness of the communication approach employed during the trials.

The survey collected baseline data on a variety of issues important to understanding land reform (factual and attitudinal), as well as impact assessment data associated with the process so far.

Participation and Awareness

Awareness of the land reform programme was high across the four Trial Area cells, at over 90%, but with variation across the four cells. Involvement was consistent across male and female headed households, and across claimants and persons of interest. Involvement was higher in the three rural cells, compared to the urban cell in Kigali.

Information on the land reform programme came from a variety of sources, including cell and imudugudu authorities, gacaca and umuganda meetings, community opinion leaders, and local land committees. Over 60% of all households had at least one member who had been involved in at least one public meeting where the programme was discussed, with participation rates similar for both males and females. This also varied significantly across the four cells, with participation especially low in the urban cell. Claimants were especially likely to have been involved in public meetings, but persons of interest were also likely to have been involved.

One-fifth of those aware of the land reform programme had sought clarification on land-related matters from para-surveyors or the Adjudication Committees during LTR. A similar proportion of households had met with someone involved in the registration process to raise a concern. Those who had been involved in meetings were more likely to have sought clarification, including women who had attended women's-specific meetings. Just over 5% of households indicated that they had met with someone involved in the registration process to lodge an objection about the land reform process, or a decision made.

Overall, participation rates were significantly higher for Karongi District, followed by Musanze District, and lower in urban Gasabo District.

Ownership and Registration

Property ownership patterns reflect considerable diversity across the four Trial Area locations, but with consistency across ownership patterns for each plot. Involvement in the process of registering plots was very high.

Overall, almost 60% of all households in the Trial Area owned multiple properties. However, there was significant variation across the four Trial Area cells, ranging from 93.8% in Karongi and 91.8% in Musanze, to only 20.6% in urban Gasabo district. The median number of additional properties also varied significantly across location, ranging from 5 plots in Musanze District, to 4 in Karongi District, to 1 in Kirehe District, and none in urban Gasabo District. The length of time a household owned their main property also varied significantly, from over 22 years in Musanze and Karongi districts, to 12.6 years in Gasabo District, and only 6.7 years in eastern Kirehe District.

One-in-seven households owned properties in other cells, with most of these under the control of household heads. Almost all of those listed as claimants or persons of interest were intended to inherit

the property. Most married couples were jointly listed as claimants, and most claimants were included as claimants 'because they own the property'. Respondents noted that they listed 'persons of interest' because these persons could inherit the property. The majority of respondents expressed a desire for tenancy in common, but with significant variation across the four Trial Area cells.

Involvement in the registration process was very high, with 86.4% indicating that all claimants were present at demarcation. This also held for second properties. The household head was almost always present to sign the registration with the Adjudication Committee.

Land Markets

Questions were asked about land markets in both Trial Areas and control area locations. Questions covered perceived impacts of registration and land titling on land markets in treatment cells, and perceived/potential impacts of registration and land titling on land markets in both treatment and control cells. Questions were also included on land registration and perceived land title impacts, as well as tax implications. Overall, findings suggest that respondents feel that the land tenure reform process will improve land values and expand land market activity.

Three-quarters of respondents felt that land registration would improve land values, with respondents in Musanze District especially optimistic in this regard. When asked about the impacts of land title on willingness to pay more for land, most argued that they would be willing to pay more, which was especially the case for Kirehe and Musanze districts. Proof of ownership and greater security of tenure were the most common reasons given for feeling that land values would increase. While perceiving that land would have greater value, only 14% of those in the Trial Area indicated that they would be more willing to sell property in the case of land title. Figures were, however, higher for urban Gasabo District, at 22.5%.

Renting out land was uncommon in both Trial Areas and control locations, at around 9%, with renting most common in Karongi District followed by Gasabo (Urban) District. Renting in land was more common, at around 17%. Those involved in the rental market were more likely to feel that land values would increase with the issuing of land title, and would stimulate the rental market. Many also felt that renting would become more common, and would reduce the sale of land under 'distress' conditions. However, if land sub-division became more difficult because of land registration, there was a concern among some respondents that this would actually increase distress sales, because it restricted alternatives, with those in control cells especially concerned.

Respondents were asked whether, over the past five years, anyone in the household had had to sell land because of very difficult economic circumstances, or needing funds for emergency expenses. This affected 8.2% of households in Trial Area locations, and 11.5% of those in control locations. These kind of sales were most common in Karongi District.

When asked about taxes, respondents expressed a strong preference for a variable tax system, where the fee is based on the size of the property and its value.

Complaints and Challenges

Respondents were asked a series of questions about involvement in disputes around the land reform process. Less than one-in-ten households had been involved in a dispute over the past five years.

