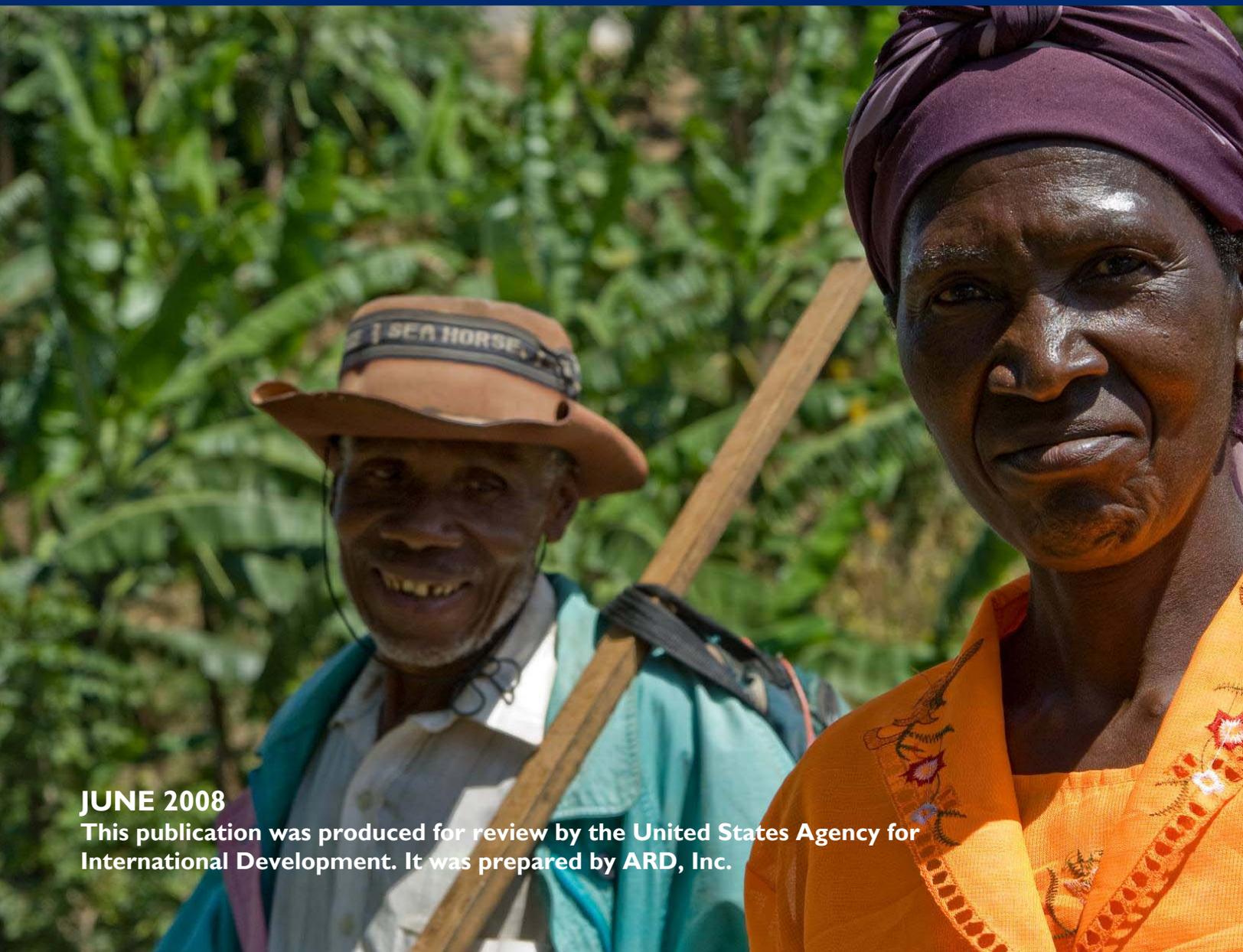




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LAND DISPUTE MANAGEMENT IN RWANDA

FINAL REPORT



JUNE 2008

This publication was produced for review by the United States Agency for International Development. It was prepared by ARD, Inc.

PREFACE

The purpose of the Rwanda Land Dispute Management Project (LDMP) is to support and strengthen local resolution of land disputes. The term, “local” refers to efforts to resolve land disputes before such disputes reach the formal court system. The LDMP was particularly timely because the Government of Rwanda (GoR) Ministry of Natural Resources (formerly, the Ministry of Lands, Environment, Forestry, Water, and Mines) has been piloting a process for formalizing land rights, with the goal of eventually formalizing land rights nation-wide.

This document is the final report for the LDMP.

The LDMP was implemented by ARD, Inc. of Burlington, Vermont, USA, with support from USAID’s Office of Conflict Management and Mitigation, Contract No. 696-A-00-07-00006-00. ARD partnered with the Rwandan Initiative for Sustainable Development, the Rural Development Institute, and the Center for Justice and Peacebuilding. ARD and its implementing partners worked hand-in-hand with the Rwandan Ministry of Natural Resources. The LDMP came to an end in June 2008.

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DISCLAIMER

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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ACRONYMS

<i>Abunzi</i>	Mediation committee: an elected dispute resolution body at the cell level with mandatory jurisdiction over most land disputes.
Cell	Administrative level between <i>umudugudu</i> and sector.
CJP	Center for Justice and Peace Building
CMM	Conflict Management and Mitigation
DFID	UK Department for International Development
District	Rwanda’s key regional administrative unit. There are 30 country-wide. Districts are divided into sectors.
<i>Gacaca</i>	This is the traditional reconciliatory justice system at the local level, which has been adopted by the GoR to handle some categories of genocide prosecutions.
GoR	Government of Rwanda
<i>Imidugudu</i>	Plural of <i>umudugudu</i>
IQC	Indefinite Quantity Contract
LDMP	Land Dispute Management Project
MINALOC	Rwandan Ministry of Local Government
MINIRENA	Rwandan Ministry of Natural Resources (formerly MINITERE)
MINIJUST	Rwandan Ministry of Justice
NLTRP	National Land Tenure Reform Programme
NGO	Non-governmental organization
NWC	National Women’s Council
<i>Nyumba Kumi</i>	Before 2006, the <i>nyumba kumi</i> were non-salaried community leaders elected to represent a group of ten households, including their own.
RDI	Rural Development Institute
RISD	Rwanda Initiative for Sustainable Development
Sector	Administrative unit between Cell and District.
<i>Umudugudu</i>	Village. The boundaries of <i>umudugudu</i> have been administratively defined and do not necessarily correspond to “traditional” villages. This is the smallest administrative unit in Rwanda.
USAID	United States Agency for International Development

I.0 EXECUTIVE SUMMARY

The Government of Rwanda (GoR) has been engaged in reforming land tenure and property rights for an extended period. Recently, the Rwandan Ministry of Natural Resources (MINIRENA) began piloting a process for formalizing land rights in the country, with support from the UK Department for International Development. The Land Dispute Management Project (LDMP) was undertaken to support this effort, with funding from USAID's Office of Conflict Management and Mitigation. This report recounts the activities, successes, lessons learned, and challenges that resulted over the 17-month period of implementation. During the life of the project, ARD maintained an office in Kigali and partnered with three organizations, both Rwandan and U.S.-based.

MINIRENA selected the two areas where the LDMP would be implemented: two of the four areas where it had just finished piloting a process for formalizing land rights. The rationale was to select one urban area (Nyamugali) and one rural area (Kabushinge) to gain the most insight under different conditions. Out of the rural pilot areas, Kabushinge was selected because it is located in one of the districts with the highest population density in Rwanda, and therefore perhaps had a greater likelihood of a high number of land-related disputes.

The broad objectives achieved over the life of project include strengthening and supporting the capacity in those two areas to resolve land disputes in a fair and efficient manner, and increasing public awareness about the laws governing land rights and avenues for seeking peaceful resolution of land-related disputes. To achieve these objectives, the project undertook a number of activities, including:

- Assessing land disputes and existing resolution processes in the pilot areas, as well as women and vulnerable groups' access to those processes;
- Refining land-related dispute resolution processes;
- Building local capacity for land dispute resolution; and
- Conducting a public information and awareness campaign in the pilot areas on land rights and mechanisms that support the peaceful reconciliation of land-related disputes.

To complete the assessment, the project team interviewed over 150 individuals, including local leaders, those formally and informally responsible for resolving land disputes, NGO representatives, male and female residents, and members of vulnerable groups. To assist with the refinement of MINIRENA's dispute resolution procedures, the team reviewed laws, orders, and other relevant documents and interviewed key stakeholders in order to generate the most practical recommendations for improving that process.

Another key activity for the LDMP was to build local capacity to resolve land disputes. This effort started with a "training the trainers" to impart conflict resolution skills and knowledge of land law to ARD's local implementing partner. The training of the trainers was followed by field training and mentoring for the local leaders and other leaders responsible for resolving land disputes.

Lastly, the LDMP executed a public information and awareness (PIA) campaign on the peaceful resolution of land disputes that reached pilot area residents and beyond. There were five main PIA activities: (1) a primary and secondary school poster competition, with approximately 120 participants, educated the communities on resolving land disputes; (2) a play on the peaceful resolution of the most common types of land disputes was performed in both pilot areas before a total of approximately 1,100 residents; (3) a radio broadcast of part of the play, and a live call-in show, received a significant call-in response from all four corners of the country; (4) a documentary on the project's activities was filmed and shown at the Lessons Learned Forum; and (5) a

variety of news and editorial pieces on the project's activities were developed and distributed via print media, radio, and television.

In all, while much work remains to be done throughout the country, the LDMP successfully supported the GoR's efforts to reduce the likelihood that land relations are a source of conflict.

2.0 INTRODUCTION

The Land Dispute Management Project (LDMP) was an initiative supported by USAID’s Office of Conflict Management and Mitigation (CMM), within USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance (DCHA/CMM). The funding for this project derived from a CMM grant program established to support conflict mitigation and reconciliation programs and activities that bring together individuals of different ethnic, religious, or political backgrounds from areas of civil conflict and violence. ARD, Inc. was the recipient of such a grant and conducted these activities in partnership with the Rwandan Ministry of Natural Resources (MINIRENA). ARD also partnered with the following organizations:

- Rwandan Initiative for Sustainable Development (RISD), a Rwandan NGO which was responsible for project implementation;
- Center for Justice and Peace Building (CJP) at Eastern Mennonite University, a U.S.-based organization that provided short-term technical assistance on a conflicts assessment and training on conflict resolution and peace-building methods (ARD also contracted with a Rwandan conflicts specialist to complement CJP’s assistance); and
- Rural Development Institute (RDI), a U.S.-based non-profit organization that provided short-term technical assistance on land law and policy, including gender-specific assistance, and technical management.

Under the LDMP, ARD and its partners engaged in four major activities:

1. Assessing land disputes and existing resolution processes in the pilot areas;
2. Refining land-related dispute resolution processes;
3. Building local capacity for land dispute resolution; and
4. Conducting a public information and awareness campaign in the pilot areas on land rights and mechanisms that support the peaceful reconciliation of land-related disputes.

At MINIRENA’s request, these activities were implemented in two priority pilot areas:

1. Gasabo District, Gatsata Sector, Nyamugali Cell; and
2. Musanze District, Rwaza Sector, Kabushinge Cell.

Nyamugali Cell is an urban area located on the outskirts of the capital City of Kigali. Kabushinge Cell is located in rural, northern Rwanda. These two cells were sites of two of the four cells where MINIRENA piloted a land formalization process, with support from the UK Department for International Development (DFID).

This project would not have been possible without the support of USAID/Rwanda and MINIRENA. At USAID, Cognizant Technical Officer (CTO), Gilbert Mwendata, and Democracy and Governance Team Leader, Tye Ferrell, provided invaluable support and guidance on administrative and technical issues alike. At MINIRENA’s National Land Center, the Office of the Registrar, Chief Registrar Eugene Rurangwa and the Deputy Registrars provided critical guidance and assistance on technical issues.

3.0 BACKGROUND

Thirteen years after the civil war and genocide, the Government of Rwanda (GoR) has made significant progress in reconciliation, governance, and land tenure reform. With donor support, the GoR established the Ministry of Lands, Environment, Forestry, Water and Mines (MINITERE) in 1999 (which is now known as the “Ministry of Natural Resources,” or “MINIRENA”), drafted a National Land Policy in 2000, passed that policy in 2004, and passed the Organic Land Law in 2005.

Throughout this process, the GoR has actively facilitated the reintegration of pre- and post-genocide exiles into Rwandan society, introduced *imidugudu* (grouped settlement) as a means to address land use and human settlement problems, strengthened the *gacaca* court system to offer the potential of justice and reconciliation after the genocide, and established local-level mediators (*abunzi*) to hear disputes, especially land disputes.¹

The GoR is keenly aware of the danger of devising solutions that could destabilize the country. The government continues to peacefully absorb and reintegrate demobilized soldiers, former prisoners, and returnees into communities, in a situation of increasing land scarcity due to high population growth. In addition, experiences in other countries in the region suggest that effective decentralization and capacity are often the weak links in land policy implementation. Given that 90 percent of the Rwandan population depends on land as their main source of livelihood, peaceful resolution of competing land claims is critical to continued peace.

Current MINIRENA land-related initiatives are focused on implementing the Organic Land Law, including piloting a process for formalizing land rights, drafting the necessary implementing laws and decrees, and developing land administration capacity. MINIRENA is accomplishing these initiatives as part of the DFID-funded *National Land Tenure Reform Programme* (NLTRP). In support of that program, USAID is providing legal and gender-specific technical assistance to MINIRENA under the PLACE IQC, Task Order: Property Rights and Resource Governance, *Rwanda Land Law and Policy Assistance*.

The pilot process for formalizing land rights is “designed to bring land owners to first registration and titling of their land. It is a systematic process that requires all land owners in an area designated for LTR [land tenure regularization] to participate.”² The process involves six basic steps:

- Local dissemination of information regarding the process
- Demarcation of land
- Adjudication of land rights
- Objections and corrections period
- Publication of records
- Registration and titling

MINIRENA is currently refining that process and intends to systematically register all land in Rwanda.

