

REPUBLIC OF RWANDA

**MINISTRY OF LANDS, ENVIRONMENT, FORESTRY, WATER AND
NATURAL RESOURCES
P.O. BOX 3502 KIGALI**

RWANDA DRAFT LAND BILL

MAY, 2004

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ORGANIC LAW N°.....OFREGULATING LAND USE AND MANAGEMENT IN RWANDA

**We, Kagame Paul,
The President of the Republic,**

THE NATIONAL ASSEMBLY HAVE ADOPTED AND WE SANCTION, PROMULGATE, THE FOLLOWING ORGANIC LAW AS DECLARED BY THE SUPREME COURT, TO BE IN HARMONY WITH THE CONSTITUTION, IN ITS RULING N°....., PASSED ON, AND ORDER IT TO BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.

The National Assembly:

The Chamber of deputies in its session of.....;

The Senate in its session of.....;

Considering the Constitution in its articles 29, 30, 49, 93, 108, 118.7, 159, 201 and 202.

Considering the organic Law n° ofGoverning Environment in Rwanda ;

Considering the 2nd book of Civil Law on property and change of property ;

Considering the law of 01/07/1885 on land acquisition effected in Rwanda according to O.R.U. n° 9 of 08/03/1927 ;

Considering the law of 30/04/1887 on individual land boundaries ;

Considering the law of 06/05/1952 on the other person's right on spring water, lakes, and rivers, and their use ;

Considering the law of 21/04/1953 on usage and the right to re-own land confiscated by the state ;

Considering decree-law n° 21/79 of 23/07/1979 on expropriation in the public interests ;

Considering law n° 11/82 of 30/03/1982 on the protection and exploitation of land ;

Considering law n° 41/90 of 15/10/1990 amending decree-law n° 4/81 of 29/01/1981 on urban planning and government concession ;

Considering further the law of 22/08/1885 about land survey and registration effected in Rwanda by O.R.U. n° 38/T.F. of 11/10/1939 ;

Considering further the law of 14/09/1886 land acts and registration, effected in Rwanda by O.R.U. n° 9 of 08/03/1927 ;

Considering further to the law of 9/08/1893 on state land lease and sale, effected in Rwanda by O.R.U. n° 12/TF of 18/02/1947 ;

Considering further the law of 30/05/1922 on archiving of land titles, effected in Rwanda by O.R.U. n° 25/Just of 28/06/1930 ;

Considering further the law of 26/04/1932 related to considerations of replacing temporary lease contracts by long-term lease, effected in Rwanda by O.R.U. 76/T.F. of 11/07/1932 ;

Considering further the law of 12/06/1951 on illegal land tenure, effective in Rwanda by O.R.U. n° 42/45 of 28/03/1952 ;

Considering further the law of 11/07/1960 establishing land laws ;

Considering further decree 530/1 of 26/05/1961 on laws on perpetual land tenure (ubukonde) in Gisenyi and Ruhengeri provinces ;

Considering further the decree-law n° 09/76 of 04/03/1976 on buying and selling of plots and lands regulated by customs or other land used for various activities ;

Considering further the decree n° 2/99 of 12/11/1999 completing volume one of civil code and initiating the 3rd volume on matrimonial regimes, successions and liberalities in its articles 90 and 91 ;

Considering that, except otherwise legally stipulated, land is part and parcel of the common heritage of Rwandan people of different generations (past, present and future) ;

Considering that the government is responsible for the supervision of effective land exploitation to avoid their irrational use by land owners ;

Considering that it is necessary to compile in one code all the land laws, originating both from custom and written laws so as to give a secure and legal land tenure to landowners.

HEREBY ORDER :

CHAPTER I : GENERAL PROVISIONS

Article 1.

This law institutes principles on land legal rights to be followed throughout the country together with land appendages, be they natural or man-made

Article 2.

