A PRACTICAL GUIDE FOR CONDUCTING
PARTICIPATORY LAND READJUSTMENT
IN RWANDA

First Edition

October 2021
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LIST OF ABBREVIATIONS

CBO: Community Based Organization
CoK: City of Kigali
EIA: Environmental Impact Assessment
ENABEL: Belgian Development Agency
GIS: Geographical Information system
GGGI: Global Green Growth Institute
LG: Local Government
LGE: Local Government Entities
LLDP: Local Land Development Planning
LP/R: Land Pooling/Readjustment
LR: Land Readjustment
MINALOC: Ministry of Local Government
MININFRA: Ministry of Infrastructure
NGO: Non-Governmental Organization
OSC: One Stop Centre
RALGA: Rwanda Association of Local Government Authorities
RLMUA: Rwanda Land Management and Use Authority
REG: Rwanda Energy Group
RHA: Rwanda Housing Authorities
RLMUA: Rwanda Land Management and Use Authority
SWOT: Strengths, Weaknesses, Opportunities and Threatens
UN: United Nations
UPI: Unique Parcel Identifier
WASAC: Water and Sanitation Corporation
ACKNOWLEDGMENT

The development and publication of the participatory land readjustment guidelines for Rwanda (First Edition) is the result of comprehensive work undertaken by various key stakeholders engaged in the promotion of inclusive urban development in Rwanda under the patronage of the Rwanda Land Management and Use Authority (RLMUA).

The guideline design involved independent experts and officials representing various Government Institutions such as MININFRA, City of Kigali, RALGA, RHA and RLMUA and other stakeholders such as Enabel, GGGI and UN-HABITAT. These stakeholders have validated the guidelines and recommended the publication of the 1st Edition of the Participatory Land Readjustment Guidelines for Rwanda by incorporating issues of inclusiveness, climate change as related to urban land development in Rwanda.

We extend thanks to the City of Kigali, Satellite and Secondary cities' districts authorities who significantly facilitated efforts to document their past and current initiatives of implementing community based physical planning projects that informed the formulation of present guidelines. The participation of representatives of site committees of Nunga, Kigali phase I, Rubungo, Karembure phase I and Kanzenze has been instrumental to the design of the guidelines building on their experience of applying some principles of land readjustment for their physical plans' implementation.

Our gratitude is also extended to the leadership of RALGA and their partner VNG International for the financial support to the realization of the technical study that informed the drafting of the guidelines as well as its design. Special thanks to the contribution of City of Kigali with inputs of self-designed land development guidelines.

Continued support and cooperation of all stakeholders is vital for application of participatory land readjustment guidelines for Rwanda to enhance and foster sustainable urban development planning and management in our country.

Mrs. Esperance MUKAMANA

Director General and Chief Registrar of Lands Titles

Rwanda Land Management and Use Authority
GLOSSARY

In this LR Guidelines, the following terms have the following meanings:

❖ **Financial contribution**: This refers to the amount of money paid per landowner as determined by the site committee to sponsor specifically the implementation of basic infrastructure and public spaces.

❖ **Input land/lot**: this is a plot or amount of land that a person owns in the project site before Land Readjustment project starts

❖ **Land contribution**: This is a uniform percentage of each input plot size in LR site determined by project study that each landowner has to freely dedicate mainly for infrastructure and public spaces within the LR project site. This particular percentage has to be determined by only considering proposed space for basic infrastructure and public spaces as described in this guideline document.

❖ **Land owner**: Any person who individually or collectively owns legal rights on any piece of land within the Land Readjustment project site.

❖ **Land readjustment (LR)**: Is an approach and technique applied to promote an optimal use of land through participatory and inclusive planning process where land owners of the given site voluntarily consolidate their contagious plots for proper infrastructure servicing and neighborhood public space provision with a technical support of the Government authorities.

❖ **Land value capture**: Is an approach that may enable LR project proprietors to recover and reinvest value increases for project self-financing and implementation.

❖ **Output land/lot**: This is a Plot or amount of land reallocated to the land owner after Land readjustment project has been implemented in a particular site

❖ **Public facility**: Here it refers to the basic infrastructure, community playground and community center for the LR project site planned to serve the neighborhood.

❖ **Public space**: Here it refers to a place in the site that is generally open and accessible to people where public facilities are to be located.

❖ **Reallocation plot code**: A code number representing a new standard output plot ready to be reallocated to land owner in the LR project.

❖ **Replotting plan**: This is a new plan of the re-assembled contagious output plots ready for redistribution to the original landowners after LR project implementation.

❖ **Site committee**: A committee strictly composed of a number of landowners, appointed or elected from and/ by site landowners to work and follow the LR project implementation on behalf of all landowners within the concerned site.

