



The Legal Aid Forum
Working Together For Equitable Access to Justice

TOWARDS JUST AND EFFECTIVE EXPROPRIATION PRACTICES IN RWANDA:

Gaps Between Law and Practice (2015–2026)

September 2026



Recommended Citation:

Legal Aid Forum (LAF). (2026). Towards Just and Effective Expropriation Practices in Rwanda: Assessing the Gap Between Law and Practice (2015–2026). *Kigali, Rwanda*.

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TABLE OF CONTENTS

LIST OF ABBREVIATIONS	6
ACKNOWLEDGEMENTS	7
EXECUTIVE SUMMARY	8
Key Findings	9
Priority Actions	9
1. INTRODUCTION	11
1.1. Scope of the assessment	11
1.2. Background Information	11
1.3. Objectives of the assessment	11
1.4. Assessment Questions	14
2. RESEARCH METHODOLOGY	13
2.1. Research Design	13
2.2. Quantitative Research and Sampling	13
Sampling frame and procedure	13
Sample-size determination	13
Data collection and quantitative analysis	14
2.3. Qualitative Research	14
2.4. Legal and Documentary Review	14
2.5. Triangulation and Analysis	14
2.6. Quality Assurance	15
3. CONCEPTUAL FRAMEWORK AND ASSESSMENT	16
4. LEGAL, INSTITUTIONAL AND POLICY FRAMEWORK ANALYSIS	17
4.1. Legal, Procedural and Institutional Framework for Expropriation	18
4.1.1. Submission, review, and approval of expropriation applications	18
4.1.2. Land and property valuation	20
4.1.3. Compensation	21
4.2. Approaching courts in expropriation cases	21
4.2.1. Jurisprudential review of expropriation cases	21
A. Public interest as a substantive legal requirement	22
B. Procedural legality, participation and proof of compliance	23
C. Identification of affected persons and completeness of the property inventory	23
D. Property omitted from formal expropriation or damaged during project implementation	24

E. Valuation disputes and access to an effective remedy	25
F. Timeliness of compensation, payment before relocation and consequences of delay	25
G. Enforcement and institutional accountability after judgment	26
4.3. Strengths of the current Rwandan legal framework.....	27
4.3.1 Reasonably well-defined legal framework.....	27
4.3.2. Non-discrimination	27
4.3.3. Availability of redress mechanisms	27
4.4. Gaps in the legal and institutional framework governing expropriation	27
4.4.1. Incomplete operationalisation of committees in charge of supervising expropriation projects	27
4.4.2. Insufficient specification of criteria for activities qualifying as in the public interest	28
4.4.3. Limited Personalised Communication and Notice to Affected Persons	28
4.4.4. Practical accessibility and effectiveness of counter-valuation	28
4.4.5. Short statutory time limits for valuation challenges and appeals.....	29
4.4.6. Weaknesses in socio-economic impact assessment, transparency and reporting.....	29
4.5.1. Delays and bureaucracy in payment of compensation	30
4.5.2. Reported inconsistencies in valuation practice.....	30
4.5.3. Implementation of master-plan projects and prior negotiation	31
4.5.4. Administrative accountability and complaint pathways	31
4.5.5. Limited knowledge of the law and available remedies	32
4.6. International and good-practice benchmark	32
4.7. Synthesis of the legal and institutional analysis	32

5. ANALYSIS AND RESEARCH FINDINGS34

5.1. The socio-demographic nature of expropriated households.....	34
5.1.1. Respondents' gender	34
5.1.2. Geographic location	34
5.1.3. Respondents' relationship to the head of households.....	35
5.1.4. Respondents' level of education.....	35
5.1.5. Year of expropriation.....	36
5.1.6. Households' uses of expropriated land.....	37
5.2. Implementation of expropriation procedures	37
5.2.1. Limited public notice and participation in expropriation practices	37
5.2.2. Partial expropriation vs total expropriation.....	38
5.3. Land and property valuation.....	39
5.3.1. Unfair valuation of expropriated land and property	40
5.3.2. Low levels of counter assessments.....	40
5.3.3. Limitations in conducting counter-valuations	41