For the purpose of interpreting this law, the following terms should be understood hereafter : as defined

- 1° Agriculture** : all activities on the land related to crops and plants, animal husbandry, poultry, fishing and nurseries.
- 2° Competent authority** : One or several institutions with competence and power of decision given by the law
- 3° Construction area** : an inhabited area, an area for work, for sports and for public utility.
- 4° Donation** : granting to a third party, a portion of one's property or the right thereof.
- 5° Escheat land** : a land without heir which becomes state property.
- 6° Expropriation** : individuals' land taken by the state for public use provided that legal procedures are followed and adequate compensation is paid.
- 7° Granting right** : right to sell, to grant freely, to exchange or to bequeath.
- 8° Hazard** : natural calamities occurring without warning, such as snow, grasshopper invasion, a long famine, war devastation, floods or landslides.
- 9° Land** : area covered by plants, houses and other buildings, together with the sub-soil and the air above it.
- 10° Land consolidation** : a procedure consisting of putting together several plots of land to make fewer and larger pieces of land for land use and productive purposes.
- 11° Land title** : a written document confirming a person's right to land, based on written laws and delivered according to the law.
- 12° Lawful owner** : an owner of a property with a title that he/she does not suspect to have any fault.
- 13° Lease**: a contract between a landlord and a leasee so that the latter may exploit the former's land in a profitable way, on payment of a negotiated price.

14° Lease of state land hosting public infrastructures : a contract between government and individuals on condition of payments, to hold or to exploit such property.

15° Marshland : plain area between hills or mountains recognisable by their swampy nature, biodiversity and plants like papyrus and reeds.

16° Non-construction area : area for agriculture, forestry, reserved area, public park and pastureland.

17° Pasture : an area occupied by grass and various plants meant to feed animals.

18° Redemption : A situation where there are no member of the family alive to claim family property in accordance with the law.

19° Right of access to another person's land due to the nature of the terrain : the right a person has due to circumstances, such as the right of passage through another person's property so that one may reach his/her own property, the right to water resources on another person's land, or the right to channel running water through the property of a person below your own. This kind of right is either provided by the law or emanates from mutual agreement between the concerned parties.

20° Road boundaries : area of road including its annex up to a certain length measured from the middle. It includes motorable ways and pedestrian paths, the two sides, gutters and other constructions thereto.

21° Unlawful owner : the possession of someone's property after knowingly occupying it and without any authorisation or after taking it using illegal means.

23° Vacant land : land belonging to nobody, either having never been owned or abandoned as escheat or a property that cannot be owned by individual's.

Article 3.

Land is part of the common heritage of all Rwandans : past, present and future generations.

Apart from the right given to people, the government has the overall authority over land, this is done in public interest and for economic development and social welfare, in accordance with the laws and regulations.

Therefore, the government has right to expropriate in case of activities of public interest, grouped settlement, general land use planning for national land management interest.

Article 4.

Individuals or associations with legal personality have right to land and to exploit it freely within the limits of this law as determined in article 5 and 6.

Any discrimination, either sexual or regional in land ownership is prohibited. Both sexes have equal rights to land ownership.

Article 5.

Both individuals or legal associations owning land through custom, any rights through inheritance, official granting or purchase enjoy the right to keep it on long-term lease in conformity with articles 24, 28 and 32 of this law.

Article 6.

Likewise, individuals, legal associations, or foreigner investor enjoy full rights on the land hosting factories, commercial, social services, cultural, scientific and residential buildings.

The precise procedures for obtaining such rights are contained in a decree of the Minister in charge of Lands.

Article 7.

All land titles are equally protected by the law.

Article 8.

National, provincial and district land commissions are hereby established. At the sector level, *mediation committee* works as a commission on land when dealing with land matters .

The mission, the programme and members shall be determined by presidential decree at national level and by the decree of Minister of Lands at provincial and district levels. At each level, the land commission shall include both men and women.

CHAPTER II : LAND CATEGORIES

Section one : Urban and Rural land

Article 9.