Around 8% of households had been involved in a dispute over land holdings, with disputes most common in Kirehe and Karongi districts. Disputes were most commonly associated with inheritance issues, followed by boundary disputes. Between one-third and one-half of these households had used an outside arbitrator in attempting to resolve these disputes. Dispute resolution processes were felt to be understandable, but there were nevertheless concerns about the transparency of the process. There were mixed results when asked about how satisfied respondents were with the results of the dispute resolution process, especially in Trial Area cells. When asked whether disputes affected women or men more, findings were quite mixed.

Most respondents felt that the land registration process would increase the number of disputes over land, with respondents in Karongi and Kirehe districts especially likely to be concerned about the number of disputes.

Economic Issues

Respondents were asked a number of questions about the impacts of land title on a variety of economic issues. In general, respondents felt that economic activity would be stimulated by the issuance of land title.

Most respondents felt that land title would increase land sales, especially in Musanze and Karongi districts. Of interest, however, those in Trial Area cells were somewhat less likely to agree that this would be the case, compared to respondents in control cells.

Respondents were more likely to feel that the demand for land would increase, especially those in Trial Area cells, reaching almost 100% in Musanze District, and exceeding 90% in Gasabo District. Land consolidation was also felt to be a common response to the issuing of land title, especially in Trial Area cells. Respondents tended to agree with statements suggesting increased economic activity and investment on the land with the issuing of land title. Most respondents also felt that the issuing of land title would allow them to use the property as collateral, and therefore that they would be able to secure loans to purchase additional land, consolidate land holdings, plant additional crops, increase the production of cash crops, and make improvements on their property.

Expropriation

Respondents were asked a series of questions about expropriation. Findings suggest that experience with expropriation was limited, but affected 8% of households in Kirehe District.

A total of 3.3% of respondents in Trial Area cells and 4.3% of those in control cells had had personal experience with expropriation. For those who had experienced expropriation, responses were mixed in terms of the fairness of process and compensation. Over half felt that the expropriation was handled fairly, but one-quarter in control cells argued that the process had been unfair.

When asked about the risk of expropriation, one-third were uncertain, and one-quarter felt that they were at 'high' or 'medium' risk. Concern about expropriation was highest in urban Gasabo District, followed by Kirehe District in the east, with expropriation concerns lower in Musanze and Karongi districts.

Two-thirds of the respondents felt that registration and land titling would help secure better compensation in the event of expropriation, and most of the remainder were not certain of the impacts. Respondents in the two districts where expropriation concerns were highest (Gasabo and Kirehe districts) were especially likely to feel that registration and land titling would improve compensation in the event of expropriation.

Attitudes

A number of attitudinal statements were included. In general, respondents were optimistic that the issuing of land titles would improve their situation.

Respondents were presented with a series of attitudinal statements and asked to 'strongly agree', 'somewhat agree', 'somewhat disagree', or 'strongly disagree' with the statements. Findings are summarised below:

Utility of Land Reform:

i). Responses were mixed in terms of the statement 'in many respects land sales are between family members who know each other well, and land registration complicates the process'.
ii). Almost all respondents disagreed with the statement 'orphan children will remain at risk of losing their plots, even with land titles'. Similarly, almost all agreed with the statement 'with land titles, orphans who come of age are more likely to have secure access to their land than without land title'.

Land Markets:

i). Most Trial Area residents agreed with the statement 'because land in this cell is being registered, more people will want to purchase land here'. This was especially the case in Kirehe District in the east.
ii). Two-thirds of the respondents agreed with the statement 'when it comes to setting a price for land rentals to family members, the price is based more on social factors, not economic ones'.
iii). Over three-quarters of the respondents agreed with the statement 'with land titles, households in this area would be more likely to rent out plots of land to non-family members'.
iv). Respondents were ambivalent about the statement 'with land titles, households in this area would be less likely to sell their land to the church'. Disagreement was especially high in control cells, in Musanze and Karongi districts.
v). Over 80% of the respondents agreed with the statement 'with land titles, households in this area would be more likely to rent out plots of land'.
vi). Over 60% of respondents agreed with the statement 'with land titles, there is less likelihood of land sub-division'.
vii). Most respondents, especially in control cells, agreed with the statement 'with land titles, there will be more obstacles to distress type sales that will cause the number of such sales to go down'.
viii). Almost all respondents agreed with the statement 'with land title, households in this area would be more likely to rent out plots rather than sell them in times of stress'.
ix). Over three-quarters of all respondents agreed with the statement 'with the process of land registration, landless households will have an opportunity to apply for land'.

Tax Issues:

i). Most respondents disagreed with the statement 'if land registration and titling were to increase the value of a plot, it is only fair that a higher tax rate should apply'. Disagreement was highest in Musanze District.
ii). Three-quarters of respondents disagreed with the statement 'a higher rate of tax on land transfers is acceptable if it means that land registration and titling can roll-out nationwide using the funds from these taxes'.
iii). Respondents were ambivalent about the statement 'this land registration and titling process is really aimed at increasing our taxes'.