❖ **Site land**: Is an Output land in the site allocated for public facilities such as playground and community/youth center as it will be provisionally registered as Government land with annotation on source related to land readjustment site.

❖ **Standard plot area**: Is a new output plot size a land owner remains with after land contribution and for that meets the required size by the planning codes and regulations especially following master plan zoning lot size regulations and urban planning code.

❖ **Substandard plot area**: Is a new output plot size a land owner remains with after land contribution and for that doesn’t meet the required minimum plot area as regulated in the urban planning code and master plan zoning guidelines.
EXECUTIVE SUMMARY

According to the UN, 924 million people, almost one out of three urban dwellers were living in informal settlements in 2003. Of these, 874 million live in low and middle-income countries. The proportion of urban poverty is undoubtedly increasing: 43% of the population of developing cities is living in informal settlements while 71% of sub-Saharan Africa cities are informal. In Rwanda, 61.7% of the population lives in informal settlements although the urbanization rate stands at around 18.4% as per 2017 statistics.

In order to solve this issue and other urbanization problems, Rwanda is using participatory urban neighborhood land development which can be achieved in an integrated manner by involving stakeholders and their institutions. The increasing demand to integrate densification in land development is well addressed through participatory approaches. These guidelines present methods and approaches for a sustainable participatory Land Readjustment in urban neighborhoods in Rwanda. A tool that shall support Rwanda in using Land Readjustment for organizing and densifying its urban centres.

Recently Land Readjustment was used to fight against informality in peri-urban areas of Kigali. Community-based physical plans were used to create well serviced sites. Although the community-based physical planning yielded a lot of positive results, it was also associated with the lack of records of their land titles submitted to District One Stop Centre for reference in case of any land associated conflict. There was no clear way for new land titles to follow-up.

In terms of infrastructure development, in all surveyed sites different challenges related to water scarcity, insufficiency of electricity, poor sewerage system, lack of market, education facilities, health facilities and lack of drainage systems were reported. The cause is that in all sites, the basic infrastructures were not in the mandate of the site committee in the project design. In addition, the elected site committee lacks technical physical planning related skills for an efficient Land Readjustment execution. In addition, there was no active participation of all concerned land owners throughout Land Readjustment plan execution.

It is on this basis that these Land Readjustment guidelines have been elaborated. Their main objective is to give the right directions to community, professionals and stakeholders that are involved in Land Readjustment. These are: Land development Officers at district and national levels; Civil Society working in Land Development; Academicians working in Land Development; Ministries and national agencies; District One Stop Centre (OSC); Developers; investors and Landowners. The National Guidelines for Participatory Land Readjustment for Rwanda are presented in nine chapters, which range from introducing the guidelines to the final provisions.
CHAPTER ONE: GENERAL CONTEXT

1.1. Rationale

Despite that in different parts of Rwanda, community-based plots servicing and housing projects (physical planning) do exist and contributed to the advancement of participatory urban development process, recent assessment study identified some constraints that need further policy guidance for improvement. Such challenges are related to four success factors: governance and community engagement; land administration and management; financing and supply of basic infrastructure and legal aspects. The identified gaps are as follows:

- Land administration and management: The landowners especially the ones whose land was fragmented into many plots do face challenges associated with the lack of records of their land titles submitted to District One Stop Centre for reference in case of any land associated conflict. In addition, there was no clear way for new land titles to follow up.

- Infrastructure development: In all surveyed sites despite development fee is collected after reploting and new standard plot reallocation, different challenges related to lack of satisfaction of beneficiary landowners as regard site servicing are reported. The cause is that in all sites, the basic infrastructures were not in the mandate of the Site committee after the project, nor in the priorities (plans of budget) of local authorities responsible for local area urban development.

- Governance of community engagement: The elected site committees lack technical physical planning related skills for an efficient land readjustment execution. In addition, there is no active participation throughout land readjustment plan execution. Also, there is no specific legal framework backing up the activities of the site committee, in case of any administrative irresponsibility committed by the committee.

- Legal issues: Land rights property tax compliance in the surveyed site was neglected in the process of planning.

All these constraints were analyzed and they guided the formulation of the proposed guidelines that offer adapted tools to overcome most of these gaps during the various steps of the land readjustment project implementation considering the Rwandan context.
1.2. Objectives of the guidelines

The overall goal of the present guidelines is to facilitate the implementation of the integrated urban neighborhood planning guidelines as part of the implementation of provisions of respective cities and towns’ master plans.