Urban land is land which is confined within boundaries established by official rules and regulations and land which is considered as such in suburbs of towns. Any other remaining land is rural land.

Article 10.

Apart from land of Kigali City, all other state land, either within town boundaries or rural land shall be under the authority of the Ministry in charge of Lands or their designate.

Section 2: Land owned by private individuals

Article 11.

The individuals' land includes land acquired through customary rights and written law which exclude state land or district land, land obtained from competent authorities and purchased land.

Section 3 : State land

Sub-section one : Public state land.

Article 12.

Public state land includes all land meant for use by the public or land reserved for public services or national land for environmental protection. They include :

- 1° Land containing lakes and rivers as listed by the decree of the Minister in charge of Water ;
- 2° Shores of lakes and rivers the width of which shall be determined by decree of the Minister in charge of Environment using the furthest line reached by successive floods ; which exclude exceptional floods.
- 3° Land occupied by springs and wells ;
- 4° National roads and their edges as determined by the Minister in charge of infrastructure ;
- 5° Land and buildings for public use or services or used for public administration ;
- 6° State land for the protection of the environment, such as natural forests, national parks, protected marshlands, public parks and tourist sites;

Article 13.

Lake and river water, underground water are part of collective heritage. Apart from what has been provided by the law on the use of water and specific contract between the government and those wishing to use it in a special way, water is a public good and every body has access to it.

No one has the right to pollute water and no one shall change its course without permission from the competent public authorities.

Sub-section 2 : Private State-owned land

Article 14.

This category includes all lands not occupied by public infrastructures and land that does not belong to the district or individuals.

The following shall included among private state-owned lands:

- 1° Vacant land and Land confiscated by the government in accordance with article 77 relating to the confiscation of unexploited land ;
- 2° State land previously occupied by public infrastructures but which is lawfully no longer in that category ;
- 3° Land bought by the government land obtained through donation and land acquired through expropriation;
- 4° Marshlands that can be put to agricultural use ;
- 5° Land occupied by state-owned forests.

Changing land from the status of public state land to private state-owned land shall be done by a decree from the Minister in charge of Lands.

Article 15.

There shall be created, on part of Government land on which it has exclusive rights, a National Land Reserve managed by the Government or the District acting upon the authority delegated by the Minister in charge of Lands.

This reserve land is meant to be given to landless people or to be used for various activities of public interest.

Section 4 : District land.

Article 16.

This category shall include land for public infrastructures or its own land.

The Government shall have the right to donate land to any district either for public activities or as its own land.

Land for public infrastructures donated to the district by the government shall remain in that category at district level, and land from state-owned land donated to the district shall become district-owned land.

A district shall have the right to own land by purchasing it or by donation from individuals or associations. In this case, the land shall be either district-owned or shall be used for public purposes.

Sub-section one :The district public land

Article 17.

This type of land includes :

- 1° District land for public use or land on which district services and activities shall be carried out ;
- 2° District feeder roads and their edges as determined by the decree of the Minister in charge of Infrastructure ;
- 3° Land for grouped settlements.

The Minister in charge of Lands, in conjunction with the district land commission, shall have the right to transfer land, from district public land to district private-owned land.

Sub-section 2: The district private-owned land

Article 18.

Any district land not used for public purposes or services shall be considered district-private-owned land.

CHAPTER III : LAND MANAGEMENT- ORGANISATION – EXPLOITATION

Section one : General provisions

Article 19.

For the purpose of land exploitation, a land use master plan is necessary to show settlement, agriculture, forestry, animal husbandry, factories, parks and general services areas, lakes and rivers, mining and quarries, marshes and other natural reserves.

The exploitation of all these lands shall be regulated by specific laws.

Article 20.

In the public interest and in a bid to improve rural productivity, the Minister in charge of Agriculture and Livestock shall have the right to request the consolidation of smaller plots into sizeable land in conjunction with local authorities and the community in order to improve land management and productivity. Each land holder shall continue to keep their parcel of land.