¹ The *abunzi*, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than three million Rwandan francs, which means over most land disputes. The *abunzi* also have mandatory jurisdiction over succession and boundary disputes involving less than three million Rwandan francs.

² MINITERE, *Land Tenure Regularisation* (undated) [brochure].

During the formalization process, land disputes may arise while adjudicating land rights and during the objections and corrections period. The LDMP worked with the NLTRP, contributing to their efforts by: (1) supporting and strengthening local capacity to resolve land disputes that may arise in the pilot areas where land rights were just formalized; and (2) educating communities in the two pilot areas about the Organic Land Law and related laws, and avenues for seeking relief, with the goal of reducing and preventing the recurrence of land-related disputes; and (3) providing input to the dispute resolution procedures of the formalization process. The project was implemented with particular attention to ensuring that women and vulnerable groups have equal access to and benefit from the land dispute resolution process.

4.0 ADMINISTRATION AND LOGISTICS

LDMP was a 17-month project, which included a three-month extension, at the cost of \$649,552 USD. During the life of the project, ARD maintained an office in Kigali, staffed by a full-time project coordinator and driver. The field office maintained close ties to both ARD and RDI, both of which provided project management and technical oversight.

ARD's Project Coordinator was originally Christophe Muhigira, who was later replaced by Justine Mirembé. The Project Coordinator reported to ARD's Project Manager, Olga Segars, and Senior Technical Advisor Deborah Espinosa of RDI. Originally, Nigel Thomson of ARD served as Senior Technical Advisor. ARD's Vice President for Technical Operations, Peter Hetz, provided senior leadership.

In support of the project, various specialists traveled to Rwanda to provide short-term technical assistance (STTA) and technical oversight (see Table below).

PERSONNEL	ORGANIZATION	POSITION	STTA TRIPS
Babu Ayindo	CJP	Post-Conflict Reconciliation Specialist	2007: October, December
Chris Davis	ARD	Public Information & Awareness Specialist	2008: January, April, June
Deborah Espinosa	ARD / RDI	Senior Technical Advisor, Land Law & Conflicts Specialist	2007: May, June, August, September-October 2008: January, March, May, June
Elisa Scalise	RDI	Land Law & Gender Specialist	2007: September-October; 2008: January
Nigel Thomson	ARD	Senior Technical Advisor, Land Law & Conflicts Specialist	2007: February

ARD's staff and consultants worked closely with RISD, ARD's local implementing partner, including the following key personnel: Annie Kairaba, Team Leader/Director; John Muyenzi, Chief Trainer/Program Coordinator; Gloria Tengera, Policy Analyst/Legal Advisor; and Ivan Kayonga, PIA Officer.

At the close of the project, USAID approved the transfer of all LDMP equipment and the vehicle to ARD's Legislative Capacity Building project, which it is implementing in partnership with the Rwandan Ministry of Justice. That project is an initiative under the PLACE IQC, Task Order: Property Rights and Resource Governance.

5.0 PROJECT DESCRIPTION AND ACTIVITIES

The purpose of the LDMP is to support and strengthen *local* resolution of land disputes. The term “local” refers to efforts to resolve land disputes before such disputes reach the formal court system. The local institutions that try to resolve land disputes in the two LDMP pilot areas before such disputes reach the courts include the family council, the *umudugudu* executive committee, the cell executive committee, and the *abunzi*. Other institutions helping to resolve disputes include the church, the National Women’s Council, and the National Youth Council.

The objectives of the LDMP were twofold:

- To support and strengthen capacity in two GoR priority pilot areas to resolve land disputes in a fair and efficient manner; and
- To increase public awareness about the law governing land rights and avenues for seeking peaceful resolution of land-related disputes and conflicts.

The LDMP achieved these objectives by engaging in the following major activities:

1. Assessing land disputes and existing resolution processes in the pilot areas;
2. Refining land-related dispute resolution processes;
3. Building local capacity for land dispute resolution; and
4. Conducting a public information and awareness campaign in the pilot areas on land rights and mechanisms that support the peaceful reconciliation of land-related disputes.

In carrying out these activities, ARD employed the following technical approach:

- Complement the implementation of land policy and administration efforts, including the formalization of land rights, by the DFID-supported NLTRP in two GoR priority pilot areas;
- Employ a full-time, Kigali-based Project Coordinator;
- Implement field activities through a Rwandan NGO, the Rwandan Initiative for Sustainable Development (RISD);
- Partner with international experts in conflict resolution (Center for Justice and Peacebuilding) and land law and policy (Rural Development Institute) for technical expertise and management;
- Focus on both formal and informal land dispute resolution systems at the local level with a particular emphasis on helping to institutionalize and operationalize the *abunzi*, a mediation committee at the cell level that has mandatory jurisdiction over the majority of land disputes; and
- Concentrate particularly on helping to ensure that women and vulnerable groups obtain information and equal access to all land law and land dispute resolution processes.

Through these activities, the LDMP contributed directly to the following objectives of USAID/Rwanda:

- Strategic objectives (SO) of Improved Governance through Increased Citizen Participation (SO5) contributing to Program Component (PC) 1: mitigate conflict and support peace; and
- Operational Plan relating to “Governing Justly & Democratically” (Program Area 3, “Political Competition and Consensus-Building”).

The Project also contributed indirectly to the Expanded Economic Opportunities SO by facilitating land tenure security, which will lay the foundation for improved agricultural and business practices.

5.1 ACTIVITY I: ASSESSMENT OF LAND DISPUTES AND RESOLUTION PROCESSES

A key initial activity of the project was to assess land disputes in the pilot areas and existing land dispute resolution mechanisms, and understand women and vulnerable groups’ access to those mechanisms. CJP and RDI coordinated efforts on this activity, with assistance from RISD, which resulted in “*An Assessment of Local Resolution of Land Disputes in Two Pilot Areas: Kabushinge and Nyamugali Cells, Rwanda*” (January 2008) (“*Assessment*”). As part of this effort, RDI prepared a desk study on the current configuration of the formal dispute resolution systems—including as Annex I to the *Assessment*.

To complete the *Assessment*, CJP and RDI conducted several rounds of qualitative field research in both pilot areas between October 2007 and January 2008. The teams used Rapid Rural Appraisal techniques, focus groups, and key informant interviews; approximately 150 people were interviewed. Interviewees and focus group participants included a wide range of residents in the pilot areas, local leaders, and government representatives at the local and national levels.

The findings revealed that, in both cells, disagreements over inheritance were the most common land-related dispute.³ These disputes are most often between siblings due to unequal inheritance shares; brothers and sisters due to unequal inheritance based on sex; legal wives and informal second and third wives; and children of legal wives and those of informal second and third wives. Other common disputes in the pilot areas occurred over matters related to boundaries, land transactions, and absentee owners.

In order to resolve such disputes, parties in both cells consulted family councils, the *nyumba kumi* (Kabushinge), *umudugudu* executive committee, cell executive committee, and the *abunzi*. The *Assessment* found that local capacity to resolve land disputes is bolstered by the fact that the local institutions and individuals are committed to fair resolution, residents indicated that there is strong community support, and there is a demand for community-based resolution of disputes. However, significant technical constraints to fair and effective dispute resolution remain. Local institutions and individuals lack the skills and knowledge to resolve disputes consistent with the law. Institutional support is limited to non-existent.

The team found that there are significant barriers to women and vulnerable groups accessing local dispute resolution, including ignorance of the law, fear of physical violence, fear of community mistreatment, a percent of bias, lack of time, and lack of an advocate. For purposes of the *Assessment*, groups considered “vulnerable” were widows, orphans, and genocide survivors because they generally lack influence and/or power within the community, and may be subject to exclusion, discrimination, or other injustices in land dispute resolution.

The *Assessment* includes short- and longer-term measures for improving the capacity of local institutions to resolve land disputes as well as women and vulnerable groups’ access to the same. Such access, including findings and recommendations, is addressed further in the deliverable, *Women and Vulnerable Groups in Land Dispute Management: A Plan to Ensure that They Fully Participate and Benefit* (June 2008). This end-of-project

³ Please see the *Assessment* for further details.

deliverable is intended to help ensure that women and vulnerable groups are able to fully participate in and benefit from any follow-on projects related to land dispute resolution.

5.2 ACTIVITY 2: REFINE LAND DISPUTE RESOLUTION PROCESSES

On the basis of the findings under Activity 1, and more generally through the project, RDI reviewed and revised the dispute resolution aspects of the NLTRP's pilot formalization process with the goal of improving access, transparency, efficiency and fairness.⁴ To that end, the LDMP team also met with local officials and residents, and the cell adjudication committee that implemented the pilot formalization process. Their input and feedback, plus recommended revisions to the pilot process, are summarized in the deliverable, *Memorandum on Recommended Revisions to Annex 3 of the Ministerial Order Determining the Modalities of Land Registration* (June 20, 2008) (see Annex II).

5.3 ACTIVITY 3: BUILDING CAPACITY FOR LOCAL RESOLUTION OF LAND DISPUTES

A key activity for the LDMP was helping to build the capacity of the individuals in both pilot areas that work on resolving land disputes. As mentioned above, those include local leaders affiliated with the following institutions: the *nyumba kumi*, the *umudugudu* executive committee, the cell executive committee, and the *abunzi*. Other institutions helping to resolve disputes include the church, the National Women's Council, and the National Youth Council.

The two subject areas on which the LDMP focused was improving dispute resolution skills and knowledge of the basic law governing land rights, including the land rights of women and children.

To conduct this activity, the LDMP trained trainers and then those trainers taught local leaders.

5.3.1 Training of the Trainers

The LDMP trained the staff of the local implementing partner, RISD, in conflict resolution theory and methods and basic tenets of Rwandan land law, including the land rights of women and vulnerable groups. Two multi-day training sessions were held. First, CJP's post-conflict reconciliation specialist and a Rwandan conflicts specialist prepared and presented the five-day conflict resolution training. Second, ARD, Inc. prepared and presented the land law portion of the training.

Both of these training-the-trainer activities provided substantive knowledge and skills to participants so they could, in turn, provide support (training and mentoring) to local actors engaged in land dispute resolution in the two pilot areas. The manual produced for the conflicts training is available in *"Training of the Trainers Manual: Conflict Transformation and Peacebuilding in Rwanda"* (February 2008).

5.3.2 Field Training of Local Dispute Resolution Actors

Based on these trainings, RISD created a field curriculum on conflict resolution and land law for use in the two pilot areas, training a total of 75 local leaders, including:

- In Nyamugali, RISD trained 39 participants (15 women and 24 men). Out of these participants, 12 were *umugududu* committee members; 14 *abunzi* members; the cell representative in charge of

⁴ In the Project work plan, this activity was to draft a procedure for expediting the local resolution of disputes. As the Assessment explains, however, there is already in place an informal, local process for resolving land disputes. At MINIRENA's request, this activity was slightly revised to address a related need of the Ministry.

information; 5 land committee members; 2 representatives from the National Women’s Council; 1 Agronom; the Cell Coordinator; the Cell Executive Secretary; and the Sector Executive Secretary.

- In Kabushinge, RISD trained 36 participants (14 women and 22 men). Out of these participants, 11 were *umudugudu* members; 14 *abunzi*; 1 sector police; 5 members of the land committee; 2 representatives from the National Women’s Council; 1 Agronome; the Cell Executive Secretary; and the Sector Executive Secretary.

The training was divided into two modules. Module One was on dispute resolution methods applied to land-related disputes, and Module Two was on the Organic Land Law and other land-related laws, including the law governing the rights of women and vulnerable groups. The training discussed basic theories and imparted skills in dispute resolution, and strategies towards a fair, peaceful, and effective mechanism for resolving land disputes at the community level, without resorting to the court system. Relevant articles of the Organic Land Law (OLL) and other land-related laws, especially the Presidential and Ministerial Orders provided for in the OLL, the Child Protection Law and the Succession Law, were also discussed.

Following the trainings, RISD made three mentoring visits to each pilot area. RISD and the participants discussed the progress that the trainees were making and any difficulties that they were facing. Technical advice was provided accordingly.

The report on the training as well as the curriculum, agendas, and trainee guide have been compiled in, “Rwanda CMM Field Training Report: Training Local Bodies in Kabushinge and Nyamugali Cells on Land Dispute Management and Land-Related Laws” (June 2008).

5.4 ACTIVITY 4: PUBLIC INFORMATION AND AWARENESS

In consultation with MINIRENA, the LDMP conducted a public information and awareness campaign (PIA) to inform pilot area residents of the project, dispute resolution processes, and basic land law.

ARD’s PIA specialist headed up efforts on this activity. The PIA Specialist and RISD pre-tested campaign themes and content of messages by meeting with focus groups in both areas. Focus groups were comprised of the following participants: adult male population (single and married); adult female population (single and married); women legally married in polygamous relationships; and disadvantaged groups such as widows and orphans.

To initiate discussions among the focus groups, the LDMP team presented storyboard posters depicting common types of land disputes, as identified in the *Assessment* under Activity 1. Focus group participants described the images that came to mind for each of the themes and were asked which themes best described the stories and what, if any, messages they gleaned from the story. The themes that resonated most among the focus groups were togetherness, unity, truth, tolerance, understanding, peace and fairness.

Following that test, the team modified the campaign themes and content, and produced the deliverable, *Public Information and Awareness (PIA) Action Plan and Strategy*, which describes the goals, strategy, and activities for the LDMP’s public information campaign.

The *PIA Action Plan and Strategy* focuses on the delivery of land dispute management information through an integrated communications approach:

1. Primary and secondary school poster competition within the pilot cells;
2. Community theater to address specific land rights themes;
3. Radio broadcast of community theater event with live call-in program;
4. Documentary film to inform local leaders, MINIRENA, and USAID about the project’s efforts to resolve land disputes; and

5. News and editorial pieces such as press releases, articles, fact sheets, and radio/TV coverage of events.

5.4.1 Primary and Secondary School Poster Competition

The objective of the poster competition was to educate the communities about resolving land disputes peacefully, with the help of school teachers and students. RISD staff worked with teachers and approximately 120 students to draw posters depicting particular types of land disputes and community efforts to resolve them in a peaceful manner. Students from three schools participated: two primary schools and one secondary school. The project supplied the schools with the necessary poster paper, pens, pencils, colored pencils, etc.

