

An Assessment and Plan for a Comprehensive Review of Rwanda's 2004 National Land Policy

July 2015
Strategic Objective 1

By
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July 2015

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AN ASSESSMENT AND PLAN FOR A COMPREHENSIVE REVIEW OF RWANDA'S 2004 NATIONAL LAND POLICY

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1.0 INTRODUCTION

This note presents: (i) findings from an assessment by a consultant¹ on whether there is a need for review of the 2004 National Land Policy (NLP); and (ii) a plan for a comprehensive review of the NLP. The consultant worked closely with and was guided by Rwanda Natural Resources Authority (RNRA), Ministry of Natural Resources (MINIRENA) and USAID/Rwanda LAND Project. During his first visit in March 2-13, 2015, the consultant met key stakeholders from the community of Non-Government Organizations (NGOs)² and development partners³ while in his second visit, April 27-May 8, 2015, he met and discussed with key stakeholders from government agencies⁴ and Parliament⁵. The consultant would like to thank all the key stakeholders for the rich discussions that were enabled and the key hosts of this work, RNRA and MINIRENA, especially Engineer Didier Sagashya, (former Deputy Director General for Lands and Mapping, RNRA) for supporting and closely coordinating the work. The insights gained from the discussions, together with the review of relevant documents and studies done on the land policy inside and outside Rwanda, have enabled the consultant to come up with this note indicating whether the land policy should be reviewed, areas on which the review should focus and a road map to guide the review.

2.0 BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources (MINITERE) initiated its drafting. The draft policy (along with the associated draft land law) was informed by a series of consultations done by government at national, provincial and district levels during 2001 and 2002 and by LandNet (an association of NGOs involved in the land sector) during 2001. The draft policy (along with a draft of the associated land law) was presented to cabinet in November 2002 with the intent by MINITERE to have it adopted by April 2003. However, due to the many other priorities of Cabinet and Parliament, including the referendum on the Constitution and its finalization, the ongoing decentralization process and the election⁶, the policy was adopted by Cabinet later in February 2004 and the associated land law was passed by the Parliament in July 2005. In its introductory section on page 6, the policy document states that, "a mid-term evaluation will be carried out after ten years so as to bring in the necessary readjustments." Moreover, given the changes that have taken place since the policy was adopted, including urban growth, climate change, environmental conditions, land pressures and intra family land disputes, and also given the experience that has been gained from implementing the policy from which lessons can be learnt, it is timely to review the policy as was anticipated when it was adopted.

¹ Dr. Frank F K Byamugisha, a consultant, hired by USAID/Rwanda Land Project

² The NGOs included HAGURUKA, Legal Aid Forum, RISD and Search for Common Ground

³ The development partners included DFID

⁴ The government agencies met included MIGEPROFE, MINAGRI, MINALOC, MINECOFIN, MINIJUST, MININFRA, MINIRENA, Ombudsman Office, RAB, RNRA, Rwanda Governance Board and Rwanda Law Reform Commission

⁵ The chairpersons of the Committee on Agriculture, Livestock and Environment in the Chamber of Deputies and Senate of the National Parliament

⁶ Harold Liversage, 2003. Overview of Rwanda's land policy and land law and key challenges for implementation, A Briefing Note. February 2003. DFID/MINITERE

3.0 FINDINGS FROM ASSESSMENT OF THE NLP

Areas of Success and Challenges

The assessment, based on consultations with key stakeholders and an internal assessment by RNRA (see Table 1), has found that, with a few exceptions,⁷ the NLP has been comprehensively implemented. The implementation of land administration systems and the registration of land (paragraphs 5.1, 5.2, 5.3 and 5.4 of NLP) are widely considered a success, with the flagship national land tenure regularization program completed at a pace and cost that are globally impressive.⁸ The impact of the land tenure regularization program, even based on observations made two and a half years after the field demarcation exercise, has been found to be significantly positive in improving tenure security and women's access to land as well as in increasing land rental market activities.⁹

Notwithstanding the robust implementation of the NLP and the success of the land administration aspects, there have been implementation challenges on the aspects of the NLP that deal with balancing the freedom to enjoy individual land rights with the responsibility of the state to ensure that those rights are not enjoyed at the expense (and interest) of society, present and future. State interventions curtailing individual land rights include

- land use planning restrictions emerging from national and local land use master plans;
- expropriation of land rights in public interest;
- a land use consolidation program that places requirements on land use including crop selection;
- confiscation and management of unused, abandoned or poorly managed land and property;
- prohibition of sub-division of agricultural land if the result is one or more parcels less than one hectare;
- relocation of rural dwellers to grouped settlements (*Imidugudu*);
- housing plot size restrictions;
- soil conservation programs;
- taxes and fees on land and land transactions; and
- restrictions on use of agro-pastoral land, marshlands, and land in protected areas (mainly paragraphs 5.5, 5.6 and 5.8 of NLP).

In addition, there are recent state interventions that have arisen to protect or promote societal interests in the wake of climate change as articulated in the *Green Growth and*

⁷ The exceptional areas where implementation has fallen short are mainly preparation and implementation of master plans for land use planning and development, and developing the legal and institutional framework.

⁸ AU-AfDB-UNECA Land Policy Initiative. Forthcoming. *Effective Land Administration Systems in Africa*. Land Policy Initiative, Regional Integration and Trade Division, UN Economic Commission for Africa. Addis Ababa, Ethiopia.

⁹ Ali, D. A., K. Deininger, and M. Duponchel. 2015. "Sustainability of the LTR program: Preliminary results from the 2015 household survey round in rural Rwanda." Kigali, May 5, 2015. MINERENA.

Climate Resilience National Strategy (2011).¹⁰ National development that maximizes the welfare of all citizens requires striking an optimal balance between freedom of citizens to exercise a robust set of land rights and state interventions to ensure that the enjoyment of land rights by citizens is not done at the expense of society as a whole. Achieving this optimal balance has always been a global development challenge that is best addressed through a well formulated and participatory National Land Policy.¹¹ Relating this to the subject at hand, a review of land policy will require adequate participation of key stakeholders and citizens as landholders and land users. This takes considerable consultations with key stakeholders and the public. The land policy review also needs to take into account global and regional policies and strategies as well as national macro and sectoral development strategies and policies including Vision 2020, the second Economic Development and Poverty Reduction Strategy (EDPRS2) and environmental, mines, water, forests, irrigation, agricultural, industrial, housing, urbanization, gender and human settlement strategies and policies to work toward alignment and harmonization.

Table 1: Status of Implementation of 2004 NLP

Policy areas (See 2004 NLP)	Implementation Record			What was unimplemented or inadequately implemented
	Full (F)	Partial (P)	None (N)	
5.1 Land tenure	✓			
5.2 Land Administration	✓			
5.3 Land register in land administration	✓			
5.4 Land transactions	✓			
5.5 Use and management of urban land	✓			
5.6 Use and management of rural land	✓			
5.7 Role of cadastral plans & maps in land management	✓			
5.8 Plans and master plans in land planning and land management		✓		While the national master plan was completed, many districts have not completed their master plans
5.9 Maps in land management	✓			
5.10 Legal and institutional framework		✓		Establishing a financially independent and autonomous land registry Establishing the Institute of Land Surveyors in Rwanda

¹⁰ Republic of Rwanda. 2011. *Green Growth and Climate Resilience: National Strategy for Climate Change and Low Carbon Development*. October 2011. Kigali.

¹¹ Byamugisha, F. F. K. 2013. *Securing Africa's Land for Shared Prosperity: A program to Scale up Reforms and Investments*. Africa Development Forum Series. Washington DC. World Bank.

				<p>Finalising and gazetting the Law establishing the Institute of Land Surveyors</p> <p>Finalising and gazetting the law on matrimonial property and successions</p> <p>Streamlining land management at sector level is currently under implementation</p>
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Source: Internal assessment by RNRA, April 2015

Issues for the Review to Address

The proposed review of the NLP will look into key issues including those related to land use planning and restrictions such as:

- weaknesses in preparing and implementing master plans for land use and development;
- expropriations in public interest;
- land use consolidation;
- group settlements in rural areas;
- confiscating and managing unused and abandoned land and property as well as land considered degraded or poorly managed;
- prohibiting sub-division of agricultural land that would generate parcels below one hectare;
- land-related challenges in urbanization and housing; and
- allocating and leasing of marshlands.

Other issues that will be addressed include:

- taxes and fees on land and land transactions;
- determination of lease durations and conditions for renewal;
- aligning and harmonizing the NLP with other policies and programs;
- outdated implementing regulations for land-related laws and delays in implementing new ones;
- concerns over land rights of women in informal or polygamous marriages; and
- sustaining land administration services.