Procedures for land consolidation and production shall be established according to the provisions of the decree of the Minister in charge of Agriculture.

Without prejudice to part one of this article and when this law enters into force it is prohibited to divide the parcel of land of one or below a hector. The land of five or below five hectares can be divided upon authorization given by the land commission at their level of jurisdiction.

Article 21.

Without prejudice to articles on donating or leasing land, all agreements concerning donations and leases shall be suspended to facilitate the smooth preparation and implementation of the land use master plan thereof.

All agreements on land donation and lease must be established in accordance with the master-plan of the area where the land is located.

Article 22.

The land commissions created in accordance with article 8 participate in the preparation and implementation of the master-plan for land use, plot division and consolidation as established in article 20

Section 2 : State land lease and donation

Article 23.

The management and the use of State land shall be in accordance with the land use plan prepared by the competent authorities.

Article 24.

The period of land lease shall not be below 3 years and not more than 99 years.

The exact period of land lease shall be determined by presidential decree, depending on the intended use for the land.

Article 25.

Competent authorities in charge of state land allocation or lease shall be assisted by the land commission at each level of jurisdiction.

Regulations and procedures for land allocation and lease are guided by a decree of the Minister in charge of land

Article 26.

Procedures for acquiring or leasing district land, land belonging to state organisations with legal status, land for mining and quarrying, shall be established according to the provisions of the decree of the Minister in charge of Lands.

Article 27.

The state wetlands shall not be given to individuals for good, a long period of use notwithstanding.

To enable effective planning and management of wetlands, the Minister in charge of Environment shall make a list of wetlands and their limits.

The list of wetlands gives comprehensive details about their state, their intended use and the strategies for their sustainable exploitation for the benefit of all the citizens of Rwanda.

The decree of the Minister in charge of Environment determines strategies for management, maintenance and exploitation of wetlands.

Article 28.

The ratification of land acquisition or long-term lease shall be confirmed by a land title from a registrar of deeds.

The competence and working procedure of the registrar of deeds is governed by a Presidential decree.

Section 3 : Land registration

Article 29.

All land owners are required to register their land.

Article 30

Without prejudice to specific by laws relating to the exploitation of land in urban areas, a land office shall be established in every district.

The land office shall be headed by an employee called Land Officer. A Ministerial decree determines the organization and functioning of the district land office.

Article 31.

The Land Officer keeps land registers and delivers certificates of land acquisition.

With regard to land issues, he holds the power of the notary public. Administratively, he is directly answerable to the land commission of the town or district of which the land in question is based.

Article 32.

The application for a land ownership certificate must be accompanied by the following documents :

- 1° The applicant's detailed identity, including his/her spouse when married under the common property system ;
- 2° Brief description of the land, indicating the area, where the land is situated with reference to well-known landmarks such as roads, rivers, owners of adjoining lands ;

3° Any document confirming that the applicant is the person for which the certificate is being sought, such as a letter from the authorities, a certificate delivered to him/her by competent authorities or an official copy of a court's final decision in his/her favour.

Section 4 : Transfer of Land Rights

Article 33.

Without prejudice to article 20 of this law in relation to land limit which cannot be subdivided, land is a fixed asset classified among in heritable property. In this regard, land succession is acceptable and it shall follow procedures provided for in the inheritance law.

Article 34.

Land right can be transferred by succession, leased or purchased, can be given as a guarantee according to laws and documents required by the ordinary civil law, without prejudice to specific articles of this law.

Article 35.

Final transfer of property rights through sale, donation or exchange by a representative of the family requires the prior consent of all the other members of the family who are joint owners of the property.

Article 36.

Without prejudice to provisions of the civil law related to family, family members as mentioned in article 35 are spouses, grown up children, minor children represented by their guardians and other disabled family members represented by authorised agents.

Article 37.