Most specifically, these guidelines seek to:

1. Guide key actors of urban development such as City of Kigali or District urban planners, private real estate developers, land owners and others, on how to initiate land readjustment project

2. Equip key actors of urban development such as City of Kigali or District urban planners, private real estate developers, land owners and others, with relevant tools to prepare comprehensive neighborhood development plan in accordance with standard land readjustment principles

3. Orient key actors of urban development such as City of Kigali or District urban planners, private real estate developers, land owners and others, with relevant tools as they implement adopted land readjustment projects as well on accountability mechanisms to ensure participatory and democratic citizen and stakeholder engagement across all steps of project realization

The proposed tools shall help the users of the present guidelines to:

- assess suitability of application of land readjustment for urban neighborhood development
- implement land readjustment activities for selected neighborhood site development
- gain a better understanding of the land management at Rwandan urban neighborhood level
- identify the Rwandan urban neighborhood’s urban development needs
- prioritize the Rwandan Neighborhood land readjustment needs
- lead Rwandan urban community’s revitalization through land readjustment
- use land readjustment as tool to achieve the urban communities’ vision and goals
- identify opportunity for achieving well serviced and functional urban neighborhood via land-based financing under land readjustment
1.3. General Principles of Land Readjustment

Apart from active local community participation, there is a need for underlying principles that may guide land readjustment planning and development. The intended plan will be guided by the following planning principles:

- As a homegrown-based solution, each resident should play a role in the development of the neighborhood.
- The planning, design and management should promote a sense of belonging, and increase inclusion and environmental benefits.
- Contiguous land parcels, are voluntarily pooled together for unified planning, servicing and reallocated to respective former landowners, with project costs and benefits, fairly shared between and among landowners in transparent way.
- The practice of land readjustment should be participatory and inclusive.
- Neighborhood land development planning and implementation projects should be based on collective interests of the concerned community.
- The project implementing entity should ensure better living conditions to each site landowner.
- Along planning process, demolition of existing valuable structures should be minimized

1.5. Target users of the Guidelines

These guidelines shall be used by the following urban development actors:

- Technical staff in charge of land use planning and development at district and national level
- Local authorities and officials responsible for economic development, land use and development, master plan implementation, etc
- Civil Society Organizations active in the sector of land development
- Academicians working in the field of land use and development
- Line Ministries and public agencies responsible for land development coordination
- Developers and investors
- Land owners’ communities in urban neighborhood as well as general public
CHAPTER TWO: POLICY AND REGULATORY FRAMEWORK

The design and implementation of present guidelines for participatory Land Readjustment project in Rwanda align with the provisions of the National Constitution of 2003 as amended in 2015 especially in its articles 6, 11,34,35 and 48, as well as other national development policies such as the vision 2050, National land use and development master plan 2020-2050, National Strategy for Transformation NST1-2018/2024, the decentralization policy of 2002 as revised in 2013 and the urbanization policy (2015) to cite but a few.

The following legal instruments shall guide all activities aimed at initiating and implementing land readjustment projects as follows:

1. Law N° 27/2021 of 10/06/2021 governing land;
2. The Law N°10/2012 of 02/05/2012 Governing Urban Planning and Building in Rwanda;
3. The Prime Minister’s Order N°104/03 of 06/05/2015 Determining Procedures for Formulation, Approval, Publication and Revision of the Local Land Development Plan;
4. The Law N° 22/2019 of 29/07/2019 governing the City of Kigali;
5. Law N° 87/2013 of 11/09/2013 determining the organization and functioning of decentralized administrative entities;
7. The Ministerial Order N° 03/CAB.M/019 of 15/04/2019 determining urban planning and building regulations;
8. The Ministerial Order No 002/2008 of 01/04/2008 determining modalities of land registration.
9. The Presidential Order No 008/01 of 10/05/2015 determining the functioning and powers of Registrar of land Titles;
11. The Kigali Master Plan 2050;
12. District Land Use Plan Clusters;
CHAPTER THREE: INITIATION OF LAND READJUSTMENT PROJECT

3.1. Project initiation

1. The Land Readjustment project may be initiated by either landowners or the City of Kigali or District. However, a private investor who may be interested in a participatory land readjustment project can also initiate it through and under conditions prescribed in consent with the City of Kigali or District.

2. The project initiator shall prepare an application file addressed to the City of Kigali or District.

3. Landowners will select three representatives that will sign on the application file.

4. The application file for initiation of a land readjustment project shall be composed of:
   
   i. An application letter;
   
   ii. Project concept note indicating the project objectives, project scope, potential stakeholders, source of funding and timeline amongst others;

   iii. A site delineation geographic coordinates and/or shapefiles for the proposed site;

   iv. A signed provisional list of applicants with respective UPIs;

5. Assessment criteria for the application file for initiation of a land readjustment project:

   i. Proposed site mostly characterized by unplanned parcels

   ii. Cross-checking development priorities, existing situation, and Master plan provision

   iii. Site visit and meeting with applicants.

   iv. The standard size of the site shall be at least 25 ha, except for infill development and master plan zoning sized less than 25 ha that shall be assessed accordingly.