At the conclusion of the competition, representatives from MINIRENA, USAID, and LDMP, along with the pilot-area local leaders, blindly judged the submissions and selected three winners:

- First place: 15-year old Valens Nsabimana from Rwaza No. 1 Primary School;
- Second place: 17-year old Jean Baptiste Niyonsenga from Groupe Scolaire APEDI Rwaza; and
- Third place: 14-year old Joel Biziyaremye from Gatstata Primary School.

Each winner received a cash prize: 50,000 frw, 35,000 frw, and 25,000 frw, respectively. All of the students' posters were available for viewing during the Lessons Learned Forum. The first-, second-, and third-place posters are available for viewing at MINIRENA, the National Land Center, USAID, the three participating schools, and local authorities' offices in Kabushinge and Nyamugali.

5.4.2 Community Theater to Address Specific Land Rights Themes

The objective of the community theater was to use story-telling traditions to explore land issues and show how people can resolve land-related disputes peacefully. The leaders/trainees from Nyamugali performed four skits, each on a typical type of land dispute. After each skit, the master of ceremonies posed questions to the audience regarding the skit, and invited comments. Approximately 400 residents attended the community theater in Nyamugali. With remaining funds, the project was also able to bring the Nyamugali community theater to Kabushinge, where about 700 residents attended.

5.4.3 Radio Broadcast of Community Theater Event with Live Call-in Program

Following the theater production in Nyamugali, which had been recorded, one of the skits was broadcast on Radio Rwanda, with a live call-in program following the skit. The skit that was broadcast was about a widow whose in-laws had taken her land following her husband's death. With the intervention of the *abunzi* and community, the dispute was resolved amicably, and she retained the property. In the first 15 minutes of the radio show, the radio station received 25 callers from all four provinces in the country. To ensure that the pilot communities would be able to hear the program and call-in with a question, the project partnered with Village Phone/MTN, which loaned phones with free airtime to call the radio station.

5.4.4 Documentary Film

With assistance from a local film company, the project produced a documentary about the project's efforts to improve the resolution of land disputes in the pilot areas. The film was shown at the LDMP Lessons Learned Forum. See *Resolving Land Disputes in Kabushinge and Nyamugali Cells* (June 2008) [DVD].

5.4.5 News and Editorial

To increase the impact of the project, news and editorial pieces were developed, including press releases and project fact sheets. The team also worked with journalists to increase the TV, radio, and newspaper coverage of the project's activities.

6.0 RESULTS AND LESSONS LEARNED

This section discusses the project’s results and impacts, lessons learned, and opportunities for follow-on assistance.

6.1 RESULTS AND IMPACTS

Project activities resulted in intended and unanticipated results and impacts, including:

- **Better understanding of local processes for resolving land disputes** – As a result of the *Assessment*, the findings of which were presented at the *Lessons Learned Forum*, MINIRENA, and the NGO and donor communities have a better understanding of the process for resolving land disputes at the local level (i.e., before a dispute reaches the formal court system).
- **Stronger local capacity to resolve land disputes.** Local dispute resolution actors consider their ability to resolve land disputes to have significantly increased—in terms of skills and knowledge of basic law governing such disputes. Their confidence in themselves has increased. Just a few quotations from local dispute resolution actors include:
 - “The training helped me so much. Now I can handle so many types of disputes.”
 - “During demarcation and immediately following, people were asking me many questions and those that I did not have answers to. But after training it is possible to explain—it gave me capacity to help.”
 - “I am grateful for the training, especially for including different levels like the National Women’s Council and the *Abunzi*.”
 - “At the *umudugudu* level, after the training, we now meet more than three times per week. We formed a group that checks on all disputes and that no dispute is left unresolved.”
 - “The training helped people, especially women who had lost hope of having rights.”
 - “People want to see disputes resolved. Now we can give better service to those that elected us.”
- **Greater appreciation for the land rights of women and vulnerable groups.** An important part of the project was to emphasize the land rights of women and vulnerable groups during the capacity-building activities and PIA campaign. Just a few quotations from local dispute resolution actors and community members include:
 - “I now understand that women have equal rights to land.”
 - “[Along with registration], it especially helped women have a sense of a right to land.”
 - “I heard that now women feel encouraged to assert their rights.”

- **Greater public awareness of land rights and responsibilities** and methods for resolving disputes peacefully:
 - “The theater helped people understand and resolve disputes peacefully. I think it should be spread to many parts of the country.”
- **Fewer land-related disputes.** Authorities in both cells report that since the PIA activities, fewer disputes have arisen and when disputes do arise, they are immediately addressed. The 74 disputes that arose during land formalization in Kabushinge have all since been resolved.
- **Disputes are now resolved at the lowest administrative level, the *umudugudu*,** resulting in fewer disputes before the *abunzi*. The project included in the training all those persons who are either formally or informally responsible for resolving land disputes, including representatives of the *umudugudu* executive committee. Following the trainings, local authorities reported that the disputes that have arisen were resolved at the *umudugudu* level, thus lessening the caseload of the *abunzi* (both *umudugudu* representatives and *abunzi* members consider this result positive), and the gravity of conflict in the communities.
- **Increasing perceptions of the value of land:**
 - “*Learning about land rights helped to give more value to the land.*”
- **Allaying community fears of government confiscation:**
 - “*After demarcation, we were worried about government confiscation but after your project came in and the training, we understand the benefit of registration. As a follow-up to demarcation, this project is significant.*”

6.2 LESSONS LEARNED REGARDING PROJECT ACTIVITIES

The *Lessons Learned Forum* for the LDMP was held on Tuesday, June 24, 2008, in Kigali, Rwanda. The purpose of the Forum was to present information about the LDMP activities and preliminary lessons learned to various governmental and non-governmental stakeholders and to solicit their feedback. Approximately 70 people attended, including representatives from MINIRENA, other ministries, the Office of the Ombudsman, local and international NGOs, journalists, and donors (USAID, DFID, and DED). Special guests included the Minister of Natural Resources; the Registrar of Land Titles; the USAID Mission Director and staff; leaders from the two pilot areas; and the three students who won first-, second-, and third place in the poster competition, along with their parents and teachers. The LDMP project team received valuable input and feedback from Forum participants.

These lessons learned are derived from the experience of partners, participants, and Forum participants from project commencement to conclusion. The lessons learned are grouped into three categories: (1) project activities, generally; (2) public information and awareness; and (3) capacity building.

6.2.1 Project Activities, Generally

- There is a strong demand among both rural and urban populations for community-based resolution of land disputes.
- There is a strong demand among local leaders for training on dispute resolution skills so that they may more effectively discharge their duties.
- There is a strong demand among local leaders for information about land law so that they can resolve disputes consistent with the law rather than custom.

- Both rural and urban populations lack knowledge about land law and dispute resolution methods, and consider that a hindrance to resolving land disputes fairly and peacefully.
- Assistance in improving the capacity of those responsible for resolving land disputes is appropriately targeted at the grassroots level (i.e., cell and *umudugudu*).
- Although there was no objective to reduce the quantity of disputes in the pilot areas, the combined effect of the capacity building and PIA activities was a reduction of land disputes.
- The lack of institutional support and resources hinders local efforts to resolve land disputes.
- Gaps and ambiguities in the law governing land rights hinder the legal-based resolution of certain land disputes.
- Significant barriers exist to women and vulnerable groups accessing local dispute resolution mechanisms.
- Advocates are needed to assist in the resolution of land disputes and, in particular, to assist women and vulnerable groups.
- Land dispute resolution projects and land registration projects are complementary and should be closely coordinated.

6.2.2 Public Information & Awareness (PIA)

- High interest and demand for information about land law and land dispute resolution among:
 - rural and urban populations;
 - particularly, women and vulnerable groups; and
 - formal and informal local institutions/individuals who are responsible for resolving disputes especially want reference materials and training.
- Existing community structures are the best means to disseminate information, including to women and vulnerable groups
 - e.g., *umuganda*, church, and schools.
- Media is a useful and powerful tool for public information campaigns, especially radio, although radio alone may not reach women and vulnerable groups.
- Future land dispute management projects should place more emphasis and resources on PIA activities.
- Both rural and urban communities respond well to the use of artistic works (theatre, songs, drawings, etc.) depicting community-based land dispute resolution processes.
- A well-planned PIA campaign, with media support, can increase a project's impact.
- Innovative partnerships can increase a project's resources (e.g., Village Phone/MTN loaned phones for use during call-in radio show).
- PIA activities regarding land registration should be increased before starting registering land to allay community concerns that the main reason for registering land was to identify owners for future expropriation.

6.2.3 Capacity Building

- Local leaders who are responsible for resolving land disputes want to resolve such disputes consistent with the law.
- There is a strong commitment among local leaders to the fair resolution of land disputes.
- There appears to be a significant need and demand among local leaders for information about and training on dispute resolution methods and basic land law.
- Capacity-building needs to be ongoing to:
 - incorporate changes in the law; and
 - account for turnover in personnel, especially due to elections.

For more information about the Lessons Learned Forum, see *Report on the Lessons Learned Forum for the Rwanda Land Dispute Management Project (LDMP)* (June 2008), available on CD-Rom. Also available on the CD-Rom are the Forum PowerPoint presentations, the speech of the Minister of Natural Resources, and talking points of the USAID Mission Director.

6.3 LESSONS LEARNED REGARDING PROJECT DESIGN AND IMPLEMENTATION

These lessons learned are derived from the experience of ARD and its partners on the project from its commencement to conclusion. The lessons learned are grouped into two categories: (1) project design, and (2) project implementation.

6.3.1 Project Design

- **Partnering with Government**

The project was designed for close coordination with MINIRENA. Thanks to MINIRENA's decision to designate a ministry point person for the project, LDMP staff was able to work closely with MINIRENA, consistent with the work plan. Even when the designated person was unavailable, that person would delegate to another person to ensure that the project activities could proceed unimpeded.

- **Timing**

This lesson is related to the lesson above. The most significant challenge to the project was the fact that early on, project activities had to be postponed while project management and the GoR clarified which specific activities should be included. Such discussions took a great deal of time, the effect of which was to reduce the amount of time for project implementation. Future efforts would benefit from ensuring that, especially early on, project management and the government have similar visions and objectives for the project. As mentioned above, the designation of a point person from MINIRENA improved efforts to implement the project on even a tight schedule.

- **Assessment to Inform Project Activities**

All project activities benefited from the information gathered for the Assessment that was conducted by the Conflicts Specialist and the Land Law and Gender Specialists. Such an activity is an integral part of a land dispute management project in order to understand the unique context in which the project will be implemented. As discussed more fully under "Mobilization of technical consultants,"

however, the Assessment fieldwork needed to have taken place sooner because follow-on activities had to await the completion of that work.

- **Targeting Women and Vulnerable Groups**

Built into the work plan was a concerted effort to ensure that the project staff understood any barriers that women and vulnerable groups face to accessing dispute resolution mechanisms and that every effort was made to ensure that such barriers were reduced. These efforts were necessary to ensure that women, who comprise approximately 50 percent of the adult beneficiary population, participate in and benefit from the project and to ensure that vulnerable populations similarly benefit.

6.3.2 Project Implementation

- **Coordinating Project Activities**

Coordination of the timing and content of the various project activities is critical to effective implementation. Given the tight time constraints for implementing the project, as discussed above, coordination became difficult as project activities progressed. The schedule had to be collapsed, and multiple and taxing activities had to be implemented simultaneously. This meant that, at times, project staff became overtaxed. Despite this challenge, all project activities were implemented effectively.

- **Mobilization of Technical Consultants**

This lesson relates to the lessons above. Mobilization of technical consultants must be timely, especially where implementation of other activities must await the outputs of the consultants. In this case, several activities had to be postponed to await consultants' outputs.

- **Communications**

Communications among project staff and consultants must be consistent, clear, and timely. For the most part, communications went smoothly throughout the project despite the distance between implementing staff and project management and consultants. Luckily, language was rarely an issue because all project staff spoke English, the Project Coordinator and RISD staff all also spoke Kinyarwanda, and expatriate management and consultants were able to utilize interpreters to speak with the project communities. Future projects would benefit from regular conference calls.

- **Relationship with Project Communities and Leaders**

Without the interest and cooperation of the project communities and their leaders, project implementation will suffer. RISD staff, in particular, was able to cultivate strong relationships with the project communities, which benefited the project.

6.3.3 Opportunities for Follow-On Assistance

Based on the overwhelmingly positive feedback from Kabushinge and Nyamugali authorities and residents, MINIRENA representatives, and Forum participants, there is a continuing need to work with MINIRENA and local authorities on supporting and strengthening local resolution of land disputes. More specifically, Kabushinge and Nyamugali authorities requested that a follow-on project target adjacent cells so that disputes that arise there (and often involve Kabushinge or Nyamugali residents) do not negatively impact Kabushinge and Nyamugali. In addition, those authorities have expressed an interest in themselves working with the neighboring cells on land dispute management.

MINIRENA has requested that follow-on projects link up with the Ministry's plans to implement a nationwide land registration program. Ideally, a land dispute management project would start before land registration in a particular cell, and continue concurrently with land registration activities.

Many participants at the Lessons Learned Forum suggested a nationwide land dispute management project, including a significant public information and awareness campaign.

There is no doubt that a follow-on land dispute management project would be useful. It would be important, however, to ensure that any scaling up of project activities is not to the detriment of the grassroots nature of the project. As demonstrated in the LDMP, the process for resolving disputes in one cell is not necessarily the same as the next cell and common types of disputes may differ as well. Sensitivity to such cell-specific processes, patterns, and preferences would be critical to any follow-on assistance. At the same time, some consistency in processes is needed during land registration. The LDMP's recommended revisions to the dispute resolution procedure in the formalization process are an attempt to address the need for some consistency.

