

LAND ADMINISTRATION DEVELOPMENTS IN RWANDA

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Key words : Land tenure security, land registration, land rights, land commissions.

SUMMARY :

The new Rwandan land policy consider appropriate land administration as a platform of land management and an ideal channel to provide security of livelihood to the people by securing land tenure system for their profit.

At present Rwanda carries out limited land registration on a centralised manual system on a demand led basis in rural and urban areas. Currently approximately 20,000 land applications are in process, mainly in urban areas.

In rural areas, initial documentation, including a sketch plan and a description of the property is issued to the user and held in a cadastral database at the Ministry in charge of lands.

In urban areas, municipal authorities are responsible for registering land and demarcate plots for urban development.

The land policy commits Rwanda to a comprehensive programme of land registration, in order to provide land users as a whole with more certain rights and thereby promote the investment of labour and capital in increased productivity, and the sustainable development and management of land resources. In addition land registration could extend the tax base in rural areas, and in any further development of further planned settlements or *imidugudu*.

The land policy stipulates the creation of land registries in each of the 104 rural districts and 8 urban municipalities. A dual system of land registration will be adopted. The formal system would apply to high value land, urban areas and commercial enterprises or other land users requiring detailed documentation for legal and financial purposes. A system of local land registration for the majority of rural areas will be developed and managed by the Districts. This process will be vastly aided by use of high resolution photomaps derived from aerial photography, also proposed as a tool for local level land use planning, to facilitate reconciliation of individual and family rights with land parcels.

In urban areas and all others where there are commercial incentives, formal titles to individual land parcels will be registered following enacted legislation with demarcated boundaries. The cadastral project now operational in Kigali City Council may be taken as a model of a demand-driven self-financing land register that utilises automated methods to capture and output land information.

1. INTRODUCTION

The National Land Policy adopted in February 2004 by the Government of Rwanda put a great importance on appropriate land administration system as a key of land tenure security by providing the possibility of registering and transferring land.

The nature of Rwanda's land resources, land occupation and land tenure systems are well known. They are characterised by high population growth, severe land pressure and an increasing number of small fragmented land plots. The majority of rural Rwandans hold these plots under customary arrangements, and it is upon them that they depend for their basic subsistence and food security .

Fifteen percent of poor rural households in Rwanda do not own any land, approximately 60% of households have less than 0.5 ha and 25% have more or less 1 ha . Twenty percent of rural people living below the poverty line have no land at all; the remaining 80% subsist on less than 0.5 ha. In 2000 there were in the order of 1,941,000 rural households in the country, of whom nearly 90% lived at subsistence level cultivating over two million land parcels (MINECOFIN, 2001). At any one time approximately 80% of all the land in these parcels is under cultivation and half the remainder is under pasture or fallow.

Clarification of land rights is required through the development of appropriate land administration systems, which can guarantee the security of land tenure and promote investments in land. Improved security of rights to land will reduce opportunities for conflicts of interest. The process of land registration is one of many public services that, when implemented with trust and confidence, contributes to sustainable land use and management. It is an important part of land administration but it is only a means to this end and not an end in itself. It must be used in the context of integrated development.

The majority of farmers may not seek formal land titles. However they do require security of rights to use land that are adequate for them to invest in long-term and sustained improvements, whether for subsistence or commercial purposes. Those living in urban areas and others managing large commercial farms also require an improved land registration system.

2. EXISTING SITUATION

2.1 Existing situation at National Level

At national level, the Ministry of Lands, Environment, Forestry, Water and Mines has the mandate and authority for land administration and the management of systems for urban and rural land registration. The Ministry is responsible for the whole country with the exception of Kigali City Council which has the authority for his own land administration and maintain, maintain his own land register. In practice, formal land registration has been undertaken of only a small proportion of the country, with the focus on urban areas and those in rural areas under commercial agriculture or owned by churches.

At present Rwanda, carries out limited land registration on a centralised manual system on a demand led basis in rural and urban areas. The primary purpose is to provide land users with documentation of land holding, for legal purposes and as evidence of property rights as collateral for purposes of credit or mortgage.

Currently, approximately 20,000 land applications are in process, mainly in urban areas, outside Kigali. Land registration needs also to be considered in the rural and peri-urban contexts

2.2 Existing situation at Provincial, District and Municipal Levels

At present, Provinces and Districts do not have any structures of land administration. Such structures do exist only in Municipalities where decentralisation of land survey and registration responsibilities have commenced to be carrying out with the overall follow up by the Ministry in charge of land. Municipalities are supposed to send copies of land records to the Ministry in charge of land where is based the Cheaf registrar of Title Deeds. For rural lands, no formal land registration is carried out at lower levels. Each District in the country is only authorised to charge variable fees according to their location and use for the annual rent of land parcels, and to retain the fees. Lease contracts are delivered by the Minister in charge of lands and Districts only hold the relevant copies of contract papers relating to concessions and land titles in their respective areas.

