

Rwanda

Law establishing Rwanda Land Management and Use Authority and Determining its Mission, Organisation and Functioning

Law 5 of 2017

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We, KAGAME Paul,

President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of 30 January 2017;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 35, 64, 69, 70, 88, 90, 91, 93, 106, 112, 119, 120, 139, 165 and 176;

Pursuant to Organic Law n° 001/2016/OL of 20/04/2016 establishing general provisions governing public institutions;

ADOPTS:

Chapter One

General provisions

Article One – Purpose of this Law

This Law establishes Rwanda Land Management and Use Authority hereafter referred to as “the Authority”. It also determines its mission, organisation and functioning.

Article 2 – Legal personality and autonomy

The Authority has legal personality, enjoys administrative and financial autonomy and is governed in accordance with the relevant laws.

Article 3 – Category of the Authority

The Authority falls within the category of non-commercial public institutions.

Article 4 – Head office of the Authority

The head office of the Authority is located in Kigali City, the Capital of the Republic of Rwanda. It may be relocated elsewhere on the Rwandan territory when deemed necessary.

The Authority may, when deemed necessary and upon approval by a Prime Minister's Order, have branches elsewhere in the country.

Chapter II

Missions of the Authority

Article 5 – Missions of the Authority

The Authority has the following main missions:

- 1° to implement national policies, laws, strategies, regulations and Government resolutions related to the management and use of land;
- 2° to provide advice to the Government, monitor and coordinate the implementation of strategies related to the management and use of land;
- 3° to promote activities relating to investment and value addition in the activities related to the use and exploitation of land resources in Rwanda;
- 4° to register land, issue and keep land authentic deeds and any other information relating to land of Rwanda;
- 5° to supervise all land-related matters and represent the State for supervision and monitoring of land management and use;
- 6° to execute or cause to be executed geodetic, topographic, hydrographic and cadastral surveys in relation to land resources;
- 7° to initiate research and study on land, publish the results of the research and disseminate them;
- 8° to prepare, disseminate and publish various maps and master plans relating to land management using the most appropriate scales;
- 9° to establish and update basic topographic maps and thematic maps;
- 10° to define standards for:
 - (a) land administration;
 - (b) land surveys;
 - (c) the geo-information, spatial information and land information data collection;
 - (d) cartographic representations of geographic features and national spatial data infrastructure;
- 11° to set up principles and guidelines related to use of land;
- 12° to organise, coordinate and monitor collection use and dissemination of geo information in the country under the National Spatial data Infrastructure Framework;
- 13° to issue technical instructions related to land management and use to district land bureaux and follow up their implementation;
- 14° to receive and evaluate proposals to purchase or lease private state-owned land and to issue, on behalf of Government, long term leases and permits to occupy such lands in accordance with the Law governing land in Rwanda;
- 15° to monitor and to enforce the execution of terms of land lease contracts and to advise on their amendment;
- 16° to undertake or cause to be undertaken all State land valuation for the purposes of its classification for sale, lease, taxation and cession;

- 17° to carry out an inventory of all land resources in the country, their quality and their use, and act as the keeper and custodian of all national maps, aerial photomaps collections and their database;
- 18° to resolve conflicts relating to land use and management which were not resolved at the District or City of Kigali levels;
- 19° to establish cooperation and collaboration with other regional and international institutions with an aim of harmonising the performance and relations on matters relating to management of land.

Chapter III

Supervising organ of the Authority and performance contract

Article 6 – Supervising organ of the Authority

An Order of the Prime Minister determines the supervising organ of the Authority.

Article 7 – Performance contract

The Authority operates on the basis of performance contract.

Modalities for the conclusion and evaluation of the performance contract of the Authority are determined by relevant laws.

Chapter IV

Organisation and functioning of the Authority

Article 8 – Management organs of the Authority

The Authority is comprised of the following two (2) management organs:

- 1° the Board of Directors;
- 2° the Executive Organ.

Section One – Board of Directors

Article 9 – Composition of the Board of Directors of the Authority

The Board of Directors of the Authority is composed of seven (7) members appointed by a Presidential Order, including the Chairperson and the Deputy Chairperson.

Members of the Board of Directors are selected on the basis of their wisdom, competence and expertise.

At least thirty percent (30%) of members of the Board of Directors must be females.

The term of office of the members of the Board of Directors as well as their replacement are determined by a Presidential Order.

Article 10 – Powers of the Board of Directors

The Board of Directors of the Authority is the supreme management and decision-making organ. It has absolute power to make decisions regarding administration, human resources and property of the Authority in order to fulfil its mission.

Article 11 – Responsibilities of the Board of Directors

The main responsibilities of the Board of Directors of the Authority are the following:

- 1° to oversee the functioning of the Executive Organ of the Authority and provide strategic guidance to be followed by the Executive Organ in fulfilment of its mission;
- 2° to approve long term strategic plan, medium and short term action plan of the Authority and related reports;
- 3° to conclude a performance contract with the supervising organ of the Authority and follow up its execution;
- 4° to approve the internal rules and regulations of the Authority;
- 5° to approve the draft budget proposal of the Authority and to monitor the use of budget and its execution;
- 6° to approve the report on activities and use of property for the previous year;
- 7° to approve the draft organizational structure of the Authority;
- 8° to evaluate the functioning of the Authority on the basis of the action plan and budget;
- 9° to submit quarterly and annual activity reports to the supervising organ of the Authority;
- 10° to take decisions on all critical matters falling under the mission of the Authority.

