

**THE IMPLEMENTATION OF RWANDA'S EXPROPRIATION LAW AND ITS
OUTCOMES ON THE POPULATION**

**Hadley Rose, Frank Mugisha, Andrews Kananga
& Dr. Daniel Clay**
Legal Aid Forum, Rwanda
legalaidrwanda@gmail.com

**Paper prepared for presentation at the
“2016 WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, March 14-18, 2016**

Copyright 2016 by author(s). All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies.

Abstract:

Rwanda is undergoing rapid development, often leading to expropriation of private lands. The expropriation law provides procedures to protect the rights of property owners in the expropriation process. The implementation of that law, however, has caused concerns about potential human rights violations and about how expropriation is affecting the population both economically and socially. This research, carried out from October 2014 – August 2015, showed that expropriated households faced severe declines in their monthly income, and sometimes faced months of restrictions on being able to make basic improvements to their properties while expropriations were pending. Despite these issues, however, government did manage to notify most landowners being expropriated of the expropriation process through public meetings, and in fact most expropriated households believed the projects causing expropriation were in the best interests of the community.

Insufficient and delayed compensation were the most pressing issues reported by both government stakeholders and expropriated households, suggesting the possibility for collaborative efforts to decrease delays. Arbitrary variations in property values were also shown, which could be addressed by improving the independence of the valuation process. Compensation-related issues also have a negative impact on expropriated individuals, especially those losing a large percentage of their property or relocating.

Key Words:

Expropriation, Rwanda, Land Use, Economic Development

ACKNOWLEDGEMENTS

The lead authors of this report, Frank Mugisha and Hadley Rose, wish to acknowledge the extensive contributions of their coauthors, Dr. Daniel Clay, Andrews Kananga, Clarisse Munezero, Zacharie Ndayishimiye, and Jean Baptiste Nyarwaya.

The team would also like to thank the United States Agency for International Development (USAID) for funding this research through the Rwanda LAND Project, implemented by Chemonics International.

The authors' views expressed in this publication do not necessarily reflect the views of USAID or the United States Government.

TABLE OF CONTENTS

1 EXECUTIVE SUMMARY	3
2 INTRODUCTION	4
2.1 Research Questions and Conceptual Framework of Study	4
2.2 Summary of Key Research Tools and Steps.....	5
3 CONTEXT AND LEGAL-INSTITUTIONAL FRAMEWORK	6
3.1 Context of Economic Development and Land Use in Rwanda.....	6
3.1.1 History of Land Use Development in Rwanda	6
3.1.2 Rwanda's Socio-Economic Context.....	7
3.2 Analysis of Legal Framework for Expropriation in Rwanda.....	7
3.3 Analysis of Institutional Framework for Expropriation in Rwanda	9
4 RESEARCH METHODOLOGY	12
4.1 Methods of Data Collection.....	12
4.1.1 Qualitative Research.....	12
4.1.2 Quantitative Data: Structured Interviews/Household Survey	12
4.2.2.1. Locating Respondents for Fieldwork.....	12
4.2 Sampling Methodology	14
4.2.1 Sampling Frame	14
4.2.2 Selecting Appropriate Households for the Sample	15
5 RESEARCH FINDINGS.....	17
5.1 Profile of Expropriations.....	17
5.1.1 Profile of Respondents	17
5.1.2 Project Characteristics	18
5.2 Expropriation Procedures.....	19
5.2.1 Planning and Coordination	19
5.2.2 Public Interest Determination.....	21
5.2.3 Notice and Public Participation.....	21
5.2.4 Valuation and Compensation	23
5.3 Socio-economic Impacts of Expropriation	28
5.3.1 Effect on Property Ownership.....	28
5.3.2 Effects of delays	28
5.3.3 Effects of Inadequate Compensation.....	29
5.3.4 How Cash Compensation is Spent	30
5.3.5 Effects on Income.....	30
6 CONCLUSIONS AND RECOMMENDATIONS	32
6.1 Improve Planning and Valuation Procedures for Expropriation Projects	32
6.2 Improve the notice procedures	32
6.3 Increase Opportunities for Public Participation in the Expropriation Process.....	33
6.4 Mitigate Negative Impacts on Expropriated Households	33
6.5 Improve Transparency and Accountability in the Expropriation Process	33
6.6 Carry out legal reforms	34
6.7 Final Conclusion	34

ANNEXES

References

Tables

Figures

1 EXECUTIVE SUMMARY

Rwanda is undergoing rapid development, often leading to expropriation of private lands. The expropriation law provides procedures to protect the rights of property owners in the expropriation process. The implementation of that law, however, has caused concerns about potential human rights violations and about how expropriation is affecting the population both economically and socially. This research, carried out from October 2014 – August 2015, showed that expropriated households faced severe declines in their monthly income, and sometimes faced months of restrictions on being able to make basic improvements to their properties while expropriations were pending. Despite these issues, however, government did manage to notify most landowners being expropriated of the expropriation process through public meetings, and in fact most expropriated households believed the projects causing expropriation were in the best interests of the community.

Insufficient and delayed compensation were the most pressing issues reported by both government stakeholders and expropriated households, suggesting the possibility for collaborative efforts to decrease delays. Arbitrary variations in property values were also shown, which could be addressed by improving the independence of the valuation process. Compensation-related issues also have a negative impact on expropriated individuals, especially those losing a large percentage of their property or relocating.

2 INTRODUCTION

2.1 Research Questions and Conceptual Framework of Study

This study on Rwanda's Expropriation Law and Outcomes on the Population aimed to address the following research questions:

- To what extent has the process used for expropriation complied with the governing legal framework, and specifically the 2007 Law on Expropriation? Are “public interest” principles appropriately applied? To what extent do processes and procedures for expropriation in practice comply with international guidelines and best practice for expropriation?
- Which institutions are legally responsible for implementation of expropriation and what is the practice?
- Has full compensation been awarded prior to actions taken to remove people from their land or otherwise reducing the rights they have to the land? Is relocation support provided? How is property valuation undertaken and the amount and type of compensation determined?
- Where have challenges and shortcomings been identified in implementing expropriation? What are the reasons?
- What have been the outcomes of expropriation on the livelihoods of those expropriated, such as acquisition of new land and housing, access to income- generating opportunities, family and community relations, social capital, tenure security, income, poverty, and other welfare outcomes?
- What alternatives to expropriation exist that support dynamic urban and economic growth while also strengthening tenure security and protecting the livelihoods of the poor and vulnerable?
- What recommendations can be offered to improve implementation of expropriation to ensure it is done in full compliance with the law?
- What recommendations can be offered to improve policy governing expropriation to foster a climate of tenure security among Rwandan citizens, mitigate negative consequences for those expropriated, and ensure that returns on investments substantially outweigh the costs and that they equally benefit the most vulnerable members of society?

In order to objectively assess the implementation of the expropriation law in Rwanda and measure the impacts of expropriation upon expropriated individuals and affected communities, the research team formulated the following indicators based on the research questions: 1) whether expropriated individuals have been compensated according to the market value of their property prior to removal from their lands; 2) whether expropriated individuals' other procedural rights have been respected, including whether the affected individuals were involved in “public interest” and valuation determinations; 3) how expropriated individuals' livelihoods have been impacted by the expropriation; and 4) how expropriated individuals have adapted to the potential social and economic

disruption caused by expropriation. These indicators are shown as the targets of the research conceptual framework (Figure 1).

Also shown in the conceptual framework are the sets of variables believed to account for variation in the four indicators, arranged in terms of their causal proximity to those variables. These variable sets include two proximate groupings: 1) how households were immediately affected by the *process* of expropriation (such as their participation at key stages of the process, notice provided, how valuation was determined, opportunities for appeal, timeliness of compensation, etc.); and 2) how households were affected by *geospatial variables* (including the distance of a move, if required, the physical characteristics of the new/old residence, and the proximity of the new/old neighborhood to service and infrastructure).

The indicators and the proximate variable sets are in turn affected by the characteristics of the expropriation projects. For example, the type of project (road project, commercial development, etc.), the expropriating entity, and the degree of public benefit are some of the project-level characteristics that can affect how far and how many people move (if at all), how much land the expropriated households lose, how much they are compensated, and the process followed in how the households are expropriated. These project and process variables may also be related to characteristics of the households themselves, such as the age, number of children, gender, education and occupation of the head of household, as well as income levels, which while not necessarily affecting a household's chances of being expropriated, do tend to influence a household's experience during the expropriation process.

Finally, exogenous variables, which are believed to be causally antecedent to other variable sets, can potentially affect any or all of the other variable sets. These exogenous variables include level of urbanization in the District, year of expropriation, and other defining characteristics of the broader context of the projects and expropriation process.

2.2 Summary of Key Research Tools and Steps

The research comprised a number of different steps, utilizing a variety of research tools, including a literature review, collection and analysis of qualitative data, including 19 Key Information Interviews (Table 1) and 7 Focus Group Discussions (Table 2). The research team also gathered quantitative data on expropriations through a household survey. The survey was administered in 15 randomly selected Districts across Rwanda from March 12 to April 4, 2015. The field team also interviewed representatives of local government in each of the sampled Districts as well to ensure balanced

perspectives. Finally, the team employed statistical and qualitative methods to analyze the data and make recommendations based upon the research findings.

3 CONTEXT AND LEGAL-INSTITUTIONAL FRAMEWORK

3.1 Context of Economic Development and Land Use in Rwanda

3.1.1 History of Land Use Development in Rwanda

Before colonization, the land tenure system in Rwanda was characterized by the collective ownership of land. Families were grouped in lineages, which were in turn grouped into clans, represented by their respective chiefs (Saito, 2011). These lineages and clans were provided with usufruct rights to land through tenure systems like *ubukonde* (right to cultivate land), *igikingi* (right to graze land), *inkungu* (another aspect of tenure which enabled the local authority to own abandoned or escheated land), or the *isamba* system (Saito, 2011). However, all of these rights fell under the supreme authority of the *Umwami* (King), who was considered to be the “guarantor of the wellbeing of the whole population” (Pottier, 2006). The King administered these rights through both the chief in charge of land, known as the “*Umutware w’ubutaka*,” and the chief in charge of livestock, known as “*Umutware w’umukenke*” (Pottier, 2006; Ministry of Lands, Environment, Forests, Water and Mines, 2004). By 1885, the colonial authorities introduced laws to govern the use and titling of land in Rwanda. However, the customary tenure system continued to dominate even after the formal system was introduced (Pottier, 2006).

The formal land tenure regulations introduced during Belgian colonial rule were recognized as binding in the 1962 post-independence constitution, solidifying the principle of inviolability of individual and collective property, with the exception of taking of land for public necessity after payment of just compensation (Republic of Rwanda, 2003). Although the provisions of the 1962 constitution confirm that land registration and land sales were being formally regulated as early as the 1960s, this policy was not operationalized until 2004, when the post-genocide government started a complete reform of the land sector (Ministry of Lands, Environment, Forests, Water and Mines, 2004).

The 2004 National Land Policy, the Land Law of 2013 (which replaced the Organic Land Law of 2005), and the 2010 National Land Use Master Plan (NLMP) are the core of modern land reform in Rwanda (Republic of Rwanda, 2005; Republic of Rwanda, 2013). The process of land registration commenced under these reforms in 2008 (Republic of Rwanda, 2008). As required by the law, registration applied to all land in Rwanda, including private and State land (Republic of Rwanda, 2005; Republic of Rwanda, 2013). Furthermore, the NLMP proposes a decentralized growth strategy for Rwanda, recommending growth be focused in multiple district centers, in complement to the Kigali urban hub. The Government also has a policy of encouraging grouped settlements known as

imidugudu in rural areas (Republic of Rwanda, 2009).¹ *Imidugudu* (also known as “villagization”) is considered a solution to rural population pressure and previously poor land management. In many cases, these *imidugudu* are built on land owned by the state or local authorities, but private land can also be selected for the *imidugudu* settlements (Norwegian Refugee Council & Global IDP Database, 2005).

3.1.2 Rwanda’s Socio-Economic Context

The genocide committed against the Tutsi in 1994 also had an impact on land. After the genocide, a substantial number of Tutsi that had fled the country during previous ethnic tensions (mainly in 1959, 1973, and 1986) returned back to Rwanda and the government assisted them in finding land for settlement, as much of their lands had been resettled or grabbed while they were outside of the country for so many years. This led to a process of land sharing in Rwanda, which aimed to enable all Rwandans benefit from their common heritage—land—as described by the current land law (Rurangwa, 2013). Despite the government’s commendable efforts to resolve these land issues after the genocide, the land sector has been and still remains the most source of most disputes in Rwanda.

The population of Rwanda, currently estimated at 10,515,973, doubled between 1978 and 2012 (National Institute of Statistics of Rwanda, 2012). This steady and rapid population increase has exerted pressure on land, which is the major source of production and income in the Rwandan economy—household farming is the principal source of income for 74.8% of Rwandans (National Institute of Statistics of Rwanda, 2010-2011). Given Rwanda’s increasing population and the nature of the economy, land is a precious and essential asset in Rwanda. Given the dependence on land in Rwanda, the density of the population, and the distribution of the population between urban and rural areas, it is likely that expropriation of land will be practiced for years to come in order to facilitate investment and economic development. However, land expropriation policy not only has the potential to negatively impact expropriated individuals and communities and could also have a broader impact on the tenure security and livelihoods of all land owners in Rwanda.