Economic Impacts, Ownership and Inheritance:

i). Some three-quarters of the respondents disagreed with the statement 'overall, land registration is simply another opportunity to have the economic burden on households increase, and this will have little positive impacts on our lives'. There was considerable variation across location, with respondents in Kirehe District especially unlikely to agree.

ii). Over 85% of the respondents disagreed with the statement 'even if there is more than one claimant, the head of the household can make a decision to sell the plot without consulting anyone else'.
iii). Almost all respondents agreed with the statement 'the claimants must have the agreement of all persons of interest before they can sell the plot'.
iv). Over 85% of the respondents agreed with the statement 'in the event of multiple claimants and one dying, all other claimants and persons of interest should receive an equal share of the inheritance'.
v). Respondents were ambivalent about the statement 'in the event of the death of a male claimant, the plot should be divided across the other male claimants and persons of interest'. Of interest, female-headed households were more likely to agree with the statement.

Perceived Impacts

Following the attitudinal statements, respondents were asked a number of questions about perceived impacts of registration and land titling on various land issues. In general, respondents felt that impacts would be positive.

Respondents were asked to indicate whether registration and land titling would have 'very positive', 'somewhat positive', 'no impact', 'somewhat negative', or 'very negative' impacts on various factors. Excluding those who said 'no impact' or 'do not know', and grouping the two positive responses together and the two negative responses together, findings by land area are included below.

i). Almost all respondents felt that registration and land titling would improve transparency and reduce corruption.
ii). Almost all respondents felt that registration and land titling would support the equal distribution of land to males and females, and would help secure inheritance.
iii). Almost all respondents felt that registration and land titling would improve the situation for both boys and girls in terms of future inheritance.
iv). Over 85% of respondents felt that registration and land titling would reduce the risk of widows being dispossessed of land.
v). Over 80% of respondents felt that registration and land titling would reduce the risk of orphans being dispossessed of land.
vi). Almost all respondents felt that registration and land titling would increase the demand for, and value of, land.
vii). Almost all respondents felt that registration and land titling would ease land transactions and security of land transactions.
viii). Over 90% of respondents felt that registration and land titling would reduce the number of unresolved disputes over inheritance.
ix). Almost all respondents felt that registration and land titling would improve business activities.
x). Almost all respondents felt that the issuing of registration and land titling would strengthen social capital.

General Comments on Impacts

Overall, respondents in both Trial Area and control cells had positive attitudes about land tenure reform, and felt that it could yield positive impacts. The four districts in the Trail Areas reflect some of the social, economic, and geographic diversity across Rwanda, and that this diversity has implications for the implementation of land tenure reform. Land tenure reform processes will most likely be able to adapt to additional challenges that might arise in areas with different characteristics.

Findings suggest that the higher the level of involvement in meetings and activities around land tenure reform, the higher the level of understanding of the process of land tenure reform, the lower the level of apprehension about the process, the more likely to seek clarification when needed, and the more optimistic the respondent is about the benefits of land tenure reform. Activities to encourage

participation in the design and implementation of land tenure reform should continue, and be strengthened and expanded.

Respondents were optimistic that land registration would improve the functioning of land markets, would increase land values, and would strengthen land rental markets. However, many had continued doubts about the costs associated with land registration (e.g. possible taxes or transaction fees), and the socio-economic consequences of these costs compared to the possible benefits of improved land markets. There were particular concerns about the possible marginalisation of poorer households due to land tenure reform, particularly in urban areas. These potentially negative impacts need to be carefully monitored as land tenure reform proceeds, and that mitigation measures be undertaken where and when necessary.

There are particular concerns that the uneven roll-out of land tenure reform may mean in-migration to locations where the reform has improved land values, affecting the situation of the poor. Negative consequences of such migration will need to be considered when deciding how to roll-out land tenure reform.

There was concern that high transaction costs might be an obstacle to selling land as a coping mechanism in times of need. This, coupled with prohibitions against selling subdivided parcels of less than one hectare, may mean there is a risk that poor households may adopt other potentially negative coping strategies (such as high interest loans).

Although there is some optimism that the land tenure reform process will improve land values and land management, there are some uncertainties about how the process will be managed. These uncertainties including such things as the transparency of the process and institutions, the accessibility of key personnel involved in the land tenure reform process, and possible additional financial burden on households. Attention will need to be given to effective, transparent, and accessible management of the land tenure reform process, and that the performance of personnel in the process is monitored. Community participation in the process will also need to be treated as an opportunity to assess the performance of personnel involved in land tenure reform. The impacts of land tenure reform on different households will need to be monitored, as well as individuals within households, be regularly monitored and evaluated, so that corrective actions can be taken in a timely manner.