Consent mentioned in article 35 is given shown in a document signed or finger-printed by the people concerned and this should be done before an identification clerk or the registrar of lands and recorded in his/her books.

Article 38.

Consent in article 35 is likewise required in land mortgage, lease, long-term renting or in a case of using another person's land by mutual consent due to its position.

Grating right over land, giving land as a guarantee, leasing land, renting land for a long period and using another person's land by mutual consent due to its position cannot not be prejudicial to third parties, unless otherwise stipulated in land registries.

Section 5 : Rural Land Lease

Article 39.

Without prejudice to the civil code in its articles about obligations in general, this chapter regulates land lease and other fixed assets meant for agriculture and livestock, excluding forestry.

Article 40.

Only written lease contracts shall be protected by the law whatever the amount of the lease.

Article 41.

Rural land leasing period is determined by mutual agreement between parties.

Article 42.

The land lease expires at the agreed time, without necessarily any notice. When the fixed lease time is due and the tenant remains on the land, and the landowner does not oppose it and has not given any notice to the tenant, the lease contract shall be automatically renewed on the same conditions as the previous one including the lease period without any new negotiations between the contracting parties.

When notice has been given, the tenant cannot use the previous contract terms when their time has expired even if he/she had continuously exploited the land.

Nevertheless, as mentioned in the above paragraph, the deposit for the lease shall not apply to obligations in the new lease unless stipulated in specific clauses.

Article 43.

Even if the contract has a fixed lease period, the landowner can terminate it any time after giving a 3-month notice so that the land may be used for its intended purpose, but this shall be mentioned in the lease contract.

However, if the 3 month notice expires when the tenant has not yet harvested his/her crops, the landowner shall give him/her the necessary time for harvesting.

If the landowner cannot wait for the harvest to end, he/she shall pay a compensation that is equivalent to the value of the crops.

Article 44.

If in a rural land lease, a land was given a lower or higher area than its real area, the rent shall, upon mutual agreement between the leaser and the lessee, be reduced proportionally to the real size and it shall be applied when the next payment is due following the notification of payment the error. However, the tenant shall have the right to ask for termination of the lease. The notification of such error shall be acceptable during the lease period.

Article 45.

A tenant shall not have the right to sub-lease the land to other people or to transfer the lease to a third party without a written authorisation from the landowner.

Article 46.

The landlord shall not be responsible for any dispute between the tenant and third parties as long as they are not claiming any right over the land. It shall behave the tenant to refer such disputes to the relevant authorities.

However, a tenant shall be under the legal obligation to inform the landlord about all activities connected with the confiscation or the protection of the land within the period set by the courts summons; failure to which, he/she shall be liable for damages and compensation for any destroyed property.

Article 47.

When the landlord sells off the land under lease, the new owner shall not evict the tenant before the expiry of the lease except if there is a provision that the new owner shall have such a right in the terms of the contract.

In this case, the tenant shall have a right of a three month notice from the new owner, or such other notice as provided in the lease contract terms.

The new owner shall observe the provisions of articles 59 to 69.

Article 48.

When the lease contract provides that the buyer has the right to evict the tenant, but is mute on compensation, the landlord shall pay the tenant a compensation determined by a court of law .

Article 49.

In case of the tenant's death, the lease contract shall be legally passed on to his/her heirs or other eligible parties. But the heirs or other eligible parties may, within one year of his/her death, terminate the contract on giving a notice of at least three months.

The landlord cannot evict the heirs or other eligible parties before the end of the lease contract period unless that right was provided for in the terms of the lease contract.

Article 50.

Heirs or other eligible parties can agree on keeping the lease jointly or giving it to one or several of them.

If they cannot come to an agreement, each of them has the right to ask the court to make him/her the leasee, but he/she shall pay due compensation to co-heirs or other eligible parties ; such compensation shall be determined by a court.

When several of them wish to keep the lease and cannot come to an agreement, the order of inheritance shall be followed.

