

CASE STUDY 12

PUBLIC SERVICES: LAND, PORTS, HEALTHCARE

Land Administration Reforms in Rwanda

Improving land administration through the Land Tenure Regularization (LTR) program in Rwanda

Overview

Rwanda set out to address the issue of land ownership and land-related challenges through passage of several laws and policies. The 2004 National Land Policy provides general guidance on a rational and planned use of land while ensuring sound land management and efficient land administration. The policy was developed to address land-related challenges, including a land tenure that was dominated by customary law, resulting in land fragmentation, a practice that reduces further the size of family farms below the threshold of the average surface area that is economically viable. A wide-ranging program initiated by the Rwandan government between 2008 and 2012 to map and title land parcels for the entire country has played an important role in improving service delivery and reducing corruption risks.

The reform process did not stop with the land titling program, and since 2012 the Rwanda Land Use and Management Authority has been grappling with the challenge of maintaining digital records for over 10 million land parcels. This has required extensive training of officials and campaigns to raise awareness around the land registry system. While these challenges are ongoing, the country can claim important successes in having formalized its land administrative system. Even if reducing corruption may not have been an overt aim of the project, this is one of the reasons why Rwanda compares positively to its peers in East Africa for the low prevalence of corruption in land administration.

Introduction

Historically, insecurity over land ownership was a critical part of the tension between communities. Addressing insecurity around land has consequently been one of the foremost priorities of the post-conflict reforms initiated in Rwanda following the 1994 Rwandan genocide. The long-term solution was found to be the initiation of a land reform. The reform started with a new policy and law in 2004 and 2005 respectively.

The problems of conflict and corruption are closely interlinked. As surmised by Apollinaire Mupihanyi, Executive Director of Transparency International Rwanda, "when there is conflict, this increases corruption... people with wealth buy their way out of problems. Vulnerable people are the worst affected, especially poor Rwandans and women."

Corruption was one of the symptoms of the deficiencies in Rwanda's land administrative system in place following the conflict. In its 2007 activity report, the Rwandan Ombudsman identified the land registry as the government agency about which it received the third highest number of complaints, including complaints of corruption.⁹ A qualitative study published by Transparency International Rwanda in 2009 on the land administrative system in Kigali also revealed widespread citizen dissatisfaction and concern around corruption, particularly related to land expropriation.

The largely informal land transactional system in

place before reform in Rwanda gave rise to a range of corruption risks. In the absence of consistent and objective land ownership information, land officials and the courts have broad discretion when mediating land disputes, increasing their potential susceptibility to improper influence. Some of the most common types of corruption issues in service delivery, which occur in informal land administrative systems, are bribe payments to simply gain access to records; the production of fraudulent documentation and certificates; circumvention of procedures for allocating land or the duplicative allocation of land plots; bribery of court officials; and refusal of basic services without payment.¹⁰

While addressing land ownership as one of the sources of conflict may have been the foremost motivation for land tenure reform in Rwanda, important lessons from the program subsequently implemented have relevance to anti-corruption practitioners. Faced with a largely unmapped national tenure system, the country embarked on an ambitious program to formally map and digitize all land titles across the country. After the process, the government then had to improve the public's knowledge and understanding of the new system, and the land registry had to find a sustainable way to maintain and administer the digital database. Overcoming these challenges has led to important

improvements in land governance in Rwanda and improved integrity in the provision of land services.¹¹

The implementation process

The process of land reform in Rwanda initiated in the 2000s was first premised on changes to its legal framework for land. The Rwandan Constitution (2003), National Land Policy (2004) and Organic Land Law (2005) had all provided a basis for legal recognition of land rights and established clearer mechanisms for enforcing rights and resolving conflicts. With a legal framework in place, the Land Tenure Regularisation (LTR) program then set out with the goal of issuing title registers to all landowners in the country. The program can be divided into two phases: the land mapping and titling project, initiated in 2008 and concluded in 2012, and the development and maintenance of the digital registry to make this service available to the public.

Phase I: Land mapping and titling

Multilateral agencies such as the African Development Bank (AfDB) have cited the Rwandan government's approach to its land titling program as an example of



good practice.¹² The biggest challenge the Rwandan authorities had to overcome was that land ownership was largely unmapped: in 2005 the land registry held titles for only 20,000 parcels for a population of over 9 million people. The National Land Centre, the land administrative agency and registry which was then responsible for the reform,¹³ took an important early decision in the implementation process to pilot the project in four areas between 2006 and 2009, covering 15,000 plots of land within three districts. This enabled the agency to test the practicalities of implementing the program, the results of which informed the Strategic Roadmap for Land Tenure Reform in Rwanda, an organizing document that was adopted by the cabinet in 2008.

On the basis of the pilot's findings, the Strategic Roadmap concluded that the most effective means for mapping the entire country was to use aerial photography. This had the advantage of being quicker and more cost effective than demarcating parcels entirely through on-site surveying. It involved using airplanes and helicopters to photograph land parcels based on visible boundaries. Once the photographers identified possible boundaries, staff from the National Land Centre visited individual parcels to determine their ownership.