3.2 Analysis of Legal Framework for Expropriation in Rwanda

Article 29 of the 2003 Constitution of the Republic of Rwanda recognizes the individual’s right to private property ownership, noting that, “private property, whether individually or collectively owned, is inviolable.” International legal instruments also support this right to private property ownership. The African Charter of Human and Peoples’ Rights, the Universal Declaration of Human Rights, and other international instruments also affirm this right. However, Article 29 of the constitution does

¹ *Umudugudu* is defined as a mode of planned settlement made of between 100 and 200 houses by site in rural areas. Measurements of the plot(s) reserved for the *umudugudu* range from 10 to 20 hectares (with a possibility of increase), and as far as possible a space provided for various nonagricultural activities, so as to allow the population to make a living. The combination of all these elements constitutes the *umudugudu*.

provide an exception to the inviolability of private property—when “public interest” requires, subject to fair and prior compensation.

The two most important implementing laws relating to property rights and expropriation in Rwanda are the 2013 Land Law and the 2007 Expropriation Law, subsequently amended in 2015. While the 2007 version of the law was in force and studied in the present research, relevant differences between the former law and the current law will be noted where relevant.

Article 5 of the Land Law confirms the right to private ownership of land both for land originally acquired through customary practices or by official title. Article 34 of the law protects private ownership rights, stipulating that “the State recognizes the right to freely own land and shall protect the land owner from being dispossessed of the land whether totally or partially, except in case of expropriation due to public interest.” In this regard, the 2007 Expropriation Law defines the permissible acts of public interest giving rise to the State’s right of expropriation:

- roads and railway lines;
- water canals and reservoirs;
- water sewage and treatment plants;
- water dams;
- rainwater canals built alongside roads;
- waste treatment sites;
- electric lines;
- gas and oil pipelines and tanks;
- communication lines;
- airports and airfields;
- motor car parks, train stations and ports;
- biodiversity, cultural and historical reserved areas;
- facilities meant for security and national sovereignty;
- hospitals, health centers, dispensaries and other public health related buildings;
- schools and other related buildings;
- government administrative buildings and public institutions;²
- public entertainment playgrounds and buildings;
- markets;
- cemeteries;
- genocide memorial sites;

² “Embassies” was removed from this article (Article 5) of the amended 2015 Expropriation Law.

- activities to implement land use plans and master plans;
- valuable minerals and other natural resources in the public domain;
- basic infrastructure and any other activities aimed at public interest which are not indicated on this list that are approved by an Order of the Minister in charge of expropriation, at his or her own initiative or upon request by other concerned persons.

In addition to acts of public interest, the Expropriation Law also determines the specific procedures for expropriation, including the processes of property valuation and paying of compensation, and identifies the organs competent to approve and carry out expropriation. The law also indicates the rights of expropriated persons and expropriating entities. Other related legal instruments, such as Ministerial Orders relating to reference land prices, expansion of roads, and land leases also influence the expropriation process.

The Expropriation Law in Rwanda aligns with international law and best practices, which essentially hold that: 1) “fair” or “just” compensation must be paid to both nationals and non-nationals who are expropriated; and 2) States must establish and follow clear and transparent procedures that apply equally to all expropriated individuals. Those procedures should regulate the process of the valuation of land, and also create dispute resolution mechanisms to address complaints over valuation and compensation.

In line with these international standards, the 2007 Expropriation Law clarifies the rights of individuals in the process of expropriation, including the valuation and compensation processes. Any individual who is expropriated under the law is entitled to receive “just compensation” for the property lost. The law dictates that the amount of compensation should be established based on “market prices” of the property. Funding for the compensation and for other related costs must be available before taking any steps in the expropriation process and every project must provide in its budget funds to ensure fair compensation of property, including a full inventory of assets of each person to be expropriated.

3.3 Analysis of Institutional Framework for Expropriation in Rwanda

The law permits Executive Committees at the level of the District or City of Kigali are competent to initiate expropriation proposals within their jurisdiction, and a Ministry may initiate larger scale projects. Land Committees³ at the District or national level are responsible for evaluating the applications for expropriation, in order to verify that the proposals fulfill the necessary legal requirements. After the approval of the application for expropriation, the District Council or Kigali

³ Known as land commissions under the 2007 law, and “committees in charge of monitoring projects of expropriation in the public interest” in the 2015 law.

City Council shall approve the actual expropriation of persons. In larger-scale projects, the Minister of Natural Resources or the Prime Minister approves the expropriation. Within 30 days of the approval of an application for expropriation, that District authorities must convene a consultative meeting with the affected population.

According to the breakdown of institutional roles provided by the law, a number of different types of entities that participate in the expropriation process can be categorized. **Expropriating entities** are government entities or quasi-state entities that carry out expropriation projects. They are identified as follows:

- Rwanda Social Security Board (RSSB);
- Rwanda Transportation Development Authority (RTDA);
- Rwanda Housing Authority (RHA);
- Rwanda Energy Group (REG) (formerly known as EWSA);
- Rwanda Civil Aviation Authority (RCAA).

Coordinating entities are government entities that may or may not expropriate directly, but have a role in liaising with expropriating entities, whether through oversight, coordination, or by giving advice. They are primarily the following entities:

- Ministry of Infrastructure (MININFRA);
- Ministry of Natural Resources (MINIRENA);
- Ministry of Local Government (MINALOC);
- Rwanda Environment Management Authority (REMA);
- Rwanda Development Board (RDB);
- Ministry of Finance (MINECOFIN).

Government entities are other government organs that are concerned with the expropriation process but do not directly participate in the expropriation of households. They include the following:

- Office of the Ombudsman;
- Rwanda Natural Resources Authority (RNRA);
- Office of the Prime Minister;
- Rwanda Governance Board (RGB);
- Ministry of Justice (MINIJUST).

Local authorities are the decentralized authorities that either expropriate directly or liaise with local populations regarding the expropriation process when it affects their areas. They include the following:

- City of Kigali

- Other District or Sector authorities.

4 RESEARCH METHODOLOGY

4.1 Methods of Data Collection

4.1.1 Qualitative Research

Qualitative research was important in determining institutional practice in carrying out expropriations, and in determining whether institutions are willing and able to comply with the procedures set forth in the law. This includes the practical requirements for expropriation applications, such as the public interest determination and the giving of notice, the valuation process, and general institutional roles in the expropriation process. Qualitative data also provide context and some evidence of community perceptions about whether the relevant institutions respect procedural requirements in the expropriation law, and information about how households are affected by expropriation.

Qualitative research methods included a desk review of secondary sources, Key Informant Interviews (KIIs), and Focus Group Discussions (FGDs).

4.1.2 Quantitative Data: Structured Interviews/Household Survey

Structured interviews based on a household survey were carried out with randomly selected expropriated households in order to collect quantitative data on their experiences with the expropriation process. A questionnaire that allowed, as much as possible, for closed-ended responses was administered at the household level in scientifically sampled Districts and Sectors. The survey results provided necessary information about the expropriation process, assisting the research team in assessing both the short- and long-term impacts of expropriation on the affected population. The content of the questionnaire was divided into the following eight sections:

- Section 1. Status and physical characteristics of the expropriation;
- Section 2. Socio-demographic characteristics of the expropriated household;
- Section 3. Expropriation project characteristics;
- Section 4. Expropriation process;
- Section 5. Valuation of expropriated property;
- Section 6. Compensation for expropriated property;
- Section 7. Changes in socio-economic conditions;
- Section 8. Governance issues.

The data obtained through the questionnaire were also critical to cross-check the reports of government actors involved in the expropriation process by providing reports from the expropriated population about compliance with timelines and other procedures required by law.

4.2.2.1. Locating Respondents for Fieldwork

One of the threshold issues that had to be addressed in this study was locating specific respondents for the household survey. First, a complicated listing process was necessary because the survey was only relevant for households that had actually experienced expropriation. While the lists of expropriated individuals were available at the District level, the process of obtaining these lists was resource-intensive.

In addition to the difficulty of obtaining the specific lists of names of expropriated individuals for the household survey, the nature of expropriation is that it dispossesses individuals of their lands, which in some cases can cause them to relocate to another area.⁴ A regional coordination plan was developed to facilitate fieldwork and locate respondents efficiently.

Replacement of respondents. By nature, expropriation can require the movement of households from their original locations to new, unpredictable locations in other parts of the country. This was anticipated from the beginning of the study, and the procedure for regional coordination in the field work was meant to provide for the possibility to utilize enumerators working in other parts of the country to reach respondents who had relocated to more distant areas. A procedure for incorporating randomly selected replacement households for each area was also devised. In each selected sector, a total of 52 expropriated households was selected randomly. These selected households were assigned an identification number, starting with 1 and ending with 52. The selected households bearing multiples of three (numbers 3, 6, 9, 12, 15, etc.) would comprise replacements. The rest of the households on the list were the core households. Enumerators were provided with instruction about the replacement of missing households appearing on the list and how to draw households from the replacement list.

From the lists of expropriated households obtained at the District and Sector levels, errors were discovered, requiring the use of some replacements. This was noted in Rubavu, Ngororero, Muhanga, Nyamasheke, and Bugesera. One of the possible reasons for requiring a higher number of replacements in these areas included allegations of corruption (where “ghost” properties were included on lists of expropriated households in an attempt to falsely claim compensation). Some projects were also reportedly reassessed after long delays, which removed some households originally indicated for expropriation from the final plans and lists. Another issue commonly reported was individuals who rented or cultivated land owned by another person being erroneously listed as the owner of the land, or listed as an owner of an interest in expropriated property (crops), but not land. In many of the Districts, the rate of replacement was up to 30%, which is not unexpected in a survey designed to assess expropriation. Due to the modestly higher substitution rate among long distance

⁴ Approximately 15% of expropriations lead to relocation (Table 7).

movers, the impacts of long distance relocation may be slightly underestimated. However, analysis presented later in this report shows that long-distance movers do not differ significantly from short-distance in basic demographic composition (gender, age, household size, etc.) (Table 3). For example, when those who relocated within the same Sector are compared with those who relocated to a different Sector, District, or Province, they are very nearly the same rate of key demographic characteristics such as civil status, age, female-headed households, and size of plot. However, the one notable difference is the education level of the head of household is actually much higher for those who moved long distances, which suggests that those who moved long distances were opting to do so, had the socio-economic mobility to do so, and also may have moved for reasons that were not actually caused by the expropriation.

4.2 Sampling Methodology

4.2.1 Sampling Frame

The sampling frame is an exhaustive list of all units comprising the study population for the household survey, which is all households expropriated in Rwanda under the 2007 Expropriation Law.⁵ Preparatory steps in the sample design began with an exploratory field review in five test Districts—Huye, Muhanga, Gasabo, Bugesera and Rwamagana—was completed to determine how listing could be designed and executed. Based on discussions with the local authorities in these five test Districts, the research team found that the data available at the District level in most Districts would serve as a reasonable basis for the listing and scientific sampling of expropriated households.

The research team then organized field visits to all 30 Districts in Rwanda to work with officials in compiling figures on the number of expropriations conducted in each District since 2007. All Districts did provide some documentation about the number of expropriated households by Sector, and by Cell where possible. These figures on expropriated households by District and Sector constituted the sampling frame for the survey.

4.2.1.1 Sample size considerations

Rwanda is administratively composed of 4 Provinces and the City of Kigali, which in turn break out into 30 Districts, 416 Sectors and 2,148 Cells. In each Province, 3 Districts were randomly selected for study, with the probability of selection made proportional to the size of the population in the District, amounting to 15 Districts in total. In Kigali City, which is composed of only 3 Districts, all 3 Districts were included in the sample. In each of the selected Districts, 3 Sectors were randomly selected from among all Sectors experiencing expropriation (at least 50 households), so that a total of

⁵ The sample included incidental numbers of households for whom the expropriation process technically commenced before 2007, but for whom delays caused many steps in the expropriation process to be carried out under the 2007 law.

45 Sectors across the 15 selected Districts were included in the sample.⁶ The sample households were randomly selected from the final lists of expropriated households at the Sector level.

4.2.1.2 Sample size

A sample size of 1,475 households for the survey was calculated using the Bienaime-Chebychev inequality and the law of large numbers.⁷ Because of resource constraints, and the realization that many sectors contained few or no expropriated households, the team concluded that a modestly smaller sample size of 1,384 households would be sufficient for estimating all of the main parameters of this study. During the cleaning process it was noted that some households had been interviewed twice as they had been expropriated multiple times and randomly found their way into the sample both times. In those cases data were retained only for the first of the two expropriations. The final number of households included in the analysis, after eliminating erroneous, duplicate and incomplete data came to 1,381 households. This is approximately 6% of the estimated number of expropriated households in the 15 sampled Districts,⁸ which is representative in comparison to other surveys conducted in Rwanda on the national level, which often take a sample size of less than 1% of the total population under study (National Institute of Statistics of Rwanda, 2010-2011). The distribution of the sampled households by Province and District can be found in Figure 2.

4.2.2 Selecting Appropriate Households for the Sample

The research team narrowed the definition of expropriation for purposes of composing the lists of expropriated households only to include those households that had been informed of the pending valuation of their lands, already valuated, or already received compensation. The decision to avoid households that had not reached any of these stages but perhaps had only been notified of expropriation was made because qualitative data showed that expropriating entities frequently amended lists and project sizes to remove (or add) households from original lists, and also because

⁶ Field visits to the selected Districts occurred before the final sampling of Sectors and households for the purpose of determining which Sectors experienced a sufficient level expropriation to warrant inclusion in the sample, enabling the research team to sample exclusively from Sectors actually known to have implemented expropriation projects since 2007.