Kigali City Council is totally autonomous in term of land administration since 1998. But, the City follows legal policies laws and bylaws edicted by the Ministry in charge of lands with respect to land use planning, land registration and land taxation; otherwise, its land administration system it totally independent of that operated by the Ministry in charge of lands.

An outsourced contract from the Office of the Mayor of Kigali City commenced in 2002 for the establishment of a modern cadastre and registry for land and revenue management. The contract provides for geo-referenced locations of registered parcels, which have been surveyed using aerial photography and GPS equipment, to be stored in a GIS system together with other relevant information about the parcels and their owners.

This project moves the whole process of land surveying and registration forward from conventional paper-based methods and techniques to an automated and financially driven service that responds to customer demands. Prior to the initiative all land management for Kigali City was done manually with paper copies of all documents. This was effective when the city population was around 300,000, but now at one million and growing the old system is inadequate and tax revenue is being lost.

A similar self-financing automated land administration system could function in some other Municipalities, such as Butare, Cyangugu, Gitarama, Gisenyi, Ruhengeri and Kibuye, because they have sufficient population paying taxes to finance the system. Elsewhere, Government would have to support the development of any similar system.

3. NEW AND INNOVATIVE APPROACHES

3.1 Policy approach

As stated by the National Land Policy of Rwanda, appropriate land administration system would made distinction between urban land and rural land and would made a clear separation of State public lands, State private lands and other private lands owned by moral or physical persons.

The separation of land into two categories '*urban and rural land*' should be based on the function, allocation, and location of land. The definition of urban land is done by a specific law and by the existence of a general plan for the development and allocation of land.

Urban land can be:

- Urban districts defined as such by the law
- Outskirts of urban districts whose surface area and extent are properly defined
- Development poles identified in the framework of territorial development and of general and regional plans of land allocation
- Grouped settlements created in the framework of the grouped settlement policy

Rural land constitutes the remaining land, outside of urban districts, which are for the most part occupied by agriculture, forestry, and livestock rearing, including lands that support lakes and rivers as well as protected natural reserves.

The following shall be classified as the state's public lands:

- Land that supports lakes and rivers
- The national roads and feeder roads
- Land that hosts public monuments, genocide memorial sites and cemeteries
- Natural reserves and national parks
- Marshlands classified among natural reserves
- Green spaces
- Touristic sites
- Public District's lands

The following shall be classified as the state's private lands:

- Exploitable marshlands
- Private District's lands
- Vacant lands
- Lands exploited by state institutions (schools, hospitals, research institutions, military domains, Ministrie's domains, Parastatal's domains etc..)

3.2 Strategic approach

3.2.1 Land administration at national level

Land administration at national level will be operated through the creation of the “ *Land Centre*”

The purpose of the establishment of a Land Centre is to be the engine of land administration and land use management in Rwanda.

The Land Centre will provide technical and administrative support to the National Land Commission. This will include the important role of archiving information on land conflicts and adjudication.

It will maintain the National Land Register as a spatial database of land registration information for both the national and local land registration systems. The Land Centre will not register land itself, as that activity will be progressively decentralised. Districts and municipalities will transfer or provide access to key registration information to the National Land Register. This information will provide the basis for a national overview of land allocation. A national land register is necessary to monitor land registration activities throughout the country, provide information on trends and safeguard against undesirable appropriations. The National Land Commission will receive regular updates on the status of the National Land Register and determine appropriate actions as necessary. During the transition period, National Land Register staff will support and provide training for decentralised land registration.

The Land Centre will ensure the national co-ordination of spatial planning information. The centre will be responsible for the identification and collection of spatial information from all sectors. These will concern programmes and projects for land and natural resource development and management, and in particular those that involve irreversible changes in land use. Procedures will be developed to make this information available to key actors in order to inform a process of co-ordinated spatial development planning. Although not itself a planning agency, the land centre will have a key role of enabling master planning, which is co-ordinated spatial development planning at national and provincial levels. It will also facilitate land use planning at district level and below.

The Land Centre will re-establish and maintain the national geodetic control system :

The Land Centre will provide an essential basis for accurate mapping of land parcels, will play the role of *Archiving the national map and aerial photography collection*

The Land Centre will maintain a national reference collection and catalogue of land information. This will include copies or electronic access to maps, digital data and air photograph flight diagrams, negatives and digital copies, as appropriate. These will include information currently held by National University of Rwanda, the Ministry of Infrastructure, the Ministry of Agriculture and Animal Resources, the Ministry of Lands as well as Districts and Municipalities.

