

Rwanda

## Prime Minister's Order determining Modalities for Land Allocation and Acquisition, Emphyteutic Lease, and State Land Concession and Lease

Prime Ministers Order 8 of 2022

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## Rwanda

# Prime Minister's Order determining Modalities for Land Allocation and Acquisition, Emphyteutic Lease, and State Land Concession and Lease Prime Ministers Order 8 of 2022

Published in Official Gazette special on 3 July 2022

**Assented to on 3 July 2022**

**Commenced on 3 July 2022**

*[This is the version of this document from 3 July 2022.]*

### **The Prime Minister;**

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 10;

On proposal by the Minister of Environment;

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—

- 1° modalities for land allocation and acquisition;
- 2° modalities for emphyteutic lease;
- 3° modalities for State land concession;
- 4° modalities for State land lease;
- 5° the exact duration of emphyteutic lease and its renewal;
- 6° the exact duration of State land concession and its renewal; and
- 7° the exact duration of State land lease and its renewal.

### **Article 2 – Scope of application of this Order**

This Order applies to—

- 1° land in private domain of the State; and
- 2° land owned by a person.

### **Article 3 – Modalities for allocation and acquisition of land**

Modalities of allocation and acquisition of land are the following:

- 1° sale;
- 2° donation;
- 3° inheritance;
- 4° succession;
- 5° exchange;
- 6° land sharing or legal grant by competent authorities;
- 7° execution of an enforcement order;
- 8° other means of allocation and acquisition of land determined in accordance with relevant laws.

## **Chapter II Modalities for emphyteutic lease**

### **Article 4 – Elaboration of an emphyteutic lease contract**

The institution in charge of land management and use elaborates an emphyteutic lease contract.

### **Article 5 – Signing of the emphyteutic lease contract**

The emphyteutic lease contract is signed by the following:

- 1° the Chief Registrar of land titles, or registrar of land titles of the land territorial location, on behalf of the State;
- 2° a person or his or her legal representative.

For the land of the Chief Registrar of land titles or his or her relatives at the first degree, an emphyteutic lease contract is signed by the registrar of land titles of the jurisdiction where the land is located.

For the land of the registrar of land titles or his or her relatives at the first degree, an emphyteutic lease contract is signed by the Chief Registrar of land titles.

### **Article 6 – Registration of the emphyteutic lease contract**

The Chief Registrar of land titles or the registrar of land titles registers the emphyteutic lease contract and issues a certificate of registration.

### **Article 7 – Issuance of emphyteutic lease contract and certificate of land registration**

An emphyteutic lease contract and certificate of land registration are issued electronically or on printed papers.

If an emphyteutic lease contract and certificate of land registration have been issued to a person who is not the landowner, they are cancelled in accordance with relevant laws.

## **Article 8 – Rights resulting from emphyteutic lease**

A person who owns land under an emphyteutic lease has the following rights:

- 1° to use the land as he or she wishes, but respecting laws governing land use;
- 2° to enjoy the productivity from his or her land and interest thereon;
- 3° to transfer his or her rights on the land.

## **Chapter III Modalities for State land concession and lease**

### **Article 9 – Organisation of competition for concession or lease of State land**

The competition for concession or lease of State land for strategic investment purposes is organised by the Ministry in charge of land in collaboration with the organ in charge of investment promotion. Organs that organize the competition prepare also a competition file.

The competition for concession or lease of State land for strategic investment purposes is conducted in accordance with relevant laws.

### **Article 10 – Content of the competition file**

The competition file contains the following main information:

- 1° activities to be conducted on the land in accordance with the land use master plan, specific needs of the place where the land is located, and national priorities;
- 2° activities on the land;
- 3° geographic coordinates of that land produced in accordance with the accepted projection system after assessment by an institution in charge of land management and use;
- 4° other relevant information to the competition in accordance with the strategic investment that will be carried out on that land.

### **Article 11 – Concession or lease of State land without competition**

The organ in charge of investment promotion requests in writing, on behalf of the investor, the Minister in charge of land, to concede or lease the State land without competition for strategic investment purposes.

The request for concession or lease of State land without competition for strategic investment purposes is accompanied by the following:

- 1° a business plan of the project;
- 2° a document indicating that the project is for strategic investment;
- 3° a document indicating the size of the needed land for the project.

