

Rwanda

## Ministerial Order governing Land Committees

### Ministerial Order 7 of 2022

Legislation as at 6 June 2022

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## Rwanda

# Ministerial Order governing Land Committees

## Ministerial Order 7 of 2022

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**Assented to on 12 May 2022**

**Commenced on 6 June 2022**

*[This is the version of this document from 6 June 2022.]*

### **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 68;

After consideration and approval by the Cabinet, in its meeting of 09/04/2022;

### **ORDERS:**

## **Chapter One**

### **General provisions**

#### **Article One – Purpose of this Order**

This Order determines the composition, organisation, functioning, responsibilities, and operation levels of land committees.

#### **Article 2 – Composition of land committee**

A land committee is composed of five (5) members. At least two (2) of the members of the land committee must be females.

## **Chapter II**

### **Organisation of land committees**

#### **Article 3 – Operation levels of land committees**

Land committees operate at Cell level and Sector level.

#### **Article 4 – Appointment of members of land committee at Cell level**

Members of the land committee at Cell level are appointed by the Sector Council.

#### **Article 5 – Appointment of members of land committee at Sector level**

Members of the land committee at Sector level are appointed by the Council of District with legal personality or the Council of the City of Kigali.

## **Article 6 – Deadline for appointment of members of land committees**

The relevant Council appoints members of the land committee not later than the 1<sup>st</sup> of June of the last year of the term of the land committee in office.

However, the appointed land committee commences its activities on the 1<sup>st</sup> of July of the same year.

## **Article 7 – Criteria for appointment of members of land committees**

A member of land committee must–

- 1° be Rwandan by nationality;
- 2° be aged at least twenty-one (21) years;
- 3° have integrity;
- 4° not have been sentenced to a final term of imprisonment of more than six (6) years, neither granted amnesty nor rehabilitation;
- 5° live in a Cell or Sector of operation of the land committee of which he or she is proposed to be a member;
- 6° have information on land located in the Cell or Sector of operation of the land committee of which he or she is proposed to be a member, relating to land ownership, land successive use and issues thereon.

## **Article 8 – Persons not eligible for membership of land committee**

The following persons are not eligible for membership of land committees:

- 1° employees of decentralised entities;
- 2° public servants in charge of land administration;
- 3° individuals providing land services;
- 4° security officers;
- 5° other employees whose responsibilities are linked to land services.

## **Article 9 – Administration of land committees**

Members of the land committee elect, among themselves, the Chairperson and the Vice Chairperson.

## **Article 10 – Term of office of land committees**

Land committees serve for a term of five (5) years.

If a member of the land committee ceases duties before completion of the term of office, his or her replacement completes the remainder of the term of office.

## **Article 11 – Reasons for replacement of a member of land committee**

A member of a land committee is replaced–

- 1° if the term of office expires;
- 2° if he or she resigns;
- 3° if he or she is absent in three (3) consecutive meetings of the land committee without any valid reason;

- 4° if he or she is dismissed from the land committee by the relevant Council on the basis that he or she no longer meets the criteria for appointment;
- 5° if he or she is unable to discharge his or her duties as a result of an illness that is certified by a recognized medical doctor;
- 6° if the land committee is dissolved; or
- 7° if he or she dies.

### **Article 12 – Replacement of a member of land committee**

The replacement of a member of the land committee is made by the relevant Council, within a period of ninety (90) days from the date of the loss of membership.

### **Article 13 – Grounds for dissolution of land committee**

The land committee may be dissolved–

- 1° if there is a motion of no confidence against the land committee, approved by two-thirds (2/3) of members of the relevant Council;
- 2° if there is serious unrest caused by members of the land committee;
- 3° if it is evident that all members of the land committee are no longer able to accomplish its responsibilities;
- 4° if there is a certain evidence that members of the land committee conspired to commit a fault;
- 5° if all members of the land committee are prosecuted by judicial organs.