Completing such a large exercise required a significant increase in personnel numbers at the National Land Centre. In 2008 the agency recruited 100 permanent employees, 800 contract workers and more than 5,000 casual personnel. The employees gathered data on parcels, which was then transmitted to a central office and, after allowing for a period for corrections and objections, digitized to enable land titles to be issued. In the correction stage, one innovation was the large-scale mobilization of citizens, up to around 110,000 people, to assist in adjudicating disputes.¹⁴ This was based on training community members to hear different views on the land ownership information that had been gathered and establishing land committees in each district. By 2012, the database held information on 10.4 million land parcels.¹⁵

Phase II: Establishing a land administrative structure

While a major achievement in itself, the land mapping and titling program did not represent the end of this process. The National Land Centre, which by then had

been integrated into the Rwanda Natural Resources Authority (RNRA), a larger government agency whose remit also covered the management of other natural resources such as water, forestry and mines, underwent a transformation from the focus on mapping titles to administering the large database that had been created. This necessitated investment in skills and training of registry officers. In 2012, the RNRA rolled out new software to record the different categories of land transactions that had been formally established under the new system. Again, in a move designed to lower costs, the registry made use of existing open source software to build its Land Administrative Information System.

Perhaps the most significant challenge to overcome was the initially low level of citizen engagement with the new administrative system. The processes introduced were entirely new to citizens, which was reflected in the fact that by 2012 less than a million people had collected their title documents, while in 2013-14 only 10,535 transactions were recorded in the land registry. The RNRA responded by commencing a large-scale public awareness campaign, which included media advertising and holding events, such as a national land week. The registry additionally decentralized services, establishing district land commissions supported by committees at sector and cell level, the smallest organizing units of local government in Rwanda, to make services more accessible to citizens. The end result was that by mid-2017, 7.16 million landowners had collected their titles and in 2015-16 the number of recorded transactions had increased tenfold.¹⁶

Securing the financial sustainability of the new system has also proven to be a key challenge. The mapping program had received substantial funding from donors of around USD67.5 million.¹⁷ The funding was due to end in 2013 and, although the UK Department for International Development continued its support to the registry, this was at a lower level, making it necessary to find ways of self-financing. The registry team had difficulty in fully engaging the finance ministry to provide adequate funding, while revenue from administrative fees had not yet been sufficient to entirely fund operations due to problems of affordability for citizens in obtaining titles.¹⁸

As of 2020, the registry is an independent entity and known as the Rwanda Land Use and Management Authority, but securing financing has been a challenge. There was some concern that donors may step back

from supporting the sector with the registry system in place, threatening what has been achieved to date. Experts still believe that more awareness around the benefits of recording transactions needs to be built, as a significant number of transactions take place informally, particularly in rural areas. Transaction fees may therefore be a factor inhibiting access to service. This points to the need for consistent long-term financial support in maintaining the registry.

Reflections

The land reform program is widely recognized as having made an important contribution to helping manage the conflicts that are present around land use and management in Rwanda. The AfDB considers that the process resulted in a 'noticeable element of increased efficiency, transparency, citizen participation and development of viable land governance institutions.'¹⁹

Apollinaire Mupihanyi, Executive Director of Transparency International Rwanda, believes that the land reform also had an important impact on reducing corruption: "Although we can't say that with digitalization all issues were solved, I ascertain that corruption was drastically reduced." He also cited the benefits that "transparency and clear management" in this sector have for land values and investor confidence. While this may not have been the principal, or even an explicit, aim of the project, lessons can be drawn from this case for reducing corruption risks in service delivery. The system that was established has several key characteristics that can help to reduce corruption risks.

- Fees for services and obtaining documentation are standardized and publicly advertised, including on the agency's website;
- Citizens can use a mobile texting service to directly access land registration information without the need to obtain this from land officials;
- This independent source of land ownership information can be used to settle contested points and ambiguities, which in an informal system create space for improper forms of influence to be used; and
- The database produced has already been used to

track changes in land use and provide information for land use planning.²⁰ These two areas are vulnerable to corruption, given the significant changes in monetary value that occur in land use planning.

An indication of the benefits of this reform process can be seen by comparing survey data on the corruption in land administration in Rwanda to its neighbors in East Africa. The East African Bribery Index captures key data on corruption in service delivery across various sectors in the region. Analysis conducted by Transparency International Kenya for the period 2010–2014 found that Rwanda scored significantly better in managing corruption in land services than neighboring countries. Its aggregate score for corruption in land services in 2014 was 12, where scores range from 0 to 100, and 100 is the worst score. This compares favorably with Burundi (42), Kenya (55), Tanzania (36) and Uganda (60). The aggregate score brings together five indicators: the likelihood of encountering bribery, the prevalence of bribery, the average size of a bribe, the share of the 'national bribe', and the perceived impact of bribery.²¹ As of 2020, more recent data on corruption in the land services sector in Rwanda was unavailable.

The scores for land services are consistent with various reports and surveys, which have concluded that the prevalence of corruption across different types of public service delivery in Rwanda is low by regional standards.²² However, the same may not be true of all sectors. Transparency in certain areas of government activity such as procurement or the organization of elections can be limited.²³

Notwithstanding this point, the case shows the value of scrutinizing broader governance reforms to determine whether gains in reducing corruption have also been achieved. By regularizing the land tenure system and making land ownership information readily available, the reforms implemented have played an important role in upholding high standards of integrity in service delivery in land administration in Rwanda.