As photomaps will be a basic input to participatory planning and local land registration. The Land Centre will be responsible for specifying and commissioning aerial photography, its rectification and the production of photomap products.

Providing a customer point for map and digital data purchase, survey, topographical and photogrammetric services

The Land Centre will actively market products and services to the private and public sectors. Charges will be made on a cost recovery basis. Arrangements concerning copyright and intellectual property rights will need to be agreed.

The Land Centre will promote information sharing and use of compatible data exchange formats wherever possible. This is particularly relevant as different sectors increasingly invest in spatial data management. The Land Centre may host events, and develop a website and newsletter to promote co-operation between the various sectors. The Centre will establish linkages to land and related policy research undertaken at the University of Rwanda and other institutions

Over the transition period the Land Centre will be responsible for training and providing support to decentralised activities such as district level land registration. It will also be responsible for the training and support of the decentralised participatory planning teams.

The Land Centre will be responsible for designing systems for the timely, secure collection, transfer, storage and management of spatial data. Land registration information generated at district level will form a large part of these data.

Support will be provided by the Land Centre in demarcating, maintaining and protecting international border control survey beacons around the country.

The proposed structure of the Land Centre reflects the roles and responsibilities that can be clustered into four technical Units and one support unit as follow:

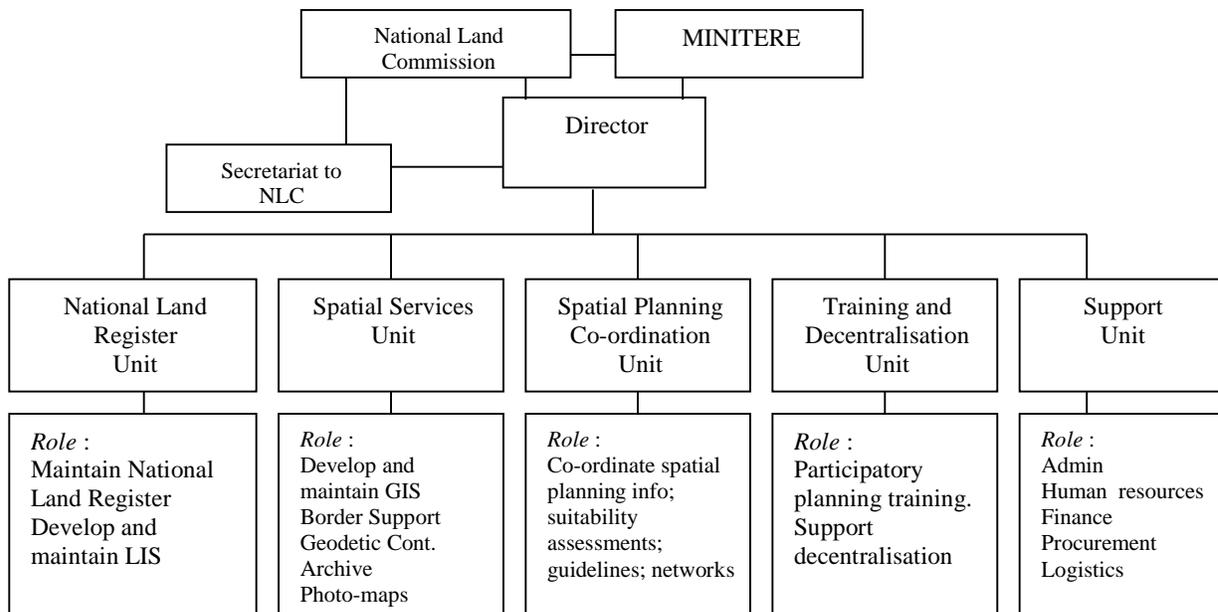
- National Land Registry Unit
- Spatial Services Unit
- Spatial Co-ordination Unit
- Training and Decentralisation Unit.
- Support unit

The National Land Registry Unit will be responsible for maintaining the National Land Register. *The Spatial Services Unit* will be responsible for geodesy, mapping and spatial data management. The name Spatial Services emphasises the provision of services to a range of users on a cost recovery basis. *The Spatial Co-ordination Unit* will be responsible for the collection and co-ordination of spatial development information. *The Training and Decentralisation Unit* will be responsible for training the participatory planning teams and supporting the decentralisation of services. *The Support Unit* will provide support to the Centre's administration, management of human resources, finances, procurement, logistics, security and maintenance of equipment.

The proposed organisational structure to accommodate these roles of the Land Centre is shown in Figure 1.