Delays and inconsistencies in planning land use and development. While a master plan of land use and development has been prepared at national level to guide preparation of master plans at district and sectoral levels, there have been delays in preparing master plans at district level. A number of issues have been indicated including: (i) where they have been prepared, there has been weak enforcement of district master plans and weak coordination and harmonization of district and sectoral plans such as for irrigation, fisheries and industrial development. For example, many rural group settlements (*Imidugudu*) have been located on land best suited for agriculture; (ii) as virtually all district master plans were prepared after land had already been registered, some owners mainly in urban areas have plans to use their land for purposes that are different from those prescribed in the master plans, which raises challenges of harmonization; (iii) residents in undeveloped areas classified as urban are

charged high annual land lease fees when the expected public infrastructure and other services have not been delivered by government; (iv) either due to high costs of complying with urban master plan requirements, especially fees for building permits, or weak enforcement (construction of unapproved structures is still going on, meaning there is an issue of compliance and enforcement); and (v) there is wasteful land development noticeable in rural areas close to urban centers as a result of lower land-related taxes and non-existent zoning regulations.¹²

Concerns with implementation of expropriation. While a new law on Expropriation has been passed by Parliament (but not yet gazette at the time of finalizing this report) to replace the Expropriation Law of 2007, there are several problems which were faced in implementing the 2007 Expropriation Law that could also affect the new law if they are not confronted. These implementation problems, discussed in a number of studies¹³ and also raised by stakeholders in our recent consultations, include: (i) inadequate and delayed compensations due to shortcomings in planning and budgeting for expropriation and compensation, compounded by inadequacies in valuation caused by incompetence of valuers, improper valuation practices and lack of valuation data; (ii) weaknesses in processes of hiring and supervising valuers; and (iii) lack of compensation for partial takings (e.g. widening roads or restrictions placed on land use that diminish prospects to derive value from the land), delayed project execution (e.g. road reserves, new airport at Bugesera) and for abandoned projects after initiation of expropriation processes. These and other implementation problems should be reviewed in the course of reviewing the land policy and guidance provided for mitigation measures to be included in the implementing regulations for the new expropriation law.

Issues in implementation and impacts of land use consolidation (LUC). LUC was initiated as a solution to agricultural land fragmentation to create economies of scale and more efficient agricultural production. Implementation of LUC involves engaging groups of farmers owning adjacent plots to grow the same crop and government provision of fertilizer and seed subsidies. While studies have indicated that land under LUC has realized increases in agricultural productivity over time and relative to other countries in the region,¹⁴ there is no empirical evidence yet that LUC is more productive than non-LUC land subjected to similar government support program (CIP) as LUC land.¹⁵ In addition, empirical evidence indicates food insecurity, vulnerability and poverty persist in LUC areas.¹⁶ Moreover, participation in LUC has not been entirely voluntary. Research indicates 24-45 percent of those surveyed reporting use of coercion

¹² Ministry of Infrastructure, 2014. National consultative meetings for the development of the urbanization policy report. Republic of Rwanda.

¹³ Legal Aid Forum. 2015. Report on Qualitative Research: Implementation of Rwanda's Expropriation Law and Outcomes on the Population. Kigali, Rwanda: USAID Land Project. February; and Ikirezi Mireille, Fidele Masengo and Anna Knox. July 2014. Implementation of Expropriation Law in Rwanda: Challenges and Ways Forward, Land Project Policy Research Brief no. 2, Kigali, Rwanda: USAID Land Project.

¹⁴ World Bank. 2011. Rwanda Economic Update: Seeds for Higher Growth. Spring Edition, April 2011; also Kathiresan, Arumugam. 2012. Land use consolidation in Rwanda: An assessment from a perspective of the agricultural sector. MINAGRI.

¹⁵ USAID Land Project and University of Rwanda, 2015. "Assessment of the economic, social, and environmental impacts of the land use consolidation component of the crop intensification program in Rwanda, Final Report.

¹⁶ USAID Land Project and University of Rwanda, 2015. "Assessment of the economic, social, and environmental impacts of the land use consolidation component of the crop intensification program in Rwanda, Final Report.

to get farmers to participate in the program.¹⁷ Requiring farmers to grow specific crops and form cooperatives to market crops with other farmers reduces the scope of the individual property rights afforded to them through land registration. A review of the NLP needs to provide guidance on the types and breadth of rights afforded to individuals in granting them leasehold and freehold rights, as well as the types of incentives and business models that can enhance efficiency, food security and poverty reduction while minimizing encroachment on the breadth of landholders' property rights.

Concerns on implementation of group settlements (*Imidugudu*). The start-up of *Imidugudu* was prompted by the emergency need to provide shelter and services to returning refugees after the 1994 genocide and later to economize on the use of scarce land and delivery of public services. Consultations with key stakeholders point to four land-related issues: (i) people who give up their land for the government to set up *Imidugudu* end up receiving scattered land parcels as compensation from those joining *Imidugudu*, parcels which are costly to register; (ii) housing plots in many *Imidugudu* are considered too large and uneconomical contrary to the provisions in the Rwanda Building Code, gazetted in May 2015, which requires efficient use of land based on appropriate land use ; (iii) again, contrary to the Rwanda Building Code provisions, many of the *Imidugudu* are occupying fertile lands best suited for agriculture, and not human settlement; and (iv) while there are efforts to incorporate recommendations of the *Green Growth and Climate Resilience National Strategy*, many *Imidugudu* lack green growth agricultural belts that could have used compost manure and the largely underemployed labor.

Confiscating and managing unused and abandoned land and property. While the 2004 NLP provided for confiscation of land (and property) under special circumstances, it did not provide for the management by the state of such land and property which, in many countries, including Rwanda, is problematic. Although a Ministerial Order laying out guidelines for managing such requisitioned land is under preparation by RNRA, there is a need for the revised policy to consider policy options and key principles to underline such a Ministerial Order.

Concerns over prohibiting sub-division of agricultural land to below one hectare. The provision in the 2013 land law prohibiting sub-division of land if it results in one or more parcels below one hectare has been done in the interest of maximizing agricultural efficiency. Experience in other countries (including Mexico, Morocco and Brazil) on similar land subdivision restrictions or minimum farm size limits has demonstrated that they are ineffective in preventing fragmentation.¹⁸ Consultations with stakeholders indicated that the agricultural land subdivision restriction has resulted in: (i) sub-divisions taking place without being registered, thereby threatening to compromise an otherwise successful land registration program; and (ii) creating fertile ground for intra-family land disputes.

¹⁷ USAID Land Project and University of Rwanda, 2015. "Assessment of the economic, social, and environmental impacts of the land use consolidation component of the crop intensification program in Rwanda, Final Report.

¹⁸ Deininger, Klaus, 2003. Land policies for growth and poverty reduction, A World Bank policy research report. The World Bank. Washington DC.

Land-related challenges in urbanization and housing. With a population growth rate of 2.7% and an urbanization growth rate of 4.1%, a package of integrated policies to promote efficient and sustainable urban growth is needed. In the context of Rwanda, this package could include the promotion of efficient land markets, effective design and enforcement of national and district master plans, implementation of the green growth strategy, and prudent use of expropriation powers to acquire land for public infrastructure investments.¹⁹

The promotion of land use planning and management tools, such as design and enforcement of minimum and maximum housing plot sizes and building standards associated with building permits, have not stopped urban residents from spacing out their “gated” houses, using under-sized plots to put up houses that do not match the densification principle and development requirements. Meanwhile, many small plots are left undeveloped due to cash-constraints, all in violation of site and building regulations. Given the history of non-compliance to site and building regulations, there is need for increased reliance on incentives to complement standard tools for land use planning and management contained in the National Housing Policy and the draft National Urbanization Policy,²⁰ including: (i) revised urban land use planning tools to accommodate high density buildings; (ii) changes to land-related and rental income tax laws to provide incentives to encourage compact neighborhoods and investments in high quality and affordable high-rise accommodation; and (iii) new collective and collaborative investment and land readjustment tools (such as Real Estate Investment Trusts and Time Shares to overcome undersized plots and lack of investment funds) to meet densification principles and development requirements. The revised land policy should be aligned to and augment the policy principles contained in the National Urbanization and Housing Policies with guidance on developing incentive tools to promote efficient and sustainable growth and urbanization.

Taxes and fees on land and land transactions perceived as too high for the poor. Property taxes are paid on freehold land while annual lease fees are paid on leasehold land with a certificate of registration, except for agricultural land less than two hectares. Property taxes are paid at a simplified rate of one thousandth of the taxable value per year while the fee structure for land lease fees is regarded as complex because the rates, while set within minimum and maximum thresholds and related to market value of land, vary depending on different types of land use and size of land as determined by each district. The annual land lease fees for agricultural land are too high for the poor and, according to some stakeholders, partly discourage pick-up of lease certificates due to fear of liability to pay annual lease tax. Dees for registering transfers of agricultural land, which amount to about Rwanda Fr 27,000 (and higher for transfer of multiple parcels) are too high according to some studies.²¹ High fees for transactions appear to

¹⁹ Maria Emilia Freire, 2013. Urbanization and green growth strategy in Africa. The Growth Dialogue: A voice fostering economic growth. Green growth series Report No. 1. http://www.greengrowthknowledge.org/sites/default/files/downloads/resource/Urbanization_and_GG_in_Africa_The_Growth_Dialogue.pdf

²⁰ Republic of Rwanda, 2015. National Housing Policy. Ministry of Infrastructure. Kigali, Rwanda; Republic of Rwanda, 2014. National Urbanization Policy, Pre-final Draft, December 2014. Ministry of Infrastructure. Kigali, Rwanda.