⁷The minimum sample size is calculated based on the fact that when the sample size is large enough, f follows the normal law of parameters p and σ ; $f \sim N(p, \sqrt{\frac{pq}{n}})$ and, on the other hand, for the normal law, $t=1.96$ with 95% confidence interval. If we want the observed frequency f to be located, with a probability $P=95\%$, within the interval $[p-0.01, p+0.01]$. Knowing p and $q=1-p$, and that

$$\Pr\{|f-p| \leq 0.01\} \geq 0.95, \text{ then } t \sqrt{\frac{pq}{n}} \leq 0.01 \Rightarrow 1.96 \sqrt{\frac{p \times q}{n}} \leq 0.01.$$

Finally, using the normal distribution and taking $p=0.04$ and the interval of confidence of 95%, the minimum sample size is 1,475 households.

⁸ By taking into account the first round of listing done at the District level, and the second round of listing whereby lists of names of expropriated individuals were actually obtained, a total number of expropriated households in the 15 selected Districts was calculated at approximately 22,314.

those households who had not yet had very much tangible experience in the process of expropriation would not be able to contribute substantially to the findings due to that limited experience.

5 RESEARCH FINDINGS

The three sections of the research findings are: 1) a profile of expropriation in Rwanda; 2) an analysis of procedural concerns; and 3) an analysis of socio-economic impacts.

Because the household survey is drawn from a scientific national sample frame, we are able to apply sampling weights to the 1,381 surveyed households to estimate parameters of the national population. Thus the survey findings presented in this report are representative of the national level. Because many surveyed households were still in the process of expropriation at the time of the survey, some of the analyses only relate to already compensated households, which are 967 in number, weighted at 947. Another sub-group of households targeted in some of the analyses is comprised of all households that have had their residences relocated as a result of the expropriation, which is 231 households, weighted at 209 after adjusting for their probabilities of selection. Table 4 shows the number of sampled households and the corresponding numbers of households in these categories using these standardized sample weights.

5.1 Profile of Expropriations

5.1.1 Profile of Respondents

Expropriated households generally followed the distribution of gender and age among the overall population of Rwanda, with 72% of expropriated households headed by men, and 28% headed by women.⁹ Most households were headed by individuals between 36 and 65 years of age, and proportionally, more female-headed households fall into higher age categories. Small (1-4 persons) and medium-sized (5-6 persons) households each represented just under one-third of expropriated households. Households of seven or more persons represent nearly 40% of expropriated households. National averages reveal that small households are 55% of the population, and medium-sized are 27%, while large are just 18%. This divergence is due to the fact that property owners (and thus those that can be expropriated) in Rwanda tend to be older and with larger households than the general population. Many younger households with fewer children have not yet reached the stage in the life cycle where they can purchase or inherit land of their own.

The level of education of the head of household for expropriated households generally follows levels of education reported nationally (Table 5). Almost exactly half of expropriated households are headed by an individual who has not completed primary-level education. Another 38% of expropriated households are headed by an individual who has completed no higher than primary school. Nearly 70% of expropriated households are headed by an individual whose primary source of income is farming. Another 8% of expropriated households are headed by individuals who make their

⁹ The 2012 Census revealed that 71% of Rwandan households are headed by men, while female head of households represent 29%.

living through other generalized commercial activities. Skilled and unskilled laborers make up about 10% of expropriated household heads, and civil servants head about 5% of expropriated households.

5.1.2 Project Characteristics

Since the adoption of the Expropriation Law in 2007, expropriations have been on the rise, and 60.5% of expropriations have occurred after 2012 (Figure 3). Expropriation projects also show trends by type (**Error! Reference source not found.**). The predominant type of project carried out through expropriation is road improvement, affecting 55% of all expropriated households. Dam projects are the second largest category, affecting 14.6% of expropriated households. Expropriations for commercial facilities make up 10.5% of expropriations, water and electricity infrastructure make up 7.2% together, and public service buildings constitute 6.8% of expropriations.

The number of households affected by expropriation is highest in rural areas—almost 70% of expropriated households are rural (**Error! Reference source not found.**). While land is predominantly rural in Rwanda,¹⁰ this overwhelming emphasis on expropriation in rural areas had not been reported in previous studies (Kairaba & Simons, 2011). Among the property expropriated for road creation and improvement, 58% is expropriated from rural areas (Figure 7). Electricity and water projects were almost all carried out in rural areas, which is logical given the need for those infrastructure services in previously un-served rural areas. Other project types requiring large amounts of land, such as dams, public service buildings, airports and stadiums happened predominantly in rural areas. Business facilities and improved planned housing areas are among the more common types of projects that occur in urban and peri-urban areas.

Households in rural settings, villages and urban areas are similar in the share of land they lose due to expropriation (approximately 65-75% of total land). However, as a proportion of all land lost to expropriations, rural land far outweighs urban land, with rural land accounting for 88.3% of all land lost (Figure 6). Consequently, the average loss of actual land in square meters is 3,349m² in rural areas, compared to 1,072m² in peri-urban or village settings, and 558m² in urban areas, where properties are used mainly for residential and commercial purposes (Table 6).

The mean percentage of land lost by project type is shown in Figure 7. Water and electricity projects are the least likely to cause total expropriation. While road projects require total expropriation about one-third of the time, bringing the mean percentage of land lost up above 60%, most road projects actually required expropriation of less than 50% of holdings on average. In fact, road projects and water/electricity projects together, which have a greater tendency to result in partial expropriation,

¹⁰ According to the 2012 Census, approximately 17% of households in Rwanda are urban.

actually accounted for most of the expropriations in Rwanda. Roads accounted for 55% of all expropriations, and water/electricity projects accounted for 7% of all expropriations (see **Error! eference source not found.** above). In total, these two types of predominantly partial expropriation projects represented 62% of all expropriations in Rwanda.

At the district level, expropriations are proportionally greater in districts where the population is proportionally more rural. This results in a modest negative District level correlation between the degree of urbanization and the rates of expropriation ($r = -.149$). Urban districts such as Gasabo, Kicukiro and Nyarugenge, for example, have an average expropriation rate of 0.77%, compared to the District average of 1.17%.

Actual residential relocation due to expropriation is not a frequent phenomenon, and only affected 15.1% of expropriated households.¹¹ Another 30.9% of expropriated households still reside on their expropriated lands, reflecting the predominance of partial expropriations. The remaining 53.9% of expropriated households are actually expropriated from lands that were not the household's residence, not requiring relocation (Table 7). Among the small percentage of households that did relocate, 44.4% of them remained in the same village/*umudugudu* as the expropriated property, and 35.8% moved to a different *umudugudu* in the same Cell. 13.2% moved to a different Cell in the same Sector, and altogether, only 6.6% of relocated households moved to a different Sector, District, or Province.

5.2 Expropriation Procedures

The Expropriation Law provides specific procedures for expropriation of private land, instituted to protect the rights of individuals being expropriated as well as the community to be served by the project. However, to realize these goals of protection of the community, the government's adherence to those procedures, and whether those procedures are clear enough and accompanied by sufficient safeguards to protect individual rights, must be examined (Payne, 2011).

5.2.1 Planning and Coordination

Concerns over planning and coordination of development efforts, including expropriation, were raised by many respondents. Delays in paying compensation were attributed by some government respondents to poor planning and lack of consideration of the budgetary implications of expropriation projects. While the Expropriation Law does not directly address the issue of planning and

¹¹ While this number may be a low estimate due to logistical challenges of finding relocated households, the research team does not believe the estimate is far off from the reality, nor would it likely affect the analysis in any significant way. See Table 3, showing the similarity of characteristics in short-distance movers, and the likelihood that long-distance moves were influenced by other factors in addition to the expropriation (higher education levels, higher income levels, etc.).

coordination, some government respondents cited a letter from the Prime Minister addressed to all relevant government agencies giving advice on this issue, including the requirement that agencies allocate sufficient funds for compensation before carrying out expropriations.

Some CSO respondents raised concerns that local populations were not properly sensitized to the expropriation process, causing unnecessary anxiety and economic and emotional harm. Expropriating entities pointed to the obligation of local authorities to sensitize populations to expropriation, and to facilitate the payment of compensation. Some respondents called for the creation of a national coordinating body over expropriation, and MINALOC reported that it recently dedicated a unit to respond to expropriation issues.

In applications for expropriation, most expropriating agencies reported completing feasibility studies that included environmental impact assessments and budget projections. Social implications of the expropriation projects were included in some of these studies, but not universally. Overall, the contents of these reports do not appear to be standardized or mandated by law.

Respondents also cited the Master Plans as intended to promote good land use planning, reduce successive expropriations, and facilitate development of the country. However, the reliance on Master Plans as a justification for expropriations causes concerns among both CSOs and government entities. CSOs, government entities, and local authorities cited a pervasive problem of some local authorities illegally altering Master Plans in order to further their own interests.

These issues of coordination and planning necessitate efforts to better guide expropriated households and communities through the expropriation and resettlement process. The City of Kigali reported making concerted efforts to counsel expropriated individuals through the process of expropriation and compensation in order to help them plan to spend their compensation funds wisely and acquire appropriate replacement land, even encouraging group resettlement where feasible. Although the option of facilitated resettlement through compensation in the form of replacement land is provided for in the law, it is rarely used by expropriating entities and almost never preferred by expropriated households.

Institutional roles also appear to be ambiguous both to agencies involved in expropriation and expropriated individuals. Expropriated individuals face distress and confusion when multiple government entities intervene, and even end up at odds, during the expropriation process. For example, former Kiyovu residents, who were expropriated prior to the passage of the 2007 Expropriation Law, reported distress and alarm at the variety of coordination issues, including the surprise bulldozing of their homes while they were attending a public meeting organized for the

purpose of discussing the expropriation. Furthermore, many institutions integral to the expropriation process were not actually consulted in the development of the amendments to the expropriation law. The Office of the Ombudsman, for example, has been taking complaints related to expropriations since before the 2007 law came into force, and reported recommending various improvements to the process over the past 10 years, but was not consulted in amendment. MININFRA coordinates most infrastructure projects, which are the most common expropriation projects, was also not consulted.

5.2.2 Public Interest Determination

The process of determining the “public interest” nature of an expropriation project can be opaque and compromise the integrity of land use planning. The definition of “public interest” in the 2007 law is broad and includes activities related to the implementation of Master Plans as well as general national land management, and does not expressly exclude activities carried out by individuals for profit (Ilberg, 2008).

International best practices establish that expropriations be limited to a legitimate public purpose, but does grant States broad discretion to determine whether a project is in the public interest (United Nations General Assembly, 1973; Public International Law & Policy Group, 2013). The 2007 Expropriation Law generally follows these international standards by including a list of “public interest” reasons for expropriation. However, vagueness in the application of those stated purposes complicates the public interest determination. Common “public interest” reasons for expropriation projects conveyed by respondents included implementation of Master Plans, projects to build roads, and projects to install electric lines.¹² However, the vagueness in implementation of Master Plans, and the catch-all provision in the public interest article means that it is practically impossible to challenge a public interest determination.

The issue of whether expropriation for private investment purposes is actually a “public” benefit was frequently raised. Some reports indicated that authorities expropriated people where a project was designed to advance private/investor interests (ACORD-Rwanda, 2014). Because of perceptions of abuse of the public interest determination in expropriations, CSOs support a revision of the “acts of public interest” in order to exclude private interests linked with investment. The amended expropriation law does not address these concerns.

5.2.3 Notice and Public Participation

Notification is a critical stage in the expropriation process, and the procedure set forth in the law guarantees that the population shall be informed about the process of expropriation. However, it also

¹² See Figure 4, detailing the justifications provided to households for the reasons for their expropriations.

provides for the population to give their views about the project through a consultative meeting. The law also requires the Land Committee to render a final decision on the application after that meeting, suggesting that the views expressed at the meeting should be incorporated into that final decision.

In practice, officials reported that District authorities convened a meeting to inform the population about an expropriation before it was initiated. 66.5% of expropriated individuals reported being notified about expropriation through public meetings (Figure 8). While personal, written notification is most likely to comply with international standards, the practice of public notification is probably sufficient within the context of citizen involvement and the decentralized administrative structure in Rwanda to meet the aims of these standards (United Nations Conference on Trade and Development, 2012).

Although public notification is a valid form of notification under the law, almost one-third of expropriated households reported not being notified at all, contrary to the legal requirement of notification. Over 60% of households expropriated for water and electricity projects report that they were not notified about the expropriation project affecting their lands, and about 27-29% of individuals expropriated for roads and dam projects reported not being notified as well (Figure 9). Some households reported that they were notified when they saw construction teams on their properties building roads or installing electric lines, without being given any other prior notification. As the percentage of land expropriated goes up, the likelihood of receiving some form of notification rises dramatically (Table 8). This correlation between lack of notice and smaller percentage of land lost may in some cases reflect an interpretation of the 2008 Ministerial Order on land lease that purports to exempt small takings of less than 5% of a parcel from compensation.