While disputes are not especially common, respondents did not feel that disputes would decline following land registration. Evidence from the survey suggests that a number of households used the registration process (listing of claimants and persons of interest) to secure a desired inheritance outcome (upon death) and avoid future conflicts within the family. More attention will need to be given to the potential for future conflict that may arise from the land tenure reform process and that efforts are made to clarify the rights, rules, and procedures around land tenure reform for beneficiary communities. There is also a need to strengthen dispute resolution systems,, increasing training and extension of personnel involved in dispute resolution. There is a particular need to ensure that the right of inheritance by females is clear to the community at large, but most critically to those involved in dispute resolution.

Respondents were concerned about the possibility of unfair expropriation, especially in urban Gasabo District, and in Kirehe District in the east. This is in recognition of the dysfunction between expropriation procedures, the expropriation law, and the laws that govern land registration. Significant attention needs to be devoted to improving awareness of the procedural provisions of the expropriation law that protect people against unfair expropriation, and that processes of engagement with affected communities be developed. To the extent possible, the involvement of civil society in the land tenure reform process will enable improved implementation of expropriation law, and should therefore be included in the land tenure reform process. Respondents felt that land registration would help ensure that fair compensation would be provided for any expropriated land.

Finally, it should be underlined that a number of findings suggest that the land tenure reform process may have varied impacts on women and men, single and married. Monitoring and evaluation of land tenure reform activities should be used to consider these potentially differential impacts, and that land tenure reform activities should respond accordingly. Even in cases where the actions are the same, vulnerability may differ, meaning that impacts can be more severe on one group than another, whether male or female, wealthy or poor.

4. Developing the Strategy for Reform

The Government's principle purpose for completing fieldwork and detailed reviews of policy and law was to set out a clear fully costed time bound strategy for implementation of the land reforms. All of the analyses completed were targeted to achieving this objective.

Strategy, correctly formulated shapes both the details required for implementation and the correct sequencing and programming of the reforms. The strategy for Rwanda (known as the Strategic Road Map or SRM) details requirements in six interrelated elements that will be needed to bring the OLL into effect.

i). **Further development and refinement of policy and legislation**; this includes the drafting/refinement of priority orders, regulations and operational manuals central to implementing the National Land Policy and the OLL
ii). **A framework for the development of a land administration system for Rwanda**; with provision for land administration services, specifically registration of all land in Rwanda.
iii). **A one off investment programme for regularisation of land tenure**; to systematically bring land to first registration, clarify rights and obligations in land and to allow all citizens equal access to the new systems.
iv). **Developing the land management organisations** principally the establishment of a National Land Centre and Office of the Registrar under a separate law, the District Land Bureaux, Land Commissions at District and National Levels, and land committees at Sector and Cell levels.
v). **National Framework for Monitoring and Evaluation of the Reforms:**
vi). **A national system and programme for land planning and development control;** to ensure rational use of land and effective development as well as environmental protection.

The roll-out of the reforms is anticipated in two phases; Phase I, Preparatory Phase; 2006-2008 and Phase II, Full Implementation 2009 – 2013. The central component of the programme is implementation of LTR which will serve to clarify rights develop land administration services and the rule of law with regard to the administration of land, develop of capacity in the institutions and further refine of policy and law. In every sense the clarification of rights and obligations through implementing a programme of field LTR for first registration will be the driver of the reform process in other components.

Government formally approved the strategy in March 2008. However the resources required for its implementation, the manner in which this will be undertaken and the proposed timeline is, at the time of writing still under discussion.

5. The Economic Case for Reform

The strategy for reform was subject to analysis of the wider costs, benefits and economic justification of the reforms to the national economy. At the same time detailed cost estimates were made for the 'one-off' investment in land tenure regularisation and the longer term investment in the institutions of land management. These three strands are still, at the time of writing under review and discussion.

Because of the dearth of data from actual registration and land titling programmes and projects, quantifying the long term benefits remains problematic. In terms of their characteristics and benefits, rural and urban land titling should be treated separately in an economic analysis.

Rural land titling Benefits
The three main rural land titling benefits are:

i). Investment Demand or Security Benefits; the principal component of this type of benefit is increased security of tenure which, in addition to its general social welfare and other advantages, can stimulate investment by title holders in their land and farming activities.
ii). Collateral Benefits; titling can increase farmers' access to formal (institutional) credit, because they can use their registration and land titlings for loan collateral.
iii). Efficiency or Transactions Benefits. This can be better termed Land Market Efficiency Benefits, from the improved functioning of land sales and rental markets which can be expected to result from titling.

The literature shows that the importance of each of these benefits will vary considerably according to the circumstances of the area in which land registration and titling is taking place. For example, where *de facto* security of tenure under the existing customary rural land tenure system is already strong, the first and third of the three forms of benefit will be less important. The degree of collateral benefit achieved will depend on a variety of factors such as the effectiveness and coverage of the existing rural institutional credit system and the existence of attractive opportunities for short and long term investments.