²¹ Masengo, Fidele, Thierry Hoza Ngoga and Enid Ingabire, 2014. Land Tenure Reform and Local government revenues in Rwanda. Land Project Policy Research Brief No. 3, Kigali, Rwanda: USAID LAND Project.

be one factor discouraging formal transactions.²² There is a need to review the land transactions fees to also ensure that they can support sustainability of the land administration system.

Need for guidance in allocating and leasing of marshlands. The Land Law of 2013 provides that allocation and lease terms for unprotected swamps be determined by a Prime Minister's Order which has not yet been issued, although the LAND Project has supported the RNRA to produce a draft of this Order. While awaiting a Prime Minister's Order, there has been reluctance to implement the provisions in the Land Law of 2013 and associated Orders to allocate and lease out swamps. A revised National Land Policy could help with guiding allocation and leasing of unprotected swamps to competing uses and users, especially between poor local community groups surrounding the swamps and commercial investors, notwithstanding the Prime Minister's Order.

Concerns over land lease durations and conditions for renewal. Leases for state land in the private domain can vary from 3 years to 99 years with renewable terms. However, procedures for land allocation and leasing are yet to be determined in a Presidential Order, although the LAND Project has supported the RNRA to produce a draft of this order and provide guidance on lease terms. Discussions with stakeholders indicate that there are cases where lease durations are too short and conditions for renewal unclear thereby causing land ownership uncertainty and discouraging investments. An example is the provision of 20-year leases for allocating land for residential houses, a lease duration that does not match the life of the investment. While the official explanation for this anomaly is that these relatively short leases are meant to be a transitional instrument toward freehold after the development on land has been completed, the revised policy and corresponding additions or amendments to the legal framework need to provide more clarity on the requirements and process for securing freehold and raise public awareness to avoid exacerbating tenure insecurities and discouraging investments.

Inconsistencies of NLP with other policies and programs and need for alignment and harmonization. Land as a resource is cross-cutting, affecting many sectors in the economy. Given that many sectoral policies, strategies and programs have been undertaken after the 2004 NLP was adopted, the review of the NLP should include a review of the sectoral and macro policies with the view to harmonize them with the revised NLP.

Inconsistencies among land-related laws and implementing regulations and need for NLP to guide realignment and harmonization. Examples of inconsistencies include the handling of valuation for compensation using market prices as provided for in the Expropriation Law of 2007 and the newly passed (but yet ungazetted) Expropriation Law of 2015 while there are provisions in a Ministerial Order of 2009²³ to use reference prices in Kigali and in a Ministerial Order of 2010²⁴ for outside Kigali. While it has been reported that Instructions of the Prime Minister have been issued that

²² Ali, D. A., K. Deininger, and M. Duponchel. 2015. "Sustainability of the LTR program: Preliminary results from the 2015 household survey round in rural Rwanda." Kigali, May 5, 2015. MINERENA.

²³ Ministerial Order No. 001/16.00 of 23/11/2009 determining the reference Land Prices in the City of Kigali

²⁴ Ministerial Order No. 002/16.01 of 26/04/2010 determining the reference Land Prices Outside the Kigali City

valuation be undertaken by independent valuers under the Institute of Real Property Valuers (IRPV) using market prices, the Ministerial Orders have not been repealed.²⁵ Another example of legal inconsistency is in the Ministerial Order on the modalities of land registration which provides for payment of fees and charges related to all aspects of land registration. Yet the related Ministerial Instructions clearly indicate that payment of such fees and charges be paid under systematic land registration, but are ambiguous when it comes to sporadic registration.²⁶

Yet another inconsistency exists between the NLP, the law of 2011 setting sources of revenue for decentralized entities, and the associated Presidential Order of 2012 establishing the list of fees and other charges levied by decentralized entities. Whereas the land policy encourages efficient use of land, the law and the Presidential Order exempt land reserved for construction of houses in rural areas from annual lease fees regardless of size and value, provided no basic infrastructure has been installed.²⁷ Some stakeholders have blamed the law and Presidential Order for the proliferation of big mansions in rural areas near main roads which use land wastefully and contradict the land policy. The review of the land policy should include an assessment of the land-related laws and implementing regulations with the aim of providing guidance in the revised land policy on how to harmonize them.

Outdated implementing regulations and delays in issuing new ones after adopting laws. There have been significant delays in issuing Presidential, Prime Minister and Ministerial Orders leading to the use of old Orders to implement new laws. For example, while the new land law was passed in 2013, many of its most critical implementing regulations have not yet been issued. Among most countries in the East African Community, it is a common practice to prepare and process at the same time a new law with its implementing regulations. The review of the NLP should look into why Rwanda, unlike other countries in the region, experiences delays in processing implementing regulations after new laws are passed, and provide guidance on how to issue timely implementing regulations to facilitate timely implementation of laws and avoid confusion.

Concerns over land rights of women in informal marriages and consensual unions. While women who are formally married are registering their land rights and protecting them, no policy instrument has been found to improve the land rights of women in informal marriages (both monogamous and polygamous) and consensual unions without violating the constitution. Some researchers have suggested ways to improve them without having to institute a constitutional amendment.²⁸ The review of the NLP should explore these and other ways and provide guidance to regularize rights of women in informal marriages and consensual unions.

²⁵ Legal Aid Forum. 2015. Report on Qualitative Research: Implementation of Rwanda's Expropriation Law and Outcomes on the Population. Kigali, Rwanda: USAID Land Project. February

²⁶ Deborah Espinosa, Elisa Scalise, and Lura Eshbach, 2013. Assessment of Rwanda's legal framework governing the land sector. Draft August 20, 2013. Landesa. Prepared for the Rwanda Natural Resources Authority, with support from the UK Department for International Development/Rwanda.

²⁷ Fidele Masengo, Thierry Hoza Ngoga and Enid Ingabire, 2014. Land Tenure Reform and Local government revenues in Rwanda. Land Project Policy Research Brief No. 3, Kigali, Rwanda: USAID Land Project.

²⁸ Jones-Casey, Kelsey, Laura Dick and Alfred Bizoza, May 2014. The Gendered Nature of Land and Property Rights in Post-Reform Rwanda. Kigali, Rwanda: USAID LAND Project.

Land dispute resolution mechanisms and institutions. While completion of the land tenure regularization program has, according to recent impact studies,²⁹ reduced the likelihood of land disputes, land disputes are still prevalent, especially intra-family disputes, as is gender-based violence associated with land.³⁰ Rwanda has institutions to deal with land disputes, including the judiciary, local mediation committees (*Abunzi*) and even the Ombudsman.³¹ In light of the prevalence of land disputes, it is necessary to consider if more guidance is required in the revised NLP to ensure that land disputes are addressed fast and cheaply.

Concerns over sustaining land administration services. To sustain land administration services, it is a global best practice to collect enough land-related taxes and fees to fully cover recurrent costs of land administration and to also contribute toward meeting some capital costs. In Rwanda, revenue from land-related taxes and fees is not enough to cover the recurrent costs of land administration; to do so, it would require increased collection efforts as well as tax rate increases.³² Yet, it is argued that land transaction fees are already too high for the poor. The review of the NLP should provide guidance on how land administration services can be financially sustained without hurting the poor or compromising participation in the land registration system, perhaps by considering cross-subsidization as one of the options.

4.0 A PLAN FOR COMPREHENSIVE REVIEW OF THE 2004 NATIONAL LAND POLICY

Based on consultations with key stakeholders, an assessment of land policy formulation experiences in countries both within and outside the region, and experiences of recent sectoral policies in Rwanda, a plan for a comprehensive review of the 2004 NLP has been prepared and is summarized in Table 3.

Timeline

Following preparation of this review plan in July 2015, the proposed time line for review of the policy is as follows:

- Hiring consultants to undertake the review including finalizing TORs, selecting consultants and negotiating their contracts: August to September 2015
- Preparing issues and options papers and consultations materials (e.g. short research briefs, etc.): September to November 2015
- First round consultations on issues and options: Dececeber to Februrary 2016

²⁹ Ali, D. A., K. Deininger, M. Goldstein and E. L. Ferrara. 2014. "Impact of land tenure regularization in Rwanda." Annual World Bank Conference on Land and Poverty. World Bank. Washington DC. March 2014.

³⁰ Marco Lankhorst, August 2012. Women's land rights in customary dispute resolution in Rwanda, a Brief. Focus on Land in Africa. <http://www.focusonland.com/countries/womens-land-rights-in-customary-dispute-resolution-in-rwanda/>

³¹ Shinichi Takeuchi, 2014. Land conflicts and the state in Rwanda and Burundi. Paper prepared for presentation at the 2014 World Bank conference on land and poverty. The World Bank: Washington DC, March 24-27, 2014. Martha Mutisi, October 2011. The Abunzi mediation in Rwanda: Opportunities for engaging with traditional institutions of conflict resolution. Policy and practice Brief – Knowledge for durable peace. Issue no. 012. ACCORD.