In addition, staff and resources required to work closely with one particular cell, including training, mentoring, and PIA activities (especially the community theater), should not be underestimated. As with any project, it is important to tailor, as much as possible, capacity building and PIA activities specifically to the intended beneficiary community.

Finally, this project did not attempt to capture quantitative data regarding land disputes, in part because the data from the NLTRP formalization pilots indicated that the percentage of disputes relative to the number of parcels registered in the two communities was minor. Follow-on assistance with a quantitative component, however, would further assist in measuring impacts of the project, as well as provide valuable information to the GoR regarding the growing capacity of local authorities to resolve land disputes.

ANNEX I: LIST OF LDMP DELIVERABLES

- An Assessment of Local Resolution of Land Disputes in Two Pilot Areas: Kabushinge and Nyamugali Cells, Rwanda (including Desk Study on Formal Dispute Resolution) (January 2008).
- Training of the Trainers Manual: Conflict Reconciliation and Peacebuilding in Rwanda (February 2008).
- Public Information and Awareness (PIA): A Strategy and Action Plan for Rwanda Conflict Management and Mitigation – the Land Dispute Management Project (March 2008).
- Memorandum regarding Recommended Revisions to the Dispute Resolution Procedure in Annex 3 to the Ministerial Order Determining Modalities of Land Registration (June 20, 2008).
- Field Training Report: Training Local Institutions in Kabushinge and Nyamugali Cells on Land Dispute Management and Land-related Laws (June 2008).
- Resolving Land Disputes in Kabushinge and Nyamugali Cells (June 2008) [video].
- Women and Vulnerable Groups in Land Dispute Management: A Plan to Ensure They Fully Participate and Benefit (June 2008).
- Lessons Learned Forum for the Land Dispute Management Project (June 2008) [CD-rom].
- Land Dispute Management in Rwanda: Final Report (June 2008).

ANNEX II: MEMORANDUM

June 20, 2008

To: Eugene Rurangwa
Registrar, Office of Land Titles, National Land Center

Cc: Clive English, National Land Tenure Reform Programme
Olga Segars, ARD, Inc.
Elisa Scalise, Rural Development Institute

From: Deborah Espinosa, Rural Development Institute

Re: Recommended Revisions to the Dispute Resolution Procedure in Annex 3 to the *Ministerial Order No. 002/2008 of 01/04/2008 Determining Modalities of Land Registration*

This memorandum recommends revisions to the dispute resolution procedure in Annex 3 to the *Ministerial Order No. 002/2008 of 01/04/2008 Determining Modalities of Land Registration*. Section 1 discusses the background and preparation for the memorandum. Section 2 briefly describes the Ministerial Order and Annex 3. Section 3 explains the key recommendations. Section 4 concludes with miscellaneous recommendations. Also included is an Appendix that contains a chart with the original Annex language in the left column and the proposed text in the right column. A separate document showing “track changes” using the Microsoft Word function is also provided.

This memorandum is a deliverable for the Land Dispute Management Project (“LDMP”), an effort supported by USAID’s Office of Conflict Management and Mitigation. As you know, the LDMP was implemented in two of the four pilot formalization areas – Kabushinge and Nyamugali Cells – to help support and strengthen local resolution of land disputes. One activity of the LDMP was to review the dispute resolution procedure of the land rights formalization process, which the Ministry of Natural Resources (“MINIRENA”) piloted with support from the UK Department for International Development (“DFID”).

1. Background & Preparation

This review and the proposed recommendations were guided by the following overarching principles: transparency, fairness, equal access, and efficiency. Of course, sometimes such principles are at cross purposes, in which case every effort was made to balance the competing principles.

Information obtained for the LDMP *Assessment*⁵ was useful in understanding the existing dispute resolution institutions and processes in Kabushinge and Nyamugali – outside the context of land rights formalization. Also, the LDMP team members observed the pilot formalization process in several pilot areas to make sure they understood the process, and reviewed the following documents:

- Organic Land Law No. 8/2005 of 14/07/05 Determining the Use and Management of Land in Rwanda;
- Presidential Order No. 53/01 of 12/10/2006 Determining the Structure, Powers, and Functions of the Office of the Registrar of Land Titles;
- Ministerial Order No. 001/2006 of 26/09/2006 Determining the Structure of Land Registers, the Responsibilities and Functioning of the District Land Bureau;
- Office of the Registrar of Land Titles, *DRAFT Operations Manual for the Systematic Regularisation of Land Tenure in Rwanda* (Apr. 2008);
- Office of the Registrar of Land Titles, *DRAFT Operations Manual for the Regularisation of Land Tenure in Rwanda* (Feb. 2007);
- MINITERE Handout, “*Summary of what has been done and what happens next*” (undated) (received Aug. 28, 2007); and
- MINITERE, Land Tenure Regularization (undated) [brochure]

Finally, the LDMP team interviewed the cell adjudication committees in both Kabushinge and Nyamugali, during which the committees provided additional background, content, and recommendations for this memorandum.

After all of the above, it became apparent that the dispute resolution procedures implemented in Kabushinge and Nyamugali are different from those in the Annex.⁶ In an attempt to reconcile the differences and provide the most practical recommendations, the interviews with the cell adjudication committees focused on those differences, and sought their opinions regarding the optimal solution.

2. Ministerial Order No. 002/2008 of 01/04/2008 Determining Modalities of Land Registration and Annex 3

The dispute resolution procedure during the formalization process is contained in Annex 3 to the *Ministerial Order No. 002/2008 of 01/04/2008 Determining Modalities of Land Registration*. For clarity, the Ministerial Order is first discussed, followed by a brief discussion of Annex 3.

⁵ An Assessment of Local Resolution of Land Disputes in Two Pilot Areas: Kabushinge and Nyamugali Cells, Rwanda (June 2008).

⁶ The *Order* and Annex also do not reflect procedures set out in the February 2007 Operations Manual and Brochure.

Mandated by Article 30 of the Organic Land Law, the *Ministerial Order No. 002/2008 of 01/04/2008 Determining Modalities of Land Registration* (“*Order*”) provides for the establishment of a Register of Land Titles, as well as procedures for the registration of titles to land, the registration of transfers of such titles, and related matters.⁷ Because the registration of land is mandatory,⁸ the *Order* provides for the first registration of land as well as subsequent registration of transfers to maintain the currency and accuracy of the registry.⁹

The first registration of a parcel may occur during the process of systematic registration or invoked voluntarily.¹⁰ Systematic registration is to occur within three years after entry into force of the *Order*, and must be carried out consistent with Annex 3 of the *Order*.¹¹

Annex 3 presents a well-thought out process for systematically formalizing land rights in Rwanda. It includes provisions regarding: (1) steps for land tenure regularization; (2) jurisdiction, composition, powers, functions, and procedures of the cell adjudication committee;¹² (3) demarcating parcels and adjudicating rights to those parcels;¹³ (4) dispute resolution procedures, including the objections and corrections period;¹⁴ and (5) preparing, publicizing, and amending the Provisional Adjudication Record.¹⁵

This memorandum is concerned with the dispute resolutions procedures and some provisions related to the cell adjudication committee (“CAC”). The CAC is created and convened for purposes of land registration and is the actor responsible for adjudication of land rights, and for the resolution of land disputes. The CAC is comprised of all five members of the cell land committee and five members of the particular *umudugudu* where demarcation and adjudication is taking place.¹⁶ The cell executive secretary acts as the CAC secretary, although he or she has no voting rights.¹⁷

3. Key Recommendations for Revising Annex 3

This section presents key recommendations for significant aspects of the dispute resolution process. These recommendations are included in the revised Annex 3 in the Appendix.

⁷ *Order*, art. 1.

⁸ Organic Land Law No. 8/2005 of 14/07/05 Determining the Use and Management of Land in Rwanda, art. 30.

⁹ See *Order*, arts. 24-27 (“First Registration”) and Chapter III (“Maintenance of the Register of Titles”)

¹⁰ *Order*, art. 24. In addition to systematic and voluntary registration, registration is mandatory when the Minister of Natural Resources orders the registration of land where “such registration is in the public interest” or when unregistered land is expropriated or confiscated. See *Order*, art. 27.

¹¹ *Order*, art. 25.

¹² Annex, arts. 5, 6, 7, 18, 19, 20.

¹³ Annex, arts. 8-12.

¹⁴ Annex, arts. 17, 22, 23.

¹⁵ Annex, arts. 13-16, 21, 24, 25-26.

¹⁶ Annex, art. 5.

¹⁷ Annex, art. 6.

3.1 Overall Process for Resolving Disputes

This sub-section first describes the basic procedure for resolving disputes, as provided in the Annex, then identifies a few differences in the procedure used in Kabushinge and Nyamugali cells and, finally, recommends revisions to the Annex.

Annex Procedure for Resolving Disputes

Articles 17, 20, 22, and 23 of the Annex provide the process for resolving disputes:

Article 17 grants parties to a dispute, the right to take that dispute to the mediation committee. That article also provides that where a dispute arose during demarcation and adjudication but, with the assistance of the CAC, the parties were able to resolve the dispute, the parties are bound by that agreement, and may not later attempt to raise the issue.

Article 20 provides procedures for the cell adjudication committee when hearing disputes, including that the hearing is open to the public and announced eight days in advance, among other requirements.

Articles 22 and 23 govern the lodging and processing of objections and corrections during a 60-day period.

These articles provide basic and helpful guidance on the rights of parties and the dispute resolution efforts of the CAC but do not convey the points at which, during the formalization process, the CAC should attempt to resolve the disputes. As a result, the Annex could be interpreted differently by different CACs.

Pilot Process for Resolving Disputes

During the pilot formalization process in Kabushinge and Nyamugali, the CACs attempted to reconcile parties' differences at two points during the formalization process: (1) in the field, during demarcation and adjudication; and (2) during the objections and corrections period.

In the field during demarcation and adjudication, the CAC was able to assist many residents in resolving disputes that came up. Sometimes they would explain the law to a party and the dispute would be resolved. At times, however, the CAC would spend up to one hour trying to resolve a dispute, and in doing so, would delay moving on to the next parcel. Sometimes they continued because they believed reconciliation was possible but lacked certain documents or the presence of a person with relevant information.

During the objections and corrections period, the CAC would announce their hearing schedule in advance, and then consider disputes that were not resolved in the field and disputes that were filed as an objection. At these times, their process would be a bit more formal in that they would invite witnesses to present their testimony, and examine relevant documents.

Recommendation:

The Kabushinge and Nyamugali CACs made two suggestions for improving the dispute resolution procedure. First, they suggest that CACs limit the amount of time that they will spend in the field, during demarcation and adjudication, trying to resolve a dispute. They suggested 30 to 40 minutes as sufficient time. The CACs made this suggestion because, at times, they spent longer in the field trying to resolve disputes than they would have liked – thus delaying on-going

demarcation and adjudication activities. They did so, however, because they believed that resolution was possible. Sometimes they did not have the documents necessary to make a decision, or a particular person with relevant information was not present. And finally, the CACs would continue to try to resolve a dispute because they did not want to postpone it until the objections and corrections period, because that could be quite some time in the future and the dispute could fester and escalate.

Related to the first suggestion, the CACs also suggest that after 30 or 40 minutes of trying to resolve a dispute, they stop and announce that they will reconvene the following Friday, at which time they give the parties an opportunity to be heard, present documents and witnesses, etc. This suggestion would allow them to keep the demarcation and adjudication activity proceeding and still address unresolved disputes in a timely fashion. When asked about the delay that would result in the demarcation and adjudication activities, both CACs considered such a delay worthwhile in order to ensure disputes get resolved. They also mentioned that there could be weeks where all disputes are resolved in the field, allowing for demarcation and adjudication to proceed on that particular Friday.

The CACs' suggestions are sound. Because unresolved disputes will have to be referred to the mediation committee, an institution over which MINIRENA has little influence, taking the extra time to try to resolve disputes during formalization will ensure that systematic registration proceeds apace.

Summary of Recommendations:

- Expressly provide that the CAC may attempt to resolve disputes during demarcation and adjudication *and* during the objections and corrections period;
- Clarify the multiple points in the formalization process where the CAC will attempt to resolve disputes;
- Adopt the CAC's recommendation to limit the CAC's efforts to resolve disputes during demarcation and adjudication to 30 minutes; and
- Adopt the CACs' recommendation to add a third opportunity to resolve disputes – at a hearing on a Friday following the aborted attempt to resolve disputes. If this recommendation is adopted, however, it is important to ensure that there is reasonable notice to the parties regarding the date of the hearing. For example, if a dispute arises on a Wednesday or Thursday, and the hearing is scheduled for that Friday, that would not be reasonable notice to the parties. The revised Annex provides that there be at least three working days between the day a dispute arises and the day of the hearing.

3.2 Presumption of Joint Ownership

Article 26, entitled “Receipt of the Adjudication Register,” contains the following final paragraph:

Where a registered title is prepared in the name of spouses married under the regime of community of property or proprietorship in common, it must also indicate that they are joint proprietors.

Although not explicitly stated, this paragraph ensures that the land of legally-married spouses whose marriage is governed by the community of property regime is registered in joint ownership.

Recommendations:

- Clarify that registration as joint owners applies to legally-married spouses whose marriage is governed by the community property regime.
- Add a provision to the “Adjudication of Land Rights” article providing for a presumption joint ownership where the CAC is adjudicating rights to a parcel allegedly owned by an adult, consistent with the Draft Operations Manual (Feb. 2007).

3.3 Objections and Corrections Period

The provisions related to the objections and corrections period, Articles 22 and 23, have the bare minimum of information. The following recommendations are measures from the draft operations manual, which are of sufficient importance to be included in the Annex.

Recommendations:

- Add an article regarding the List of Disputes that, among other things, provides that, at the conclusion of the objections and corrections period, the cell adjudication committee will forward the List of the Disputes to the mediation committee.
- Add a provision that permits the sector land committee to determine that conditions in the cell warrant an objections and corrections period longer than 60 working days.
- Add a sentence that will ensure that persons who are unable to independently fill out the objections form may request assistance, which the cell adjudication committee must provide.
- Add a phrase to the “Processing objections” article providing that parties to a dispute may seek assistance in resolving that dispute from the cell adjudication committee, consistent with the applicable provisions, or may bypass the cell adjudication committee, and file their dispute immediately with the mediation committee, provided the matter falls within its jurisdiction.