6. The City of Kigali or District executive committee takes the decision on the selected site and project idea based on the assessment report from the designated CoK or District technical team.

7. The application file for initiation of a land readjustment project shall be responded within 30 days. Once the response is positive, the applicant will be requested to proceed with the step of mobilization, community organization and conduct project study.
3.2. Community engagement and organization

8. Applicants will work with the Villages, Cells, and Sector authorities to mobilize landowners in the concerned site via at least three awareness campaign meetings, with signed minutes and attendance lists.

9. Landowners shall elect a site Committee, respecting gender balance. The Electoral College should at least be 70% of site landowners. In case a landowner is absent, he/she can delegate.

10. The election of the site committee shall be conducted under the supervision of the Executive Secretary of the Cell, where the concerned site is located. The Cell will elaborate the minutes of the election and attach the signed list of participants, and submit them to the City of Kigali or District through the Sector.

11. Members of the site Committee are the following:
   i. President;
   ii. Vice President;
   iii. Accountant;
   iv. Secretary;
   v. Three Advisors

12. Once the delineated site boundary is approved, the site committee elaborates the tentative list of concerned site landowners with respective UPIs.

13. Each site shall have its own by-laws to be established by land owners under the lead of the Site committee, and then approved by the City of Kigali or District Land Readjustment technical team.

14. No one can be elected member of the site Committee if he or she does not own the land in the concerned site. In any case, a landowner cannot occupy the position of the site Committee president in more than one site within the City of Kigali or District.
CHAPTER FOUR: ELABORATION OF LAND DEVELOPMENT PLAN

4.1 Procurement and project study reports

15. City of Kigali or District together with the site committee shall elaborate terms of reference (ToRs).

16. The Site Committee shall hire a qualified consultant. The consultant should be a certified surveyor and/or an urban planner.

17. The Consultant shall conduct detailed project study as per the ToRs. The project study report endorsed by the site committee is submitted to the City of Kigali or District for review and approval.

18. The project study report approval is based on fulfillment of the following requirements, as per the ToRs:

   a. Proof indicating that at least 90% of the site surface area is covered by landowners who accepted and signed project commitment forms provided by the institution in charge of Land Management and Use;

   b. Explanatory note of non-adherence by those who are reluctant to sign the commitment forms and suggested plan for further sensitization;

   c. Spatial planning report;

   d. Verified parcels’ boundaries survey report;

   e. Land reallocation report;

   f. Detailed project funding mechanism;

   g. Complaint resolution mechanisms;

   h. Implementation plan

19. After the project study report is assessed and approved by the designated City of Kigali or District land readjustment technical team, it shall be submitted to the City of Kigali or District Council for adoption.

20. After adoption by the City of Kigali Council or District Council, the study report shall be submitted to the institution in charge of Land Management and Use for land use planning purpose.
4.2. Replotting procedures

21. All site land parcels will be assembled for their unified planning, servicing and subdivision as a single domain, and each landowner signs for his/her input land and structures thereon.

22. Before starting replotting operation, the following information on land within the project site boundary shall be collected by consultant with the support of District as per land registry and spatially presented:
   a. Registered land, having available land ownership documents with no dispute;
   b. Mortgaged land;
   c. Land with caveats;
   d. Land having no information in land registry, and
   e. Land under dispute

23. All input land shall be inventoried per UPI and respective owner.

24. In order to minimize the compensation costs, plots with valuable existing buildings, especially in already built-up areas, shall take the size and shape by integrating those buildings.

25. Situations where a plot is served by two access roads shall be minimized, except on major arterial roads and highways.

26. Internal neighborhood access road shall have a minimum of nine (9) meters width, unless the existing conditions matter. These road widths cover carriageway, sidewalks, linear infrastructures and drainage.

27. The re-plotting plan shall clearly indicate the main run off waterways within the site.

28. Relevant institutions in charge of basic utilities supply such as electricity, water and telecommunication are to be involved starting with the initial stage, for their basic services.

4.3. Land redistribution procedures

29. The land redistribution method to be applied is by land size.

30. Two approaches of land reallocation methods shall apply: (1) Land reallocation method preserving spatial location of initial parcel as most preferred (2) Land reallocation method disregarding spatial location of initial parcel.

31. Each landowner shall deliberately sign an agreement allowing contribution of certain fixed percentage determined by the study report for public facilities and site reserve land.

32. Calculation of land contribution will be based on the real plot size as per the survey report. For equity purposes, any landowner whose contribution as input land is below the minimum building unit plot of output land redistributed, he/she will be required to pay the difference.
of assigned plot value before acquisition. Otherwise, the site committee would pay the value of input land.

33. Pre-project existing public facilities land in the site is deducted from the input land for the project.

34. After putting aside or extracting land portions for public facilities, the rest of the output land is subdivided into building plots; in accordance with the produced re-plotting plan and reallocated back to the original landowners.