## **Chapter III**

### **Responsibilities and functioning of land committees**

#### **Section One – Responsibilities of land committees**

#### **Article 14 – General responsibilities of land committees**

Land committees are responsible for providing information used to assess and resolve land-related issues and to make decisions on land management and use, upon request by the relevant Executive Secretary.

#### **Article 15 – Responsibilities of land committee at Cell level**

Except when there is objection to information provided, the land committee at Cell level provides information that does not need validation by the land committee at Sector level, relating to the following:

- 1° holders of land rights during the first land registration;
- 2° unregistered land;
- 3° land that has undergone unregistered changes.

The land committee at Cell level provides information that needs validation by the land committee at Sector level, relating to the following:

- 1° escheat land and vacant land;
- 2° unregistered State land;
- 3° State land registered on individuals;

- 4° State land usurped by individuals;
- 5° land rights from prescription;
- 6° poorly exploited land;
- 7° other information on land management and use.

However, if members of the land committee at Cell level prove that they have personal interest in the file submitted to them, the file is considered by the land committee at Sector level.

### **Article 16 – Responsibilities of land committee at Sector level**

The land committee at Sector level has the following responsibilities:

- 1° to make a report validating land rights from prescription, on basis of information provided by the land committee at Cell level;
- 2° to provide information requested from the land committee at Cell level, if its members have proven to have personal interest in the file submitted to them;
- 3° to examine objection files to information provided by the land committee at Cell level;
- 4° to validate information provided by the land committee at Cell level relating to the following:
  - a. escheat land and vacant land;
  - b. unregistered State land;
  - c. State land registered on individuals;
  - d. State land usurped by individuals;
  - e. poorly exploited land;
  - f. other information on land use and management.

## **Section 2 – Functioning of land committees**

### **Article 17 – Transmission of a file to land committee**

The relevant Executive Secretary receives a file, records it in the register of the land committee, prior to its transmission to the committee.

### **Article 18 – Convening a meeting of land committee**

A meeting of the land committee is convened and chaired by the Chairperson. In case of his or her absence, the meeting is convened and chaired by the Vice Chairperson

The invitation to the meeting of the land committee is made in writing and delivered to the land committee members at least seven (7) days before the meeting is held. However, in case of an extraordinary meeting, the period of seven (7) days may not be respected.

### **Article 19 – Holding a meeting of land committee**

An ordinary meeting of the land committee is held once a month. The land committee may also hold an extraordinary meeting, when considered necessary.

A meeting of the land committee is held when at least three (3) of its members are present.

A member of the land committee cannot participate in a meeting–

- 1° if it considers a file in which he or she has personal interest; or
- 2° if a member, his or her spouse, ascendant, descendant, collateral or in-law up to the second degree, has a personal interest on a file under consideration by the land committee.

### **Article 20 – Rapporteur of a meeting of land committee**

The Executive Secretary of Cell is the rapporteur of the meeting of the land committee at Cell level.

An officer in charge of land management at Sector level is the rapporteur of the meeting of the land committee at Sector level.

### **Article 21 – Report on a meeting of land committee**

The report on the meeting of the land committee is signed by the chairperson and the rapporteur of the meeting, immediately after the end of the meeting.

The Executive Secretary of Cell, within five (5) days from the date of the meeting, submits the report on the meeting of the land committee at Cell level to the Executive Secretary of Sector, with a copy to the Chairperson of the land committee at the Sector level.

The Executive Secretary of Sector, within five (5) days from the date of the meeting, submits to the Mayor of the District with legal personality or the Mayor of the City of Kigali, the report on the meeting of the land committee at Sector level.

### **Article 22 – Monitoring of activities of land committees**

The District with legal personality or the City of Kigali monitors activities of land committees.

## **Chapter IV Transitional and final provisions**

### **Article 23 – Existing land committees**

The existing land committees continue to function until 30<sup>th</sup> of June 2022.

### **Article 24 – Commencement**

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