Urban land titling benefits
The four main urban land titling benefits (impacts) are:

i). Investment (in Housing/Property) Benefits, due principally to the increased security of tenure, and thus essentially the same form of benefit as the first type of rural land titling benefit.
ii). Property Value Benefits – increases in asset (land, buildings etc) prices resulting from titling.
iii). Credit Access Benefits: This is the same as the rural land titling Collateral Benefit.
iv). What could be termed General Socio-economic Benefits resulting from increased household incomes, employment and labour mobility.

Urban land titling benefits will vary according to whether the area being entitled is an informal settlement or formal settlement. Since urban property owners in formal 'settlements' usually have strong *de facto* security of tenure, land titling benefits there will generally be less than in areas of informal settlement.

The most practicable basis for quantifying urban land titling benefits is to use land price changes as a proxy for representing those benefits. In order to value rural land titling benefits, it is necessary to estimate the economic value of agricultural activity by calculating crop and livestock production costs and returns.

The field trial evaluation and baseline studies (**see 3.3** above) provided detailed and explicit information on the potential benefits the population envisage that the land titling programme might provide. The results of the major field survey undertaken, both rural and urban respondents expect all of the listed benefits listed above to be achieved to a significant degree and also anticipate other positive impacts not specifically mentioned above.

Quantifying the Benefits
Given the difficulties in quantifying the benefits of land registration and titling it was agreed that the economic study would consist of:

(i) A cost-effectiveness analysis - calculation of overall project cost per unit

(ii) A breakeven economic analysis - calculation of the increase in the net value of economic output required to justify the project.

A sensitivity analysis was also conducted in order to demonstrate how the "breakeven value" of production/income changes when project costs over-run or the benefits are reduced.

Table 11 shows the total costs of the land registration and titling programme in summarized form; this is based on completion of the field registration process in just two years. Completion of all the fieldwork required for the registration and titling of the national total of almost eight million parcels in two years is, however, an ambitious target and may be difficult to achieve. An alternative costing based on a five year rather than two year field programme was therefore also prepared.

Table 11

Summary of the Estimated Land Registration and Titling Costs (at 2008 constant prices)

	Implementation Costs (2009 to 2013)	Annual recurrent cost (2014 onwards)
2 Year Fieldwork Programme		
- RwF million	41,148.1	3,752.6
- US$000 (1)	75,501.1	6,885.5
5 Year Fieldwork Programme		
- RwF million	48,467.4	3,752.6
- US$000 (1)	88,931.0	6,885.5

(1) RwF 545/ $US1

Cost-effectiveness Analysis

The unit capital costs for rural titling will be US$35-41/ha (RwF 18,900-22,300/ha) and US$9-11 (RwF 5,200-6,100) per parcel/title. After the main rural land titling work has been completed, in the first five years of the programme, the recurrent costs of the subsequent rural land administration activities are estimated to be just over US$3 (RwF 1,700)/ha and just under US$1 (RwF 500) per parcel.

The unit capital cost for urban titling is approximately US$9-10 per parcel. Unsurprisingly, when measured by area the urban capital costs are significantly higher than rural areas – $150-200 per ha. This is due to the greater population density and smaller parcel size in urban areas.

After Year 5 of first registration and titling the subsequent recurrent costs are estimated to be less than US$1 per parcel (RwF 450) and $0.14 per 100$m^2$ (or $14/ha).

With the scarcity of data on titling costs in other developing countries, it is difficult to draw clear conclusions as to the cost-effectiveness of Rwanda's reform programme. However, the unit costs do not at this stage seem to be excessive. The key factor is how they compare to the potential benefits.

The Breakeven Economic Analysis

In broad terms, the analysis showed that rural land titling would need to increase agricultural production by between about 1% and 2% per annum to be economically justified, depending on whether benefits are valued on the basis of Value Added or Net Production Value.

Value Added is the more valid basis. If so, the required rates of annual increase in the value of agricultural production would be 1.3% with the 2 year field registration alternative and 1.75% with the 5 year field registration alternative. If costs turned out to be 25% greater than predicted the required rate of increase would be 0.4%-0.5% higher.

Achievement of an increase of 1-2% should be attainable, making the rural land registration and titling programme economically justifiable. The analysis does not consider the financial and fiscal aspects of the land titling programme, because it was deliberately confined to just the economic aspects. Based on the estimates made, the recurrent costs incurred in running the rural land registration system after its implementation (i.e. after 2013) will be substantial, at RwF 3.56 billion (US$6.54 million) per annum.

Therefore, for the programme to succeed the required funding would need to be made available, either through user charges or Government subvention or a combination of the two.

The results for urban land registration and titling are more encouraging. A very small 0.03 - 0.04% increase in economic activity - as represented by an increase in the level of urban land prices - will justify the costs of urban titling. Furthermore, if land reform results in a 1% increase in urban land values (or economic output) then the resulting benefits from urban registration and titling will exceed the *total* cost of land titling (i.e. in rural as well as urban areas).