Historic data about the manner of notification has shown some improvement since the beginning of the implementation of the Expropriation Law (Figure 10). For the first years after the adoption of the 2007 Law, the number of individuals reporting not being notified about expropriation of their property was high—34.7% in 2009, 49.2% in 2010, and 41.3% in 2011. Those numbers improved in the following three years, remaining near or below 25% from 2012-2014, which is possibly due to the increasing profile of expropriation overall, the increased competence of local authorities, and more realistic budgetary allocations for the completion of expropriation projects. Overall this appears to be a positive development. Expropriated individuals are also likely to attend meetings held regarding the expropriations.

Improving notice and participation procedures is also likely to have positive impacts on the experience of expropriated households throughout the expropriation process. Among the two-thirds of

expropriated households that attended meetings, about 72% of them report that community members were able to adequately voice their views at meetings. Projects to expropriate individuals for the construction of public service buildings are well below that average, with only 41.2% of meeting attendees reporting that community members are able to voice their views (Figure 11). The airport/stadium projects are also lower than the average, with closer to 60% of respondents noting that the community is able to voice its views at the meetings.

After properties to be expropriated are valued, the concerned landowners are notified of the value of their lands, at which time, according to District officials, the landowners would be able to verify that all their properties have been valued, are given notice of how to pursue appeal or correct the valuation in case of any irregularities or disagreements, and are then asked to complete a valuation report/form. This stage of notifying landowners of the valuation on their lands can be a source of anxiety for the affected households and reveals the value of personal notice. A number of expropriated individuals perceived the practice of public notification of valuation through a meeting as an *ad hoc* procedure, and expropriated individuals who are informed about the value of their property in writing are five times more likely than not to agree with the valuation given to their property, whereas among those who are notified verbally or through a meeting or posting at sector offices, households are more likely to disagree with the valuation (Figure 12).

According to the Office of the Ombudsman, enhanced public participation is the single most important improvement that needs to be made to the expropriation process. Survey data also reveal that over 70% of expropriated individuals who were involved in the valuation process on their property actually support the final value given to their property, whereas for those who report being present but ignored during the valuation, their satisfaction level with the value is only 13.4% (Figure 14).

5.2.4 Valuation and Compensation

5.2.4.1 Valuation Process and Procedures

Any institution carrying expropriation is obligated by the law to allocate funds for property valuation and compensation. Compensable properties are land and activities carried out on the land, including the growing of crops or trees, residences or other buildings, and any other activities aimed at the efficient use of the land, such as commercial business operations. The value of these properties is calculated considering size, nature, location, and prevailing market prices. To determine market price, District officials and independent valuers calculate the price to be paid by making an average of comparable sales.

From around 2009, District authorities report that they handled the process of valuing expropriated property with reference land prices set by Ministerial Orders (Republic of Rwanda, 2009; Republic of Rwanda, 2010). Government respondents reported that these reference land prices were set to control for distortion in Rwanda's land market, which could have resulted in overly favorable bargaining power for landowners. However, some respondents noted that the reliance on the reference land prices appears to have resulted in windfalls to expropriating entities because they were created for use by non-professional valuers and fixed indefinitely, rather than incrementally increased over time as market prices naturally rose.

Many government respondents from expropriating and coordinating entities reported that the influence of reference land prices was diminishing. Although the Ministerial Orders setting these reference prices had not officially been repealed, most expropriating entities relied on professional valuers from the Institute of Real Property Valuers of Rwanda (IRPV) to value expropriated property. The practice of using independent valuers has been incorporated into the amended version of the expropriation law.

When expropriated households were asked how they were notified about the valuation process, 59.4% of respondents report being notified verbally, either personally or through a public meeting, 9% are notified in writing, and only 3.3% of respondents are not yet being notified. However, 28.3% of respondents report never being officially notified about the valuation process to take place on their lands, and only realized valuation was underway only when they noticed valuation officials on their properties (Table 9). Verbal/meeting notification was most common for airport and stadium projects, road projects had the highest incidence of written notification, and over 60% of households expropriated for water and electricity projects report not being notified of the process of valuation until officials came to their properties without prior notice.

While many government entities do recognize some problems with the valuation process as it has been carried out under the 2007 law, many pointed to the creation of the IRPV as the main solution to valuation-related complaints. Despite the pending shift to using IRPV valuers, CSOs and expropriated individuals did not express optimism that the valuation process would improve with this change. Some Bugesera residents reported negative experiences with valuations performed by independent valuers, including contradictions in prices used by valuers from the same company. Furthermore, IRPV cited pressure exerted on independent valuers from some expropriating entities which seems to have led some valuers to match the prices with the wishes of the expropriating entity instead of basing the values on the actual market.

The process of engaging independent valuers to assess property values is still a relatively new and *ad hoc* procedure in Rwanda, and the laws on the IRPV and the reference land prices are pending harmonization with the new version of the expropriation law. In Kigali City, the Mayor noted a decline in the number of complaints over valuation of land from the time the practice of using independent valuers commenced. This seems corroborated by data obtained in the household survey where expropriated individuals reported greater satisfaction with the outcome of valuation when they are given a written report of the valuation.

5.2.4.1.1 Accuracy of values and satisfaction of the population with valuation

Among all respondents valuation was the single most commonly discussed topic. When expropriated households were asked an open-ended question about whether changes were needed to the expropriation process, over one-third pointed to improvements needed in the process of land valuation. Respondents from the expropriating entities reported that unfair valuation is the most common complaint.

Based on reports of expropriated households, urban lands are valued at approximately 31,000 RWF per square meter, rural/non-farm land at 11,000 RWF per square meter, and rural farmland at 2,500 RWF per square meter (Figure 13). While price variations based on location of land are expected, discrepancies in value based on expropriating entity and project type were also reported. The mean price per square meter paid by private investors is over 16,000 RWF, while the central government pays approximately 12,000 RWF per square meter, and other state agencies pay just under 10,000 RWF per square meter (Figure 15). Local government authorities pay less than 4,000 RWF per square meter. Value is highest for roads and improved housing/settlements (Figure 16). Road projects tend to pay about six times more per square meter than do the airport and stadium projects. Projects to improve housing or create housing settlements pay almost as highly as roads, but projects for public service buildings pay about eight times less.

However, when all of these factors are run through a multivariate analysis of variance (ANOVA) model to determine the actual effects of factors and covariates on the value of the land per square meter, the character of the land can be controlled for, given the assumption that the location or character of the land—rural/urban—is likely to have a large influence on the price per square meter. The amount of property lost, specifically when it is a small percentage of the expropriated household's total holdings, appears to be correlated with lack of notice, and even lack of compensation in some cases. When controlling for factors, especially the character of the expropriated property, the price paid per square meter for water and electricity projects and dam projects rises substantially from around 600-700 RWF/M² to the 3,500-4,500 RWF range, as does the price paid for

land expropriated to erect public service buildings, which rises from 1,585 to 9,438 RWF/M² (Table 10). The price per square meter paid for dam projects and airport and stadium projects remains quite low even when controlling for character, expropriating entity, and size of the expropriation.

The table also shows the change in relative price paid by private investors when controlling for factors and covariates, in light of the assumption that private investors were the best-paying expropriating entities. However, a significant drop in the relative price paid by private investors is observed once controlling for the rural-urban character of property, which is likely due to the high concentration of private investment projects in urban areas. In fact, the central government emerges as the best-paying entity, and other state agencies/parastatals pay about 50% more than private investors on average when the effects of other factors and covariates are held constant. All else equal, local government entities remain among the lowest-paying institutions.

District officials seemed aware that compensation for expropriated property was frequently below the market value. They identified a number of reasons, including lack of sufficient budgets for their projects, which may have caused a tendency to simply align the value of property to the available budget. Some projects are not in the Districts' five year plans, and sometimes projects come directly from the central government and require urgent expropriations. Another factor may be the rushed implementation of Master Plans, which are tied to District performance contracts.

In addition to the fact that over 80% of expropriated households report valuation of their property is below market value, the survey data show that only 6% of expropriated households actually appeal or request counter-valuation of their properties. CSOs frequently noted that expropriated individuals who would like to seek a counter-valuation of their properties need government assistance because the cost is prohibitive, and some expropriated individuals indicate that the cost of a counter-valuation is roughly the same price at which their entire plots are valued. Expropriating entities expect local authorities to take the lead role in mediating disputes between valuers and landowners and will recommend expropriated individuals seek a counter-valuation if they are unhappy with the value provided.

When expropriated individuals who reported dissatisfaction with the valuation are asked for their reasons for not appealing the value, most people (57%) report that they do not appeal because they believe the appeal will not change the outcome (Figure 17). Another 20% of dissatisfied households state that they have no information about the appeals process. 15.7% of households report that they cannot afford to appeal. When analyzing the factors influencing whether a household appeals, among

those who do, only 10.2% are female-headed households, whereas women head 27.2% of expropriated households represented in the survey (Table 11).

5.2.4.2 Compensation

Of all compensation monies paid out for expropriations, state agencies/parastatals pay 54% of that total, local government entities pay 21.7%, and the central government pays 19.5% (Figure 18). Expropriations carried out by private investors account for 4% of the total compensation paid out for all expropriations nationwide. This compensation must be paid within 120 days of the approval of the valuation. If compensation is not paid within 120 days, the expropriation may be invalidated. District officials report that expropriated individuals are typically not aware of their right to void the expropriation upon the end of the 120-day period, and officials would not take the initiative to invalidate the expropriation on these grounds.

5.2.4.2.1 Delays in compensation

In addition to being the second most frequently mentioned topic in semi-structured interviews and Focus Group Discussions (after valuation), compensation is also frequently mentioned by respondents in response to an open-ended question in the household survey,¹³ and one-third of the recommendations for changes to the expropriation process relate to delays in compensation. According to government respondents, delays caused by poor planning occur when adequate funds for compensation are not secured by the expropriating entity, or the budgeting process does not properly estimate the actual costs of the project.

Quantitative data show that expropriated households report delays in receiving compensation ranging from 5 months up to 42 months, and the average delay was 16 months (Table 12).¹⁴ Variation in delays can also be noted by project type and the institution paying compensation: expropriated households report an average delay of 14 months for projects carried out by local government, 16-month delays from other state agencies, and 24-month delays from the central government. Projects carried out by private investors have an average delay of just 5 months.

When delays are analyzed by character of land, project type, and expropriating entities, and controlled for factors and covariates, patterns emerge (Table 12). At first glance, it appears that private investors pay quickly relative to all other expropriating entities. The second column shows the delays when

¹³ The open-ended question posed was phrased as follows: “Considering the many topics we have covered in this survey, are there particular changes you would like to see in the expropriation process, in particular changes that could potentially benefit households affected by expropriation?”

¹⁴ Some individuals in Bugesera still on their lands awaiting compensation did report that their neighbors who had vacated their lands in order to receive replacement land were still awaiting the construction of their new houses. However, no significant reports of eviction prior to compensation were observed.

controlling for the other factors shown in the table, which lowers the delays for public service buildings, but doubles delays for private investors. When adjusted for factors and the covariate of property lost in the expropriation, most delay periods move close to the average, although state agencies/parastatals show lower wait times when compared with other expropriating entities, and public service buildings, housing settlements, business facilities, and airport/stadium projects are notably lower than other project types. Notably, since 2007, the average delays have decreased substantially (Figure 19), and the average delay of 2.9 months recorded for fully compensated households in 2014 is within the 120-month time period required by the law.

Some expropriating entities cited errors in the lists of expropriated individuals provided to them by local authorities as a major challenge to delivering compensation on time. Specifically, they identified errors with identity numbers, bank accounts, and names, all of which cause delays in compensation. In some cases, difficulties in locating the real owner of a rural land parcel was the reason for delayed compensation. RTDA cited a largely unreported issue of wives being excluded by husbands as co-owners of the property and accordingly not receiving any share of the compensation. This allegation is also supported by survey data, which show that only 21.7% of expropriated households report that both the head of household and the spouse receive the compensation (Table 13).

Other explanations for these delays in payment have been offered by expropriating institutions as well, including the bureaucratic payment procedures. Government agencies report a problem of unpublished requirements from the Ministry of Finance (MINECOFIN) regarding what information is needed for individuals on these lists to be paid.

Expropriating entities cite major concerns with the delays in the expropriation process which may lead to individuals improving their properties to inflate the value. Expropriating entities also accuse local authorities of illegally granting construction permits based on bribes paid by individuals facing expropriation. Local authorities disputed these claims. CSOs supported the claims of more than 40% of expropriated households, who reported being unlawfully prohibited from improving or cultivating their land before receiving compensation, even when it was delayed more than the 120 days provided for in the law. Residents of Rubavu and Bugesera reported extreme delays and hardships based on their inability to cultivate their lands even when expropriation was delayed well beyond the permissible 120 days.

5.3 Socio-economic Impacts of Expropriation

5.3.1 Effect on Property Ownership

All expropriated households lost land, and in some cases, other types of property as well. Over 50% of expropriated households lose annual and perennial crops and trees, and over 30% lose feed for livestock—all productive assets for most rural households (Figure 20). Approximately 21% of households report losing their residences in the expropriation, which is only slightly higher than the percentage of individuals who relocate due to the expropriation, which is reported to be approximately 15% of expropriated households.

