

Rwanda

## Presidential Order determining the Structure, the Responsibilities, the Functioning and Composition of Land Commissions

Presidential Order 54 of 2006

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## Rwanda

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### Presidential Order 54 of 2006

Published in Official Gazette special on 12 October 2006

**Assented to on 12 October 2006**

**Commenced on 12 October 2006**

*[This is the version of this document from 12 October 2006.]*

**We, KAGAME Paul,**

President of the Republic;

Given the Constitution of the Republic of Rwanda of 4th June 2003, as amended to date, especially in its articles 29, 30, 112, 113 and 201;

Given the Organic Law N° 8/2005 of 14/07/2005 determining the use and management of land in Rwanda, especially in its articles 8, 15, 73 and 74;

Given the Organic Law N° 29/2005 of 31/12/2005 determining the organisation and functioning of administrative entities of the Republic of Rwanda, especially in its articles 1, 2 and 3;

Given the Law N° 08/2006 of 24/02/2006 determining the structure, the organisation and the functioning of the District, especially in its article 23;

Upon the proposal of the Minister of Lands, Environment, Forests, Water and Mines;

After consideration and adoption by the Cabinet, in its meeting of 14/06/2006;

**HAVE ORDERED AND HEREBY ORDER:**

## Chapter One General provisions

### Article One

This Order determines the structure, the responsibilities, the functioning and the composition of land commissions at the National, Kigali City, and District levels.

Members of land commissions must be people of integrity, good character, prudent and competent in land matters, and are autonomous in the exercise of their duties.

### Article 2

At each level, the commission is composed of the Chairperson, the Vice-Chairperson and other members.

At the national level members of the Commission are appointed by an Order of the Prime Minister upon a request of the Minister having lands in his/her attributions.

At the levels of Kigali City and Districts, they are appointed by an Order of the Prime Minister upon a request of the Minister having lands in his/her attributions, who will have based himself or herself on the recommendation of Kigali City Council or of the District Council.

The Commission has a three-year term renewable once. However, at least 30% of the commission's members must be women at each level.

### Article 3

The duties of a commission member shall be terminated in case of:

1. Death
2. Resignation
3. Three consecutive absences in meetings without justifiable reasons
4. Dismissal by the appointing authority.

### Article 4

A commission member shall be replaced within 90 days of termination of his/her duties. During that period, the commission's chairperson informs, in writing, the Minister having Lands in his/her attributions, who in turn informs the Prime Minister within fifteen days from the date of receipt of the letter.

### Article 5

Members of the Land Commission at the national level and the Kigali City level convene once in three months, while at the District level they convene once in two months in an ordinary session.

They can also convene in an extraordinary session in an urgent case or upon a request by at least one third ( $\frac{1}{3}$ ) of commission members. In such a session, commission members discuss only items on the agenda.

### Article 6

Meetings of the commission are summoned and chaired by its Chairperson at each level. In case of his/her absence, the meetings are summoned and chaired by the Vice-Chairperson at each level.

When both the chairperson and the vice-chairperson are absent for some reason, the meeting shall be postponed. However, in urgent case and upon request of at least one third ( $\frac{1}{3}$ ) of the commission members, the chairperson of the commission at the national level delegates a member of the Commission at the national level to chair the meeting of the Commission at the Kigali City or District level.

If it is the Commission at the national level, the request is addressed to the Minister having lands in his/her attributions, who appoints one of its members to chair the meeting.

Letters of invitation must reach the members at least seven (7) days before the meeting. However, when it is an extraordinary meeting, that period shall not be binding. The invitation letter must include the agenda of the meeting.

### Article 7

The quorum for commission meetings is at least  $\frac{2}{3}$  of the members. No commission member shall be represented in a meeting.

A commission member shall be replaced if he/she is absent for three consecutive times without a sufficient reason.

## **Article 8**

Decisions shall be made after an absolute majority vote. The decisions shall be implemented by institutions or organs under the commission's jurisdiction.

## **Article 9**

Members of land commissions at all levels referred to under this Order receive a seating allowance every time they meet in their ordinary session.

At the national level, the seating allowances are determined in line with the rates for boards of directors in public institutions.

At Kigali City and District levels, the allowances are determined in line with the rates of Councils at each level.

## **Article 10**

At the national level the chairperson of the Commission submits the report to the Minister having lands in his/her attributions, and reserves a copy for the President of the Republic and the Prime Minister.

At the levels of the City of Kigali and Districts, the commission chairperson submits the report to the Mayor of Kigali City or the Mayor of the District and to the Land Commission at the national level.

In case the report content conflicts with legislations on land or public interests, the organ receiving the report may comment on it within thirty days.

## **Article 11**

The Minister having lands in his/her attributions has the right to halt decisions contained in the report submitted to him/her, within seven (7) working days from the day he/she receives his/her copy, if the report content contradicts legislations on land or infringes public interests.