Article 12 – Responsibilities of the Chairperson of the Board of Directors

The Chairperson of the Board of Directors has the following responsibilities:

- 1° to lead the Board of Directors and coordinate its activities;
- 2° to convene and preside over meetings of the Board of Directors;
- 3° to submit minutes of meetings of the Board of Directors of the Authority to its supervising organ;
- 4° to sign the performance contract between the Board of Directors and the supervising organ of the Authority;
- 5° to submit the reports of the Authority adopted by the Board of Directors to relevant organs;
- 6° to follow up the implementation of resolutions of the Board of Directors;
- 7° to perform such other duties falling within the mission of the Board of Directors as may be assigned to him/her by it.

Article 13 – Responsibilities of the Deputy Chairperson of the Board of Directors

The Deputy Chairperson of the Board of Directors has the following responsibilities:

- 1° to assist the Chairperson;
- 2° to deputize for the Chairperson in case of his/her absence;
- 3° to perform such other duties falling within the mission of the Board of Directors as may be assigned to him/her by it.

Article 14 – Incompatibilities with membership of the Board of Directors

Members of the Board of Directors are not allowed to perform any remunerated activity within the Authority.

They are also not allowed, either individually or through companies in which they hold shares, to bid for tenders of the Authority.

Article 15 – Reasons for loss of membership in the Board of Directors and modalities for replacement

A member of the Board of Directors loses membership if:

- 1° his/her term of office expires;
- 2° he/she resigns in writing;
- 3° he/she is no longer able to perform his/her duties due to physical or mental disability certified by a committee of three (3) authorized medical doctors;
- 4° he/she is definitively sentenced to a term of imprisonment equal to or exceeding six (6) months;
- 5° he/she is absent in meetings for three (3) consecutive times without valid reasons;
- 6° he/she manifests any behaviors likely to compromise his/her dignity, that of his/her work or his/her position;
- 7° he/she jeopardizes the interests of the Authority;
- 8° he/she is convicted of the crime of genocide or genocide ideology;
- 9° he/she no longer fulfils the requirements considered at the time of his/her appointment;
- 10° he/she dies.

In case a member of the Board of Directors of the Authority leaves his/her duties before the expiration of his/her term of office, the competent authority appoints his/her substitute to complete his/her predecessor's term of office.

Article 16 – Convening and holding of meetings of the Board of Directors and modalities for decision-making

The meeting of the Board of Directors of the Authority is held once a quarter and whenever necessary upon invitation by its Chairperson or Deputy Chairperson in case of absence of its Chairperson, at his/her own initiative or upon request in writing by at least one third (1/3) of its members.

The invitation is submitted in writing to the members of the Board of Directors at least fifteen (15) days before the meeting is held.

However, an extraordinary meeting is convened in writing at least three (3) working days before the meeting is held.

Items to be examined by the meeting of the Board of Directors in the first quarter of the year include the approval of the financial and activity reports of the previous year.

In every quarter, the Board of Directors must examine the financial and activity reports relating to the previous quarter to be transmitted to the supervising organ of the Authority.

The required quorum for a meeting of the Board of Directors to take place is two thirds (2/3) of its members. However, when a meeting is convened for the second time it takes place regardless of its members present.

The Director General attends the meetings of the Board of Directors.

Modalities for decision-making by the Board of Directors are determined by the internal rules and regulations of the Authority.

Article 17 – Invitation of a resource person to the meetings of the Board of Directors

The Board of Directors of the Authority may invite in its meetings any person from whom it may seek advice on a certain item on the agenda.

The invited person is not allowed to vote. He/she is not also allowed to follow debates on other items on the agenda.

Article 18 – Approval of resolutions and minutes of the Board of Directors

Resolutions of the meeting of the Board of Directors are signed by its members immediately after the end of meeting, and a copy thereof is sent to the organ supervising the Authority within five (5) working days.

The head of the supervising organ of the Authority gives his/her views on the resolutions of the meeting of the Board of Directors within fifteen (15) working days from receipt thereof. If this period expires before he/she gives his/her views, the resolutions of the meeting are deemed definitively approved.

The minutes of the meeting of the Board of Directors are signed by the Chairperson and its rapporteur and approved during the next meeting. A copy of minutes of the meeting is sent to the organ supervising the Authority within fifteen (15) working days from approval thereof.

Article 19 – Rapporteur of the meetings of the Board of Directors

The Director General of the Authority serves as the rapporteur of the meetings of the Board of Directors, but he/she has no right to vote in decision making.

The Director General of the Authority does not participate in the meetings that make decisions on issues that concern him/her.