3.4 Notice of Rights in the Event of an Unresolved Dispute

The Annex provides significant procedural safeguards for parties with disputes during adjudication and the objections and corrections period. One additional safeguard is to provide parties to unresolved disputes written notice of their rights regarding such disputes, which also serves as the Registrar’s acknowledgement to the parties that the dispute remains unresolved.

Recommendation:

The following text is proposed:

§ 29: Unresolved disputes; notice of rights

If, after ten working days following receipt of the recommendation of the cell adjudication committee, both parties have not agreed to the recommendation in writing, the cell adjudication committee will complete the Provisional Adjudication Record consistent with its

recommendation, also indicating an objection filed consistent with Article 19, and maintain the matter on the List of Disputes for referral to the committee of mediators.

Either party may take the matter to the committee of mediators in the cell where the disputed parcel is located, provided the matter is within the jurisdiction of the committee of mediators. Consistent with Article 8 of the Organic Law on Organization, Jurisdiction, Competence, and Functioning of the Mediation Committee, a land-related matter is within its jurisdiction if the value of the land is less than three million Rwandan francs. If the matter is within the jurisdiction of the committee of mediators, parties must exhaust their remedies before the committee of mediators, as a condition precedent to a court action.

Within five working days of notification that the dispute remains unresolved, the cell adjudication committee shall provide both parties written notice of the following:

[Office of the Registrar letterhead]

Notice of Rights

DATE

Dear _____;

Thank you for participating in the systematic registration of land in _____ Cell. We understand that you do not agree with the cell adjudication committee's recommendation for resolving the registration of parcel no. _____, [description], to which you and others claim competing interests. The cell adjudication committee has noted your dispute on a List of Disputes and will refer the matter to the committee of mediators.

Accordingly, you have the following options with respect to that parcel:

- 1) If the parcel is valued at less than three million Rwandan francs, you may take the matter to the committee of mediators in the cell where the parcel is located. You are not required to take the matter to any administrative body below the committee of mediators. If you are dissatisfied with the decision of the committee of mediators, you may appeal that decision to court within 30 days.
- 2) If the parcel is valued at more than three million Rwandan francs, you may take the matter directly to the court with jurisdiction, bypassing the committee of mediators and lower administrative bodies in your cell.

- 3) You may do nothing, leaving the matter unresolved. We encourage you, however, to seek final resolution of the matter because failure to do so may delay, if not prevent the registration of future transfers of such parcel, including by sale or inheritance. In addition, because the Organic Land Law requires the registration of all land parcels in Rwanda, failure to register a parcel to which you claim an interest or right during systematic registration may later oblige you to pay a fee for future registration.

If you have any questions regarding this matter, please contact the chair of the cell adjudication committee, _____.

Sincerely,

Chair, Cell Adjudication Committee

3.5 Cooperation of the *Abunzi*

Because the issuance of a final adjudication record must await the resolution of disputed claims, the cooperation of the *abunzi* is critical to the timely conclusion of systematic registration in a particular cell. Ideally, the Annex could provide procedures for the *abunzi* to prioritize and expedite the consideration of disputes that arise during the formalization process. That is not possible, however, because the *abunzi* are under the authority of the Ministry of Justice (technical) and the Ministry of Local Government (administrative). As such, only those ministries may dictate the procedures of the *abunzi*. Given that fact, it may be useful for MINIRENA to work with those ministries to provide at least guidelines, if not a ministerial order, governing the *abunzi*'s consideration of disputes generated during the systematic registration of land.

3.6 Sequence of Articles relating to Cell Adjudication Committee and Dispute Resolution

As mentioned above, the provisions relating to the role of the cell adjudication committee are scattered throughout the Annex, as are the provisions relating to dispute resolution. As a result, the Annex is difficult to follow, particularly in determining the proper procedure for resolving disputes.

Recommendations:

- Combine under one sub-section all articles related to the role of the CAC. The revised Sub-section II, entitled, "Adjudication Committee," includes the following articles, some of which were moved from other sub-sections:
 - § 5: Composition of cell adjudication committees
 - § 6: Jurisdiction of the cell adjudication committees
 - § 7: Functions of cell adjudication committees

§ 8: Procedures of cell adjudication committees [these are general procedures – not dispute resolution procedures]

§ 9: Special powers of the cell adjudication committees

- Combine under a new sub-section all articles related to dispute resolution. A new Sub-section, entitled “Resolution of Disputes,” includes the following some of which are proposed and discussed below:

Sub-Section VII: Resolution of Disputes

§ 24: Role of the cell adjudication in resolving disputes

§ 25: During demarcation and adjudication

§ 26: During objections and corrections period

§ 27: Dispute Resolution Procedure of the cell adjudication committee

§ 28: Effect of compromise

§ 29: Unresolved disputes; notice of rights

3.7 Opportunity for Review of Allegations of Misconduct

The opportunity to seek review of a governmental body’s actions is fundamental to its legitimacy. Article 8 of the Annex appears to provide such an opportunity but is confusing.¹⁸ The article provides an opportunity to seek review of decisions of the cell land committee by a *sector adjudication committee*:

Without prejudice of provisions of the Organic Law n° 31/2006 of 14 August 2006 determining the organisation and functioning of the committee of the mediators, disputes in connection with the decisions taken by the cell land committee are taken before the adjudication committee of the sector, the sector adjudication committee substitutes itself to the one of the cell and takes an appropriate decision.

The report of the sector adjudication committee over the dispute must be transmitted to the cell adjudication committee, in order to be taken into account in writing the provisional and final cell adjudication report.

The cell adjudication committee has the same functions and the same functioning as that of the cell adjudication committee, and is composed of 10 members of which 5 are members of the cell land committee, and the other 5 are appointed by the sector council.

The Sector Executive Secretary serves as the secretary of the sector adjudication committee and does not have voting rights within the committee; he/she can however delegate his/her duties.

¹⁸ It may be that the article grants a right to appeal an adjudication decision of the CAC to the sector. If that is the case, the article contradicts Article 17, which provides that parties to an unresolved dispute may take the matter to the *abunzi*.

There are five concerns regarding this article:

(1) The entity whose decisions may be reviewed is the cell *land* committee but the provision needs to include review of cell *adjudication* committee decisions.

(2) The scope of the article is quite broad. First, it allows for review of all “decisions” without limit. Instead, limit the scope to allegations of misconduct and that such misconduct negatively impacted the adjudication of rights to a particular parcel. Examples of such misconduct are an acceptance of bribes or failing to disclose a conflict of interest in a parcel subject to adjudication. See sub-section 2.3 for recommendations regarding the appeal of the CAC’s adjudication decisions.

(3) Review is to be by the sector *adjudication* committee, but there is no such entity within Rwanda’s land administration. This provision should likely refer to the sector *land* committee as the entity responsible for the review, provided the review is of alleged misconduct. As proposed in the next sub-section, review of adjudication decisions ought to be by the mediation committees.

(4) There is no limit to the persons granted the right to appeal. At a minimum, the right to seek review must be limited to persons who are aggrieved by the alleged misconduct.

(5) Paragraph three is unclear in that it indicates that the cell land committee’s functions are those of the cell land committee’s functions. If the above recommendations are adopted, paragraphs two through four are deleted.

Recommendation:

Providing the option to challenge an action of the CAC and the cell land committee is a good one. Assuming that is the intent here, the first paragraph will instead provide:

Without prejudice to the provisions of the Organic Law n° 31/2006 of 14 August 2006 determining the organisation and functioning of the committee of the mediators, allegations of misconduct by the cell land committee or the cell adjudication committee, such as failing to disclose a conflict of interest or acts of bribery, may be taken before the sector land committee for review. This article does not apply to decisions regarding the adjudication of rights to a specific parcel.

Only persons who are aggrieved by the alleged misconduct may seek review under this Article.

Whether the sector land committee is the proper forum for such a review needs to be confirmed.

If the recommended provision is included in a revised Annex, a second paragraph needs to be added to provide the time period during which a person may seek review of alleged misconduct, the effect of that review on the CAC’s continuing efforts to demarcate and adjudicate parcels, and the implications if the sector land committee finds improper actions. A second review by the District Land Bureau may also be appropriate.

3.8 Right to Appeal a Final Adjudication Decision – Exceptional Appeals

Article 27 provides the right to appeal any act or decision of the cell or sector adjudication committee:

Any person who is aggrieved by any act or decision of a cell or sector adjudication committee in connection with any of the processes of demarcation and adjudication provided for in this Annex may appeal to the appropriate court of law.

Given the breadth of this article, it appears that the Office of the Registrar intends to provide the right of appeal of final adjudication decisions. Granting the right to appeal such decisions is commendable, however, there are a few concerns regarding the specific language:

(1) **Breadth of provision.** The provision contains no temporal limitation or conditions on the right to appeal, the lack of which may undermine the finality of systematic registration. To address this concern, limit the appeal period to, for example, five years. Regarding those who have the right to appeal, limit the right to a class of persons who were unable to appear during the formalization process due to “exceptional circumstances,” including imprisonment or, as genocide survivors, they did not appear to claim an interest in their land for fear for their lives.

(2) **Remedy.** The remedy for such an appeal needs to *not* be amendment of the final adjudication record and title documents but instead to provide those persons with financial restitution. The finality of the decisions made during the formalization process must be preserved, to the extent justice allows.

(3) **Jurisdiction of the *abunzi*.** The article fails to acknowledge the mandatory jurisdiction of the mediation committees over “civil cases relating to: 1) land and other immovable assess whose value does not exceed three million Rwanda francs (3,000,000).”¹⁹ The *abunzi* also have mandatory jurisdiction over succession disputes involving less than three million Rwandan francs.²⁰ Besides the statutory requirement, the *abunzi* is the appropriate venue because it is in the cell where the parcel is located, with ready access to information and witnesses.

(4) **Section adjudication committee.** The article refers to the non-existent “sector adjudication committee.”

Recommendations:

- Add an article indicating the finality of adjudication decisions, except as specifically provided in the article discussed here.
- Amend article to provide for review by the *abunzi*, if such an appeal is within its jurisdiction.
- Confirm that a five-year statute of limitations is preferable to the ministry.
- Confirm that the term “exceptional circumstances” is preferred. Many legal systems have a term of art that is used across several legislated areas, so there may be a more appropriate term in Rwanda.
- Confirm the definition of “exceptional circumstances.”

Combining these recommendations, the article provides as follows:

¹⁹ Organic Law No. 31/2006 of 14/08/2006 on Organization, Jurisdiction, Competence, and Functioning of the Mediation Committee, art. 8(1) (“*Abunzi Law*”).

²⁰ *Abunzi Law*, art. 8(5).

Exceptional Appeals

An aggrieved person who can show exceptional circumstances that prevented that person from asserting an interest in a parcel during systematic registration may challenge a decision by the cell adjudication committee in connection with the Adjudication Record to the committee of mediators in the cell where the parcel is located, or if not within its jurisdiction, to the appropriate court of law, only when each of the following circumstances is met:

- (i) The appeal is within five years of the date of the relevant Adjudication Record; and
- (ii) The person can show “exceptional circumstances,” which are circumstances where the person was physically unable to appear during land rights regularisation due to a disability; refugee status in another country; imprisonment; reasonable fear of physical retaliation related to acts committed between January 1, 1990 and December 31, 2004; or other exceptional circumstances, as determined by the committee of mediators or appropriate court.

Relief for a successful appeal is limited to the value of the parcel in which the person claims an interest, payable by the Office of the Registrar.

4.0 Miscellaneous Recommendations

Below are miscellaneous recommendations to the Annex but of sufficient significance to warrant explanation. The Revised Annex 3 in the Appendix also includes minor edits that are not included here.

- **Article 1** defines certain frequently used terms. **Recommendation:** For clarification, add the following additional terms:

“**Order**” refers to the *Ministerial Order No. 002/2008 of 01/04/2008 Determining the Modalities of Land Registration*, to which this document is Annex 3;

“**Working Day**” means Monday thru Friday and excludes Saturdays and Sundays.

Also, the term, “Charges” should be defined. The revised Annex provides a placeholder for such a definition, which should be consistent with the definition likely provided in another other law, such as the Civil Code.

- **Article 7(c).** Among the many functions of the CAC, there is the function to: “advise and/or reconcile parties in a land dispute.” Rather than providing the CAC the option to advise “and/or” reconcile parties, attempts at reconciliation ought to be a primary activity of the CAC

every time a dispute arises. **Recommendation:** instead, provide: “advise and attempt to reconcile parties in a land dispute.”

- **Article 7(i)** provides: “prepare a record of all unresolved disputes during the process of cell adjudication and provide a copy of that list to the sector land committee.” . . .
Recommendation: provide that the List of Disputes be given to the mediation committee.
- **Sub-section III**, governing “Procedures for land demarcation and adjudication of land rights,” contains the following articles:
 - § 9: Notification of the beginning of land demarcation
 - § 10: Parcel demarcation standards
 - § 11: Demarcation and registration of boundaries
 - § 12: Maintenance of boundaries after demarcation

Absent from this list is an article on the adjudication of land rights. **Recommendation:** create a new article that provides basic information about adjudication. The following proposed language is based on the April 2008 draft *Operations Manual*:

§13: Adjudication of land rights

Following demarcation, all persons with an interest in the demarcated parcel may claim such an interest before the cell adjudication committee. The adjudication committee will review existing documents and interview those present, including neighbors and witnesses, to determine those who have a legal interest in the land. The adjudication committee will record the names of those with a legal interest in the land, and issue a claims receipt to them.

[This next paragraph was text moved from article 26 on “Receipts of the Adjudication Register” and the language clarified.]

The adjudication committee shall presume joint ownership of a parcel between legally-married husbands and wives, unless a valid document is presented evidencing the contrary.

In the event that there are competing claims to a particular parcel, the procedures in Sub-Section VII apply.