³² Land Tenure Regularization Support Program: Towards sustainability in Land Administration, July 2013. Final Version

- Drafting revised land policy: February to March 2016
- Second round consultations on the draft land policy: April to May 2016
- Revision of draft Land Policy: June 2016
- National Land Policy Conference: July 2016
- Internal government reviews and processing for Cabinet: August 2016
- Adoption by Cabinet and, if required, by Parliament: September to Oct 2016

4.1 Preparation of Issues and Options Papers and Drafting of the Revised Policy

Based on the type of issues emerging from discussions with stakeholders so far, it is not necessary to undertake detailed research as most issues can be analyzed through desk reviews. Considerable research on the implementation and impacts of different land-related policies and laws has been undertaken recently, especially under DFID and USAID support. The outputs of these and other reviews can be built upon by consultants to prepare Issues and Options Papers in a similar manner as was done for the Botswana National Land Policy in 2002 and the Kenya National Land Policy adopted in 2009. The same consultants hired for the research should be engaged in informing the drafting of revised policy and public consultation materials. They should also be used as resource persons in conducting consultations. Given that national institutions have already been engaged in the research to assess various elements of land-related laws and policy under USAID LAND Project and DFID supported programs, it may be prudent to use some of these researchers and other national consultants for the planned review, allowing for greater efficiencies, local ownership of the process, and capacity development. Moreover, relying on local capacity could also help to build a national network of land professionals that could work with government to monitor and evaluate implementation of the revised policy. At the same time, it is important to supplement national consultants with experienced international consultants to leverage broad-based knowledge of land issues and innovative solutions to address them as well as experience engaging in other land policy formulation exercises. The drafting of the revised policy should take into account the fact that many of the policy principles have not necessarily changed and therefore can be rolled into the revised policy.

Areas of Study

The consultants should focus on the following areas of study to provide a detailed elaboration of issues and articulate policy options that address identified issues. The areas of study include the following assessments:

- Developing master plans and implementing expropriation for sustainable urbanization and rural development;
- Efficient use of rural land through special government initiatives;
- Measures to optimize land use through efficient urbanization and housing;
- Administration of land-related taxes and fees to enhance land administration services and sustain the land administration system;
- Aligning and harmonizing policies, laws and programs related to the land sector;
- Reducing land disputes; and
- Securing land rights of women in de facto unions.

Key objectives of these Issues and Options papers are given below. Detailed TORs are provided for in Annex I.

Developing master plans and implementing expropriation for sustainable urbanization and rural development. Preparation of master plans (also called local development plans and local urban development plans) by districts and urban centers has been a slow process and was done after residents had already had their land registered via systematic land tenure regularization. Consequently, for many residents in urban areas, the intended land use noted in their land certificate is different from what is prescribed in the master plan. In rural areas, partly due to delayed preparation and enforcement of master plans, it was reported by some stakeholders that there have been inconsistencies between what is prescribed in some district master plans for and sectors plans in such areas as dairy, transport, tourism and human settlement. For example, many *Imidugudu* housing schemes have been established on sites and approved by district councils supposedly based on district development plans, but on land more suited for agriculture, not human settlement. To correct such conflicts and contradictions, master plans would need to be revisited, local populations substantially engaged in the process and plans revised, all of which take time and money.

Consultants leading this research should: 1) assess the scope, extent and implications of mismatches in designation of land uses between land use plans, land certificates, sectors and sub-sectors plans; (ii) lay out options for addressing the issue in those districts where it is serious; and (iii) articulate options for land use planning processes that can avoid such problems in the future. Detailed TORs are outlined in Annex 1.

Another area to study is the implementation of expropriation where there are a number of implementation problems, including: (i) inadequate and delayed compensations; (ii) weaknesses in processes of hiring and supervising valuers; and (iii) lack of compensation for partial takings. As these issues have already been comprehensively studied, the revised land policy consultants could prepare a short brief summarizing the identified issues and revisions to the land policy needed to address them.

Developing efficient urbanization and housing. Studies undertaken by MININFRA, partly supported by UN Habitat, and background documents to the National Housing Policy adopted in 2015 and the pre-final Draft National Urbanization Policy dated December 2014 have clearly documented challenges to achieving efficient urban land use, densification and affordable housing for all income groups. They have also documented principles and policy options to overcome the challenges. The land policy review consultants should review the land-related issues, including disincentives arising from the structure and renewal conditions of land leases, and the recommended policy options contained in the National Housing and Urbanization Policies to promote urban land use efficiency and densification. The review should provide guidance on how: (i) the revised land policy can prioritize and align these policies; (ii) the espoused policy principles can be operationalized; and (iii) institutional arrangements for collaboration and coordination in pursuit of these policy principles can be enhanced.

Efficient use of rural land through special government initiatives. In the last 20 years, the government has implemented a number of initiatives aiming to improve efficiency of rural land use. These include: land use consolidation, group settlements (*Imidugudu*), prohibiting sub-division of agricultural land if one or more of the resulting

parcels falls below one hectare, confiscating and managing unused and abandoned land and property, and government allocation of marsh lands to promote food security and commercial agriculture. Various studies and interviews with stakeholders have indicated that, while these initiatives are well-intended, they have not achieved the full set of benefits that had been anticipated and their implementation has generated a number of concerns. Therefore, there is a need for guidance in a revised land policy on incentives and implementation strategies that can better enhance land use efficiency and achievement of development objectives while minimizing encroachment on the freedom of landholders to enjoy their property rights. Research questions to address in each of the sub-topics are: (i) given the issues associated with the initiatives including those identified in this report, what policy options can be considered to maximize both efficient land use and other policy goals? (ii) Given the type and magnitude of the issues, is there a case to be made for a reformulation of the initiatives or consideration of alternative interventions to achieve their objectives? (iii) What land-related measures can be undertaken to mitigate problems arising from implementation of these initiatives? (iv) What guidance can the revised land policy give to ensure that multiple policy goals are achieved, including widespread poverty reduction and enhanced food security, through implementation of programs and measures designed to enhance efficient land use?

Land-related taxes for equitable and sustainable land administration. To support the costs of delivering land administration services, especially by local authorities, property taxes are levied on freehold land while annual lease fees are charged on leasehold land that is registered, except for agricultural land less than 2 hectares. In addition, fees are charged on land transactions, including transfer fees, notary fees and charges for issuing land certificates for each parcel of land transacted. Concerns arise with respect to structures and levels of these land-related taxes in terms of promoting equity, sustainability and ease of administration, as discussed in the section above. These issues need to be reviewed and options identified to address them with a view to developing a simplified structure of land-related taxes that is equitable and affordable. The research questions to be addressed by the land policy review consultants include: (i) are the composition, levels, thresholds and exemptions of land-related taxes optimal to foster equity and affordability by ordinary citizens while also supporting sustainability of land administration? If not, what policy guidance can be provided to restructure them? (ii) What modifications in the structure of land-related taxes are desirable to simplify their administration and make the land-related tax system effective and efficient? (iii) What guidance can the revised land policy provide?

Aligning and harmonizing policies, laws and programs related to the land sector. There are inconsistencies of at least two types that need to be addressed. First, sectoral policies and related laws adopted since adoption of the 2004 land policy and some land-related laws are sometimes inconsistent with the policy and legal framework governing land; these policies and laws need to be aligned and harmonized. Second, since passage of the 2013 Land Law, there have been significant delays in issuing several implementing regulations critical to the law's implementation leading to continued use of old Orders to implement the new law. The review of the land policy provides an opportunity to harmonize the sectoral policies and related laws and also advance the land law's implementing regulations. The key research questions to be addressed by the land policy review consultants are: (i) what are the key sectoral policies and associated legislations that need to be harmonized together with the revision of the land

policy in order to serve the higher goals in EDPRS2 and Vision 2020? (ii) What are the specific inconsistencies that need to be addressed and what are the strategic options to address them? (iii) How can the land policy review process be used to advance the updating of implementing regulations for the new land law?

Reducing land disputes. Notwithstanding the important achievements of land reforms and land tenure regularization in Rwanda, land disputes, including intra-family disputes and associated gender-based violence associated with land, are prevalent. While there are institutions mandated by law to deal with land disputes, it is necessary to investigate the root causes of land-related disputes and what policy actions are needed to prevent them from occurring and to resolve them durably when they do occur. In light of this, questions to be addressed by the land policy review consultants include: (i) what empirical evidence is available on the prevalence of the different types of land-related disputes and the factors that lead to such disputes? (ii) What policy actions can be formulated to prevent the occurrence of such disputes? (iii) What actions can be explored in the revised policy to strengthen the justice system to resolve land disputes quickly, cheaply, and durably?

Securing land rights of women in de facto unions. The inability of women in informal marriages (both monogamous and polygamous) and consensual unions to secure joint land rights with their partners continues to hinder Rwanda's ability to achieve gender-equitable development. It is necessary to review empirical evidence on the proportion of women affected by this problem and the adverse impact it has had on achieving gender-equitable development. Based on the information obtained, the key research questions to address are: (i) what can be done to protect the land rights of women in informal marriages and consensual unions? (ii) What guidance can the revised land policy give to make this happen?