Figure 1:

Land Centre Structural Organisation



3.2.2 Land administration at local level

Local land registration will strengthen the rights of rural and peri-urban land users by a registration system sufficiently flexible to accommodate the immediate and longer-term demands being placed on it. At the same time it will provide the foundation for national land registration to be carried out and title deeds to be issued of known parcels of land where the demand exists. The approach meets the needs of Government, which envisages a system that will facilitate the granting and registration of land ownership of specific parcels, and which focuses on poverty alleviation.

Considering land registration as a tool for providing security of tenure to individual occupiers of a land parcels and as an economic investment, a land office will be established in each district. This land office will be responsible of land use planning, land surveying, land registration and land titles delivery. It also has the role of keeping and disseminating data.

In practice, the process will follow these stages:

- a. All individual parcels of land should be available for registration, without consideration of the minimum size of area.
- b. Registration should proceed in two phases, starting in the first phase with a collective registration of Cells, based on photo mapping methods.
- c. The cost of taking air photos will be supported by the government, with financial assistance from the international community. The collective registration of Cells using photomaps has the added advantage of providing a wealth of basic administrative information. In the next phase individual parcels will be identified and individually registered.
- d. Two technical staff will be provided to each District to build the capacity there in land registration and land use planning.
- e. It is essential that the local community participates closely through all the stages of land registration, supported by NGOs and civil society which work closely with the communities. The Ubudehe approach will serve as a model of participation.

Appropriate strategies will be used for the registration of squatter developments in peri-urban areas, in which the main inhabitants are poor people, and lessons will be learned from the experience of Kigali City.

To enable socially inclusive local level land use planning and secure land rights for the poor in an integrated way.

In order to achieve this, the proposal aims to develop decentralised capacity for:

- a) participatory spatial planning capability which promotes sustainable resource management and,
- b) local land rights documentation as a basis for land title registration.

In practice, participatory planning and local land registration are operationally integrated and supported by the necessary technical capacity and planning, mapping and land information tools.

Community mapping will be used at Sector and Cell levels using established techniques based on high resolution / large scale photomaps. These will incorporate the overall boundaries and main topographical, infrastructure, settlement, land use and land classification features of the Cell. These will be mapped at scales between 1:5,000 and 1:2,500.

At the same time an inventory of land holding households will be compiled with land holdings broadly described and authenticated by group discussion. This is the first stage in documenting and registering land rights and will serve as a development-planning tool for a wide range of other purposes. These records and photomaps will be held at Cell, Sector and District level.

Fig 2 :

An example of community mapping and land use planning at local level



Photo by Peter Brinn, DFID/NRI study, 2004

In urban areas and all others where there are commercial incentives, formal titles to individual land parcels will be registered following enacted legislation with demarcated boundaries. The cadastral project now operational in Kigali City supervised by GEOMAP a Kenyan Company specialised in cadastre, mapping and land information systems, may be taken as a model of a demand-driven self-financing land register that utilises automated methods to capture and output land information.

4. Institutional Arrangements

Effective institutional arrangements will underpin the delivery of the expected outputs. However, a balance must be found between the need for institutional investment and concerns over recurrent costs. Where possible new roles and responsibilities should be incorporated into existing structures. Where this is not possible new structures should be as designed as efficiently as possible.

The key central institutional innovation will be the National Land Commission, as provided in the land policy. This will broaden the constituency of responsibility for guiding the implementation of the Land Policy not only across Government, but also by incorporating the perspective and experience of the private sector, civil society and the academic community. The establishment of Provincial and District Land Commissions should build on previous and existing structures, under guiding principles of representation, accountability and transparency.

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Land Administration Developments in Rwanda

Expert Group Meeting on Secure Land Tenure: 'new legal frameworks and tools'
UN-Gigiri in Nairobi, Kenya, 10 – 12 November, 2004

The creation of the Land Centre will support the technical and administrative delivery of Land Policy objectives. Agency status combined with an emphasis on service delivery and will ensure that the Land Centre will respond flexibly and effectively.

MINITERE will retain responsibility for land policy formulation and for the operational management of the Land Centre. Under planned central government restructuring its capacity for monitoring and guiding implementation of then land policy and the land law will be strengthened.

At district level the District Land commission will supervise and guide implementation of the land policy, by the district authorities. The districts will need to appoint new technical staff responsible for support and coordination of the land registration and land use planning processes at cell and sector level.

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BIOGRAPHICAL NOTES

Ir. Eugène RURANGWA (1958) : Engineer in Agriculture, Specialised in Soil Science. Worked in the Ministry of Agriculture, Soil Conservation&Rural Engineering Department from 1995 to 1997 and Land use & Management Department in 1998. Joined The Ministry of Lands, Environment, Forestry, Water and Natural Resources since 1999 as Director of Lands and Chief Registrar of Title Deeds. Took active part in National Land Policy and New Land Bill development since 1996.

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