The results are not significantly different under a 5 year registration period, suggesting that prolonging land regularization fieldwork would not make the programme economically unviable – indeed, a 1% increase would still cover the total costs of land reform.

In the event that the share of urban costs as a proportion of the total was higher than assumed (i.e. more than 5% of the total costs) then this still makes very little difference to the overall results. If costs unexpectedly overran and were 25% greater than predicted the required rate of increase in urban land prices would be just less than 0.01% higher. With recorded informal land prices increasing by as much as 25 percent 2006-2007 in some areas this estimate is more than exceeded.

Due to the lower number of parcels and smaller area, the annual recurrent costs of urban land registration and titling are much lower than in rural areas – RwF 188 million or US$344,300 – and appear to be sustainable. Furthermore, just as a 1% increase in urban output would justify the costs of the whole land reform programme, revenue sources that are raised through maintaining the registry in urban areas could be used to "subsidise" the costs in rural areas.

General Benefits of Land registration and Titling

Although it is not possible to provide accurate quantitative data on the expected benefits of land registration and titling, a brief qualitative review of existing documents and discussion with stakeholders in Rwanda strongly suggests there will be sufficient positive economic impacts resulting from the titling and registration of land to justify the costs. However, the extent of these impacts will greatly depend on the implementation and enforcement of the new legislative framework as well as reforms in other sectors.

Based on the information obtained, it appears that land registration and titling is one of the key reforms required to eliminate existing constraints on credit access and increasing investment. The evidence suggests that larger businesses and middle to high income earners will almost certainly benefit from the reforms, providing the necessary benefit to cover the economic costs (and possibly much more).

This is not an unusual process and, indeed, accumulation of capital, wealth and increased investment on the part of higher earners is an important pre-requisite for economic growth. However, extending these benefits to smaller enterprises and low income earners will require solutions to other problems both within and outside the financial services industry. In the context of land reform, it is also important that individuals are not made worse-off by the economic impacts.

It is thus crucial that the laws governing the procedures for expropriation and compensation are fully operational before the land reform implementation programme commences. Aside from preventing a

Pareto improvement (a re-allocation of resources that makes at least one individual better off without making any other individual worse off), below-market compensation rates and unregulated expropriation procedures also mean that informal settlements - which should be the main beneficiaries of secure tenure - will continue to grow, at a cost to the national economy.
The economic analysis presented here takes no account of the substantial socio-political benefits of regularising tenure in a rapidly developing situation such as that of Rwanda. Such political benefits, which cannot be easily quantified, will be hugely important.

The baseline survey addressed key issues relating to the land registration and titling before issuance (but after completion of the LTR from adjudication and demarcation to the claims receipt stage). Subsequent analyses, post-titling, would need to collect data on current household levels of investment, credit access, at fixed periods of time post titling. In this regard, other socio-economic surveys collecting data on the above would be of value to the reform programme, as would a mini-survey under the programme itself (50-100 households).

To meet these requirements a framework for monitoring and evaluation work has been assembled for inclusion in the strategy. This framework document (MINIRENA/DFID/HTSPE August 2008) aimed at 'setting the direction' provides a broad overview of all of the parameters that might be measured. These are set out as Macro indicator headings as economic, social, environmental and governance with a range of macro indicators under each heading accompanied by key indicator clusters.

Information routinely recorded in the land registries conventionally measure and monitor the progress of land registration and titling, in terms of the number and type of land transaction, sales and investment land. Improvements in systems and procedures will ensure key parameters can be recorded and monitored in real time.

6. Implementation; Ongoing Challenges, 2009

In every respect Rwanda has a real opportunity to implement reforms in a structured and participatory manner that will further unite the country and settle outstanding land issues through a range of new laws and decrees and clear strategy for implementation. Though some of the laws and regulations are not yet as detailed as they should be a firm basis for reform is now in place. The successful implementation of the Organic Land Law and its related orders/decrees, countrywide, should bring considerable benefits particularly through systematic land registration and the formalisation of the ownership of existing landholdings – a significant improvement in tenure security.

These developments are widely anticipated to be both substantial and beneficial by the public and local authorities alike. The ongoing challenge for MINIRENA is to bring these laws into effect and to mobilise the resources to complete this - it is now what happens on the ground that counts.

The start of 2009 was to herald the start of full implementation of the land reform programme with land registration facilitated by a programme of LTR as the central component. At the time of writing this is still under review, both with regard to the budget, timelines and the methods to be used. Even with a clear strategy challenges to full implementation remain. These are summarised below.

Understanding the Issues:
The leadership at all levels will need to understand the laws with regard to land issues to ensure they are implemented equitably in all areas. The public will also have to be fully educated in the new laws and procedures. This will require a carefully structured media campaign and provision of local information provided through a variety of media.

At present plans for implementing such a campaign are not in place and there is a risk that misunderstandings about the law might exacerbate old or generate new intra-household disputes arising from the process. Until now there has been general acceptance of the LTR procedures, but the details of the possible legal implications have yet to be presented to the public. Also the local

authorities and the state are not fully aware of the consequences and implications for the way they must operate. This will require carefully structured messages to both public, District Sector and Cell authorities.