5.3.2 Effects of delays

In addition to the financial implications of delayed compensation, expropriated households also faced prohibitions on their right to improve their property while the expropriation was pending. While the 2007 law prohibits improvements made to property after the inventory of the land and related improvements and the approval of the just compensation in order to prevent individuals from inflating the compensation owed, the law only prohibits these improvements within the 120-day period (the maximum period for paying compensation after the approval of just compensation), after which the inventory would become outdated and invalid, unless otherwise agreed upon by the parties. After the expiration of the 120 day period, property owners would be allowed to regain their full rights to their land, including making improvements, because the expropriating entities have unreasonably delayed the process. However, in practice this is not the case, because payments are frequently delayed for over a year, and many landowners have been continuously prohibited from improving their properties or planting certain crops. Given that the mean monthly income of expropriated households was just 110,000 RWF, and the median monthly income only 50,000 RWF, these delays in improving property, planting, and cultivating can cause serious ramifications to the livelihoods of these households.

5.3.3 Effects of Inadequate Compensation

Both government entities and CSOs cited concerns about individuals not being able to acquire replacement property with their compensation monies. CSOs tended to attribute this to the compensation being too low, and indeed over 80% of expropriated individuals report their property valuations to be below market value. Some CSOs also identified cases of non-compensation and inadequate compensation, especially in cases of partial expropriations undertaken for infrastructure or *imidugudu* development. This could be due in part to unresolved policies about the prohibition against subdividing small parcels of land, as found in Article 30 of the 2013 Land Law. Local authorities also signaled a significant issue linked to Article 15 of the Ministerial Order on Land Leases, which seems to exempt government entities from paying for expropriation of land so long as it is less than 5% of the total plot.

While many government entities recognized a need to assist expropriated individuals with the costs of relocation, they also noted the lack of a legal requirement to do so. Kigali City officials feared that compensating relocation expenses without a legal mandate to do so would be embezzlement of public funds, and RSSB noted that it should be the responsibility of the government and not the investor. This issue has been addressed in the new expropriation law, which defines “fair compensation” to include payment for “disturbances due to relocation.”

When considering the option of resettlement in lieu of cash compensation, some officials praised the Kiyovu/Batsinda project as an example of successful resettlement. However, some residents found their economic opportunities diminished after being moved from the city center to the outskirts of the city. While this particular expropriation project was carried out before the adoption of the 2007 law, it is often cited as a model for using resettlement rather than cash compensation.

5.3.4 How Cash Compensation is Spent

When expropriated households were asked about how they spent their compensation, they primarily spend compensation on the acquisition of land or a new residence, with those two items totaling 64.3% of all compensation monies spent by expropriated households (Figure 21).

They also reported putting 12% of their compensation into savings, 5% toward school fees for themselves and/or their children, and an additional 19% toward other current expenditures such as business activities, sharing with family members, purchasing household goods, and paying medical bills. While the danger of mismanagement of compensation monies does exist, expropriated individuals who have been compensated appear to invest a large portion of their compensation monies into long-term assets, such as land or a residence. Relocated households do in fact spend more of their compensation monies on long-term assets, putting 55.6% of their share of the total compensation toward a residence and 23.8% toward land (Figure 22).

5.3.5 Effects on Income

Expropriated households generally report significant changes in monthly income before and after the expropriation. Those who do not relocate reported a 32% drop in their income after the expropriation, and those who do relocate reported a 34% drop in income (Table 14). Overall, the average change in monthly income for all expropriated households is a loss of 35,236 RWF per month.

The fact that relocation does not have a significantly greater negative impact on the change in an expropriated household’s income is likely due to the fact that relocation is usually within the same

Village/Cell, or a nearby Cell in the same Sector (representing 93.4% of all relocations).¹⁵ Households that relocated but stayed within the same sector had a less than average decline in monthly income (only 25,837 RWF lower), whereas those who moved to a different Sector, District, or Province tripled the negative impact on monthly income (showing a 146,489 RWF monthly decline, Table 15).

When income changes are estimated by an OLS regression model to show the independent effects of key factors influencing income reduction (Table 16), the distance moved from the original residence whether households relocated ($\beta = -.157$), and the percentage of land that was lost ($\beta = -.158$) are among the more significant effects. Also, as household size goes up, income is more likely to be negatively affected. Households with higher monthly incomes generally are less likely to suffer a loss of income due to expropriation. This regression model also shows that the actual distance moved, if the household relocated, does have an impact on household income once other variables are controlled. The distance moved more accurately predicts the change in income than relocation alone does due to the findings cited above regarding how far relocated households tend to move from their original properties. The percentage of land lost also predicts the negative change in income, correlating with chances of relocating (but not necessarily how far, Table 17).

Road projects, which tend to cause partial expropriations, also correlate with the largest income losses. This may be explained by the types of property lost by households expropriated for road projects (Figure 23). For example, these households report high levels of lost shops (23.7%), feed for cows/*urubingo* (25.8%), annual crops (46.6%), trees (50.5%), and perennial crops (51.4%), all of which tend to be income-producing activities for rural households.

¹⁵ See Table 7.

6 CONCLUSIONS AND RECOMMENDATIONS

The research team has developed a series recommendations based on the analysis of the findings in the context of international best practices and the recommendations of all respondents, from expropriated households to government stakeholders to interested members of civil society. These recommendations will address the issues in particular of low valuation, delayed compensation, and increased transparency, along with a few general recommendations. A discussion of alternatives to expropriation is also included in this section.

It should be noted that the 2007 Expropriation Law was pending amendment during the period of this study, but had not yet come into force. The recommendations made in the forthcoming section will make reference to the draft version of the law where applicable in order to ensure that the recommendations are relevant when the draft law is adopted. However, the draft version of the draft law as reviewed by the research team showed relatively minor changes from the main procedures included in the current law.

6.1 Improve Planning and Valuation Procedures for Expropriation Projects

Much of the data point to a pervasive problem of improper planning, causing artificially low valuations, excessive delays in payment, institutional coordination issues, and undue hardship on the affected population. By improving planning in the expropriation process, many of these issues would be addressed and individual experiences in the expropriation process would be improved.

Specific recommendations to improve planning and valuation procedures are:

- Use independent valuers to produce valuations of land to be expropriated;
- Enhance independence and activities of the IRPV;
- Support IRPV in setting and updating annual land survey/prices;
- Improve feasibility studies on expropriation projects, including an assessment of socio-economic impacts on the affected population;
- Clarify and follow project timelines;
- Improve and streamline the payment procedures; and
- Improve coordination and planning by allocating sufficient project budgets before commencing projects.

6.2 Improve the notice procedures

Giving expropriated households adequate notice of the prospective expropriation affecting their lands is one of the fundamental legal principles of expropriation internationally and nationally.

Specific recommendations to improve notice procedures are:

- Provide better, more personalized notice to expropriated households.

6.3 Increase Opportunities for Public Participation in the Expropriation Process

Public participation in various forms was shown to have exceedingly positive effects on an individual's experience in the expropriation process, including through indicators such as satisfaction with valuation process and also belief in the public interest aspect of the project.

Specific recommendations to increase opportunities for public participation are:

- Increase consultative nature of land use planning;
- Ensure meaningful consultation with the public at meetings on expropriation; and
- Ensure all owners of jointly held property are involved in every stage of the expropriation process.

6.4 Mitigate Negative Impacts on Expropriated Households

Expropriated households on average reported fairly significant negative impacts on their lives because of the expropriation, with resettled households and female-headed households reporting even more negative impacts. Expropriated households also reported notable declines in their household monthly income after the expropriation. Some specific aspects of these negative impacts can and should be mitigated by institutions involved in the expropriation process.

Specific recommendations to mitigate the negative impacts on expropriated households are:

- Provide compensation for relocation expenses where applicable;
- Reduce unnecessary limitations on individuals being prohibited from improving their lands;
- Shift the narrative about expropriation to reflect its predominantly rural nature;
- Promote alternatives to expropriation, including coordinated rebuilding/improvement of low-cost housing, enhanced focus on *imidugudu* development, profit-sharing arrangements, grandfathering and allowing time for current owners to come into compliance with master plans; and
- Empower local authorities to put the best interests of the population as the foremost goal.

6.5 Improve Transparency and Accountability in the Expropriation Process

Transparency and accountability in the process of expropriation are essential for improving accuracy of valuation, adherence to timelines, and also minimizing opportunities for corruption. Furthermore, transparency and accountability are cornerstones of fairness in all government processes, and an

increased commitment to these principles will greatly improve both adherence to the legal requirements of expropriation, and also the individual's experience in the expropriation process.

Specific recommendations to improve transparency and accountability in the expropriation process are:

- Increase accessibility of appeal/counter-valuation procedures;
- Enhance the capacity of local authorities to participate in the expropriation process; and
- Publicize feasibility studies.

6.6 Carry out legal reforms

Further, specific legal reforms will help to bring the expropriation law and practice into compliance with international standards, and will also reduce the possibility of poor implementation even where the law itself is adequately well-defined.

Specific recommendations for further legal reforms are:

- Repeal Ministerial Orders determining Reference Land Prices;
- Repeal the provision allowing non-payment for small takings (Ministerial Order on Land Leases);
- Ensure that households affected by road widening under the new law governing roads are compensated for expropriated land;
- Narrow the definition of “public interest” in the expropriation law; and
- Include a clearer definition of institutional roles and responsibilities and coordination in the expropriation law.

6.7 Final Conclusion

The implementation of a policy of expropriation is necessary in Rwanda for the promotion of modern developments that will have positive impacts on Rwanda's citizens. In general, Rwandans support the government's development plans and are often supportive of expropriation projects that affect their own lands. However, many expropriated households report being negatively impacted by low valuation of their properties and delayed compensation payments. In Rwanda's predominantly rural economy, these types of delays can cause extreme hardship on vulnerable groups such as subsistence farmers and female-headed households. Urban dwellers likewise report problematic application of the procedural requirements of the expropriation law. Improved planning and coordination to ensure that expropriation projects are not commenced without proper allocation of funds or preparation for construction or related work will lessen the negative impacts of expropriation on affected households and individuals. Moreover, an increased effort to involve citizens, and in particular expropriated

households, at every stage in the process is likely to garner more support for expropriations, and also individual satisfaction with the process overall.

REFERENCES

- ACORD-Rwanda. (2014). Etude de Base sur les Conflits Agricoles et Fonciers et l'Incidence des Reformes Foncières sur ces Conflits dans les Districts de Musanze, Bugesera Kamonyi et Ngororero. Kigali: ACORD-Rwanda.
- Ilberg, A. (2008). Beyond Paper Policies: Planning Practice in Kigali. Edinburgh: N-Aerus Conference.
- Kairaba, A., & Simons, J. (2011). Impact of the Land Reform on the Land Rights and Economic Poverty Reduction on the Majority Rural Especially Women Who Depend on Land for their Livelihoods. Kigali: Rwanda Institute for Sustainable Development.
- Ministry of Lands, Environment, Forests, Water and Mines. (2004). National Land Policy. Kigali: Republic of Rwanda.
- National Institute of Statistics of Rwanda. (2010-2011). Integrated Household Living Conditions Survey 3. Kigali: National Institute of Statistics of Rwanda.
- National Institute of Statistics of Rwanda. (2012). Rwanda 4th Population and Housing Census - 2012. Kigali: National Institute of Statistics of Rwanda.
- Norwegian Refugee Council & Global IDP Database. (2005). Profile of Internal Displacement: Rwanda. Geneva: Norwegian Refugee Council, Global IDP Database.
- Payne, G. (2011). Land issues in the Rwanda's post-conflict law reform. In Local Case Studies in African Land Law (pp. 21-38). Pretoria: Pretoria University Law Press.
- Pottier, J. (2006). Land Reform for Peace? Rwanda's 2005 Land Law in Context. *Journal of Agrarian Change*, vol. 6, p. 509.
- Public International Law & Policy Group. (2013). Land Expropriation in Europe. Sarajevo: Public International Law & Policy Group.
- Republic of Rwanda. (2003, May 26). Constitution of the Republic of Rwanda, as amended to date. Kigali: Government of Rwanda.
- Republic of Rwanda. (2008, April 1). Law N.002/2008 of 01/04/2008 determining modalities of land registration. Official Gazette of 01/08/2008. Kigali: Government of Rwanda.
- Republic of Rwanda. (2007, April 19). Law N.18/2007 of 19/04/2007 relating to expropriation in the public interest. Official Gazette N. Special of 21 May 2007. Kigali: Government of Rwanda.
- Republic of Rwanda. (2015, June 11). Law N.32/2015 of 11/06/2015 relating to expropriation in the public interest. Official Gazette N.35 of 31/08/2015. Kigali: Government of Rwanda.
- Republic of Rwanda. (2013, June 16). Law N.43/2013 of 16/06/2013 governing land in Rwanda. Official Gazette N. Special of 16/06/2013. Kigali: Government of Rwanda.
- Republic of Rwanda. (2011, December 14). Law N.55/2011 of 14/12/2011 governing roads in Rwanda. Official Gazette N.4 of 23/01/2012. Kigali: Government of Rwanda.
- Republic of Rwanda. (2009, November 23). Ministerial Order 001/16.00 of 23/11/2009 determining the reference land prices in the City of Kigali. Official Gazette N.51 of 21/12/2009. Kigali: Government of Rwanda.

Republic of Rwanda. (2008, April 1). Ministerial Order N.001/2008 of 01/04/2008 determining the requirements and procedures for land lease. Official Gazette of April 2008. Kigali: Government of Rwanda.