4.2 Coordination of the Policy Review

Coordination of the policy review could be undertaken by an inter-agency NLP Working Group, headed by RNRA and reporting to an inter-agency Steering Committee headed by MINIRENA and including MINECOFIN, MINIJUST, MININFRA, MINALOC, and MINAGRI. This approach was employed in the preparation of the Kenya National Land Policy of 2009 and the Uganda National Land Policy of 2013. Both the NLP Working Group and the Steering Committee would have membership from key stakeholders from government agencies. In addition, the NLP Working Group should include representatives of stakeholders from relevant research and university institutions as well as NGOs involved in the land sector. The NLP Working Group would coordinate the technical work to ensure timely and quality deliverables while the Steering Committee would provide the policy oversight and guidance over policy review work.

Consultations with Stakeholders and Grassroots

Given that the issues for review have a great deal to do with striking the right balance between freedom to exercise individual land rights and state interventions to protect societal interests, it is important that the grassroots be consulted to ensure that their voices are heard and taken into account. Ordinary citizens live the day to day realities of land issues and so are also a critical source of information on land policy issues.

Finally, their engagement in the policy review is critical to ensure that the aspirations of the citizenry are met and that the new land policy enjoys widespread public support and commitment.

Given that Rwanda has about 15,000 villages, a practical and cost-efficient way to reach the grassroots is through community and farmer groups such as cooperatives which are represented at various levels of the country's administration. All efforts will be made to ensure that community and farmer groups are actively involved in the consultations at district level along with local authorities, NGOs and the private sector. In addition, policy issues and responses will be solicited from the grassroots using questionnaires timed appropriately to coincide with regular village discussion events such as the *Umuganda* held monthly. It is important to have two rounds of consultations, with the first round to solicit and discuss issues and policy options, and the second round to review and comment on the draft land policy. The consultations should include all stakeholders including the private sector and civil society. The consultations will be conducted by the NLP Working Group with support of consultants, especially as resource persons, as was done in the Kenya and Uganda National Land Policy formulation processes.

Preliminary Budget Estimates

Estimates of the budget required to support the review of the land policy indicate that it would be about US\$1 million, including physical contingencies of US\$ 93,300 (Table 2). More than 50 percent of the budget will go to supporting two rounds of consultations at a total cost of about US\$700,000. The consultations will be conducted at national and district levels using mainly workshops and focus group discussions; about half of the Sectors will be reached and consulted as part of the consultations with their respective Districts. The estimates for consultations are based partly on experiences from consultations on the 2004 land policy where one round of consultations, conducted by Landnet (a consortium of NGOs in the land sector), absorbed about US\$300,000 (excluding costs of external consultants) where they covered five sectors in each of Rwanda's districts. These budget estimates are adjusted for inflation and corroborated with data collected from the consultations conducted in Uganda's land policy adopted in 2013.³³ It is recommended that the budget estimates for consultations be refined by a Communications and Consultations Consultant who will also support preparation of a Communications Strategy and a detailed Consultations program to support the policy review process.

The next biggest budget item, US\$133,000, is to support the hiring of consultants to prepare Issues Papers, drafting of the revised land policy and consultation materials, as well as supporting the NLP Working Group in undertaking national and local consultations and in revising and processing the revised draft land policy. An estimated 10 national consultants will be required, working an average of 30 days (except the team leader who would work around 40 days) and costing about US\$300 per day including travel, accommodation and subsistence while a lump sum provision of US\$40,000 has been included for two international consultants. A budget of US\$50,000 will be required to support the operation of the NLP Working Group and Steering

³³ Necessary precautions have been taken in drawing lessons from the Uganda consultation exercise as the country is quite different and the consultation processes were quite different as well.

Committee, and an additional US\$50,000 to support a National Land Policy Conference.

Table 2: Estimated budget for the review of the 2004 NLP

	Unit type	Quantity	Unit Value (US\$)	Budget (US\$)
Consultations	Rounds	2	350,000	700,000
National Consultants	Days for 10 experts each	30 ³⁴	300	93,000
External Consultants	Lump sum	2	20,000	40,000
NLP Working Group/Steering Committee	Lump sum	1	50,000	50,000
National policy conference	Lump sum	1	50,000	50,000
Subtotal				933,000
Physical contingency (10%)				93,300
TOTAL				1,026,300

Source: Based on experiences of Rwanda 2004 NLP and Uganda 2013 NLP

Table 3: A plan to review the 2004 NLP

Preparation Steps	Delivered by	Participants	Timing
Preparation of the Policy Review Plan	RNRA/MINIRENA with support of Consultant	National key stakeholders (gov't agencies & NGOs)	Mar to Jul 2015
Preparation of Issues and Options Papers, Synthesis Paper on Issues and Options, documentation to use in the consultations with key stakeholders at national and district levels, and documentation to use in the consultations with the Grassroots	Consultants drawn from local research and university institutions & private org. with external experts as needed	Supervised by Land Policy Working Group	Sep to Nov 2015
Consultations on policy issues at national level	NLP Working Group supported by consultants	Government agencies, private sector & NGOs	Dec 2015
Consultations on policy issues at district level including 7 sectors per district	NLP Working Group, consultants & NGOs	Local authorities, Community & farmer groups, private sector, & NGOs	Dec to Feb 2016
Preparation of Draft Land Policy, based on issues and options research	Consultants drawn from local research & private organization	Consultants	Feb to Mar 2016

³⁴ 30 Days for each consultant except the Team Leader who gets 40 days

and identified by stakeholders and the grassroots	with some external experts		
Consultations on draft policy at national level	NLP Working Group supported by consultants	Government agencies, private sector & NGOs	April 2016
Consultations on draft policy at district level including 7 sectors per district	NLP Working Group supported by consultants	Local authorities, Community & farmer groups, private sector, & NGOs	Apr/May 2016
Revision of Draft Land Policy	NLP Working Group supported by consultants	NLP Working Group & consultants	Jun 2016
Presentation of the Revised Draft Land Policy to the Steering Committee and, thereafter to a National Conference primarily for national dissemination and sensitization	NLP Working Group supported by consultants	National conference open to the public – gov,nt, private sector, NGOs	Jul 2016
Internal government review and processing before Cabinet	NLP Working Group and Steering Committee	MINIRENA & agencies on Steering Committee	Aug 2016
Presentation of the Land Policy to Cabinet and, if necessary, Parliament	Minister supported by Steering Committee	Cabinet (and possibly Parliament)	Sep to Oct 2016

5.0 ANNEXES

Annex I: A List of Terms of Reference for Consultants to Prepare Issues and Options Papers and a Draft Revised Land Policy and to Support Consultations

- 1- Developing master plans and implementing expropriations;
- 2- Efficient use of rural land through special government initiatives
- 3- Optimizing land use through efficient urbanization and housing;

- 4- Improving policy and administration of land-related taxes and charges to enhance equitable access to land administration services and sustainability of land administration;
- 5- Reviewing inconsistencies in policies, laws and programs to identify areas for alignment and harmonization;
- 6- Reviewing root causes of land disputes and options to resolve them;
- 7- Securing land rights of women in de facto unions;
- 8- Preparing a Synthesis Paper on issues and options;
- 9- Supporting communications, consultations and a national land conference; and
- 10- Preparing a draft revised land policy and revising it after consultations.

Annex 2: Consultant Terms of Reference: Developing master plans and implementing expropriation in the public interest

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc...

Ten years later, Rwanda has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the revised policy and public consultation materials; and (iii) support conducting consultations .

Preparation of master plans (also called local development plans and local urban development plans) by districts and urban centers has been a slow process and was done after residents had already had their land registered via systematic land tenure regularization. Consequently, for many residents in urban areas, the intended land use noted in their land certificate is different from what is prescribed in the master plan. In rural areas, partly due to delayed preparation and enforcement of master plans, it was reported by some stakeholders that there have been inconsistencies between what is prescribed in some master plans for districts and in those for sectors such as irrigation, fisheries, dairy, transport, tourism and human settlement. For example, many *Imidugudu* housing schemes have been established on sites, approved by district councils supposedly based on district development plans, on land more suited for agriculture, and not human settlement. To correct such conflicts and contradictions, master plans would need to be revisited, local populations substantially engaged in the process and plans revised, all of which take time and money.

OBJECTIVES OF THE ASSIGNMENT

The primary objectives of the consultant are to: 1) assess alleged mismatches between, district and urban land use plans, land uses designated in land certificates, and local development plans for districts and sectors, and lay out options to address them; and 2) to draw on existing research to synthesize issues in the implementation of expropriations and the required revisions in the land policy to address them.

Specifically, the consultant will:

- assess the scope, extent, and implications of mismatch between district and urban land use plans, land uses specified in land certificates, and sectors and sub-sector plans in order to characterize and assess the seriousness of the issue in the affected areas;
- lay out options for addressing the issue in those districts where it is serious; and
- articulate options for land use planning processes that can avoid such problems in the future.