Article 51.

The heirs and other eligible parties shall inform the land owner about who proceeds with the lease.

Before the landlord is informed of the final decision, heirs shall pay the rent jointly.

Subsequent obligations after the notification, shall be borne by the person who shall continue with the lease.

Article 52.

The tenant shall take care of various activities for the good maintenance of the land under his/her lease.

If this is not implemented contrary to the land commission's report, the landlord, exceptionally, can do the work of maintaining and protecting the land on behalf of the tenant. In that case, the tenant shall pay the cost incurred by the landlord for doing such work.

Article 53.

Cases on land disputes are heard by competent courts and according to governing laws. The cases judged by competent courts are also subject to appeal.

In the case of disputes on land which have no title deeds, a prio mediation from the *mediation committee* at Sector level is mandatory.

CHAPTER IV : RIGHTS AND OBLIGATIONS OF LANDOWNERS

Section one : Rights

Article 54.

Without prejudice to laws and regulations related to human settlement codes, land planning and use, the land owner shall enjoy full rights to exploit freely his/her land in accordance with the existing laws and regulations.

Article 55.

The landowner has no right over mining because minerals belong to the state.

Article 56.

The Government recognizes the right to freely own land and shall protect the owner from being dispossessed of the land whether totally or partly subject to legal provisions on expropriation for public purposes.

Article 57.

All buildings, all crops and other activities found on land are supposed to have been done by the owner of the land using his/her money and are his/hers, if there is no proof to the contrary. However, the law recognizes that a person can own buildings, crops or any other property on another person's land.

Article 58.

When buildings or crops have been put on another person's land by a third party using the latter's implements, while fully aware that is not his/her land, the owner of the land has the right to seize them or ask the third party to remove such property at his/her cost and the bona fide owner of the land shall claim compensation for any damage done to his/her property.

If the landowner decides to keep the buildings or the plants, he/she must pay a price equivalent to their value of the property.

Section 2 : Obligations

Article 59.

Land ownership contracts shall contain specific conditions to be fulfilled for the conservation, and exploitation of the land in accordance with the intended use of the such land.

Article 60.

Whenever necessary, the land owner shall not act against other people's rights, for instance by :

- 1° refusing passage leading to another person's property when it is the only way;
- 2° blocking water flowing naturally through his/her land from land above his/hers;
- 3° refusing other people access to water well found on his/her land unless he/she can prove that such a well has been dug or built by him/her.

Article 61.

The land owner, or any other person that exploits it shall obey rules on the protection, good management and good exploitation of the land. .

Article 62.

Any individual landowner must use the land in a productive way and in accordance with its nature and intended purpose.

Productive land use is to protect it from erosion and to safeguard its fertility and ensuring its sustainable productivity.

Article 63.

Productive land use, appropriate land protection and sustainable land productivity shall be in accordance with the area's master plan on land allocation and use established by the relevant authorities.

Article 64.

Is qualified as efficiently maintained and exploited any land with crops or buildings, land that has been prepared for planting, land that has just been harvested and is under fallow, pastureland where people graze their animals either as individuals or as associations or organisations with legal personality.

Article 65.

The following land cannot be qualified as being under effective exploitation and utilisation and as being used productively :

1° Land meant for agriculture which has no crops on at least half its size.

2° Land for pasture not grazed by the right number of animals or not planted with forage on at least half its area.

3° Land for any kind of buildings but not built within the time prescribed by the law.

4° Land for non-profit use but seen that any work has begun after a period of three years

Putting beacons, fencing the land and erecting walls alone does not mean good land management and exploitation as stipulated in articles 61 to 64 of this law.

Article 66.

When drawing contracts, specific obligations must be clearly spelt out either in the contract itself, or in a separate book to be attached to the contract.

Clauses in the national land management and utilisation plan must be respected at all times whether they were prepared before the contract or during the implementation of the contract terms.

Article 67.