Republic of Rwanda. (2010, May 10). Ministerial Order N.002/16.01 determining the reference land price outside of the City of Kigali. Official Gazette N.19 of 10/05/2010. Kigali: Government of Rwanda.

Republic of Rwanda. (2009, May 1). Updated Version of the National Human Settlement Policy. Kigali: Government of Rwanda.

Republic of Rwanda. (2005, July 14). Organic Law N.08/2005 of 14/07/2005 determining the use and management of land in Rwanda. Official Gazette N.18. Kigali: Government of Rwanda.

Rurangwa, E. (2013). Land Tenure Reform. The Case Study of Rwanda. Cape Town: University of Cape Town, Land Divided: Land and South African Society in 2013, in Comparative Perspective (Conference).

Saito, F. (2011). Land Reform in Post-Genocide Rwanda: Connecting Sustainable Livelihoods and Peacebuilding. Journal of the Socio-Cultural Research Institute, vol. 13, p. 219.

United Nations Conference on Trade and Development. (2012). Expropriation: UNCTAD Series on Issues in International Investment, Agreements II. New York, Geneva: United Nations Conference on Trade and Development.

United Nations General Assembly. (1973, December 17). Resolution 3171 on Permanent Sovereignty over Natural Resources. Resolutions adopted on the reports of the Second Committee. New York, NY, USA: A/RES/3171.

TABLES

Table 1

Interviews with Agencies, Organizations and Other Institutions		
No	Institution	Interview Date
Interviews with state institutions/expropriating entities		
1	Ministry of Natural Resources (MINIRENA)	15/01/2015
2	Ministry of Infrastructure (MININFRA)	18/11/2014
3	Ministry of Local Government (MINALOC)	19/01/2015
4	City of Kigali	15/01/2015
5	Office of the Ombudsman	7/11/2014
6	Rwanda Natural Resources Authority (RNRA)	5/11/2014
7	Rwanda Environmental Management Authority (REMA)	9/01/2015
8	Rwanda Social Security Board (RSSB)	14/01/2015
9	Rwanda Transport Development Authority (RTDA)	16/01/2015
10	Rwanda Housing Authority (RHA)	26/05/2015
11	Rwanda Civil Aviation Authority (RCAA)	28/05/2015
12	Rwanda Development Board (RDB)	21/05/2015
Interviews with professional bodies and research institutions		
13	Institute of Real Property Valuers (IRPV)	14/01/2015
14	Institute of Policy Analysis and Research (IPAR-Rwanda)	10/11/2014
15	Institute of Research for Peace and Dialogue (IRDP)	16/01/2015
16	Rwanda Bar Association (RBA)	16/02/2015
Interviews with civil society organizations (CSOs)		
17	Agency for Cooperation and Research in Development (ACORD-Rwanda)	13/11/2014
18	Conseil de Concertation des Organisations d'Appui aux Initiatives de Base (CCOAIB)	12/01/2015
19	Urugaga Imbaraga	11/11/2014

Table 2

Focus Group Discussions		
No	Institution	Interview Date
1	Focus group discussion with expropriated people in Batsinda (expropriated from Lower Kiyovu)	20/01/2015
2	Focus group discussion with expropriated people in Bugesera	21/01/2015
3	Focus group discussion with expropriated people in Rubavu	12/06/2015
4	Focus group discussion with CSOs-LAF members	16/01/2015
5	Focus group/sensitization discussion with officials from Nyaruguru, Nyamagabe, Muhanga, Nyamasheke, Ngororero and Rusizi districts	3/06/2015
6	Focus group/sensitization discussion with officials from Burera, Gakenke and Musanze districts	4/06/2015
7	Focus group/sensitization discussion with officials from Nyarugenge, Kicukiro, Gasabo, Bugesera, Kayonza and Rwamagana districts	5/06/2015

Table 3

Comparison of Relocated Households by Proximity of Move and Selected Demographic Characteristics								
Proximity of Move	Percent female head of HH	Mean age of head of HH	Percent married head of HH	Mean nbr of children in HH	Mean nbr of HH members	Percent HH head. educ. secondary and above	Property owned before (Ha)	N
Relocated in same Sector	25.1	47.9	65.5	2.38	5.85	9.20	0.40	195
Relocated to different Sector/Dist/Prov	26.7	49.0	57.1	2.30	5.35	26.70	0.51	15
Total	25.2	48.0	64.9	2.38	5.81	10.50	0.40	209
Sig.*	0.552	0.769	0.933	0.850	0.488	0.057	0.566	

Table 4

Number of Weighted and Unweighted Expropriated Households by Subpopulation Category		
Subpopulation Category	Unweighted N	Standardized Weighted N
All expropriated households	1,381	1,381
Fully or partially compensated households	967	947
Relocated households	231	209

Table 5

Characteristics of Heads of Expropriated Households		
Characteristics of Head	%	N
Civil Status		
Married	64.3	889
Single	6.2	86
Divorced/separated	1.3	18
Widowed	22.4	310
Informal union	5.8	79
Total	100.0	1,381
Education Level		
Primary incomplete	49.7	687
Primary complete	38.0	525
Secondary/technical	7.9	109
University and above	4.3	60
Total	100.0	1,381
Occupation		
Agriculture	69.6	962
Unskilled labor	3.5	48
Skilled labor	6.3	87
Commerce/trader	7.9	109
Civil servant	5.1	71
Other	0.8	12
Unemployed	6.7	93
Total	100.0	1,381

Table 6

Land Lost in Expropriation by Character of the Land				
Character of Expropriated Land	Household Land Lost in Expropriation			N ^{a*}
	Mean (SqM)	Sum (SqM)	Sum SqM (%)	
Rural/farm	3,349	2,106,260	88.3%	629
Village/rural non-farm	1,072	213,027	8.9%	199
Urban	558	66,844	2.8%	120
Total	2,518	2,386,130	100.0%	947

^aSig < 0.001 ^{*}Includes only households that have been fully or partially compensated

Table 7

Changes in Residential Status and Destination Due to Expropriation			
Change in Residence	Percent of HHs	Mean Distance Moved (Km)*	N
Residential Status			
Relocated to another resid	15.1	-	209
Still live in residence being expr	30.9	-	427
Still in resid (resid not on expr land)	53.9	2.9	745
Total	100.0		1,381
Residential Destination [†]			
Did not change residence	84.8	-	1,172
Moved elsewhere in same Village	6.7	0.9	93
Moved to diff Village in same Cell	5.4	1.4	75
Moved to diff Cell in same Sector	2.0	4.3	27
Moved to diff Sector in same District	0.6	6.5	9
Moved to diff District in same Province	0.2	28.0	3
Moved to diff Province in Rwanda	0.2	61.3	3
Total	100.0	2.9	1,381

^{*}Among households that relocated

[†]Differences in means significant at p < .001

Table 8

Amount of Land Lost by How Households Were First Notified of Their Expropriation				
	SqM Lost Mean ^a	SqM Lost Sum ^a	% Land Lost Mean ^a	N
At public meeting	3,134	2,030,766	74.4	648
Other notification	1,480	83,326	71.8	56
Not notified	1,119	272,039	52.4	243
Total	2,518	2,386,130	68.6	947

^aSig < 0.001

Table 9

How Households Were Informed of Valuation Process by Project Type						
Project Type	Verbal notification	Written notification	Not yet informed	Started work on land w/o notice	Total %	N ^a
Roads	58.6	12.5	3.7	25.3	100.0	760
Water & electricity	35.4	0.0	2.0	62.6	100.0	99
Dams	71.4	7.9	2.0	18.7	100.0	203
Public service building	73.4	0.0	3.2	23.4	100.0	94
Impr housing/settleme	65.6	3.1	0.0	31.3	100.0	32
Business facilities	48.3	7.6	0.0	44.1	100.0	145
Airport/Stadium	82.9	2.9	8.6	5.7	100.0	35
Other	50.0	0.0	37.5	12.5	100.0	16
Total	59.4	9.0	3.3	28.3	100.0	1,384

^a $\chi^2 = 195.711$, Sig < 0.001

Table 10

ANOVA Multiple Classification Analysis (MCA) Estimating Mean RWF/SqM Paid in Compensation Controlling for Selected Factors and Covariates					
Predicted Mean Compensation Paid (RWF/SqM)					
Factors	Unadjusted	Adjusted for Factors	Adjusted for Factors and Covariates ^a	N ¹	Sig.
Project Type					<0.001
Roads	13,583	10,072	9,733	430	
Water & electricity	621	4,744	4,292	54	
Dams	685	3,185	3,505	172	
Public service buildings	1,585	8,502	9,438	88	
Impr housing/settlement	12,303	7,834	7,992	27	
Business facilities	6,820	9,054	8,982	132	
Airport/Stadium	2,053	1,785	3,145	24	
Other	1,797	9,573	10,072	10	
Expropriating Entity					<0.001
Local government	3,796	3,997	3,998	342	
Central government	11,944	13,420	13,517	122	
State agencies/parastatals	9,803	9,610	9,608	440	
Private investors/NGOs	15,981	6,303	5,906	22	
Other	2,105	5,754	5,557	13	
Character of Expropriated Property					<0.001
Rural/farm	2,471	3,329	3,417	623	
Village/rural non-farm	11,183	9,787	9,611	196	
Urban	31,065	28,883	28,713	119	

^aCovariates = Property lost in expropriation (Ha)

¹Includes only households that have been fully or partially compensated

Table 11

Appeal of Valuation by Selected Characteristics				
Selected Characteristics	Appealed or conter- valuated %	No appeal %	Total %	Sig (χ^2)
Gender of Head of HH				0.002
Male	89.8	71.3	72.4	
Female	10.2	28.7	27.6	
Total	100.0	100.0	100.0	
Age Group				0.007
1 <= 35	32.7	16.2	17.2	
2 36 - 50	26.5	36.1	35.5	
3 51 - 65	38.8	36.4	36.6	
4 66+	2.0	11.3	10.7	
Total	100.0	100.0	100.0	
Education of head of HH				0.205
Primary incomplete	40.8	51.8	51.1	
Primary complete	51.0	38.9	39.7	
Secondary/technical	2.0	5.6	5.4	
University and above	6.1	3.7	3.8	
Total	100.0	100.0	100.0	
Residential relocation				0.434
HH did not relocate residence	77.6	79.5	79.3	
HH relocated residence	22.4	20.5	20.7	
Total	100.0	100.0	100.0	
N (compensated HHs)	49	736	784	

*Includes only households that have been fully or partially compensated

Table 12

Table 12

ANOVA Multiple Classification Analysis (MCA) Estimating Mean Months Delay in Compensation Controlling for Selected Factors and Covariates					
Factors	Estimated Months Delay in Compensation			N*	Sig.
	Unadjusted	Adjusted for Factors	Adjusted for Factors and Covariates ^a		
Project Type					<0.001
Roads	16.1	16.9	17.4	6,520	
Water & electricity	14.0	14.0	14.6	910	
Dams	29.1	29.3	28.8	2,668	
Public service buildings	11.8	8.0	6.6	1,405	
Impr housing/settlement	6.3	6.1	5.9	449	
Business facilities	5.9	6.6	6.8	2,114	
Airport/Stadium	13.5	10.0	8.4	350	
Other	8.3	4.3	3.5	164	
Expropriating Entity					<0.001
Local government	16.0	19.0	19.0	5,426	
Central government	20.8	18.4	18.3	1,917	
State agencies/parastatals	15.0	12.8	12.8	6,677	
Private investors/NGOs	7.7	15.9	16.4	352	
Other	15.6	19.3	19.5	208	
Character of Expropriated Property					<0.01
Rural/farm	18.2	17.6	17.5	9,609	
Village/rural non-farm	12.6	13.1	13.3	3,111	
Urban	10.5	12.3	12.6	1,860	

^aCovariates = Property lost in expropriation (Ha)

*Includes only households that have been fully or partially compensated

Table 13

Recipient of Compensation Payment		
Recipient of payment	%	N
Head of household	73.8	698
Spouse	2.9	28
Both (head and spouse)	21.7	205
Other	1.6	15
Total	100.0	946

*Includes only households that have been fully or partially compensated

Table 14

Household Monthly Income (RWF) Before and After Expropriation				
Monthly Income Measure	Residence Relocation?		Total	Sig.
	No	Yes		
	(Mean RWF)	(Mean RWF)	(Mean RWF)	
FRW Monthly income before expropriation	111,635	101,180	110,049	0.579
FRW Monthly income after expropriation	76,217	66,965	74,813	0.609
Difference in Income After - Before	-35,418	-34,215	-35,236	0.869
N	1,172	209	1,381	

Table 15

Household Montly Income (RWF) by Extent of Relocation		
Extent of Relocation	Difference in Income After - Before	
	(Mean RWF) ^a	N*
Relocated in same Sector	-25,837	195
Relocated to different Sector/Dist/Prov	-146,489	15
Total	-34,215	209