In that case, members of the Board of Directors elect among themselves a rapporteur.

Article 20 – Personal interest in issues on the agenda

When a member of the Board of Directors has a direct or indirect interest in the issue to be examined, he/she must immediately inform the Board of Directors about where his/her interest lies. The member informing of interests in the issue to be examined cannot attend the meeting deliberating on that issue.

When it happens that many or all members of the Board of Directors have a direct or indirect interest in the issue to be examined in such a way that it is impossible to take decision on the issue, the issue will be submitted to the supervising organ of the Authority to decide on the matter within thirty (30) days.

Article 21 – Sitting allowances of members of the Board of Directors

A Presidential Order determines sitting allowances of members of the Board of Directors.

Section 2 – Executive Organ

Article 22 – Composition of the Executive Organ

The Executive Organ of the Authority is comprised of the Director General appointed by a Presidential Order and other staff members recruited in accordance with relevant laws.

A Presidential Order may also appoint Deputy Directors General and determine their powers and responsibilities.

An Order of the Prime Minister determines the functioning of members of the Executive Organ of the Authority.

Article 23 – Responsibilities of the Executive Organ

The Executive Organ of the Authority has the following main responsibilities:

- 1° to monitor and coordinate daily duties and activities;
- 2° to perform such other duties falling within the mission of the Authority as may be assigned by the Board of Directors.

Article 24 – Powers and responsibilities of the Director General of the Authority

The Director General of the Authority has the power of decision in the administrative and financial management in accordance with relevant laws. He/she coordinates and directs activities of the Authority.

The Director General of the Authority has the following responsibilities:

- 1° to follow up daily activities of the Authority;
- 2° to serve as the legal representative of the Authority;
- 3° to serve as the spokesperson of the Authority;
- 4° to ensure the implementation of decisions of the Board of Directors of the Authority;
- 5° to ensure the management of staff, equipment and property of the Authority and submit a related report to the Board of Directors;
- 6° to prepare the action plan and activities report to be approved by the Board of Directors of the Authority;
- 7° to prepare the draft internal rules and regulations of the Authority to be approved by the Board of Directors of the Authority;
- 8° to prepare the draft budget proposal of the Authority;
- 9° to ensure the execution of the Authority budget;
- 10° to attend the meetings of the Board of Directors and act as rapporteur;
- 11° to perform such other duties relating to the mission of the Authority as may be assigned to him/her by the Board of Directors.

Article 25 – Responsibilities of other staff members of the Executive Organ of the Authority

The responsibilities of other staff members of the Executive Organ of the Authority are determined by a Prime Minister's Order.

Article 26 – Statutes governing the staff of the Authority

The staff of the Authority is governed by the general statutes for public service.

Article 27 – Salaries and fringe benefits allocated to members of the Executive Organ

Salaries and fringe benefits allocated to the Executive Organ members of the Authority are fixed in accordance with laws governing public service.

Chapter V

Property and finance

Article 28 – Property of the Authority and its sources

The property of the Authority is comprised of movable and immovable assets.

The property of the Authority derives from the following sources:

- 1° State budget allocations;
- 2° State or development partners' subsidies;
- 3° income from services rendered;
- 4° interests from its property;
- 5° loans granted to the Authority as approved by the Minister in charge of finance;
- 6° donations and bequests.

Article 29 – Budget of the Authority

The Authority prepares its annual budget to be approved by the relevant authority and executed in accordance with relevant laws.

Article 30 – Use, management and audit of property of the Authority

The use, management and audit of the property of the Authority are carried out in accordance with relevant laws.

The Authority internal audit service submits a report to the Board of Directors, with a copy to the Director General of the Authority.

Article 31 – Annual financial report

Within three (3) months following the end of the financial year, the Director General of the Authority submits the annual financial report to the supervising organ of the Authority after its approval by the Board of Directors in accordance with laws governing the management of State finance and property.

Chapter VI

Miscellaneous, transitional and final provisions

Article 32 – Validity of actions undertaken

Actions undertaken by the Rwanda Natural Resources Authority established by Law n°53/2010 of 25/01/2011 relating to land remain valid.

Article 33 – Transfer of employees

Former employees of the Rwanda Natural Resources Authority established by Law n°53/2010 of 25/01/2011 are transferred to the Authority established by this Law in accordance with the organizational structure of the Authority.

Article 34 – Transfer of property, liabilities and contracts

Movable and immovable property as well as liabilities and contracts of the Rwanda Natural Resources Authority established by Law n°53/2010 of 25/01/2011 are transferred to the Authority established by this Law on the basis of its missions.

Article 35 – Transitional period

A transitional period not exceeding six (6) months from the date of publication of this law in the Official *Gazette* of the Republic of Rwanda is hereby established for provisions relating to employees, contracts and property in connection with the mission of this Authority to be enforced.

Article 36 – Drafting, consideration and adoption of this Law

This Law was drafted in English, considered and adopted in Kinyarwanda.

Article 37 – Repealing provision

All prior legal provisions contrary to this Law are hereby repealed.

Article 38 – Commencement

This Law comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.