A landowner has no right to hinder underground activities or those in the air on his/her land when such activities useful to others. He/she shall always receive compensation for any loss caused by such activities.

Article 68.

Any landowner has the obligation to pay land tax, in accordance with the appropriate law.

Article 69.

Every individual using another person's land, either through a contract with the owner, or after acquiring it through other means, must manage it properly and profitably just like the owner would

CHAPTER V : REDEMPTION

Article 70.

Except specific provisions stipulated in this law, rules of the civil code on redemption are also applicable to land matters.

Article 71.

Concerning land, the right to pursue land ownership shall be valid for thirty years

Article 72.

Tenants who by force or ruse occupy vacant land or other people's land cannot use the provisions of the previous article to argue that the right to claim the land has expired, that they have full ownership even if they have occupied it for any length of time.

Article 73.

People living on other people's property, either borrowed land or residential houses cannot own the property for good because of redemption whatever length of time of their occupancy. That land shall become state-owned property which the state can donate, sell or lease out.

Members of the same family who retained absentee relatives' land, shall own it for good in accordance with family laws in the civil code.

CHAPTER VI : PENALTIES

Section one : Administrative penalties

Sub-section one : Confiscation of unexploited land.

Article 74.

The district land commission shall always monitor land belonging to individuals as well district leased land to ensure that they are well managed and exploited. Every year, the commission shall make a report on the monitoring and shall submit it to every official who has the authority to donate or lease state-owned land.

Those officials can impose sanctions against the landowner or any other person allowed to lease the land who shall not abide by measures provided in this chapter.

Article 75.

The Minister or any other official who has the authority to grant or lease state-owned land, after confirmation from the concerned land commission, shall order the confiscation of the land for a period of three years renewable for another three years, once it is clear that the land has not been used for three consecutive years and without any valid reason.

When it is established that the land is being seriously destroyed, the administration shall have the right to confiscate it immediately without waiting for the period stated in the proceeding clause .

If the landowner or the tenant ignore a warning letter sent to them six months prior to the decision, then the unexploited portion of the land shall be withheld.

Such land shall be given to another person who shall show ability to use it appropriately and profitably. Where no person is willing to use it the district of which the land is under its jurisdiction shall assume the responsibility to exploit it profitably.

Article 76.

The land owner shall have the right to claim his/her land back. He/she shall be given the land back on condition that he/she undertakes, in writing, to use it appropriately and exploit it profitably within a period of not more than one year after repossession of the land, or from the time it started being used.

The decision of handing back the land to the owner shall be taken by the same confiscating authorities and it shall follow the same procedure.

Sub-section 2 : Forceful tenure of unexploited land

Article 77.

Any land in the following categories may be confiscated, except in cases where there shall be recognized legitimate reasons :

- 1°) Rural land confiscated in accordance with article 75, handed back to the owner who then fails to abide by the provisions paragraph I, article 76 ;
- 2°) Rural land confiscated for 6 years and the owner does not apply for its repossession ;
- 3°) Land in the town outskirts that not been exploited for 3 years.

Article 78.

Land confiscation shall be carried out by the granting officials , after consultation with the land commissions.

Article 79.

The decision to confiscate land shall not be taken before the landowner has been given a written warning at least six months in advance.

If the landowner cannot be found, the written warning shall be put on notice boards of the district and sector where the land is located for a period of six months as stipulated in the previous paragraph.

The warning letter shall show beyond reasonable doubt the reason for the intended confiscation, and the day it became clear that the land was not being exploited properly.

Article 80.

Application for the repossession of the confiscated land or the undertaking to use the land appropriately before receiving a written warning shall be done in writing showing new strategies for better exploitation and the resources the applicant has to immediately put the land to proper use in a sustainable way.

That letter must be received by the confiscating official or his/her agent before the time fixed in art. 75 and art. 76 expires in case the land was confiscated, and before 6 months in case of the warning prior to confiscation.