The Consultant will also:

- draw on existing research examining the implementation of land expropriation in order to synthesize key areas of concern, including, but not limited to: (i) inadequate and delayed compensations; (ii) weaknesses in processes of hiring and supervising valuers; and (iii) lack of compensation for partial takings; and
- Propose revisions to the land policy needed to guide the principles and process of land expropriations in Rwanda.

.METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of documents, studies and data that enable an appreciation of the scope, extent and implications of contradictions between land use designations provided for in land use master plans, development plans and land certificates;

- a review of global experience on land use planning to gain an understand of best practice that can apply in Rwanda to facilitate harmonization of the land use designations and the planning process;
- a review of recent studies in Rwanda documenting issues encountered in the implementation of land expropriations, summarizing them, advising on proposed revisions to the land policy to guide expropriation policy and process; and
- Interviews with key informants in the government and non-government sectors, including civil society, to elicit their inputs on policy principles that should guide harmonization of land use planning and the implementation of land expropriation.

Based on the analysis, the Consultant shall prepare a 5-10 page draft Issues and Options Paper and present an accompanying power point presentation to the NLP Working Group and LAND Project. The paper will then be reviewed by the NLP Working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Issues and Options paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan.
- Draft Issues and Options Paper (5-10 pages)
- Power Point Presentation highlighting the key findings and recommendations contained in the Issues and Options Paper
- Final Issues and Options Paper (5-10 pages)
- Notes collected from key informant interviews.

TIMEFRAME AND LOE

The consultancy shall begin around August-September 2015 for a period of not more than 2 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in land use or urban planning, law, or a related field;
- Previous engagement in research on land use planning and/or expropriation;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's legal framework governing land use planning and expropriation and prior experience working in Rwanda on planning-related matters highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 3: Consultant Terms of Reference: Efficient use of rural land through special government initiatives

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc...

Ten years later, Rwanda has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the revised policy and public consultation materials; and (iii) support the conducting consultations.

In the last 20 years, the Government of Rwanda has implemented a number of initiatives aiming to improve efficiency of rural land use. These include: land use consolidation,

group settlements (*Imidugudu*), prohibiting sub-division of agricultural land if one or more of the resulting parcels falls below one hectare, confiscating and managing unused and abandoned land and property, and government allocation of marsh lands to promote food security and commercial agriculture. Various studies and interviews with stakeholders have indicated that while these initiatives are well-intended, they have not achieved their anticipated full set of benefits and their implementation has generated several concerns. Therefore, a revised land policy is needed to give guidance on incentives and implementation strategies that can enhance land use efficiency and achievement of development objectives while minimizing encroachment on the freedom of landholders to enjoy their property rights.

OBJECTIVES OF THE ASSIGNMENT

The primary objective of the Consultant is to review special government initiatives designed to enhance land use efficiency for development and provide guidance on principles and policies related to these initiatives that should be articulated in a revised land policy in order to reach national goals without unduly compromising the land rights of private individuals.

Specifically, the Consultant will address the following research questions:

- What are the primary issues arising from implementation of the following initiatives: land use consolidation, group settlements (*Imidugudu*), prohibiting sub-division of agricultural land if one or more of the resulting parcels falls below one hectare, confiscating and managing unused and abandoned land, and government allocation of marsh lands to promote food security and commercial agriculture?
- Given these issues, what revisions to the land policy can be considered to achieve policy goals of efficient and productive land use while also upholding secure private property rights?
- Given the type and magnitude of the issues, is there a case to be made for a reformulation of the initiatives or consideration of alternative interventions to achieve their objectives?
- What land-related measures can be undertaken to mitigate problems arising from implementation of these initiatives?
- What guidance can the revised land policy give to ensure that multiple policy goals are achieved, including widespread poverty reduction and enhanced food security, through implementation of measures designed to enhance efficient land use?

METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of official documents describing the special initiatives and programs, including the regulations governing them;
- a review of literature analyzing the effectiveness and impacts of the special initiatives and programs especially in the context of achieving national development objectives as described in EDPRS2 and vision 2020 while minimizing the adverse impacts on the property rights of landholders;

- a review of global experience on the effectiveness and impacts of these types of special initiatives with a view to drawing relevant lessons for Rwanda;
- a review of global and continental guidelines and identifying the coherence and gaps with the 2004 Land Policy and related laws in regard to these special initiatives; and
- Interviews with key informants in the government and non-government sectors, including civil society, to elicit their inputs.

Based on the analysis, the Consultant shall prepare a 5-10 page draft Issues and Options Paper and present an accompanying power point presentation to the NLP Working Group and LAND Project. The paper will then be reviewed by the NLP Working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Issues and Options paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan.
- Draft Issues and Options Paper (5-10 pages)
- Power Point Presentation highlighting the key findings and recommendations contained in the Issues and Options Paper
- Final Issues and Options Paper (5-10 pages)
- Notes collected from key informant interviews

TIMEFRAME AND LOE

The consultancy shall begin around August-September 2015 for a period of not more than 2 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in economics, sociology, law or a related field that includes study of land-related issues;
- Previous engagement in research on land-related initiatives in Rwanda;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's legal framework governing land-related initiatives and prior experience working in Rwanda on land-related matters highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 4: Consultant Terms of Reference: Developing efficient urbanization and housing

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc..

Ten years later, Rwanda has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the revised policy and public consultation materials; and (iii) support conducting consultations.

Studies undertaken by MININFRA and supported in part by UN Habitat, background documents to the 2015 National Housing Policy, and the pre-final Draft National Urbanization Policy dated December 2014 have documented challenges to achieving efficient urban land use, densification and affordable housing for all income groups. They have also documented principles and policy options to overcome the challenges.

OBJECTIVES OF THE ASSIGNMENT

The primary objectives of the Consultant are to: 1) review the land-related issues and the recommended policy options contained in the National Housing and Urbanization Policies; and 2) draw upon findings from this review and provide recommendations that will promote urban land use efficiency and densification. Specifically, the land policy review consultant will:

- Review documented land-related issues, paying particular focus to disincentives arising from the structure and renewal conditions of land leases, and recommend remedial measures;
- Review the recommended policy options contained in the National Housing and Urbanization Policies to promote urban land use efficiency and densification;
- Provide recommendations for prioritization of policy actions contained in the revised land policy and guidance on how these policies can be aligned to improve efficiency;
- Provide recommendations for operationalizing the policy principles; and
- Recommend enhancements to institutional arrangements for collaboration and coordination in pursuit of these policy principles.

METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of Rwanda's 2004 land policy, National Housing Policy, Draft National Urbanization Policy, and the legal frameworks that governs these policies;
- a review of research studies on land-related issues cited and referenced in the National Housing Policy and the Draft National Urbanization Policy, including those studies conducted under MININFRA;
- a review of available literature on land policies and urban densification in developing countries, especially in Africa, and draw upon this research to identify relevant lessons for Rwanda;
- a review of global and continental guidelines for urban land use and urban densification, identifying areas of coherence and gaps with Rwanda's 2004 Land Policy and related laws; and
- interviews with key informants in the government and non-government sectors, including civil society, to elicit their inputs on policy actions and institutional enhancements that will promote efficient urban land use and densification.

Based on the analysis, the Consultant shall prepare a 5-10 page draft Issues and Options Paper and present an accompanying power point presentation to the NLP Working Group and LAND Project. The paper will then be reviewed by the NLP Working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Issues and Options paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan. (3-5 pages)
- Draft Issues and Options Paper (5-10 pages)
- Power Point Presentation highlighting the key findings and recommendations contained in the Issues and Options Paper
- Final Issues and Options Paper (5-10 pages)
- Notes collected from key informant interviews.

TIMEFRAME AND LOE

The consultancy shall begin around July/August 2015 for a period of not more than 2 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in land use or urban planning, urban development or a related field;
- Previous engagement in research in urban development and urban planning in Rwanda;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's legal framework for urban planning and development and prior experience working in Rwanda in urban development matters highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 5: Consultant Terms of Reference: Land-related taxes for equitable and sustainable land administration

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc.

Ten years later, Rwanda has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the revised policy and public consultation materials; and (iii) support conducting consultations.

To support the costs of delivering land administration services, especially by local authorities, property taxes are levied on freehold land while annual lease fees are charged on leasehold land that is registered, except for agricultural land less than 2 hectares. In addition, fees are charged on land transactions including transfer fees, notary fees and charges for issuing land certificates for each parcel of land transacted. Concerns arise with respect to structures and levels of these land-related taxes in terms of promoting equity, sustainability and ease of administration. These concerns need to be reviewed and options identified to address them in order to develop a simplified structure of land-related taxes that is equitable and affordable.