## **Chapter II**

### **The Land Commission at the national level**

## **Article 12**

The Land Commission at the national level has competence all over the country, and is composed of the following seven (7) members, whose responsibilities include land administration and land use management:

1. Three (3) representatives of the public sector;
2. Two (2) representatives of the civil society from farmers' associations;
3. One representative of the private sector federation;
4. One representative of the Bankers Association;

## **Article 13**

Members of the Land Commission at the national level shall approve and monitor implementation of land administration and land use management procedures and guidelines for the whole country.

The guidelines must be submitted to the Minister having lands in his/her attributions within five (5) working days from the day the commission adopts them, and he/she should provide his/her comments within fifteen (15) days upon receipt of the transmission letter.

In the event the Minister does not give his/her opinion within the period provided for, the procedures and guidelines shall be published in the Official *Gazette* of the Republic of Rwanda.

### **Article 14**

The responsibilities of the Land Commission at the national level include the following:

- 1° Approve procedures and guidelines for land administration and land use management;
- 2° Approve training programme for all levels involved in land administration and land use management;
- 3° Participate in preparing, updating and monitoring the implementation of the national land policy;
- 4° Supervise and monitor the functioning of the National Land Centre;
- 5° Advise the Minister having land in his/her attributions on confiscation of land from those who do not maintain it properly, or do not exploit it, or do not have any right on it;
- 6° Monitor closely the private State owned land in order to make it productive;
- 7° Monitor and approve expropriation of land repossessed in public interest to accommodate activities with a national character;
- 8° Make decisions aimed at resolving any problems that may arise at each level of the commissions;
- 9° Work closely with relevant institutions in the preparation of the national master plan, specific plans of Kigali City and other places that shall be considered as towns or municipalities.
- 10° Provide inputs in the drafting of the settlement policy;
- 11° Approve action plans of Land Commissions at the levels of Kigali City and Districts;
- 12° Monitor the functioning of the National Land Centre;
- 13° Perform any other duties that may be assigned by the Minister having lands in his/her attributions.

## **Chapter III**

### **The Land Commission at the level of Kigali City**

### **Article 15**

The Land Commission at the level of Kigali City is composed of five (5) members appointed by an Order of the Prime Minister as provided for under article 2 of this Order.

### **Article 16**

The Land Commission at the level of Kigali City shall exercise its authority in Kigali City, and is composed of the following five (5) members, whose responsibilities include land administration and land use management:

1. Two (2) representatives of Kigali City administration;
2. Two (2) representatives of the civil society from farmers' associations;
3. One representative of the private sector federation.

### **Article 17**

The responsibilities of the Land Commission at the City of Kigali level include the following:

1. Monitor and advise on the implementation of the land policy;



2. Monitor the development of Kigali City master plan;
3. Ensure that land in Kigali city is properly maintained and productively utilised;
4. Monitor the functioning of District land commissions;
5. Reserve a copy of a written report for the Land Commission at the national level on a quarterly basis and at any other time it becomes necessary;
6. Prepare settlement policy strategies at the level of the City of Kigali;
7. Perform any other duties that may be assigned by the Minister having lands in his/her attributions, or anyone he/she may delegate.

## **Chapter IV**

### **The Land Commission at the District Level**

#### **Section One – Land Commission**

##### **Article 18**

The Land Commission at the district level shall exercise its authority in the entire district, and is composed of the following five (5) members, whose responsibilities include land administration and land use management:

1. Two (2) representatives of the District administration;
2. Two (2) representatives of farmers' associations;
3. One representative of the private sector federation;

The District Land Officer is the secretary of the commission at that level but does not have a voting right when taking decisions.

##### **Article 19**

The responsibilities of Land Commissions at the District level shall include the following:

1. monitor the inventory of escheat land and the remaining land that have no person with rights over it;
2. submit to the Land Commission at the national level a report on unused or under utilised land so that the State may requisition it or relocate it to people who shall put it under productive use;
3. participate in the development and implementation of specific master plans;
4. monitor land consolidation aimed at raising its productivity;
5. approve land sharing programme;
6. advise the Minister having lands in his/her attributions on transferring land belonging to Districts, towns, and municipalities from public domain to private State owned land;
7. approve or disapprove land expropriation;
8. monitor land registration and allocation;
9. monitor preparation and implementation of communal settlement programmes;
10. ensure that individual and leased land in a district is well looked after and productively utilised;
11. monitor the compliance of land lease contracts;
12. follow-up the technical performance of the land bureau;

13. approve the land bureau's annual action plan;
14. monitor land administration at the District level;
15. Perform any other duties that may be assigned by its superior authorities in land management.

## **Article 20**

In fulfilment of its responsibilities, the land commission at the District level shall utilise reports submitted by land committees at the sector level referred to under article 21 of this order.

## **Section 2 – Land committees**

### **Article 21**

There are hereby established at the Sector and Cell levels land committees to assist Land Commissions at the District level in the fulfilment of their mandate. They are composed of five (5) members of integrity and experienced in development activities.