Acceptance of the proposed Changes

Adherence to current understanding and old procedures in land administration is continuing in the absence of more detailed guidelines from central government on the new procedures. This is leading to an inconsistency of approach, bad practice and confusion in some areas. These will now be difficult to reverse without further effort in capacity building and fieldwork. Failure to impose regulation and procedure at district level will allow the current situation to continue unchecked storing up more difficult problems for the future.

To reduce risks and adverse impacts of ad hoc approaches the development and dissemination of new procedures is required urgently – this must be backed by strong political support and a programme to raise public awareness. The primary issue is whether the leadership in all districts will accept and support the development of effective land administration and planning policies and procedures guided by central policy and legislation. This will require the State itself at central and local government levels promote the law and abide by the provisions in the regulations – particularly with regard to expropriation of land for whatever purpose.

Regularising tenure to apply the new laws on the ground systematically and routine demand led registration will be the prime strategy in mitigation of these risks. The State will need to underwrite the process as well as applying the principles to State owned land. At the present time some of the Mayors have not recognised the provisions in the new laws and regulations and continue to apply ad hoc procedures, in some cases infringing the rights of land holders

To be effective there must be full national understanding and acceptance of the reforms. The urgency is that districts proceeding on their own initiatives will render it more difficult to reconcile these under a single strategy. The extent to which potential resistance from the local leadership to the general sweep of the proposed reforms will be carried over to full implementation remains to be demonstrated as more detailed procedures and regulations are formulated and presented to local government. This risk is likely to be more prevalent in Kigali City and the municipalities than the rural areas.

There is also a clear need to clarify powers/mandates within and between ministries and agencies with regard to land acquisition, repossession, land allocation and, more importantly, the powers of eviction.

Capacity Constraints

This is relative and an oft quoted constraint. However, given the participatory nature for the reforms involving all land holders in the process, and the simplicity of the procedures this can be overcome with time and a national programme.

Land administration and management in Rwanda has until now received very little government attention compared to planning. The Land Policy and Land Law set out the institutional and human resource requirements at district level, which are modest by international standards, but represent a quantum increase for Rwanda's public service in terms of resource requirements. These will be principally in capacity development and training (formal and informal) of some 100 land professionals for district land bureaux. Whilst the recurrent costs are affordable, to maintain the required levels of staffing will require effective management of income from land-related revenues. Models related to the anticipated levels of service, and hence revenues to off-set recurrent costs, have been drawn up for all districts.

Planning and Development

With regard to development planning and the implementation of Master Plans, events have already overtaken the process of reform. Land rights initiatives have largely been subordinated to the achievement of planning objectives. The rapid pace of development, particularly in Kigali, and

implementation of planning agendas has proceeded without recourse to registration laws and principles which are seen by planners as a costly drag on development initiatives.

Development and how this is managed by the state and local authorities with regard to both the acquisition and allocation of land is now seen as the single most pressing problem. If due process and proper administration of land rights and implementation of legal and regulatory procedures are not followed a loss of public confidence will result. This is already happening in Kigali city with the expansion of expropriation.

Pace of Change

The Government anticipates completion of registration in five years – with LTR to be implemented in two years. This will commence in 2009 – 2013, with 2008 being used as a preparatory phase. This remains a very ambitious target however the imperatives on the ground do require mobilisation and completion of 'hotspot' areas as quickly as possible.

There are also inherent risks associated with moving too quickly with LTR when the full consequences and outcomes have not yet been fully evaluated through effective monitoring and evaluation. The full legal implications and consequences for the national economy and individuals and households in particular will require further research and monitoring to ensure *inter alia* adequate social protection.

If field LTR is implemented too quickly there is a risk that it will outpace developments in policy and legal procedures and institutional capacity, resulting in compromises in registration procedures and legal outcomes that will adversely affect the outcome for the individuals. Changes in procedures and documentation will need to keep pace with developments on the ground.

In general there is a considerable risk that the implementation preparation activities will proceed without the benefit of the overall plan and strategy being understood and approved.

Fees, Rates and Taxes

Formal land administration systems will be in direct competition with the informal systems that currently prevail in over 95 percent of the land economy of the country. Administration fees, rates and methods of land taxation must be set at affordable levels to allow the informal market to adapt to new circumstances and allow the government to realise potential revenues. There will be high risks to the programme of first registration if rates charged are too high or the procedure for collection too cumbersome.

The principle of free first registration for all has been forwarded to ensure the government obtains an up to date land register at the earliest opportunity with all of the potential for revenue collection further down the line. Even if cost recovery options are implemented it remains important that 'registration' is not perceived as a tax collection exercise rather than as a clarification of rights and obligations. Taxes, stamp duties etc could come later through development of a fiscal cadastre.