35. Output land allocated to public facilities will be provisionally registered as Government land with annotation on source related to land readjustment site.

36. The whole site output land shall be reallocated to original landowners and public realm under temporary plot codes in form of numbers on re-plotting plan map; and all new land configurations boundaries are to be clearly marked in line with approved re-plotting and land reallocation plan, before they are given official land registry UPIs.

37. Site output data sheets shall be produced:
   i. The first data sheet, the one signed by initial landowners, displays all site initial UPIs, with the following information columns:
      a. Initial UPI;
      b. Initial landowners;
      c. Initial land area (input land as per survey report);
      d. Contributed land area;
      e. Calculated land to return (output land);
      f. Initial landowners’ signature.
   ii. The second data sheet presents reallocated standard plots with the following information columns:
      a. Initial UPI;
      b. Initial landowners;
      c. Number of standard plots;
      d. New standard plots codes as per land reallocation map;
      e. Standard Plot size
      f. Standard Plot range
iii. The third data sheet presents list of substandard land area, with the following information columns:
   a. Initial UPI;
   b. Initial landowners;
   c. Allocated standard plot code;
   d. Plot area range;
   e. Allocated Plot area;
   f. Share of the site;
   g. Plot share for the landowner

iv. The fourth data sheet shall be produced by City of Kigali or District indicating the following:
   a. Initial UPI;
   b. Initial landowners;
   c. Allocated standard plot code;
   d. Allocated Plot area;
   e. New UPI in land registry

38. The first, second and third data sheets shall be signed by initial landowners, Site committee, consultant and respective cell officer.

39. Substandard plot is the one derived from land subdivision plan that doesn’t meet agreed site plot standards.

40. The consultant and site committee shall beacon reallocated plots and present the physical location of the reallocated land to the land owners.

41. After extracting land contribution and creation of new plots, an owner of a substandard output land area can apply for a standard plot, upon a payment of a monetary value for the missing land area. He/she can also sell or exchange his/her substandard land area to the project in respect to the approved re-plotting plan.

42. For a landowner to whom no portion of land area surrendered for public user area; he/she shall pay a monetary value for land contribution, calculated on his /her initial land parcel. However, for previously permitted construction projects, the site committee shall determine contribution of respective land owners to the site development.
43. Based on market value, during the project execution period, the Site committee together with the consultant shall determine and agree on land unit price that will be applied only for a deal on a substandard land area. This land unit price shall be revised yearly.

44. Reallocated land registration in land registry will follow linkage between initial UPI in land registry and the same initial UPI and plot code on individual landowner data sheets.

45. All initial landowners having registered land right on the same initial land parcel shall proportionally have right on respective output land and shall sign for acceptance of net output land. No change will occur on landowners.

46. During land reallocation, plot may be reallocated as near as possible to the original position or be in a similar location, with similar qualities.

47. Allocating a standard plot to more than one initial landowner should be minimized; unless no alternative option can apply.

48. As reallocated plots are beaconed, affected buildings will be valuated by a professional valuator and paid by the project.

49. All expenses incurred in the re-plotting and land reallocation exercise shall be proportionally shared between initial landowners.

50. Site land value capture analysis shall be conducted by the consultant in collaboration with the site committee as optional.

51. Any change to the plan observed during the project implementation shall be approved by the City of Kigali or District land readjustment technical team based on a joint assessment with the site committee.

52. The City of Kigali or District shall submit the final output of implemented detailed physical site plan with approved changes during site implementation and the LR implementation report clarifying challenges and proposed solutions to infirm further review of the LR Guidelines.

4.4. Approval requirements

53. Along planning process, agreed deliverables validation shall be as follows:

   i. Project concept note, assessed and approved by City of Kigali or District;
   ii. Inception report to be assessed and approved by City of Kigali or District;
   iii. Draft project study report to be assessed and approved by City of Kigali or District;
   iv. Final project study report to be assessed and approved by City of Kigali or District, and adopted by City of Kigali or District council.
   v. Final approved study report
CHAPTER FIVE: PROJECT IMPLEMENTATION

5.1. Land rights management and registration

54. Input land ownership documents shall be collected by the site committee and submitted to Sector office for merging, replotting and re-registration purposes.

55. Prior to the merging of input land parcels, all land rights shall be provisionally transferred to the Government.

56. Reallocated land shall be registered in land registry based on the following documents:
   a. The second or third site data sheet described on point 35
   b. Deed plan (fiche cadastrale) for reallocated land indicating the reallocated plot code

57. City of Kigali or District professionals will correlate the initial UPI information obtained from the land registry to the application files, with reference to the approved land reallocation plan; and then produce new updated land ownership documents, bearing new UPIs.