- **Article 17**, entitled “Processing of Disputes,” provides that where a dispute arose during demarcation and adjudication but was resolved with the assistance from the CAC, the parties are bound by that agreement, and may not later attempt to raise the issue:
 - Compromise between both parties approved by the cell adjudication committee has the power of an agreement which binds both parties. In case the dispute, as for its execution or refusal to execute it, it can be executed through an order from the competent Court over the principal land dispute.

The second sentence appears to provide the right to seek a court order to enforce the decision, but is confusing. As mentioned above, the mediation committees have mandatory jurisdiction over land-related disputes and so it is possible that a court would not entertain such a request without first going to the *abunzi*. The provision should be clarified and revised to indicate that the first forum for seeking an order of enforcement is the *abunzi*.

Recommendation: Modify the first sentence to indicate the finality of the agreement and clarify the second sentence, with reference to the *abunzi*:

Compromise between both parties approved by the cell adjudication committee has the power of an agreement, which forever binds both parties. If one party later refuses to comply with the agreement, the other party may request an order of enforcement from the committee of mediators in the cell where the parcel is located, or if not within its jurisdiction, the court with jurisdiction.

APPENDIX

to

Memorandum regarding *Recommended Revisions to the Dispute Resolution Procedure in*

Annex 3 to the Ministerial Order No. 002/2008 of 01/04/2008 Determining Modalities of Land Registration

June 20, 2008

On the left side of this chart is Annex 3 to the Ministerial Order No. 002/2008 of 01/04/2008 Determining Modalities of Land Registration. On the right side of the chart is a revised Annex 3, incorporating the recommendations contained above.

ORIGINAL ANNEX 3	REVISED ANNEX 3
<p data-bbox="46 277 1035 342">ANNEX 3 TO THE MINISTERIAL ORDER N°OF.....OF..... DETERMINING MODALITIES OF LAND REGISTRATION</p> <p data-bbox="46 418 472 448">SYSTEMATIC REGISTRATION</p> <p data-bbox="46 472 501 501">Sub-section one: General Provisions</p> <p data-bbox="46 526 231 555">§1: Definitions</p> <p data-bbox="46 638 1035 699">“Adjudication” means the official ascertainment of rights in land, whether registered or not, by a competent delegated authority under this order.</p> <p data-bbox="46 724 1035 850">“Adjudication Record” means the final and definitive record of all the rights and interests in or over land produced as a result of the adjudication and demarcation process the basis of which titles to those parcels will be issued by the Registrar of Land Titles;</p> <p data-bbox="46 875 1035 937">“Cell adjudication” means the processes and procedures for adjudication and demarcation implemented by a cell adjudication committee;</p> <p data-bbox="46 1019 1035 1081">“Demarcation” means the process of examination and determination of the boundaries of a land;</p> <p data-bbox="46 1138 1035 1200">“Land Registration area” means an area to which this Order has been applied under article 15 of this Order;</p> <p data-bbox="46 1224 1035 1351">“Land Tenure Regularisation Section” is a systematic administrative procedure involving adjudication and demarcation undertaken for the purpose of recognising and securing existing rights that people and organisations have in land for the purposes of first registration or rectifying existing registration;</p>	<p data-bbox="1060 277 2049 342">ANNEX 3 TO THE MINISTERIAL ORDER N°OF.....OF..... DETERMINING MODALITIES OF LAND REGISTRATION</p> <p data-bbox="1060 418 1486 448">SYSTEMATIC REGISTRATION</p> <p data-bbox="1060 472 1516 501">Sub-section one: General Provisions</p> <p data-bbox="1060 526 1245 555">§1: Definitions</p> <p data-bbox="1060 638 2049 699">“Adjudication” means the official ascertainment of rights in land, whether registered or not, by a competent delegated authority under this order.</p> <p data-bbox="1060 724 2049 850">“Adjudication Record” means the final and definitive record of all the rights and interests in or over land produced as a result of the adjudication and demarcation process the basis of which titles to those parcels will be issued by the Registrar of Land Titles;</p> <p data-bbox="1060 875 2049 937">“Cell adjudication” means the processes and procedures for adjudication and demarcation implemented by a cell adjudication committee;</p> <p data-bbox="1060 961 1610 990">“Charges” means <i>[insert definition from Civil Code]</i></p> <p data-bbox="1060 1015 2049 1112">“Demarcation” means the process of examination and determination of the boundaries of a parcel by para-surveyors in the presence of members of the cell adjudication committee;</p> <p data-bbox="1060 1136 2049 1198">“Land Registration area” means an area to which this Order has been applied under article 15 of this Order;</p> <p data-bbox="1060 1222 2049 1349">“Land Tenure Regularisation Section” is a systematic administrative procedure involving adjudication and demarcation undertaken for the purpose of recognising and securing existing rights that people and organisations have in land for the purposes of first registration or rectifying existing registration;</p>

ORIGINAL ANNEX 3

§ 2: Steps for land tenure regularisation

The land tenure regularisation is carried out by sector or cell adjudication committees as appropriate and follows the following steps:

- a) Notification and public information;
- b) Demarcation of boundaries and adjudication of land rights;
- c) Period of notification, correction and objections to the provisional adjudication record on land rights and the provisional parcel demarcation plan;
- d) Certification of the adjudication record; and
- e) Registration of title.

The District Land Bureau carries out a continuous and deepened assessment of the procedures and methods of the land tenure regularisation and sends all the reports to the Registrar for Land Titles for registration.

§ 3: Responsibility of land tenure regularisation in first registration areas

Upon the proposal by the District Land Commission, the District Mayor must empower one or several staff members of the District Land Bureau to monitor and implement the land tenure regularisation programme.

REVISED ANNEX 3

“**Order**” refers to the *Ministerial Order No. 002/2008 of 01/04/2008 Determining the Modalities of Land Registration*, to which this document is Annex 3;

“**Working Day**” means Monday thru Friday and excludes Saturdays and Sundays.

§ 2: Steps for land tenure regularisation

The land tenure regularisation is carried out by cell adjudication committees as appropriate and follows the following steps:

- f) Notification and public information;
- g) Demarcation of boundaries and adjudication of land rights;
- h) Period of notification, correction and objections to the provisional adjudication record on land rights and the provisional parcel demarcation plan;
- i) Certification of the adjudication record; and
- j) Registration of title.

The District Land Bureau carries out a continuous and deepened assessment of the procedures and methods of the land tenure regularisation and sends all the reports to the Registrar for Land Titles for registration.

§ 3: Responsibility of land tenure regularisation in first registration areas

Upon the proposal by the District Land Commission, the District Mayor must empower one or several staff members of the District Land Bureau to monitor and implement the land tenure regularisation programme.

ORIGINAL ANNEX 3

§4: Delegation of powers for the land tenure regularisation

The District Land Bureau may, with written approval from District Land Commission and the Deputy Registrar, delegate its powers and functions to the local authorities of the registration area or unit in order to allow them to implement the land tenure regularisation programme for the first registration.

Sub-section II : Adjudication Committees

§ 5 : Composition of cell adjudication committees

The adjudication committee varies according to the village in which the adjudication and demarcation of parcels is carried out. It is comprised of 10 members among whom 5 are members of the cell Land Committee while the other five are members of the village committee of the village in which registration takes place.

When the boundaries of a registration area go beyond the boundaries of a cell, the adjudication committee in the registration area must include all members of land committee of the relevant cells.

At least 30% of the total membership of the cell adjudication committee must be women.

§6: Procedures of the adjudication committee.

If any member of a cell adjudication committee has an interest, direct or indirect in any land which is the subject of a hearing before the committee, and is present at a meeting of the committee at which the determination of that claim or dispute is under consideration, he or she must as soon as is practicable after the commencement of the meeting, disclose the fact of that interest and take no further part in the consideration or determination of that claim or dispute.

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§ 4: Delegation of powers for the land tenure regularisation

The District Land Bureau may, with written approval from District Land Commission and the Deputy Registrar, delegate its powers and functions to the local authorities of the registration area or unit in order to allow them to organize themselves as cell adjudication committees and to implement the land tenure regularisation programme for the first registration.

Sub-section II : Adjudication Committees

§ 5 : Composition of cell adjudication committees

The adjudication committee varies according to the village in which the adjudication and demarcation of parcels is carried out. It is comprised of 10 members among whom 5 are members of the cell Land Committee while the other five are members of the village committee of the village in which registration takes place.

When the boundaries of a registration area go beyond the boundaries of a cell, the adjudication committee in the registration area must include all members of land committee of the relevant cells.

At least 30% of the total membership of the cell adjudication committee must be women.

§6: Jurisdiction of the cell adjudication committees

The cell adjudication committee has jurisdiction over all claims made during the course of a cell adjudication process and for this purpose and in order to discharge the functions referred to in this Article, the chair of such a committee must be competent to convene persons so that they can testify or produce documents deemed necessary for the cell adjudication.

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The chair of the cell land committee must be the chair of the cell adjudication committee who must preside at all the adjudication committee meetings. If at any meeting the chair is absent, the vice-chair must preside over that meeting. He must be elected at the first session of the adjudication committee in each village.

In case of the second paragraph of § 5 of this annex, the adjudication committee elects within itself a Chairperson among the Chairmen of the cell committees present.

The quorum of a cell adjudication committee must be $\frac{3}{4}$ of its members at least.

In the case that due to any vacancy in its membership the quorum is an even number of members and there is an equality of votes on any matter, the chair of the meeting must have an additional casting vote.

Any decision of a cell adjudication committee must be signed by the chair of the meeting.

The cell executive secretary must be the secretary of the cell adjudication committee and must keep the records of the committee and have no voting rights within the committee. He or she nonetheless may delegate those tasks.

§ 7 : Functions of cell adjudication committees

The functions of the cell adjudication committee are notably to:

- (a) determine the boundaries of and rights to and interests in and over all land which is the subject of a process of cell adjudication;
- (b) demarcate existing rights of way and other servitudes;
- (c) advise and/or reconcile parties in a land dispute;
- (d) safeguard the rights and interests of absent persons, non-married and non-legally married women, widows, orphans, minors and all other persons under a

REVISED ANNEX 3

§ 7 : Functions of cell adjudication committees

The functions of the cell adjudication committee are notably to:

- (a) determine the boundaries of and rights to and interests in and over all land which is the subject of a process of cell adjudication;
- (b) demarcate existing rights of way and other servitudes;
- (c) advise and attempt to reconcile parties to a land dispute, consistent with Sub-section VII of this Annex;

ORIGINAL ANNEX 3	REVISED ANNEX 3
<p>disability (whether physical or mental) whether such persons are represented by a guardian or not;</p> <p>(e) examine the validity of evidence related to the claims over land;</p> <p>(f) interview land claimants with regard to rights to and interests in or over land;</p> <p>(g) take account of any right to or interest in or over land in respect of which for any reason no claim has been made;</p> <p>(h) prepare and confirm a Provisional Adjudication Record to be an Adjudication Record;</p> <p>(i) prepare a record of all unresolved disputes during the process of cell adjudication and provide a copy of that list to the sector land committee.</p> <p>§8: Adjudication of land rights in the sector</p> <p>Without prejudice of provisions of the Organic Law n° 31/2006 of 14 August 2006 determining the organisation and functioning of the committee of the mediators, disputes in connection with the decisions taken by the cell land committee are taken before the adjudication committee of the sector, the sector adjudication committee substitutes itself to the one of the cell and takes an appropriate decision.</p> <p>The report of the sector adjudication committee over the dispute must be transmitted to the cell adjudication committee, in order to be taken into account in writing the provisional and final cell adjudication report.</p> <p>The cell adjudication committee has the same functions and the same functioning as that of the cell adjudication committee, and is composed of 10 members of which 5 are members of the cell land committee, and the other 5 are appointed by the sector council.</p> <p>The Sector Executive Secretary serves as the secretary of the sector adjudication committee and does not have voting rights within the committee; he/she can however delegate his/her duties.</p>	<p>(d) safeguard the rights and interests of absent persons, non-married and non-legally married women, widows, orphans, minors and all other persons under a disability (whether physical or mental) whether such persons are represented by a guardian or not;</p> <p>(e) examine the validity of evidence related to the claims over land;</p> <p>(f) interview land claimants with regard to rights to and interests in or over land;</p> <p>(g) take account of any right to or interest in or over land in respect of which for any reason no claim has been made;</p> <p>(h) prepare and confirm a Provisional Adjudication Record to be an Adjudication Record;</p> <p>(i) prepare a record of all unresolved disputes during the process of cell adjudication and provide a copy of that list to the sector land committee and the committee of mediators for the cell where the parcel is located.</p> <p>§8: Procedures of the cell adjudication committees</p> <p>If any member of a cell adjudication committee has an interest, direct or indirect in any parcel which is the subject of demarcation, adjudication, and/or a hearing before the committee, and is present at a meeting of the committee at which the determination of that claim or dispute is under consideration, he or she must as soon as is practicable after the commencement of the meeting, disclose the fact of that interest and take no further part in the consideration or determination of that claim or dispute.</p> <p>The chair of the cell land committee must be the chair of the cell adjudication committee. The chair of the cell adjudication committee must preside at all the adjudication committee meetings, except where the chair has an interest in the parcel under consideration. If at any meeting the chair is absent, the vice-chair must preside over that meeting. He or she must be elected at the first session of the adjudication committee in each village.</p> <p>In case of the second paragraph of § 5 of this annex, the adjudication committee elects</p>

ORIGINAL ANNEX 3	REVISED ANNEX 3
	<p>within itself a Chairperson among the Chairmen of the cell committees present.</p> <p>The quorum of a cell adjudication committee must be $\frac{3}{4}$ of its members at least.</p> <p>In the case that due to any vacancy in its membership the quorum is an even number of members and there is an equality of votes on any matter, the chair of the meeting must have an additional casting vote.</p> <p>Any decision of a cell adjudication committee must be in writing and signed by the chair of the meeting.</p> <p>The cell executive secretary must be the secretary of the cell adjudication committee and must keep the records of the committee and have no voting rights within the committee. He or she nonetheless may delegate those tasks.</p> <p>§9: Special powers of the cell adjudication committees</p> <p>The cell adjudication committee may:</p> <ol style="list-style-type: none"> a. With the consent of the owners concerned, adjust the boundaries of any parcel of land in the adjudication area to ensure the more beneficial occupation of the land or to effect a more suitable subdivision of the land; b. Make any reservation the committee considers necessary for the purposes of defining existing roads and footpaths or for the better drainage of any land; c. Set the amount of such compensation that the committee considers fair to be paid to any person who has suffered loss of land as a result of any adjustments of boundaries or reservation of roadways, footpaths or drainage way-leaves.

