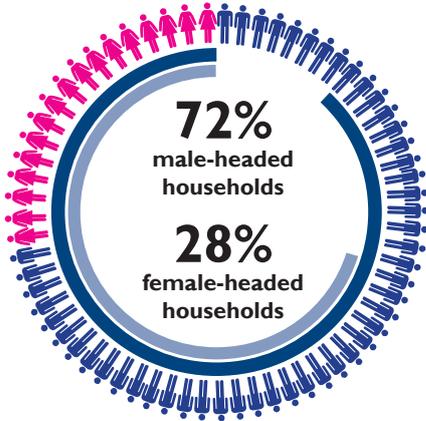


Land Expropriation: Lessons Learned to Date

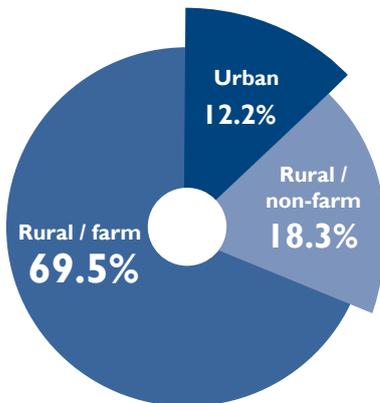
To promote economic development and reduce poverty, the Government of Rwanda has used expropriation as a tool to implement land use master plans and build roads, dams, and other infrastructure. Since 2007, some 30,050 properties have been expropriated.

Whose land has been expropriated?



- Nearly 88% have a primary school education or less.
- Nearly 70% earn most of their income from farming.

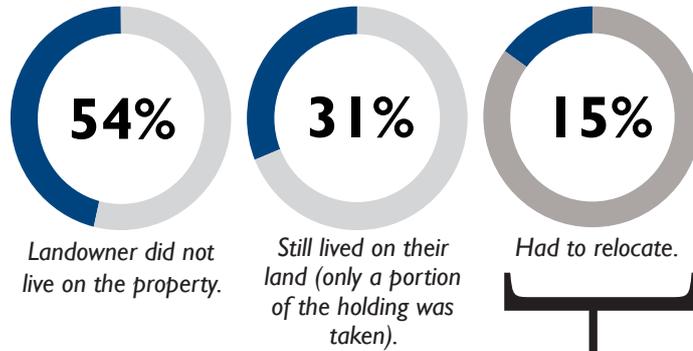
Surprisingly, most expropriations are in rural areas



Expropriation is used mostly for infrastructure projects



Most expropriations did not require households to relocate:



Of the roughly 5,000 households that relocated:



TRUE or FALSE?

Expropriation forced some farmers into cities, depriving them of their livelihood and plunging them into poverty.

FALSE

According to the data, 71% of relocated rural/farm dwellers remained in rural areas and 25% moved to villages. Only 4% moved to urban areas.

In surveys and interviews, officials and expropriated families highlighted concerns:

Many say compensation takes too long.

Since 2007, the average time from valuation to compensation was 16 months. But in 2014, the speed of payouts improved dramatically, to about 87 days—well under the 120-day period required by law.

Some cite abuse of the system.

Some people said that private, for-profit projects get preferential treatment by being determined to be in the “public interest” or justified as a part of a master plan.

Unfair valuation was the most common complaint.

More than 80% of expropriated households said their valuation was below market value, but many cannot afford a counter-valuation. Others fear losing an appeal.

Expropriated households have lost income.

77% said their income dropped significantly, typically about one-third.

Roles, responsibilities and coordination are not clear.

Expropriating entities were not sure when, where, how, and why to involve the public. Often, they expect local officials to communicate with landowners.

District and local officials said they do not receive up-to-date information to share.

Expropriated households are sometimes left without a sense of what will happen to them.

Many Rwandans—including some who have lost land—support expropriation as a means to further development and growth. However, changes to policy and practice can make the process more fair.

Planning & valuation

- Use independent valuers such as IRPV to assess compensation based on fair market value.
- Assess socioeconomic consequences of expropriation as part of the planning process.
- Clarify and follow project timelines, and share information with the public.
- Streamline payments and compensation procedures.
- Allocate sufficient budgets for expropriation before projects start.

Notice procedures

- Provide personalized notice planning process to expropriated households well in advance.
- Increase opportunities for public participation in expropriation decisions.
- Ensure all owners of jointly held property are involved in every stage.

Transparency & accountability

- Ensure households targeted for expropriation know their rights to appeal or seek counter valuations.
- Make studies on expropriation available for public review and comment.
- Build capacity of local authorities to support community interests in the expropriation process.

Harm to expropriated households

- Provide compensation for relocation expenses where applicable.
- Reduce unnecessary limitations on improvements to land scheduled for expropriation.
- Promote alternatives to expropriation.
- Empower local authorities to represent the best interests of their constituents; eliminate conflicts of interest.

Legal reforms

- Narrow the scope of expropriation in “public interest” to exclude private investments that support master plans.
- Compensate according to current market prices; support IRPV to produce an annual list of property values and prices.
- Repeal the provision allowing non-payment for small takings.
- Ensure road-widening projects include compensation for expropriated land.
- Clarify institutional roles and responsibilities in the law, including the need for a national coordinating body.

This document is based on: 1) *Implementation of Rwanda’s Expropriation Law and Outcomes on the Population*, a research report released August 2015 by the United States Agency for International Development (USAID) Rwanda Land Project with the Legal Aid Forum, and 2) *Implementation of Expropriation Law in Rwanda: Challenges and Ways Forward*, a research brief released April 2015 by USAID Rwanda Land Project. Download these reports at www.rwandaland.org.

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