58. Land reallocated for public facilities shall be provisionally registered as Government land.

59. A plot composed of share of the site and share for the landowner shall be provisionally registered as Government land.

60. When a parcel is not registered on any land right in the land registry, first land registration will be done via the normal way at the starting stage of the project. The submitted files must fulfill all required documents for sporadic land registration.

61. When someone’s land ownership document is registered as mortgage or bearing a caveat, the land owner, the city of Kigali or District in collaboration with the office of the registrar of land titles in concerned zone shall liaise with banks and caveators for deregistration and registration of active mortgages and caveat.

62. Initial land parcels provisionally registered on Government shall also be integrated into land readjustment project and corresponding output land be provisionally registered to Government.

63. When a landowner is not around for any reason:
   a. He/she will formally delegate power of attorney;
   b. In case by the time of project commencement a landowner is still missing, the site committee shall duly notify the district as part of project study report documents. the City of Kigali or District shall provisionally register such input land as government land.
5.2. Provision of public facilities

64. Existing public facilities and utilities will be taken into account in the site land readjustment project.

65. The site committee shall decide priorities on provision of public facilities as per the approved study report. The following shall be considered as the main priority public facilities for a land readjustment site: roads, ravines, community halls and play ground. These will determine the percentage needed for infrastructure supply.

5.3. Funding mechanisms

66. Site committee shall determine and decide on the project cost funding mechanism to be applied. One or more financing mechanism shall be optionally used on a site based on study report as follows:

- **Option 1**: Project costs will be covered by landowners’ financial contributions of a predefined amount of site development fee per every reallocated standard plot, agreed on by site landowners; in order to pay project financial outflows.
  
  a. A site development fee shall be paid per planned standard plot.
  b. For a sold plot, the site development fee shall be paid by the buyer.
  c. Site development fee shall be paid once for all per any reallocated standard Plot. No double payment.
  d. The amount of development fee per standard plot shall be determined based on site-estimated workload, which includes planning exercise, roads tracing, ravines excavations, beaconing activities and some compensation for land loss or valuable affected possessions, if any.

- **Option 2**: The land contribution can be calculated in a way that covers the whole project cost, by allocating a part of site-contributed land to roads, public facilities, and utilities area and pay project financial outflows. The rest of the land is redistributed back to initial landowners.

- **Option 3**: On top of the two above funding mechanisms, additional funding by either Government or stakeholder can be mobilized to finance project cost.

5.4. Land Readjustment fund management

67. Each site shall have a bank account, on which project fund shall be managed.

68. The site bank account shall be opened in the names of Site President, Site Vice President, Site Accountant and Site secretary as signatories, and three of the four signatures are mandatory for every withdrawal amount from the bank account.

69. The City of Kigali or District shall conduct an annual audit of the site project.
70. During the site financial audit by the City of Kigali or District, certification for completion of consultancy services /or validation of supplied materials; coupled with bank cash out authorization, shall serve as evidence justifying that the site committee has not misused the project fund.

71. Each of the following items, shall require mandatory certification of completion for consultancy services/or validation of supplied materials, by the City of Kigali or District prior to payment by site committee:

   a. Land development planning documents;
   
   b. Land reallocation plan;
   
   c. Reallocated plots demarcation (beaconing);
   
   d. Deed plans (fiches cadastrales);
   
   e. Roads tracing/construction;
   
   f. Supplied materials for implementing Land development planning documents.
CHAPTER SIX: OPERATION OF THE SITE

72. Construction permit shall be given, upon release of reallocated land ownership documents, in line with the approved and implemented plan.

73. All land subdivision operations shall comply with the approved planning documents.

74. Land ownership documents for reallocated output plot shall be issued upon clearance from site committee.

75. No land owner is allowed to change field settings of output land allocated after the approval plans.

76. In case of complaint on site development operations, the landowner shall address the complaint as per following steps if not satisfied of handling:

   Level 1: To the site committee;

   Level 2: To the Cell;

   Level 3: To the Sector;

   Level 4: To the City of Kigali or District

77. As long as the proposed site development plan is approved, all landowners within the site shall develop accordingly.
CHAPTER SEVEN: PROJECT MANAGEMENT

78. In addition to the existing management context, these guidelines establish a site committee at site boundary level and a land readjustment technical team at City of Kigali or District level. The guidelines also specify the roles and responsibilities of other key stakeholders.