They are appointed by the District Council for the Sector level and by the Sector Council for the Cell level.

The committee members at these levels must have completed at least their secondary school education, and at least two of them must be women. They shall elect among themselves a chairperson and a vice-chairperson.

### **Article 22**

At each level, the Committee meetings are convened and chaired by their chairperson. In the absence of the chairperson, the meeting is convened and chaired by the Vice-chairperson at each level. Invitations to the meeting must reach the committee members at least seven (7) days before the meeting takes place. However, in case of an extraordinary meeting, that period of time shall not be binding. The invitation letter shall include agenda items.

### **Article 23**

The District Council assigns a seating allowance to land committee members at the sector and cell levels on basis of the District's financial position.

### **Article 24**

The staff in charge of land management at the sector level is also the secretary of the land committee at that level.

### **Article 25**

Regarding land administration and land use management, members of the Land Committee at the Sector level are specifically responsible for the following:

1. monitor and assess the implementation of soil erosion control programmes;
2. closely monitor land registration process;
3. submit a report on land implementation programmes at the sector level to the land commission at the District level;
4. monitor awareness campaign programmes aimed at sensitising the population to register land;
5. advise Sector administration on land administration and land use management in Sectors;

6. disseminate information on laws and regulations pertaining to land administration and land use management, and monitor their implementation;
7. create awareness among the population to pay land lease fees and taxes;
8. assess and advise the population on residential construction activities;
9. monitor the implementation of community settlement policy;
10. monitor building activities in the Sector;
11. work closely with environment protection committees to monitor the use of marshlands and reserved areas;
12. play a role in land demarcation with the assistance of Land Committees at the Cell level;

### **Article 26**

At the Sector level, the Committee shall meet once a month in an ordinary session in the presence of at least  $\frac{2}{3}$  of the members. No committee member shall be represented in such a meeting.

It can also convene in an extraordinary session in an urgent case or upon a request by at least one third ( $\frac{1}{3}$ ) of committee members. In such a session, committee members discuss only items on the agenda.

At the Sector level, meetings of the Committee shall be convened and chaired by its Chairperson. In case of his/her absence, the meetings shall be convened and chaired by the Vice-Chairperson.

When both the chairperson and the vice-chairperson are absent, the meeting shall be postponed. However, for an urgent case and upon request of at least  $\frac{1}{3}$  of the members, the chairperson of the commission at the District level shall delegate one member of the Commission at the District level to chair the meeting of the Committee at the Sector level.

Invitation letters must get to members at least seven (7) days before the meeting. However, when it is an extraordinary meeting, that period of time is not respected. The invitation letters must include the agenda for the meeting.

If a committee member is absent three consecutive times without a sufficient reason, he/she shall be replaced.

### **Article 27**

The Sector Land Committee chairperson submits a quarterly activity report to the Sector Council and reserves a copy for the Chairperson of the Land Commission at the District level.

### **Article 28**

Regarding land administration and land use management, members of the Land Committee at the Sector level are specifically responsible for the following:

1. monitor the implementation of erosion control programmes;
2. confirm holders of land rights during land registration process;
3. create awareness in their communities on land registration and community settlement programmes;
4. implement land sharing programmes;
5. participate in the identification of community settlement sites and in land administration and land use management;
6. identify and list escheat land;

7. serve as a witness in land lease contracts between individuals, and monitor their implementation;
8. work together with environment protection committees to monitor the use of marshlands and other reserved areas.

### **Article 29**

The Executive Secretary at the Cell level shall be the secretary of the Land Committee at that level.

### **Article 30**

At the Cell level, the Committee shall meet once every two (2) weeks in ordinary meetings in the presence of at least  $\frac{2}{3}$  of the members.

It can meet in an extraordinary meeting in urgent case or upon request of  $\frac{1}{3}$  of committee members. In such a meeting, committee members shall discuss only items on the agenda.

At the Cell level, meetings of the Committee shall be convened and chaired by its Chairperson. In case of his/her absence, the meetings shall be convened and chaired by the Vice-Chairperson.

When both the chairperson and the vice-chairperson are held, the meeting shall be postponed. However, for an urgent case and upon request of at least  $\frac{1}{3}$  of the members, the chairperson of the Land Committee at the Sector level shall delegate one member of the Land Committee at that level to chair the meeting of the Land Committee at the Cell level.

Invitation letters must get to the members at least seven (7) days before the meeting. However, when it is an extraordinary meeting, that period of time shall not be respected. The invitation letter must include the agenda for the meeting.

If a committee member is absent three consecutive times without sufficient reason, he/she shall be replaced.

### **Article 31**

The Cell Land Committee chairperson submits a quarterly activity report to the Cell Council and shall reserve a copy for the Sector Land committee Chairperson.

## **Chapter V Final provisions**

### **Article 32**

All previous Decree provisions contrary to this Order are hereby abrogated.

### **Article 33**

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