### **Article 12 – Assessment of the request for concession or lease of State land without competition**

During assessment of the request for concession or lease of State land without competition, it is examined—

- 1° if the project complies with land use master plan;

- 2° if the requested land is not reserved for other activities; and
- 3° if the characteristics of land are convenient for the given project in accordance with the principle of optimum land use.

If the request for concession or lease of State land without competition is valid, the Minister in charge of land writes to the organ in charge of investment promotion—

- 1° informing it provisionally of the size of State land that can be reserved for concession or lease without competition, its location and boundaries; and
- 2° requesting it to evaluate the environmental impact assessment for the project in accordance with relevant laws, prior to the concession or lease of State land.

### **Article 13 – Concession of State land for social welfare**

State land is conceded to a vulnerable person in order to improve his or her welfare.

### **Article 14 – Project for concession of State land for social welfare**

The Minister in charge of social affairs submits to the Minister in charge of land the project for concession of State land for social welfare.

The project indicates the size, geographic coordinates of the needed land and the activities that will be carried out on that land.

The Minister in charge of land assesses the project in compliance with the land use master plan for the location of the needed land.

If the Minister in charge of land finds that the project is valid, he or she approves it.

### **Article 15 – Elaboration of land concession or contract on lease of State land**

The Ministry in charge of land elaborates the land concession or contract on lease of State land.

Land concession or contract on lease of State land for strategic investment purposes is elaborated on basis of the investment project.

Land concession for social welfare is elaborated on basis of the project for concession of the State land for social welfare.

### **Article 16 – Signing of land concession or contract on lease of the State land**

Land concession or contract on lease of the State land for strategic investment purposes is signed by—

- 1° the Minister in charge of lands; and
- 2° an investor.

Land concession for social welfare is signed by—

- 1° the Minister in charge of lands; and
- 2° the Minister in charge of social affairs.

## **Article 17 – Assessment of implementation of land concession or contract on lease of State land**

The institution in charge of land management and use, in collaboration with the organ in charge of investment promotion, assesses the status of the investor's compliance with terms of land concession or contract on lease of State land as well as the submitted business plan.

### **Chapter IV Exact duration of emphyteutic lease and State land concession and lease, and its renewal**

#### **Section One – Exact duration of emphyteutic lease and State land concession and lease**

### **Article 18 – Exact duration of emphyteutic lease**

The exact duration of emphyteutic lease is forty-nine (49) years for the land designated for the following:

- 1° residential use;
- 2° commercial activities;
- 3° industrial use;
- 4° public facilities;
- 5° public utility;
- 6° administration buildings;
- 7° open space;
- 8° transportation.

The exact duration of emphyteutic lease is ninety-nine (99) years for the land designated for the following:

- 1° forestry;
- 2° agricultural;
- 3° livestock;
- 4° wetland;
- 5° water body;
- 6° buffer zone.

### **Article 19 – Exact duration of State land lease or concession**

The exact duration of State land lease for investment or concession of State land is forty-nine (49) years.

However, depending on the nature of the specific project:

- 1° the exact duration of State land lease for investment or concession of State land can be below forty-nine (49) years;

- 2° the exact duration of State land lease for investment may exceed forty-nine (49) years but without exceeding ninety-nine (99) years, after approval of the Minister in charge of land basing on advice of the organ in charge of activities underlined in that project.

## **Section 2 – Renewal of the exact duration of emphyteutic lease and State land concession and lease**

### **Article 20 – Renewal of exact duration for emphyteutic lease**

The registrar of land titles renews the exact duration of emphyteutic lease for a Rwandan, without prior application.

A foreigner who intends to have the exact duration of emphyteutic lease renewed, applies for it in writing to the Registrar of land titles at least ninety (90) days prior the expiry of the duration of emphyteutic lease.

If the application is accepted, the registrar of land titles renews the exact duration of emphyteutic lease. However, if the application is not accepted or if the foreigner does not apply for the renewal of emphyteutic lease, he or she loses the rights on the land and the latter is converted to the State land in private domain.

### **Article 21 – Renewal of exact duration of State land lease or concession**

The exact duration of State land lease for investment or concession of State land is renewed upon request of the lessee or the concessionaire on basis of the State land lease contract or concession.

If the lessee or the concessionaire does not request for the renewal of the exact duration of State land lease for investment or concession of State land, or if the request for renewal is not accepted, he or she loses the rights on the land.

## **Chapter V Final provisions**

### **Article 22 – Authorities responsible for the implementation of this Order**

The Minister of Environment and the Minister of Local Government are entrusted with the implementation of this Order.

### **Article 23 – Commencement**

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