

Rwanda

Ministerial Order determining Modalities and Procedures for Resolution of Disputes related to Land Boundaries and Systematic Land Registration

Ministerial Order 4 of 2022

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Boundaries and Systematic Land Registration
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The Minister of Environment;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 121, 122 and 176;

Pursuant to Law n° 27/2021 of 10/06/2021 governing land, especially in Article 73;

After consideration and approval by the Cabinet, in its meeting of 14/12/2021;

ORDERS:

Chapter One

General provisions

Article One – Purpose of this Order

This Order determines modalities and procedures for resolving disputes related to—

- 1° land boundaries; and
- 2° the systematic land registration made from January 2008 to December 2013.

Article 2 – Definitions

In this Order, the following terms have the following meanings:

- 1° dispute: an issue related to land boundaries and to the systematic land registration made from January 2008 up to December 2013;
- 2° Authority: the State organ in charge of land management and use.

Chapter II

Modalities for resolution of disputes

Section One – Establishment of *ad hoc* dispute resolution Committee

Article 3 – Establishment of *ad hoc* dispute resolution Committee

An *ad hoc* dispute resolution Committee is established at the level of the District with legal personality, the City of Kigali, or the Authority; referred to as “Committee” in this Order.

Article 4 – Appointment of members of the Committee at the level of District with legal personality or the City of Kigali

The Mayor of the District with legal personality or the City of Kigali, depending on the nature of the dispute, appoints in writing, at least three (3) members of the Committee, chosen from among the staff of the District or the City of Kigali with skills in the following areas:

- 1° land management;
- 2° land use;
- 3° good governance;
- 4° agriculture;
- 5° environment;
- 6° forestry;
- 7° law;
- 8° land surveying and mapping.

Article 5 – Appointment of Committee members at the Authority level

The Head of the Authority, depending on the nature of the dispute, appoints in writing, at least three (3) members of the Committee, chosen from among the staff of the Authority with skills in the following areas:

- 1° land registry;
- 2° land registration;
- 3° land management;
- 4° land use;
- 5° land surveying and mapping;
- 6° resolving land disputes.

Section 2 – Responsibilities and functioning of the Committee

Article 6 – Management of the Committee

Members of the Committee elect its chairperson and rapporteur among themselves.

Article 7 – Responsibilities of the Committee

The Committee has the following responsibilities:

- 1° to examine the applicant's personal interest before carrying out an investigation on the dispute;
- 2° to carry out investigation on the received dispute, with intention to collect evidence on the dispute;
- 3° to analyse the nature of the dispute;
- 4° to hear parties to the dispute;
- 5° to mediate parties to the dispute;
- 6° to submit to the appointing authority a report on investigations carried out, analysis of the nature of the dispute, evidence, and a recommendation, within ten (10) days from the date of establishment of the Committee.

Article 8 – Functioning of the Committee

The committee carries out its responsibilities independently and in accordance with provisions of laws relevant to the nature of the dispute.

If a member of the Committee has an interest in the dispute being examined, he or she informs in writing the appointing authority for replacement.

The Committee may request the appointing authority to designate an expert to assist in analysing the nature of dispute.

Chapter III **Procedure for resolution of disputes**

Article 9 – Application for dispute resolution

A person, who intends to apply for a dispute resolution, submits on hard copy or electronically to the Mayor of the District with legal personality or the Mayor of the City of Kigali, where the land is located, or to the Head of Authority, an application file for dispute resolution.

Article 10 – Content of an application file for dispute resolution

An application file for dispute resolution contains the following:

- 1° a letter addressed to the Mayor of the District with legal personality or the Mayor of the City of Kigali, where the land is located, or the Head of authority, which indicates the following:
 - a) names of the applicant, his or her identity card number, village, cell, sector and district of residence, his or her email and telephone number;
 - b) details of the dispute;
 - c) unique land identification number;
 - d) the applicant's request;
- 2° a document indicating the decision taken by the Sector authority against the dispute;
- 3° a document indicating the decision taken by the Mayor of District with legal personality or the Mayor of the City of Kigali against the dispute, in case of appeal; or

- 4° the proof indicating that the period of thirty (30) days has been elapsed without the applicant being notified of the decision on the dispute, in case of appeal;
- 5° geographic coordinates of the land, if any;
- 6° documents related to the dispute;
- 7° other evidence certifying the applicant's rights on land, if any.

Article 11 – Invitation of parties to the dispute

The Mayor of District with legal personality, the Mayor of City of Kigali or the Head of the Authority invites, in writing, the parties to the dispute for hearing or mediation.

The invitation indicates the names of the invitee, the reason of invitation, the date, time and place for hearing or mediation.

Article 12 – Invitation of witnesses

The Mayor of District with legal personality, the Mayor City of Kigali or the Head of the Authority may invite a witness who can provide information or evidence necessary for dispute resolution.

Article 13 – Procedure for hearing parties to the dispute

The Committee hears first the applicant for dispute resolution.

If one of the parties to the dispute does not appear having provided a valid reason approved by the Committee, the hearing is adjourned. The adjournment cannot occur more than once for each party.

However, if one of the parties to the dispute does not appear without any reason or the provided reason was not approved by the Committee, the dispute is examined on merits and resolved as if the absentee was present.

The Committee hears witnesses of each party to the dispute, if they are invited.

The Committee may hear the parties to the dispute or witnesses by means of technology.

Article 14 – Suspension of application for dispute resolution

An applicant for dispute resolution may request to suspend his or her application as long as the decision has not been made yet.

However, the applicant who suspended his or her application may no longer apply for dispute resolution to the authorities referred to in this Order for the same dispute while the parties to the dispute are still the same.

Article 15 – Deciding on a dispute

The Mayor of District with legal personality, the Mayor of the City of Kigali, or the Head of the Authority takes a decision on the dispute in writing based on the report of the Committee, within a period prescribed by the Law governing land.

Article 16 – Content of the decision on a dispute

The decision on a dispute contains, at least, of the following:

- 1° a file number of the dispute;
- 2° the place of decision and the date on which it was taken;

- 3° names of parties to the dispute, their identity card numbers, village, cell, sector and district of residence, their emails and telephone numbers;
- 4° the nature of the dispute;
- 5° the basis on which the decision was made;
- 6° the decision taken;
- 7° names and signature of the Mayor of District with legal personality, the Mayor of the City of Kigali, or the Head of the Authority who takes a decision on a dispute.

Article 17 – Notification of decision on a dispute

The Mayor of the District with legal personality, the Mayor of the City of Kigali, or the Head of Authority notifies, on hard copy or electronically, the decision on the dispute to the parties to the dispute.

Chapter IV Final provision

Article 18 – Commencement

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