7.1. Site Committee Responsibilities and Functioning

79. The following shall be responsibilities and duties of the Site committee:

a. Mobilize and organize community meetings, concerning the project.

b. On behalf of the landowners, hire and sign the agreements with consultants for different services relating to site land development planning and implementation; as per requirements stipulated in specific guiding document issued by the City of Kigali or District for each site.

c. Submit a draft contract between the consultant and the site committee to the City of Kigali or District, for review and advice, before signatories sign it.

d. Lead elaboration of landowners’ by-laws (site internal regulations) which shall be notarized after they are reviewed by City of Kigali or District Land readjustment technical team.

e. Bridging landowners with other key players of the site land development project.

f. Handle, in consultation with Cell and Sector, day-to-day issues within the site, and report the complex ones to the City of Kigali or District, with a copy to respective Sector.

g. Facilitate the consultant to comply with requirements as contained in terms of reference.

h. Ensure that the consultant take into consideration technical comments and recommendations provided on the project.

i. Facilitate landowners to understand the project in all aspects.

j. Make sure that the community conforms to site development project requirements.

k. Make sure all reallocated plots have updated land ownership documents conforming to the approved replotting plan/land reallocation plan, following the project period.

l. Deal with the project financial flows

m. Ensure successful execution of all the project components.

n. The Site committee shall be liable for any misuse of site deposits.
o. The mandate of the Site committee does not include individual Building Construction project designs; however, the Site committee shall be reporting any suspected case of illegal construction to relevant Sector authority.

80. Each site Committee member is entitled to one vote, and the final decision made by the Site committee meeting shall be passed by a majority vote.

81. Site committee meeting shall take place with at least three quarters of the total committee members, and the frequency of the meetings will depend on the nature of the workload.

82. Any Site committee member who has a personal interest in any matter shall not be permitted to deliberate upon or vote on that particular matter.

83. Every signature done by the landowner in relation to his/her land within the site during the elaboration of planning documents and land reallocation, shall be done face to face with Site Secretary.

84. Site accountant shall have at least Advanced level qualification (A ‘Level) in accounting or accounting related field. Once no landowner qualifies, such expertise will be imported as casual work.

85. A site committee member shall vacate the position upon the following reasons:
   a. Death;
   b. Resignation;
   c. The request from landowners, by the majority of three-quarters votes;
   d. The decision of the District to inefficiency or misconduct;
   e. The member is subject to a term of imprisonment under a final court judgment upholding a term of imprisonment.

86. Once a site committee member vacates the position before the project period ends, an audit will be conducted on that outgoing committee member, to ensure no deficit or deficiencies left over, that the project attributes to him/her.

87. Once a site committee member vacates, the election to replace him/her is done as for normal election as and within not later than one month.

88. In case, the landowner's assembly disagrees with any site committee decision, the Cell in consultation with the Sector is the first organ to intervene. Complex matter will be forwarded to the City of Kigali or District, with copy to Sector.

89. In case, the Site committee disagrees with the consultant on a certain item, the District will intervene.
90. A site committee shall be elected for a period of two years, renewable once. Once a site committee mandate ends, following exercises are conducted:
   a. Presentation of financial balance;
   b. Justifying all project expenditures;
   c. Handing over to a new site committee for a new elected site committee, or to the Executive Secretary of Cell.

7.2. The consultant
91. Participation of the consultant shall be as following:
   i. Consultancy services shall be conducted in accordance with terms of references.
   ii. The Consultant shall be reporting to the City of Kigali or District with a copy to the Site committee.

7.3. Participation of the Cell
92. The cell shall be responsible of the following:
   i. Keep community aware and mobilized;
   ii. Keep following up election exercise of Site committee members;
   iii. Direct follow up of on-site activities and report to respective Sector;
   iv. Support the Site committee on handling landowners’ appeals, once they occur.
   v. Put stamp and signature on required site land data sheets.

7.4. Participation of the Sector
93. The Sector shall be responsible of the following:
   i. Ensure the community is Cell by Cell, customized to the present guidelines.
   ii. Ensure the community involvement
   iii. Ensure landowners are aware of procedures to be followed, when applying for land ownership documents.
   iv. On time land complaints management.
   v. Report to the District any unsettled complaints.
   vi. Ensure any buildings erected within the site have construction permit.
   vii. Ensure the content of the present guidelines is disseminated to sector inhabitants.
7.5. Participation of the City of Kigali or District
94. The City of Kigali or District shall be responsible of the following:

i. Elaborate terms of reference;

ii. Coordinate the project activities in line with Land Development Master Plan, relevant laws and regulations;

iii. Technical support as project supervising entity;

iv. Update land ownership documents in line with approved, replotting/land subdivision/land reallocation plan;

v. Dealing with landowners’ appeals from the site;

vi. Setting up by assignment letters, City of Kigali or District Land Readjustment team members;

vii. Issue certification for completion of consultancy services /or validation of supplied materials

viii. Conduct annual audit of the site project;

ix. Ensure successful implementation of the guidelines.

x. Intervene for Public facilities / utilities provision to the sites

7.6 Role of The Institutions in charge of Land Management and Use
95. The institution in charge of management and use and shall be responsible of the following:

i. Provision of operational guidelines for land readjustment implementation

ii. Overall coordination and facilitation of land readjustment projects

iii. Provision of harmonized operational tools

iv. Capacity building

v. Technical support

vi. Analytical study and documentation

7.7 Role of other stakeholders
96. Stakeholders shall be responsible of the following:

i. Policy advocacy

ii. Resource mobilisation

iii. Technical (consultant, real estate developers, NGOs, etc)

iv. Financial support (NGOs, Banks, ...)