ORIGINAL ANNEX 3	REVISED ANNEX 3
<p>Sub-section III: Procedures for land demarcation and adjudication of land rights</p> <p>§9: Notification of the beginning of land demarcation</p> <p>Upon advice of the sector land committee, the cell adjudication committee must divide the registration area or unit in several regularisation land holding sections by giving to each section a distinctive name. As much as possible, a section of land tenure regularisation corresponds to a village.</p> <p>The chair of the cell adjudication committee orders to prepare a demarcation map for each land tenure regularisation section on which it will be, later on, shown each separated piece of land identified by distinctive number as the one identified during the process of delimiting the parcels.</p> <p>When the cell adjudication is applied to a section of landholding regularisation, a notice is put up by the cell adjudication committee at least 10 working days before the beginning of the demarcation of the land and the investigation of the land rights on the notice board of the cell.</p> <p>§ 10: Parcel demarcation standards</p> <p>There are two demarcation norms for the needs of registration:</p>	<p>Sub-section III: Procedures for land demarcation and adjudication of land rights</p> <p>§9: Notification of the beginning of land demarcation</p> <p>Upon advice of the sector land committee, the cell adjudication committee must divide the registration area or unit in several regularisation land holding sections by giving to each section a distinctive name. As much as possible, a section of land tenure regularisation corresponds to a village.</p> <p>The chair of the cell adjudication committee orders to prepare a demarcation map for each land tenure regularisation section on which it will be, later on, shown each separated piece of land identified by distinctive number as the one identified during the process of delimiting the parcels.</p> <p>When the cell adjudication is applied to a section of landholding regularisation, a notice is put up by the cell adjudication committee at least 10 working days before the beginning of the demarcation of the land and the investigation of the land rights on the notice board of the cell.</p> <p>The cell adjudication committee will inform the cell that if documents evidencing an interest in land exist. Persons possessing those documents must bring them on the day that the particular parcel will be demarcated and rights adjudicated.</p> <p>§ 10: Parcel demarcation standards</p> <p>There are two demarcation norms for the needs of registration:</p>

ORIGINAL ANNEX 3	REVISED ANNEX 3
<p>a) Topographic demarcation of the general boundaries of each area to be registered as a individual parcel of land, which is shown on a cadastral map;</p> <p>b) A more detailed demarcation of the registered parcel of land which is shown on a cadastral map which, on top of the above conditions, denotes fixed boundaries and must take into account the variations of height.</p> <p>§11: Demarcation and registration of boundaries</p> <p>When marking boundaries, inflection points, corners and other changes of direction are clearly marked. Boundary markers should be placed at intervals such that they can be easily seen one after the other.</p> <p>The cell adjudication committee, the proprietor and the person in charge of the demarcation in the land tenure regularisation section, certify the exactitude of boundaries by signing a form intended to the effect, the receipt of the application prescribed by the manual of land tenure regularisation.</p> <p>The names of neighbours are recorded in the provisional report of adjudication of land rights as witnesses during the demarcation of parcels.</p> <p>§ 12: Maintenance of boundaries after demarcation</p> <p>Every proprietor has the duty to keep in good condition the fences, hedges, trees, stones, walls and other elements which indicate the boundaries of his /her land.</p>	<p>c) Topographic demarcation of the general boundaries of each area to be registered as a individual parcel of land, which is shown on a cadastral map;</p> <p>d) A more detailed demarcation of the registered parcel of land which is shown on a cadastral map which, on top of the above conditions, denotes fixed boundaries and must take into account the variations of height.</p> <p>§11: Demarcation and registration of boundaries</p> <p>When marking boundaries, inflection points, corners and other changes of direction are clearly marked. Boundary markers should be placed at intervals such that they can be easily seen one after the other.</p> <p>The cell adjudication committee, the proprietor and the person in charge of the demarcation in the land tenure regularisation section, certify the exactitude of boundaries by signing a form intended to the effect, the receipt of the application prescribed by the manual of land tenure regularisation.</p> <p>The names of neighbours are recorded in the provisional report of adjudication of land rights as witnesses during the demarcation of parcels.</p> <p>§ 12: Maintenance of boundaries after demarcation</p> <p>Every proprietor has the duty to keep in good condition the fences, hedges, trees, stones, walls and other elements which indicate the boundaries of his /her land.</p> <p>§13: Adjudication of land rights</p> <p>Following demarcation, all persons with an interest in the demarcated parcel may claim</p>

ORIGINAL ANNEX 3	REVISED ANNEX 3
<p>Sub-section IV: Provisional adjudication record</p> <p>§ 13: Preparing the provisional adjudication record</p> <p>When the cell or sector adjudication committee will have examined and marked all the boundaries of the parcels in the declared land registration area, and has heard and examined cases from all persons who were claiming a title or other rights and interests on land in the land tenure regularisation sector it prepares a provisional adjudication report.</p>	<p>such an interest before the cell adjudication committee. The adjudication committee will review existing documents and interview those present, including neighbors and witnesses, to determine those who have a legal interest in the land. The adjudication committee will record the names of those with a legal interest in the land, and issue a claims receipt to them.</p> <p>The adjudication committee shall presume joint ownership of a parcel between legally-married husbands and wives, unless a valid document is presented evidencing the contrary.</p> <p>In the event that there are competing claims to a particular parcel, the procedures in Sub-Section VII apply.</p> <p>§ 14 : Vacant land</p> <p>When during the adjudication process, it is noted that a piece of land appears to be vacant, because it has been abandoned or for some other reason, the adjudication committee reports to the District Land Commission, at the same time informing the cell land committee as well as the Sector land committee. The District Land Commission makes a report to the commission about the vacant land at the level of the district.</p> <p>Sub-section IV: Provisional adjudication record</p> <p>§ 15: Preparing the provisional adjudication record</p> <p>When the cell adjudication committee has examined and marked all the boundaries of the parcels in the declared land registration area, and has heard and examined cases from all persons who were claiming a title or other rights and interests on land in the land tenure regularisation cell it prepares a provisional adjudication.</p>

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§ 14 : Charges

The provisional adjudication report should mention the charges which affect a land property.

§ 15 : Vacant land

When during the adjudication process, it is noted that a piece of land appears to be vacant, because it has been abandoned or for some other reason, the adjudication committee reports to the District Land commission, at the same time informing the cell land committee as well as the Sector land committee. The District Land Commission makes a report to the commission about the vacant land at the level of the district.

§ 16 : Format of the provisional adjudication record

The provisional adjudication record includes:

- a) The identification of the person having the right to be registered as the proprietor of the piece of land;
- b) The details of charges and mortgages which affect the plot as well as the identification of the persons who have the right to benefit the charges and the mortgages;
- c) The identification of the administrator when the indicated person in the provisional adjudication record as the proprietor is a minor, incompetent or a ward of the court;
- d) The date on which the form was filled.

The form of the provisional adjudication record is provided for in the Schedule of this Annex.

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§ 16 : Charges

The provisional adjudication record shall indicate the charges which affect a land property.

§ 17 : Contents of the provisional adjudication record

The provisional adjudication record includes:

- a) The identification of the person(s) having the right to be registered as the proprietor(s) of the piece of land;
- b) The details of charges and mortgages which affect the plot as well as the identification of the person(s) who have the right to benefit the charges and the mortgages;
- c) The identification of the administrator when the indicated person in the provisional adjudication record as the proprietor is a minor, incompetent or a ward of the court;
- d) The identification of any person(s) disputing the ownership or boundaries of the parcel;
- e) The date on which the form was filled.

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The provisional adjudication record is accompanied by the provisional demarcation map of the land, showing boundaries and approximate areas of all the parcels mentioned in the provisional adjudication record.

§17: Processing of disputes

When during the demarcation and adjudication process, there is a dispute which can not be resolved amicably, either party may take the matter to committee of mediators in the ability of its competence or refers it to the competent jurisdiction.

Compromise between both parties approved by the cell adjudication committee has the power of an agreement which binds both parties. In case the dispute, as for its execution or refusal to execute it, it can be executed through an order from the competent Court over the principal land dispute.

§18: Jurisdiction of the cell adjudication committees

The cell adjudication committee has jurisdiction over all claims made during the course of a cell adjudication process and for this purpose and in order to discharge the functions referred to in this Article, the chair of such a committee must be competent to convene persons so that they can testify or produce documents deemed necessary for the cell adjudication. Such powers are equally held by the sector adjudication committee within the limits of its jurisdiction.

§19: Special powers of the cell adjudication committees

The cell adjudication committee may:

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The form of the provisional adjudication record is provided for in the Schedule of this Annex.

The provisional adjudication record is accompanied by the provisional demarcation map of the land, showing boundaries and approximate areas of all the parcels mentioned in the provisional adjudication record.

At the same time, the cell adjudication committee will also prepare a record of all disputed land parcels, noting the parcel numbers, claimants, and the nature of the disputes,

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- a) With the consent of the owners concerned, adjust the boundaries of any parcel of land in the adjudication area to ensure the more beneficial occupation of the land or to effect a more suitable subdivision of the land;
- b) Make any reservation the committee considers necessary for the purposes of defining existing roads and footpaths or for the better drainage of any land;
- c) Set the amount of such compensation that the committee considers fair to be paid to any person who has suffered loss of land as a result of any adjustments of boundaries or reservation of roadways, footpaths or drainage way-leaves.

§20: Procedure of the cell adjudication committee

In order to help the parties reach a compromise, the adjudication and demarcation committee proceeds as follows:

- a) Adjudication hearings are carried out in public;
- b) The hearing is announced eight days before. The announcement specifies the date, the time and the venue;
- c) Exclude any member of the committee having a direct or indirect interest over the land property subject to the hearing before the committee;
- d) Allow the applicant to present first his case and then be interrogated on its aspects or for giving more information asked by a member of the committee or any other person claiming an interest over the land property;
- e) Allow anybody who wishes to personally or through his/her representative present to the committee his/her observations;
- f) After the presentation of the case, give an opportunity to any body claiming his/her right or interest on land property to present his/her case and be interrogated by the committee;
- g) Whenever the committee needs some evidence, or analyse written evidences

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of official documents or any other documents on a given problem, inform all parties to the audience and give them an opportunity to verify, comment and ask questions on the evidence;

- h) Allow all parties claiming a right or interest on the property to indicate the characteristics of the property and make other observations on the property and their rights and interests in the property whenever the committee organises a visit and verifies the concerned property;
- i) Postpone hearings on the basis of supplementary claims;
- j) Prepare a written report and submit it to the Sector adjudication committee.

§21: Publicising the Provisional Adjudication Record

When a Provisional Adjudication Record in respect of any Land Tenure Regularisation section has been completed, the chair of the cell adjudication committee must publish a notice that must be displayed in a public place for a better consultation. That record must be signed by all members of the adjudication committee as well as the person in charge of demarcation.

Sub-section V: Objections and Corrections to the Provisional Adjudication Record

§22: Lodging Objections and Corrections

Any individual member of the public or registered company or organisation having legal personality or public authority claiming an interest in or over any land referred to in any Provisional Adjudication Record or any Provisional Demarcation Map who considers that Record or Map to be inaccurate or incomplete in any respect whatsoever may within sixty working days of the date on which the notice under the previous Article was posted appeal to the chair of the cell adjudication committee through completion of a prescribed form provided for in the Land Tenure Regularisation manual.

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§18: Publicising the Provisional Adjudication Record

When a Provisional Adjudication Record in respect of any Land Tenure Regularisation section has been completed, the chair of the cell adjudication committee must publish a notice that must be displayed in a public place for a better consultation. The notice must state that the Provisional Adjudication Record is available for inspection. That Record must be signed by all members of the adjudication committee as well as the person in charge of demarcation.

Sub-section V: Objections and Corrections to the Provisional Adjudication Record

§19: Lodging Objections and Corrections

Any individual member of the public or registered company or organisation having legal personality or public authority claiming a right or an interest in or over any land referred to in any Provisional Adjudication Record or any Provisional Demarcation Map, or who considers that Record or Map to be inaccurate or incomplete in any respect whatsoever may within a minimum of sixty working days of the date on which the notice under the previous Article was posted appeal to the chair of the cell adjudication committee through completion of a prescribed form provided for in the Land Tenure Regularisation manual.

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<p>§ 23 : Processing Objections</p> <p>In case of lack of compromise on a given objection, the most diligent party takes the case before the mediators’ committee or relevant courts of law.</p> <p>§24: Amendments to the Provisional Adjudication Record</p> <p>Any amendment to the Provisional Adjudication Record or the Demarcation Map required by a decision of the mediators’ committee or the relevant court of law on an objection must be made by the chair of the cell adjudication committee. The decision that requests amendments must be entered and attached to the main provisional record.</p>	<p>The maximum allowable length of an objections and corrections period is four months.</p> <p>Upon receipt of an objections form, the cell adjudication committee shall include the objection in the List of Disputes.</p> <p>If, for reasons of complexity of the land tenure regularisation work, a period of more than 60 working days is necessary, the sector land committee may lengthen the period for objections and corrections.</p> <p>If a person is unable to complete the prescribed form, he or she may verbally request assistance from the cell adjudication committee, which shall ensure that such assistance is provided within the time period. The cell adjudication committee shall not declare the objections and corrections period over until such time as all persons who have requested assistance in completing the requisite form, has received such assistance.</p> <p>§ 20 : Processing Objections</p> <p>Where a person has filed an objection under Article 19, the provisions of Article Sub-section VII apply. Notwithstanding Article 26, however, either party may choose to instead file the dispute with the committee of mediators in the cell where the parcel is located, provided the dispute is within the jurisdiction of the committee of mediators, or otherwise with the court with jurisdiction.</p> <p>§21: Amendments to the Provisional Adjudication Record</p> <p>Upon receipt of a written decision of the mediation committee or a court of law that requires amendment to the Provisional Adjudication Record or the Demarcation Map the chair of the cell adjudication committee shall make such amendments. The decision requiring amendment must be entered and attached to the main provisional record.</p>

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Sub-section VI : Final adjudication record

§ 25 : Confirmation of the adjudication record

The Provisional Adjudication Record becomes final and is referred to from that date as the Adjudication Record when:

- (a) after a period of sixty working days, no objection was made;
- (b) objections were made to the provisional adjudication record after a period of ten days from the last decision on the objection;
- (c) ten (10) working days have elapsed after the date of the previous amendment of the provisional adjudication requested by the mediators' committee or ordered by the relevant court of law.