OBJECTIVES OF THE ASSIGNMENT

The primary objectives of the Consultant are to review the structures and rates of land-related taxes that are currently in place in Rwanda and provide guidance for developing a simplified structure of land-related taxes that is equitable and affordable and can, in the longer term, lead to a sustainable land administration system. Specifically, the Consultant will address the following research questions:

- Are the composition, rates, thresholds and exemptions of land-related taxes optimal to foster equity and affordability by ordinary citizens while also supporting sustainability of land administration? If not, what policy guidance can be provided to restructure them?
- What modifications in the structure of land-related taxes are desirable to simplify their administration and make the land-related tax system effective and efficient?
- What guidance can the revised land policy provide?

METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of 2004 land policy and Rwanda's legal framework, specifically those land-related laws and regulations that include provisions on taxes and fees on land and property and land transactions;
- a review of literature on taxation of land and land transactions in Rwanda;
- a review of literature on recent reforms on taxation of land and land transactions in developing countries, especially in Africa;
- a review of global and continental guidelines surrounding taxation of land and land transactions, identifying areas of coherence and gaps with the 2004 Land Policy and related laws; and
- interviews with key informants in the government and non-government sectors, including civil society, to elicit their inputs on the subject of and taxation.

Based on the analysis, the Consultant shall prepare a 5-10 page draft Issues and Options Paper and present an accompanying power point presentation to the NLP Working Group and LAND Project. The paper will then be reviewed by the NLP Working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Issues and Options paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan. (3-5 pages)
- Draft Issues and Options Paper (5-10 pages)
- Power Point presentation highlighting the key findings and recommendations contained in the Issues and Options Paper
- Final Draft Issues and Options Paper (5-10 pages)
- Notes collected from key informant interviews

TIMEFRAME AND LOE

The consultancy shall begin around July/August 2015 for a period of not more than 2 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in tax law, economics, finance, business management or a related field;
- Previous engagement in land tax policy studies in Rwanda;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's legal framework governing land taxation and prior experience working in Rwanda on land-related matters highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 6: Consultant Terms of Reference: Aligning and harmonizing policies and laws related to the land sector

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc.

Ten years later, Rwanda has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the revised policy and public consultation materials; and (iii) support conducting consultations.

Given that considerable time has elapsed since the current land policy was adopted about 10 years ago, policies and laws related to the land sector need to be realigned and harmonized with the revised land policy. Additionally, since the passage of the 2013 land law, there have been significant delays in issuing several implementing regulations critical to the law's implementation, and these delays have led to continued use of old orders to implement the new law. The review of the land policy provides an opportunity to harmonize the sectoral policies and related laws and to advance the land law's implementing regulations.

OBJECTIVES OF THE ASSIGNMENT

The primary objective of the Consultant is to identify policies and laws related to the land sector that need to be realigned and harmonized with the revised land policy and provide guidance for advancement of the law's implementing regulations. Specifically, the consultant will address the following research questions:

- What are the key sectoral policies and associated legislations that need to be harmonized together with the revision of the land policy in order to serve the higher goals in EDPRS2 and Vision 2020?
- What are the specific inconsistencies in the current land policy and implementing regulations that need to be addressed and what are the strategic options to address them?

How can the land policy review process be used to expedite implementation of the implementing regulations for the new land law?

METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of Rwanda's 2004 land policy and the policies and programs of the related sectors which need to be harmonized;
- a review of laws and implementing regulations governing land valuation for compensation, fees and charges for land registration, and fees and charges for decentralized entities;
- a review of the new 2013 land law and the pending implementing regulations;
- a review of studies that have identified the inconsistencies among laws and regulations and delays in issuing new implementing regulations after laws are passed;
- a review of literature to explore lessons and best practices to avoid inconsistencies in laws and time gaps between laws and their corresponding implementing regulations; and
- interviews with key informants in the government and non-government sectors, including civil society, to elicit their inputs on these issues.

Based on the analysis, the Consultant shall prepare a 10-15 page draft Issues and Options Paper and present an accompanying power point presentation to the NLP Working Group and LAND Project. The paper will then be reviewed by the NLP Working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Issues and Options paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan. (3-5 pages)
- Draft Issues and Options Paper (10-15 pages)
- Power Point Presentation highlighting the key findings and recommendations contained in the Issues and Options Paper
- Final Issues and Options Paper (10-15 pages)
- Notes collected from key informant interviews

TIMEFRAME AND LOE

The consultancy shall begin around August-September 2015 for a period of not more than 2 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in land law, land administration, or related field;
- At least 5 years of experience in land or other natural resources;
- Previous engagement in studies related to land in Rwanda;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's legal framework governing land and prior experience working in Rwanda on land-related matters highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 7: Consultant Terms of Reference: Reducing Land Disputes

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc.

Ten years later, Rwanda also has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the revised policy and public consultation materials; and (iii) support conducting consultations.

Notwithstanding the important achievements of land reforms and land tenure regularization in Rwanda, land disputes, including intra-family disputes and associated gender-based violence associated with land, are prevalent. While there are institutions mandated by law to deal with land disputes, it is necessary to investigate the root causes of land-related disputes and what policy actions are needed to prevent them from happening.

OBJECTIVES OF THE ASSIGNMENT

The primary objectives of the consultancy are to investigate the root causes of land-related disputes and the policy actions needed to prevent them from occurring. Specifically, the consultant will address the following research questions:

- What empirical evidence is available on the prevalence of the different types of land-related disputes and the factors that lead to such disputes?
- What policy actions can be formulated to prevent the occurrence of such disputes?
- What actions can be explored in the revised policy to strengthen the justice system to resolve land disputes fast and cheaply?

METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of 2004 land policy and Rwanda's legal framework including land-related laws and regulations with provisions on land dispute resolution mechanisms and institutions;
- a review of literature on causes and impacts of land disputes in Rwanda and how to address root causes of the disputes and to avoid their occurrence;
- a review of literature on causes and impacts of land disputes in developing countries, especially in Africa, and identify ways to address the root causes and to avoid their occurrence;
- a review of global and continental guidelines surrounding land disputes and dispute resolution, identifying areas of coherence and gaps with the 2004 Land Policy and related laws; and
- interviews with key informants in the government and non-government sectors, including civil society, to elicit their inputs on the actions that can improve land dispute resolution.

Based on the analysis, the Consultant shall prepare a 5-10 page draft Issues and Options Paper and present an accompanying power point presentation to the NLP Working Group and LAND Project. The paper will then be reviewed by the NLP Working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Issues and Options paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan. (3-5 pages)
- Draft Issues and Options Paper (5-10 pages)
- Power Point Presentation highlighting the key findings and recommendations contained in the Issues and Options Paper
- Final Issues and Options Paper (5-10 pages)
- Notes collected from key informant interviews

TIMEFRAME AND LOE

The consultancy shall begin around July/August 2015 for a period of not more than 2 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in land law or a related field;
- Previous engagement in land dispute studies in Rwanda;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's legal framework governing land dispute resolution and prior experience working in Rwanda on land-related matters highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 8: Consultant Terms of Reference: Securing land rights of women in de facto unions

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc.

Ten years later, Rwanda also has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the

revised policy and public consultation materials; and (iii) support conducting consultations.

The inability of women in informal marriages (both monogamous and polygamous) and consensual unions to secure joint land rights with their partners continues to hinder Rwanda's ability to achieve gender-equitable development. It is necessary to review empirical evidence on the proportion of women affected by this problem and the adverse impact it has had on achieving gender-equitable development.

OBJECTIVES OF THE ASSIGNMENT

The primary objective of the Consultant is to review the scope of the problem of inability of women in informal marriages to secure joint land rights with their partners and to recommend measures to protect their rights and how these can be reflected in the revised land policy. Specifically, the consultant should address the following research questions:

- What can be done to protect the land rights of women in informal marriages and consensual unions?
- What guidance can the revised land policy give to make this happen?

METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of 2004 land policy and Rwanda's legal framework including land-related laws and regulations with provisions on land rights as they relate to women and are recognized, registered and transacted;
- a review of literature on security of land rights for women in the context of the legal framework, customary law and practices;
- a review of literature on recent reforms to strengthen security of land rights of women in informal marriages and consensual unions in developing countries, especially in Africa;
- a review of global and continental guidelines surrounding land rights for women, identifying areas of coherence and gaps with the 2004 Land Policy and related laws; and
- interviews with key informants in the government and non-government sectors, including civil society, to elicit their inputs on protection of women's land rights in cases of informal marriage.

Based on the analysis, the Consultant shall prepare a 5-10 page draft Issues and Options Paper and present an accompanying power point presentation to the NLP Working Group and LAND Project. The paper will then be reviewed by the NLP Working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Issues and Options paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan. (3-5 pages)
- Draft Issues and Options Paper (5-10 pages)
- Power Point Presentation highlighting the key findings and recommendations contained in the Issues and Options Paper
- Final Issues and Options Paper (5-10 pages)
- Notes collected from key informant interviews

TIMEFRAME AND LOE

The consultancy shall begin around August-September 2015 for a period of not more than 2 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in gender and development, or related field;
- At least 5 years of experience in land or other natural resources related field, preferably in East Africa;
- Previous engagement in policy studies in women's land rights in Rwanda;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's legal framework governing land and prior experience working in Rwanda on land-related matters highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 9: Consultant Terms of Reference: Preparing a Synthesis Paper on land policy issues and options

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc.