### 7.8. Synoptic presentation of roles and responsibility of key LR stakeholders

Various stakeholders shall play a role in the coordination and implementation of land readjustment projects in Rwanda as summarized in the Table 2 below:

**Roles and responsibility of key LR stakeholders**

<table>
<thead>
<tr>
<th>Level</th>
<th>Key actor</th>
<th>Role</th>
<th>Stakeholders</th>
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<tbody>
<tr>
<td>Central</td>
<td>MoE, MININFRA MINECOFIN</td>
<td>• Policy guidance</td>
<td>MINALOC RALGA LODA</td>
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<tr>
<td>Government</td>
<td>RLMUA RHA</td>
<td>• Policy, Planning and implementation guidelines</td>
<td>Development partners</td>
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<tr>
<td></td>
<td></td>
<td>• Capacity building</td>
<td></td>
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<td></td>
<td></td>
<td>• Technical support</td>
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<tr>
<td>Local</td>
<td>CoK Districts</td>
<td>• Project co-initiation</td>
<td>Development partners</td>
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<tr>
<td>Government</td>
<td></td>
<td>• Community &amp; Land owners’ mobilization</td>
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<td></td>
<td></td>
<td>• Approvals of LR project deliverables</td>
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<td></td>
<td></td>
<td>• Technical support</td>
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<td></td>
<td></td>
<td>• Financial support (complement infrastructure support effort, land-based finance options)</td>
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<td></td>
<td>Site committee</td>
<td>• Land owners’ mobilization</td>
<td>Consultant</td>
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<tr>
<td></td>
<td></td>
<td>• Hire consultant</td>
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<td>• Conduct preparatory study and file proposal to CoK or District</td>
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<td></td>
<td></td>
<td>• Funding project activities</td>
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<td></td>
<td></td>
<td>• Daily management of LR project operations</td>
<td></td>
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<td></td>
<td>Land owners</td>
<td>• Project idea</td>
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<td>• Project concept note</td>
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<td>• Submission of concept note</td>
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<td>• Elect site committee</td>
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<td>• Hold site committee accountable</td>
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<tr>
<td></td>
<td></td>
<td>• Implement land owners responsibility for LR implementation</td>
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CHAPTER EIGHT: IMPLEMENTATION OF THE GUIDELINES AND IMPLICATIONS

8.1. Implementation of the Present Guidelines
98. The implementation of the present guidelines requires an active collaboration between all concerned stakeholders; namely, government entities, private sector, financial institutions, developers and partners; communities.

8.2. Implications of these Guidelines
99. The outcome from the implementation of these guidelines is as following:

a. Boost up the volume of serviced plots in a limited time, and lessen proliferation of slums;
b. Reduce time spent to access land related services
c. Harmonization and quality improvement in local land development and implementation operations across the Country.
d. Economic growth via optimum land utilization and diversification of income generation system.
e. To efficiently use available resources in optimum and synergic way.
f. Reduction of the cost for access to basic facilities;
g. Quick standardization of living conditions, and increase of social inclusion;
h. Support enforcement of land use and building regulations;
CHAPTER NINE: MISCELLANEOUS PROVISIONS

9.1. Project Duration, existing and other land subdivision plans and urban planning operations

100. Starting from the site boundary delineation, the project period shall not go beyond three years, the phase of basic infrastructure provision inclusive.

101. During the planning phase, other urban planning operations and new building permit applications shall be put on hold, until the City of Kigali and District Council approve the planning documents. All transaction services are immediately halted, once existing spatial data collection starts.

102. Any land subdivision plan that proposes roads, shall be assessed and approved by the City of Kigali or District land readjustment technical team, disregarding whether the land is located within a land readjustment project boundaries or not.

103. Existing Land Development Planning Plans of the same level as land readjustment projects shall be adapted to these guidelines, considering background context.

9.2. Faults and sanctions

104. Any staff who deviates from the approved planning documents, when running an activity or delivering a service will be liable, following relevant rules governing him/her at work.

105. In any case a consultant deviates from the approved planning documents, he/she will be liable for any financial loss, linked to that deviation.

106. Any concern that may be found not addressed by these guidelines; shall refer to relevant laws and regulations.

9.3. Commencement

107. The present guidelines come into force, from the date of the approval.
APPENDIX: ILLUSTRATION OF LAND READJUSTMENT PROCESS

- END -