*Includes only households that have relocated

^aSig. < 0.001

Table 16

OLS Regression Model ¹ : Income Change Due to Expropriation by Household and Geospatial Characteristics			
Predictor Variable	B	S.E.	Beta
Distance moved from expropriated residence (Km)	-4107.915	814.57	-0.157 **
Land lost due to expropriation (Ha)	7404.952	6920.052	0.034
Share of land lost due to expropriation (%)	-473.986	96.581	-0.158 **
Gender of HH head	7347.236	8287.813	0.029
Age of HH head	-428.845	262.419	-0.053
HH size (number of members)	-7671.698	1329.015	-0.186 **
Education level of HH head	-3973.83	2092.256	-0.067
Agriculture occupation of HH head	-167.674	8270.7	-0.001
Monthly Income (in 000s)	58.303	12.851	0.142 **
(Constant)	53455.919	21812.234	

*Significant at <0.05 **Significant at <0.01

¹Includes only households that have been fully or partially compensated (N=967)

Table 17

Change in Income Due to Expropriation by Land Lost Category			
Land Lost	Lost income		N*
	Mean ^a	Sum ^a	
<= 25%	-12,031	-2,498,190	208
26 - 75%	-31,966	-6,795,666	213
>75%	-54,092	-28,492,361	527
Total	-39,902	-37,786,218	947

*Includes only households that have been fully or partially compensated

^aDifferences sig < 0.001

FIGURES

Figure 1

Conceptual Framework: Implementation of Rwanda's Expropriation Law and Outcomes on the Population