Article 81.

The officials shall examine the request on the basis of the location of the confiscated land or the land to be confiscated as well as the circumstances of each proposal. The officials shall accept the proposal if the latter is justified and shall reject the proposal if it is not justified.

In case the request is turned down, the officials shall give the reasons for such a decision, and views and advice collected and the concerned person shall be advised of his/her right to appeal to a competent court within a period of 6 months.

Article 82.

No damages shall be claimed on repossession of land that had been confiscated.

Article 83.

Granting land to a third party must be written in land registries, failure to do so renders ownership null and void before the law.

Handing back the confiscated land to the bona fide owner shall be effected by the confiscating official and shall be done within a period of not less than three years from the day of confiscation. When the land has been handed back to its owner, any investment by the person who had been allocated the land shall be passed to the owner without paying any compensation. However, the person to whom the land had been allocated shall be given a six month notice before handing back the land to the owner.

Section 2 : Legal penalties

Article 84.

Without prejudice to tougher penalties in the criminal law, the following shall be punishable by 7 days' to 6 months' imprisonment and a fine of between 20,000 Rwf and 100,000 Rwf or by one of those punishments only :

- 1° A land registrar who shall violate rules relating to keeping land registers and issuing land titles;
- 2° A land title secretary who knowingly issues land titles contrary to laid down procedures ;
- 3° Any person who, knowingly, shall use a land title that was stolen, fraudulently altered or containing errors;
- 4° Any person who damages or alters a land title;
- 5° Any witness who knowingly gives false testimony;
- 6° Whosoever knowingly presents to the registrar of land , identification papers and fake capacities of parties in a bid to constitute a land title.

Article 85.

Any infringement of the rules and provisions of articles 60, 61; 62, 63, 64, 65, 66, 67, 68 69 and all instructions, is punishable with seven days to six months' imprisonment and a fine of 20,000 Rwf to 100,000 Rwf or one of these penalties only.

CHAPTER VII : TRANSITIONAL AND FINAL PROVISIONS

Article 86.

The «ubukonde» custom as contained in law n° 530/1 of 26th May, 1961 on land tenure in the territories of Gisenyi and Ruhengeri shall be abolished.

Those so-called "abagererwa" exploiting land lent by a perpetual owner shall be considered like other customary land users.

Article 87.

People who have been denied their rights to land ownership, shall be given land by the Government. Such land shall mainly be obtained from:

- 1° Escheat land/Vacant land
- 2° Public or state-owned land
- 3° Public or district-owned land

4° Land sharing

Without prejudice to article 20 of this law in relation to minimum land that can be subdivided, the partitioning of land practiced since 1994 is recognized by the law.

Holders of partitioned land enjoy the same right as those under customary holdings.

The decree of the Minister of Lands shall determine the procedures for land partitioning and the time when land partition will end.

Article 88.

All provisions in laws and contrary to this law are be abrogated.

Article 89.

The law shall come into force from the day of its publication in the Official Gazette of the Republic of Rwanda

Kigali, thisday of....., 200...

Signed:

His Excellency KAGAME Paul,
President of the Republic of Rwanda.

Signed:

Right Hon. MAKUZA Bernard
Prime Minister

Signed:

MUGOREWERA Drocella,
Minister of Lands, Environment, Forestry,
Water and Natural Resources.

Signed:

BAZIVAMO Christophe
Minister of Local Administration, Community
Development and Social affairs.

Signed:

Dr. KABERUKA Donald
Minister of Finance and Economic Planning

Signed:

Dr. HABAMENSHI Patrick
Minister of Agriculture and Animal Resources

Signed:

Dr. NTAWUKURIRYAYO Jean Damascène
Minister of Infrastructure

Signed:
HAJABAKIGA Patricia
Minister of State in Charge of Lands and
Environment.

Seen and sealed with the seal of the Republic:
MUKABAGWIZA Edda
Minister of Justice