Ten years later, Rwanda also has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the

revised policy and public consultation materials; and (iii) support conducting consultations.

Altogether, eight consultants are being hired to prepare Issues and Options Papers on different issues on land policy. Additionally, another consultant will be hired to prepare a draft of the revised land policy, pulling form the recommendations of the other consultants. Therefore, there is a need to coordinate the work of the consultants preparing the Issues and Options Papers and to combine the various reports into a Synthesis Paper which will be the key reference for the revision of the 2004 land policy

OBJECTIVES OF THE ASSIGNMENT

The primary objectives of the consultant are to: 1) prepare a Synthesis Paper that draws upon the work of eight Issues and Options Papers on land policy issues; 2) develop strategic options to address those issues identified; and 3) coordinate the work of consultants that are drafting the Issues and Options Papers.

The consultant will also be expected to work closely with an additional consultant who will be responsible for preparing a draft of the revised land policy.

METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of the plan and road map to revise Rwanda's 2004 land policy;
- a review of the terms of reference of all nine consultants;
- a review of inception reports and draft Issues and Options Papers and provision of feedback;
- preparation of the Synthesis Paper on Issues and Options; and
- coordination of the work of the consultants.

In addition to preparing a 10-15 page Synthesis Paper, the consultant will present an accompanying power point presentation to the NLP Working Group and LAND Project for comments and guidance. The Synthesis Paper will then be reviewed by the NLP Working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Synthesis Paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan. (3-5 pages)
- Draft Synthesis Paper on Issues and Options (10-15 pages)
- Power Point Presentation highlighting the key findings and recommendations contained in the Synthesis Paper

- Final Synthesis Paper on Issues and Options (10-15 pages)

TIMEFRAME AND LOE

The consultancy shall begin around August-September 2015 for a period of not more than 4 months and 40 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in law, economics or related field;
- At least 10 years of experience in land administration, with at least 5 year in Africa;
- Previous engagement in research or consultancy in land policy in Rwanda;
- Previous experience as Team Leader for research or consultancy assignments;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's policy and legal framework governing land highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 10: Consultant Terms of Reference: Supporting communications, consultations and a national land conference

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc..

Ten years later, Rwanda also has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID Land Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the revised policy and public consultation materials; and (iii) support conducting consultations.

According to the Voluntary Guidelines on the Responsible Governance of Tenure and the African Union Framework and Guidelines on Land Policy in Africa, an effective communications strategy and public consultations are critical to the success of land policy development. Communication is particularly crucial when soliciting and collating stakeholder inputs and feedback as well as driving public education and awareness campaigns before and during implementation of the land policy. Effective communication can be through a variety of channels including newspapers, television messages, phone SMS messages, radio broadcasts and Newsletters, and the targeting of regular events like cultural events, religious services and community meetings (*Umuganda*), as well as scheduled events such as workshops and conferences. Given the variety of options, a review is required of the available options to select an optimal and cost-effective package of communication tools and events within a coherent strategy that is appropriately targeted to the audience.

OBJECTIVES OF THE ASSIGNMENT

The objectives of the Consultant is to develop and support implementation of a communications strategy surrounding the land law review process and to lead public consultations including a national land conference. The consultant will be responsible for preparing the communication strategy and ensuring that it is effectively implemented while supporting consultations with key stakeholders and the public.

METHODOLOGY

The methodology employed by the Consultant will combine:

- a review of the plan and road map to revise Rwanda's 2004 land policy;
- a review of experience with communication and consultations in the development of the 2004 land policy and relevant lessons for the revised land policy process;
- a review of the Issues and Options papers prepared by each of the 9 consultants; and
- interviews with key informants in the government and non-government sectors, including civil society, to elicit their inputs on these areas of communications and consultations.

Based on the analysis, the Consultant shall prepare a 5-10 page draft Communications and Consultations Paper containing a Communications Strategy and a detailed program of consultations with stakeholders and the public. The Consultant shall also present an accompanying power point presentation to the NLP Working Group and LAND Project. The paper will then be reviewed by the NLP working Group and the LAND Project.

Upon receiving comments, the consultant will make any needed revisions to the Communications and Consultations Paper and submit the final paper to RNRA and the LAND Project.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan. (3-5 pages)
- Draft Communications and Consultations Paper (5-10 pages)
- Power Point Presentation highlighting the key findings and recommendations contained in the Communications and Consultations Paper
- Final Communications and Consultations Paper (5-10 pages)
- Communications Strategy (5-10 pages)
- Consultations Program (3-5 pages)

TIMEFRAME AND LOE

The consultancy shall begin around August-September 2015 for a period of not more than 2 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Master's degree in communications, media, journalism or related field;
- At least 5 years of experience in communications in land, natural resources or development, preferably in East Africa;
- Previous engagement in communications, media or journalism in Rwanda;
- Proven skills in qualitative research, including key informant interviewing;
- Familiarity with Rwanda's policy and legal framework governing land highly preferred; and
- Excellent oral and written English skills. Knowledge of spoken French and Kinyarwanda is desirable.

Annex 11: Consultant Terms of Reference: Preparing a Draft Revised Land Policy and Revising it After Consultations

BACKGROUND

The origins of Rwanda's National Land Policy date back to 2000 when the former Ministry of Lands, Environment and Natural Resources initiated its drafting. The draft was informed by consultations held at national, provincial and district levels, with active participation of civil society organizations before being approved by the Cabinet in February 2004.

Key tenets of the 2004 Land Policy include:

- Formalization of tenure and registration of all land in Rwanda;
- Promotion of gender equity and equality in land tenure security and rights;
- Establishment of an institutional framework for land management;
- Reform of the land administration system in Rwanda, legally, institutionally and in terms of information management (cadastral maps and rights registers), support for land transactions (including land market) and land taxation for sustainable economic development;
- Creation of land use master plans and strategies for managed growth and environmental protection;
- Promotion of education and research in land administration and land management;
- Promotion of grouped settlements and land use consolidation in rural areas, and discouragement of subdivision and fragmentation; and
- Provision of land to those dispossessed prior to the 1994 Genocide.

Although many principles enshrined in the policy would appear to remain relevant today, the land sector in Rwanda has undergone significant transformation since 1994, including in the legal, institutional and land administration domains. New realities and conditions have also emerged in such realms as urban growth, climate change, environmental conditions, land pressures, intra family land disputes, etc..

Ten years later, Rwanda also has accumulated numerous experiences from implementing the different aspects of the 2004 Land Policy, which could be harvested to develop a revised policy that is based on a strong foundation of local evidence. To do this effectively and ensure an inclusive process that gives Rwandans a meaningful voice in policy formulation, a well-articulated plan supported by the land sector stakeholder community has been prepared by RNRA, with support of USAID LAND Project, and adopted by MINIRENA. The plan includes hiring of consultants to: (i) review local evidence and derive the necessary information to prepare Issues and Options papers as inputs for the revised land policy; (ii) inform the drafting of the revised policy and public consultation materials; and (iii) support conducting consultations.

These terms of reference are for a consultant to draft a revised land policy and to update it after receiving comments from key stakeholders and the public.

OBJECTIVES OF THE ASSIGNMENT

The primary objectives of the consultant is to draft a revised land policy and to update it after receiving comments from key stakeholders and the public.

Altogether, 8 consultants are being hired to prepare Issues and Options Papers on different issues on land policy which will provide inputs for the Synthesis Paper. A 9th consultant will coordinate the work of the consultants but also prepare the Synthesis Paper on the issues and options to address them. This Synthesis Paper will be the key reference for the revision of the 2004 land policy. The consultant for drafting the revised land policy will work closely with the 9th consultant and will use the Synthesis Paper to prepare a draft of the revised land policy and to update it after consultations.

METHODOLOGY

The methodology employed by the Consultant will combine:

- A review of 2004 land policy and the legal framework governing land in Rwanda;
- a review of the plan and road map to revise Rwanda's 2004 land policy;
- a review of draft Issues and Options Papers;
- a review of the Synthesis Paper on Issues and Options;
- a review of input provided by citizens during initial consultation;
- drafting the revised land policy; and
- using consultations feedback to update the revised land policy.

DELIVERABLES

- Inception report after one week of assignment, outlining methodology and work plan (3-5 pages).
- Draft revised land policy
- Power Point Presentation highlighting key revisions to the land policy
- Final draft of revised land policy
- Policy Brief on the revised land policy (4 pages)

TIMEFRAME AND LOE

The consultancy shall begin around November 2015 for a period of not more than 10 months and 30 working days.

QUALIFICATIONS

The Consultant recruited to implement this Scope of Work shall have the following minimum qualifications:

- A Masters degree in law or related field (eg. land administration, economics, development studies);
- At least 10 years of experience in land administration, with at least 5 year in Africa;
- Previous engagement in drafting land policies in Eastern Africa;
- Proven skills in drafting land policies;
- Familiarity with Rwanda's policy and legal framework governing land highly preferred; and
- Excellent English oral and writing skills. Knowledge of spoken French is desirable.