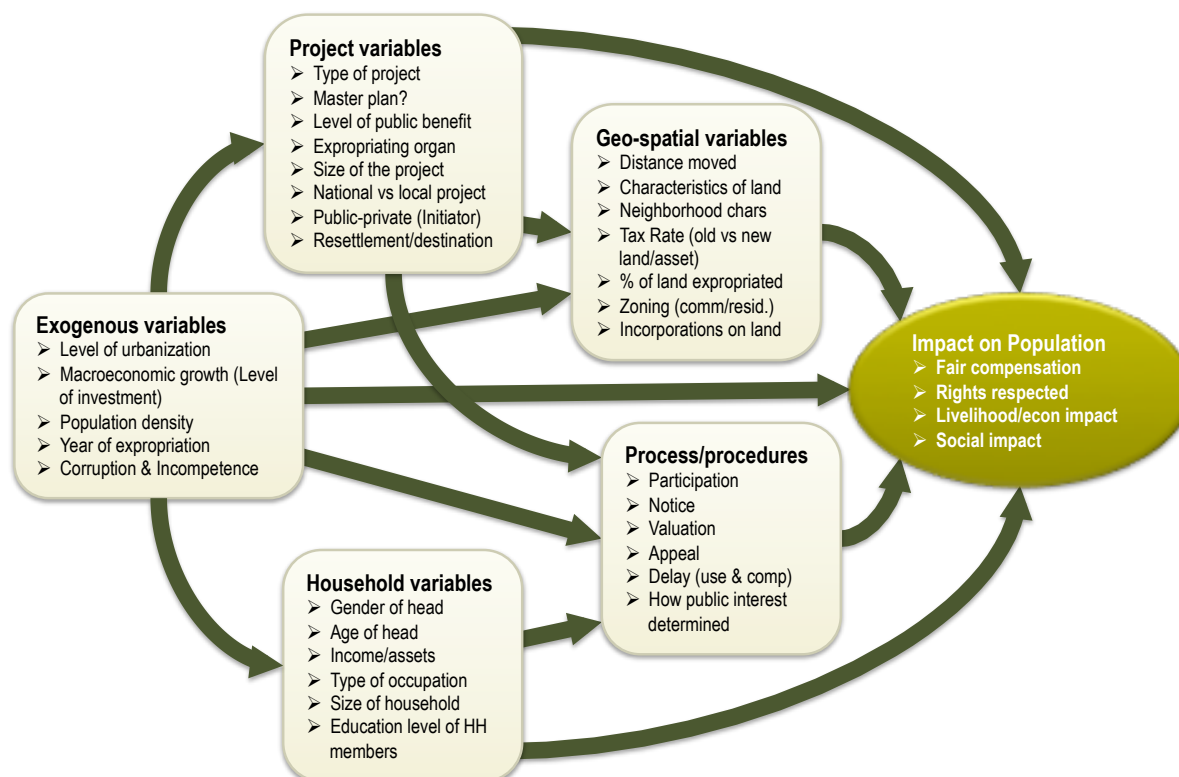


Figure 2

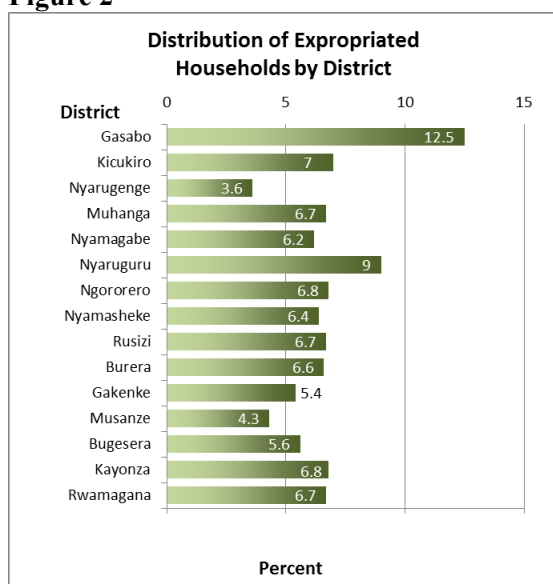


Figure 3

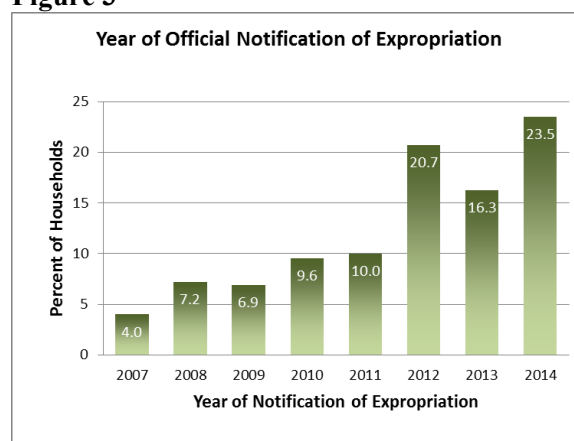


Figure 4

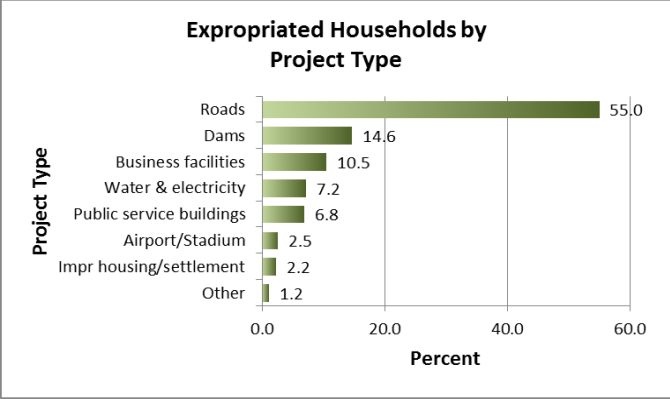


Figure 5

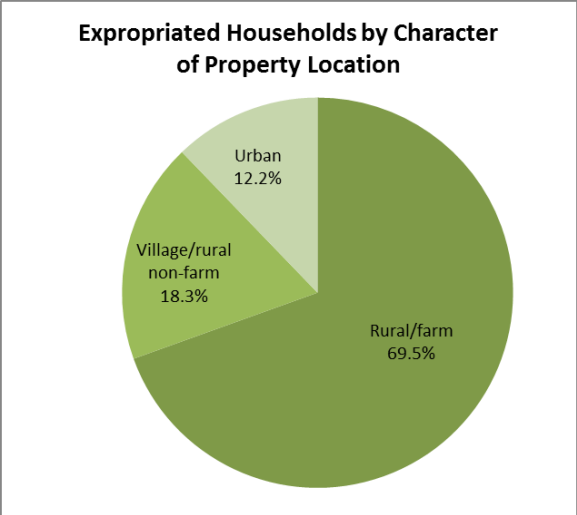


Figure 6

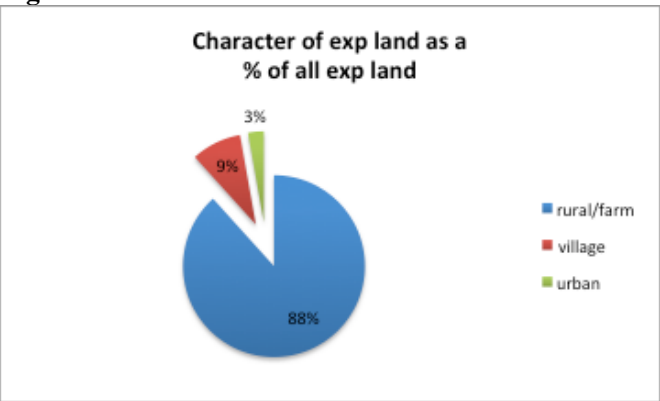


Figure 7

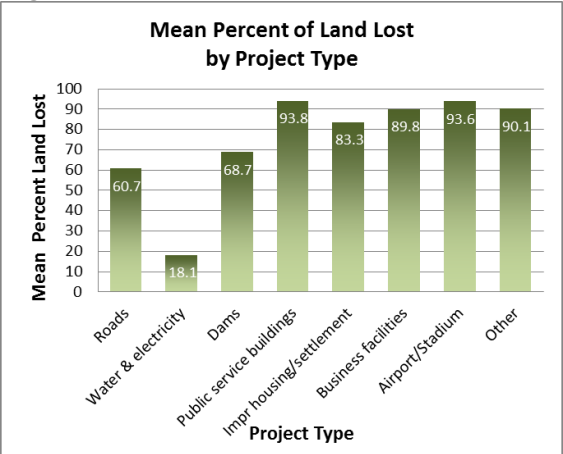


Figure 8

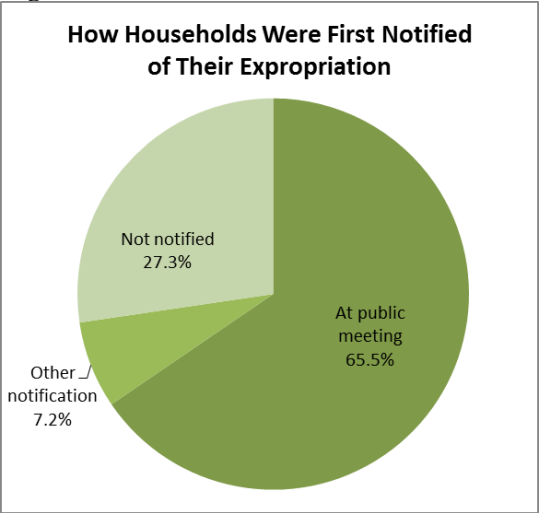


Figure 9

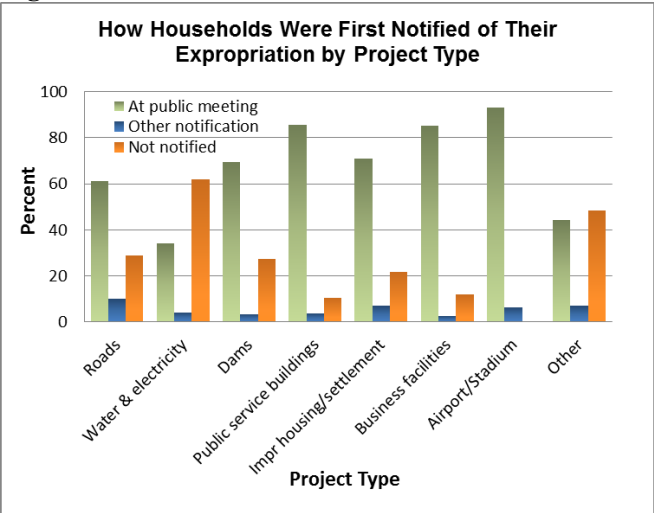


Figure 10

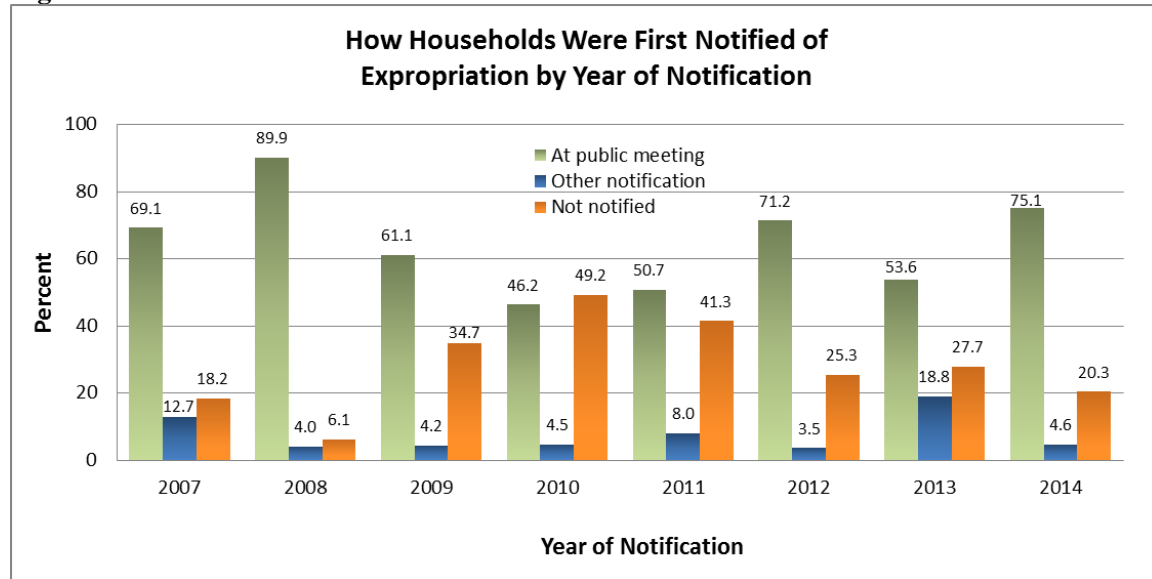


Figure 11

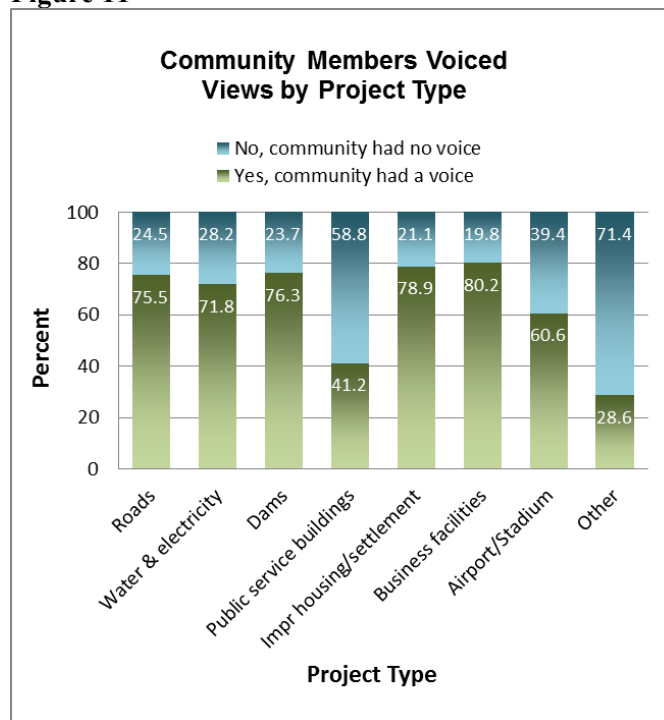


Figure 12

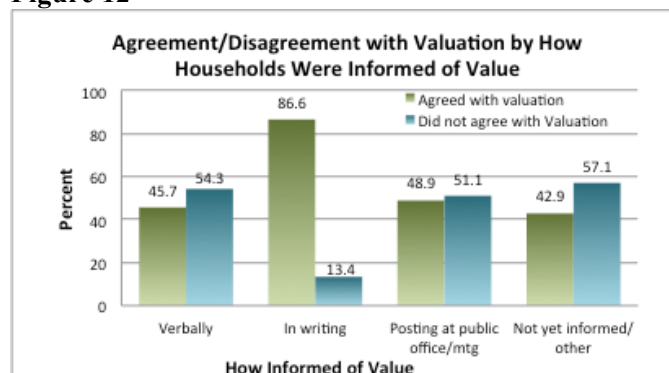


Figure 14

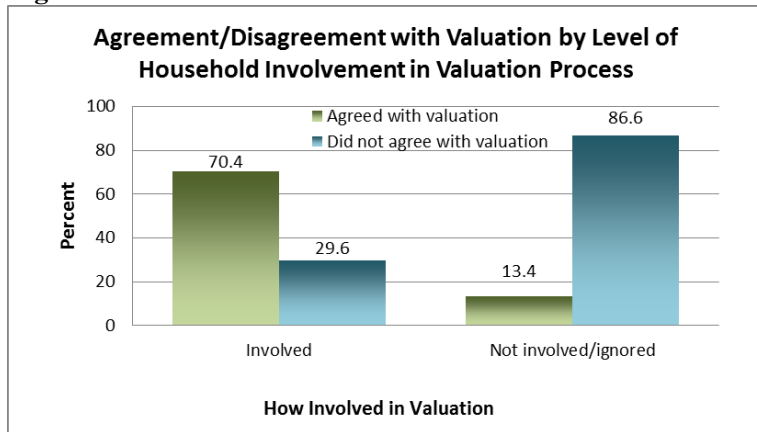


Figure 13

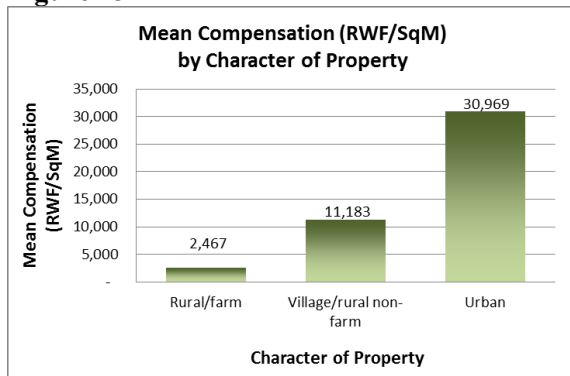


Figure 15

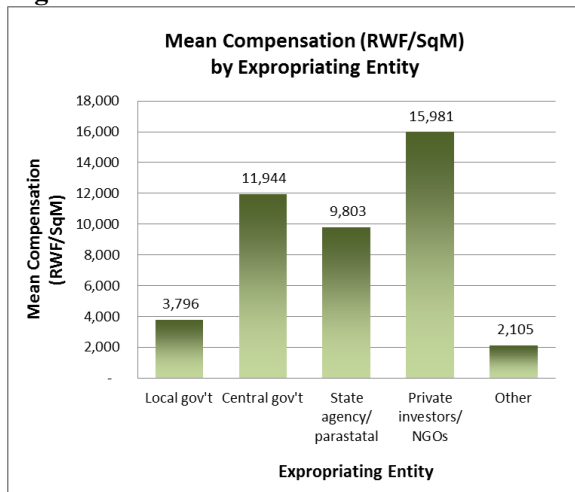


Figure 16

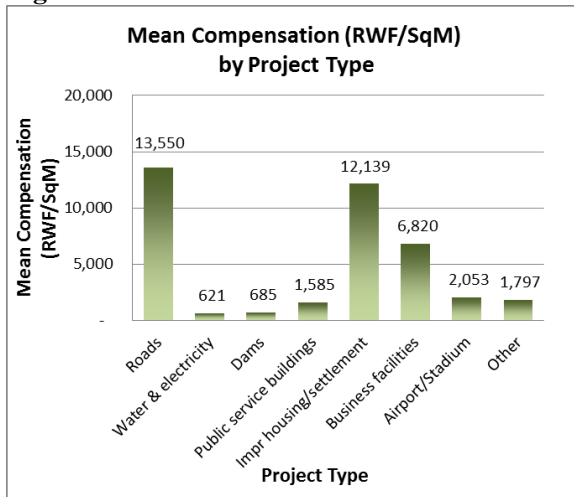


Figure 17

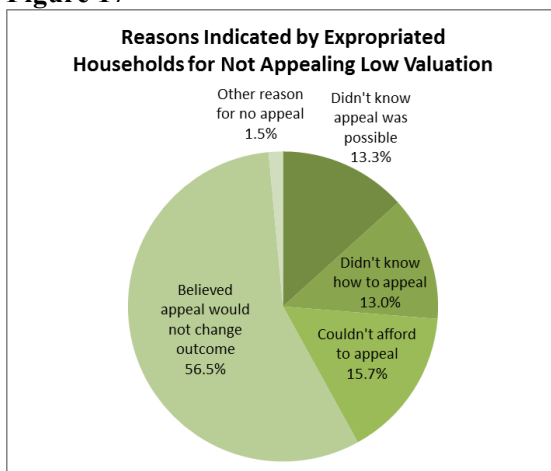


Figure 18

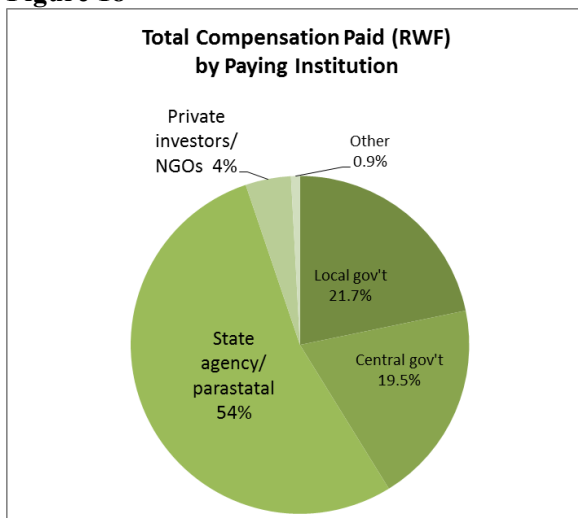


Figure 19

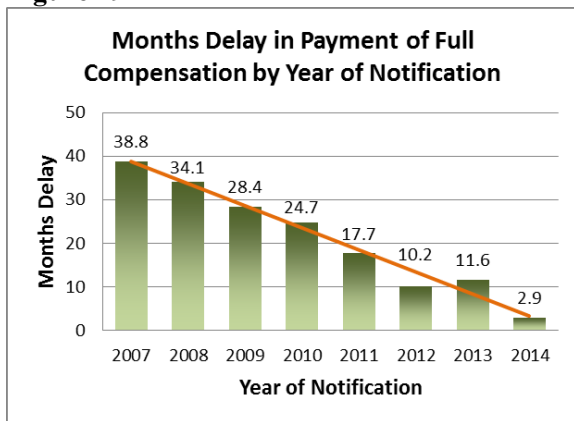


Figure 20

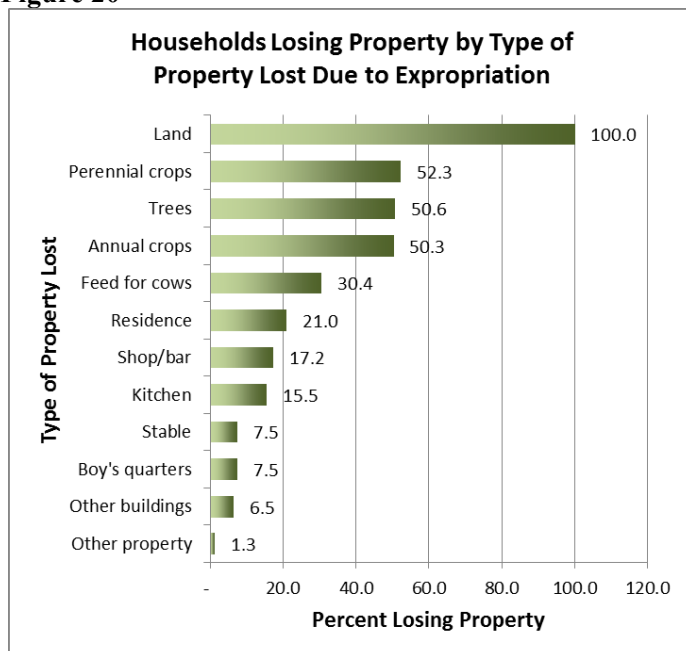


Figure 21

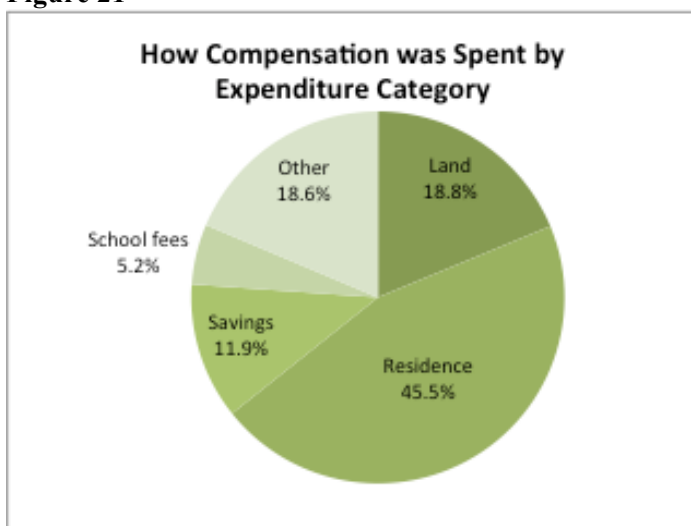


Figure 22

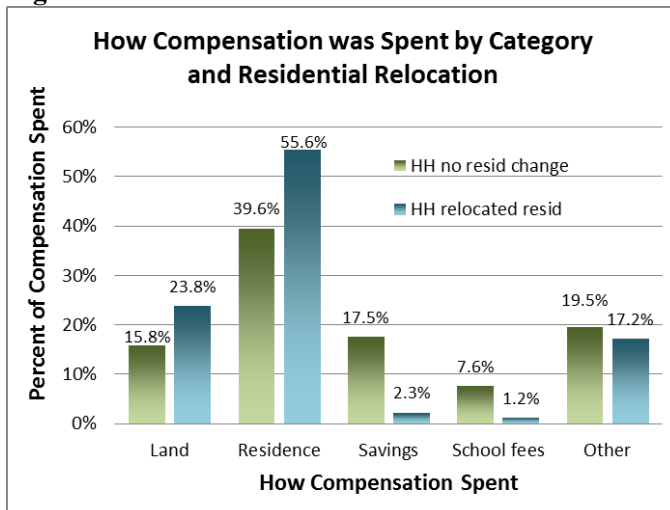


Figure 23