The committee prepares and signs a certificate to the effect that the Provisional Adjudication Record has become the Adjudication Record. That certificate together with the adjudication record is transmitted to the Land Officer and copy must be reserved to the Deputy Registrar. The Adjudication Record comes into effect on the day it is signed by all the members. A notice of the coming into effect of the Adjudication Record must be posted in the cell, sector and District offices where the land is located.

§ 26 : Receipt of the Adjudication Register

On receipt of the Adjudication Record, it must be the duty of the Deputy Registrar to –

- (a) enter into the title register rights and interests in or over the land;
- (b) issue the land title or titles over the land.

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Sub-section VI : Final adjudication record

§ 22 : Confirmation of the adjudication record

The Provisional Adjudication Record becomes final and is referred to from that date as the Adjudication Record when:

- (d) after a period of sixty working days , during which no objection was made;
- (e) ten working days have elapsed after the date of the last decision on an objection and no additional objections were received;
- (f) ten (10) working days have elapsed since the date of the previous amendment of the provisional adjudication requested by the mediators' committee or ordered by the relevant court of law.

The cell adjudication committee prepares and signs a certificate to the effect that the Provisional Adjudication Record has become the Adjudication Record. That certificate together with the adjudication record is transmitted to the District Land Officer and a copy must be reserved to the Deputy Registrar.

The Adjudication Record comes into effect on the day it is signed by all members of the cell adjudication committee. A notice of the coming into effect of the Adjudication Record must be posted in the cell, sector and district offices where the land is located.

§ 23 : Receipt of the Adjudication Record

On receipt of the Adjudication Record, it is the duty of the Deputy Registrar to –

- (a) enter into the title register rights and interests in or over the land;
- (b) issue the land title or titles over the land.

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<p>Where he is not competent, he must remit the Adjudication record and accompanying documents to the Registrar.</p> <p>Where a registered title is prepared in the name of spouses married under the regime of community of property or proprietorship in common, it must also indicate that they are joint proprietors.</p>	<p>Where the Deputy Registrar is not competent, he or she must remit the Adjudication record and accompanying documents to the Registrar.</p> <p>Where a registered title is prepared in the name of spouses legally married under the regime of community of property or proprietorship in common, it must also indicate that they are joint proprietors</p> <p>Sub-section VII: Resolution of Disputes</p> <p>§ 24: Role of the cell adjudication in resolving disputes</p> <p>The cell adjudication committee has jurisdiction over all claims and disputes during the course of the land regularization process regarding such process. The cell adjudication’s role is to understand all parties’ interests and perspectives and, based on that information and applicable law, recommend a compromise acceptable to all parties involved.</p> <p>For this purpose and in order to discharge the functions referred to in this Order, the chair of such a committee must be competent to convene persons so that they can testify or produce documents deemed necessary for the cell adjudication.</p> <p>§ 25: List of Disputes</p> <p>Throughout demarcation, adjudication, and the objections and corrections period, the cell adjudication committee shall maintain a List of Disputes, the contents of which must include the parcel number, the name(s) of disputant(s), relationship of the disputant(s) to the individuals in whose names the provisional adjudication record was completed, and the nature of the dispute.</p> <p>Following the conclusion of the objections and corrections period, the cell adjudication committee shall forward the List to the committee of mediators for prompt resolution.</p>

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	<p>§ 26: During demarcation and adjudication</p> <p>When during the demarcation and adjudication process there is a dispute which cannot be resolved in under thirty minutes, the cell adjudication committee shall postpone further consideration of the dispute until a hearing scheduled for the first Friday, more than three working days later. The cell adjudication committee shall note the dispute on the list of disputes, and continue the demarcation and adjudication activities.</p> <p>When the cell adjudication committee reconvenes, it shall follow the procedures set forth in Article 27 of this Annex.</p> <p>§ 27: During objections and corrections period</p> <p>When the cell adjudication committee reconvenes during the objections and corrections, it shall follow the procedures set forth in Article 27 of this Annex.</p> <p>§ 28: Dispute resolution procedure of the cell adjudication committee</p> <p>The cell adjudication committee shall convene a hearing to consider those disputes that could not be resolved under Articles 25 and 26 of this Order.</p> <p>The hearing of the cell adjudication committee is subject to the following conditions:</p> <ol style="list-style-type: none"> a) Open to the public; b) Announced three days in advance. The written announcement specifies the date, time, venue, parties involved, parcel subject to be discussed, and a brief description of the nature of the dispute to be heard, and is posted at the cell offices and other known public locations; c) Excludes any member of the committee having a direct or indirect interest over the land property subject to the hearing before the committee; d) Allows the applicant to present first his case and then be questioned by a member of the committee or any other person claiming an interest over the land property;

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- e) Allows anybody who wishes to personally or through his/her representative present his/her observations to the committee;
- f) After the presentation of the case, give an opportunity to anybody claiming his/her right or interest on land property to present his/her case and be questioned by the committee. The parties claiming a right or interest may seek the advice of counsel in advance but counsel may not appear before the committee;
- g) Whenever the committee needs some evidence, or to analyse written evidences of official documents or any other documents on a given problem, inform all parties to the audience and give them an opportunity to review, verify, comment and ask questions on the evidence;
- h) Allows all parties claiming a right or interest on the property to indicate the characteristics of the property and make other observations on the property and their rights and interests in the property whenever the committee organises a visit and verifies the concerned property;
- i) Postpone hearings on the basis of supplementary claims;
- j) Deliberate and make a recommendation to the parties.
- k) Within 24 hours of the meeting, prepare a written recommendation and submit it to the parties and sector land committee.
- l) Where one party to the dispute is absent, postpone the meeting to the following Friday. If on the second attempt, the same party is absent, adjourn and keep the dispute on the List of Disputes for referral to the committee of mediators.

If both parties to the dispute agree with the recommendation, the cell adjudication committee will complete the Provisional Adjudication Record consistent with its recommendation, and delete the matter from its List of Disputes.

§ 29: Effect of compromise

Compromise between both parties approved by the cell adjudication committee has the power of an agreement, which forever binds both parties. If one party later refuses to comply with the agreement, the other party may request an order of enforcement from the committee of mediators in the cell where the parcel is located,

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	<p>or if not within its jurisdiction, the court with jurisdiction.</p> <p>§ 30: Unresolved disputes; notice of rights</p> <p>If, after ten working days following receipt of the recommendation of the cell adjudication committee, both parties have not agreed to the recommendation in writing, the cell adjudication committee will complete the Provisional Adjudication Record consistent with its recommendation, also indicating an objection filed consistent with Article 19, and maintain the matter on the List of Disputes for referral to the committee of mediators.</p> <p>Either party may take the matter to the committee of mediators in the cell where the disputed parcel is located, provided the matter is within the jurisdiction of the committee of mediators. Consistent with Article 8 of the Organic Law on Organization, Jurisdiction, Competence, and Functioning of the Mediation Committee, a land-related matter is within its jurisdiction if the value of the land is less than three million Rwandan francs. If the matter is within the jurisdiction of the committee of mediators, parties must exhaust their remedies before the committee of mediators as a condition precedent to a court action.</p> <p>Within five working days of notification that the dispute remains unresolved, the cell adjudication committee shall provide both parties written notice of the following:</p> <p style="text-align: center;">[Office of the Registrar letterhead]</p> <p style="text-align: center;">Notice of Rights</p> <p>DATE</p> <p>Dear _____;</p>

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Thank you for participating in the systematic registration of land in _____ Cell. We understand that you do not agree with the cell adjudication committee's recommendation for resolving the registration of parcel no. _____, [description], to which you and others claim competing interests. The cell adjudication committee has noted your dispute on a List of Disputes, which was sent to the committee of mediators.

Accordingly, you have the following options with respect to that parcel:

1. If the parcel is valued at less than three million Rwandan francs, you may take the matter to the committee of mediators in the cell where the parcel is located. You are not required to take the matter to any administrative body below the committee of mediators. If you are dissatisfied with the decision of the committee of mediators, you may appeal that decision to court within 30 days.

2. If the parcel is valued at more than three million Rwandan francs, you may take the matter directly to the court with jurisdiction, bypassing the committee of mediators and lower administrative bodies in your cell.

3. You may do nothing, leaving the matter unresolved. We encourage you, however, to seek final resolution of the matter because failure to do so may delay, if not prevent the registration of future transfers of such parcel, including by sale or inheritance. In addition, because the Organic Land Law requires the registration of all land parcels in Rwanda, failure to register a parcel to which you claim an interest or right during systematic registration may later oblige you to pay a fee for future registration.

If you have any questions regarding this matter, please contact me.

Sincerely,

Chair, Cell Adjudication Committee

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<p>Sub-section VII : Appeals</p> <p>§ 27 : Appeals</p> <p>Any person who is aggrieved by any act or decision of a cell or sector adjudication committee in connection with any of the processes of demarcation and adjudication provided for in this Annex may appeal to the appropriate court of law.</p>	<p>Sub-section VII : Appeals</p> <p>§31: Allegations of misconduct</p> <p>Without prejudice of provisions of the Organic Law n° 31/2006 of 14 August 2006 determining the organisation and functioning of the committee of the mediators, allegations of misconduct or impropriety by a member of the cell land committee or the cell adjudication committee, such as conflicts of interest or bribery, may be taken before the sector land committee for review. This article does not apply to decisions regarding the adjudication of rights to a specific parcel.</p> <p>Within five workding days of learning of the allegation, the sector land committee shall convene a public meeting to provide the interested person(s) an opportunity to be heard. Interested persons, including neighbors and members of the cell land committee or the cell adjudication committee, may provide information regarding the allegations.</p> <p>The written decision of the sector land committee must be transmitted within three working days from the meeting to the cell adjudication committee and District Land Burueau. If the sector land committee finds that there has been misconduct by a member or members of the either committee, the District Land Bureau shall take immediate and appropriate action, including dismissal of the person(s) found to have engaged in misconduct.</p> <p>§ 32 : Exceptional Appeals</p> <p>An aggrieved person who can show exceptional circumstances that prevented that person from asserting an interest in a parcel subject to systematic registration may challenge a decision by the cell adjudication committee in connection with the Adjudication Record, to the committee of mediators in the cell where the parcel is located, or if not within its jurisdiction, to the appropriate court of law, only when each of the following circumstances is met:</p>

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Kigali, on

**Seen to be attached to the Ministerial Order n°of.....
determining modalities of land registration**

The Minister of Lands, Environment, Forestry, Water and Mines

BAZIVAMO Christophe

The Minister of State in charge of Lands and Environment in the Ministry of Lands,
Environment, Forestry, Water, and Mines

HAJABAKIGA Patricia

Seen and sealed with the Seal of the Republic:

Attorney General/Minister of Justice

KARUGARAMA Tharcisse

(iii) The appeal is within five years of the date of the relevant Adjudication Record; and

(iv) The person can show “exceptional circumstances,” which are circumstances where the person was physically unable to appear during land rights regularisation due to a disability; refugee status in another country, imprisonment; reasonable fear of physical retaliation related to acts committed between January 1, 1990 and December 31, 2004; or other exceptional circumstances as determined by the committee of mediators or appropriate court.

Relief for a successful appeal is limited to the value of the parcel in which the person claims an interest, payable by the Office of the Registrar.

Kigali, on

**Seen to be attached to the Ministerial Order n°of.....
determining modalities of land registration**

The Minister of Lands, Environment, Forestry, Water and Mines

BAZIVAMO Christophe

The Minister of State in charge of Lands and Environment in the Ministry of Lands,
Environment, Forestry, Water, and Mines

HAJABAKIGA Patricia

Seen and sealed with the Seal of the Republic:

Attorney General/Minister of Justice

KARUGARAMA Tharcisse

ANNEX III: PROJECT STAFF AND AREAS OF SPECIALIZATION

CONSULTANT	STAFF POSITION
ARD, Inc.	
Peter Hetz	Senior Technical Lead/Land Tenure Specialist
Nigel Thompson	Senior Technical Advisor/Land Law & Conflicts Specialist
Olga Segars	Project Manager
Chris Davis	Public Information & Awareness Specialist
Christophe Muhigira	Project Coordinator
RDI	
Deborah Espinosa	Senior Technical Advisor, Land Law & Conflicts Specialist
David Bledsoe	Senior Land Law & Policy Specialist
Jennifer Brown	Land Law & Policy Specialist
Elisa Scalise	Land Law & Gender Specialist
Robin Nielsen	Land Law & Policy Specialist
James Newton	Legal Consultant
RISD	
Annie Kairaba	Team Leader/Director
John Muyenzi	Trainer/Program Coordinator
Gloria Tengere	Policy Analyst/Legal Advisor
Ivan Kayonga	PIA Officer
Lucia Narukundo	Assistant Trainer
Abdul Karimu Kalisa	Assistant Trainer
Hauke Dierks	Technical Advisor
International Consultants	
Babu Ayindo	Post-Conflict Reconciliation Specialist
Janice Jenner	Post-Conflict Reconciliation Specialist
Justine Mirembe	Project Coordinator, Land Law & Gender Specialist
Laurent Nkongoli	Land Law Training Specialist
Medard Runyang	Conflicts Specialist

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