If rates are set too high the informal market will prevail, investment in land administration services will be compromised with all of the adverse consequences for national investment. The risk of imposing high fees at first registration will also hamper efforts to institutionalise the system more effectively and win public confidence. Means testing or tying first registration fees to the size of parcels is not practicable in first registration where the size of parcels is not known.

All of these issues would be resolved by simple demarcation and adjudicating of rights before charging fees.

The purpose of LTR for first registration is investment in the register – a one off cost to establish baseline property ownership with all of the rights and obligations that go with this. Fees and taxes are

obligations. Trying to levy these from an imperfect base, in advance will render the task more difficult.

Vision and Leadership

Reforms of this nature will require a high level of management during implementation backed by strong political leadership and sound financial management. Convergence of these important parameters is rare in any country – even for an important national programme such as land reform.

As the principal implementing agency strong vision and leadership for the reform must emanate directly from the NLC – particularly the Registrar and Deputy Registrars, backed by the Minister. As apolitical leaders charged with administering affairs of land, registrars should, in principle, be free from interference. There is a risk that reforms could stall if this leadership and guidance under the laws and regulations is not recognised and allowed to develop.

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Kigali, Rwanda February 2009.

Annex I: Constituency Summary, Population by Districts Sectors and Cells - 2007 and 2020

Province	East		North		West		South		Kigali City		*National*	
	2007	*2020*	*2007*	*2020*	*2007*	*2020*	*2007*	*2020*	*2007*	*2020*	*2007*	*2020*
No Districts	**7**	**7**	**5**	**5**	**7**	**7**	**8**	**8**	**3**	**3**	*30*	*30*
Av population/district	**277,158**	**401,810**	**353,410**	**498,539**	**329,325**	**463,641**	**288,892**	**369,251**	**329,020**	**662,488**	*367,894*	*410,708*
Av Households/district	**61,591**	**89,291**	**78,536**	**110,787**	**73,183**	**103,031**	**64,198**	**82,056**	**73,115**	**147,219**	*81,754*	*91,269*
No Sectors	**95**	**95**	**89**	**89**	**96**	**96**	**101**	**101**	**35**	**35**	*416*	*416*
Av no sectors/district	**14**	**14**	**18**	**18**	**14**	**14**	**13**	**13**	**12**	**12**	*14*	*14*
Av population/sector	**20,453**	**29,703**	**19,956**	**28,080**	**24,190**	**33,897**	**23,517**	**30,009**	**28,370**	**57,388**	*26,464*	*30,568*
Av Households/sector	**4,545**	**6,601**	**4,435**	**6,240**	**5,376**	**7,533**	**5,226**	**6,669**	**6,304**	**12,753**	*5,881*	*6,793*
No cells	**502**	**502**	**413**	**413**	**538**	**538**	**532**	**532**	**161**	**161**	*2,146*	*2,146*
Av no cells/sector	**5**	**5**	**5**	**5**	**6**	**6**	**5**	**5**	**5**	**5**	*5*	*5*
Av population/cell	**4,026**	**5,864**	**4,378**	**6,132**	**4,332**	**6,043**	**4,447**	**5,640**	**6,242**	**12,604**	*5,234*	*6,187*
Av Households/cell	**895**	**1,303**	**973**	**1,363**	**963**	**1,343**	**988**	**1,253**	**1,387**	**2,801**	*1,163*	*1,375*
No imidugudu	**3,808**	**3,808**	**2,742**	**2,742**	**3,629**	**3,629**	**3,512**	**3,512**	**1,185**	**1,185**	*14,876*	*14,876*
Av no imidugudu/cell	**8**	**8**	**7**	**7**	**7**	**7**	**7**	**7**	**7**	**7**	*7*	*7*
Av population/imidugudu	**516**	**753**	**651**	**919**	**638**	**893**	**691**	**879**	**835**	**1,686**	*753*	*883*
Av households/imidugudu	**115**	**167**	**145**	**204**	**142**	**199**	**154**	**195**	**186**	**375**	*167*	*196*

Annex II: Average Number of Land Parcels by District, Sector and Cell

Province	East	North	West	South	Kigali City	National
No Districts	7	5	7	8	3	**30**
No parcels/district	215,567	388,899	512,283	410,868	65,804	**318,684**
No Sectors	95	89	96	101	35	**416**
Av no sectors/district	14	18	14	13	12	**14**
Av no parcels/sector	11,229	22,904	27,236	20,904	9,457	**18,346**
No cells	502	413	538	532	161	**2,146**
Av no cells/sector	5	5	6	5	5	**5**
Av no parcels/cell	2,286	4,967	4,895	4,016	2,353	**3,703**
No imidugudu	3,808	2,742	3,629	3,512	1,185	**14,876**
Av no imidugudu/cell	8	7	7	7	7	**7**
Av no parcels/imidugudu	286	710	699	574	336	**521**