5.3.4. Dramatic changes in land values after counter-assessment	41
5.4. Payment of fair compensation	41
5.4.1. Delays in payment of fair compensation	41
5.4.2. Subsequent evidence on compensation arrears	43
5.4.3. Lack of mutual consent in determining the mode of payment for fair compensation	44
5.5. Impact of expropriation practices on affected households	44
5.5.1. Relocation of affected households	44
5.5.2. Impact on occupation of household heads	45
5.5.3. Impact on distance travelled to access social services	46
5.5.4. Changes in living standards	47
6. RECOMMENDATIONS AND CONCLUSION	48
6.1. Strengthen the Legal and Institutional Framework	48
6.1.1. Enact the Prime Minister's Order establishing committees responsible for supervision of expropriation projects	48
6.1.2. Establish clearer and objective criteria for determining public interest	48
6.1.3. Promote negotiated development and appropriate public-private partnership arrangements	48
6.1.4. Recognise and adequately compensate partial takings and consequential project-related losses	49
6.1.5. Review appeal timelines and strengthen accessible administrative dispute resolution	49
6.1.6. Reinforce requirements for negotiation in the implementation of master plans	49
6.2. Ensure Timely and Effective Payment of Fair Compensation	49
6.2.1. Ensure adequate financing before expropriation projects commence	49
6.2.2. Develop flexible, secure and inclusive compensation-payment mechanisms	50
6.2.3. Establish effective coordination and accountability mechanisms	50
6.3. Improve Valuation of Land and Property	50
6.3.1. Strengthen the capacity, independence and professionalism of valuers	50
6.3.2. Ensure regular and evidence-based updating of property-market information	51
6.3.3. Make counter-valuation practically accessible	51
6.3.4. Strengthen property inventories before valuation and commencement of works	51
6.4. Strengthen Notice, Consultation and Public Participation	51
6.4.1. Ensure meaningful participation throughout the expropriation process	51
6.4.2. Standardise notice and information on available remedies	51
6.4.3. Strengthen knowledge of expropriation law among public and private actors	52
6.5. Establish an Expropriation Compliance and Learning Mechanism	52
CONCLUSION	53
BIBLIOGRAPHY	55

LIST OF ABBREVIATIONS

Abbreviation	Full name
CoK	City of Kigali
FCDO	Foreign, Commonwealth & Development Office
FGD	Focus group discussion
IRPV	Institute of Real Property Valuers
KII	Key informant interview
LAF	Legal Aid Forum
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MoE	Ministry of Environment
PPP	Public–Private Partnership
PPS	Probability proportional to size
RSSB	Rwanda Social Security Board
RTDA	Rwanda Transport Development Agency
UPR	Universal Periodic Review
WASAC	Water and Sanitation Corporation
PSU	Primary Sampling Units

ACKNOWLEDGEMENTS

This report was led and principally authored by Andrews Kananga, Senior Counsel and Executive Director of the Legal Aid Forum (LAF). Substantive contributions were provided by Angel Gakumba, Research Assistant at LAF, and Diego Alvarez de Lorenzana, JD Candidate, Class of 2028, Henry N. R. Jackman Faculty of Law, University of Toronto, who contributed to the research and development of the report during his internship at LAF.

LAF gratefully acknowledges the contributions from Ms. Cecilia Rutembesa, Dr. Rizinde Theogene, Ms. Leonie Mutoni Karugahe, and Mr. Damien Munyandekwe, whose technical and professional support at different stages of the assessment contributed to the successful completion of this report.

Special appreciation is extended to the field data collection team for its professionalism, dedication and adaptability throughout the assessment. The team embraced new data-collection technologies and worked diligently in the field to gather the evidence that forms an important foundation of this report.

Appreciation is also extended to the entire staff of the LAF for the technical, administrative and logistical support that enabled the effective implementation of the assessment and preparation of this report.

The LAF further acknowledges the public and private institutions that facilitated the assessment and participated in key informant interviews and focus group discussions. Particular appreciation is extended to the relevant government institutions for their cooperation and support in facilitating the conduct of the assessment.

Above all, sincere gratitude is extended to the 1,248 respondents whose land had been affected by expropriation and who participated in the household survey. Their experiences, perspectives and insights provided the essential empirical evidence upon which this assessment of expropriation practices in Rwanda was built.

The contributions of all other individuals and institutions that supported the assessment, directly or indirectly, are equally acknowledged and deeply appreciated.

EXECUTIVE SUMMARY

This report presents the findings of LAF's assessment of expropriation practices in Rwanda and their implications for land and property rights. It examines the extent to which the legal and procedural framework governing expropriation is implemented in practice and whether reforms introduced since LAF's earlier assessment have contributed to more just, effective and rights-respecting expropriation.

The report combines two complementary bodies of evidence. Its empirical foundation is quantitative and qualitative research conducted between December 2021 and March 2022, including a survey of 1,248 households affected by expropriation, key informant interviews and focus group discussions. This is complemented by a subsequent review of legal, institutional and practice developments, particularly relevant case law, undertaken to determine whether issues identified through the original field research have persisted, evolved or been addressed. Accordingly, the statistical findings in this report relate to the 2021–2022 empirical dataset and should not be interpreted as survey estimates for 2026.

The assessment finds that Rwanda has established an important legal framework for protecting land and property rights during expropriation. However, the principal challenge lies in translating these legal safeguards into consistent implementation throughout the expropriation process.

Key Findings

Public notice, consultation and participation have improved, but important gaps remain. Sixty-four percent of surveyed respondents reported that consultative meetings and prior notice were provided. However, approximately one-third reported that no consultation took place, while qualitative evidence indicates that consultation was not always experienced as meaningful participation. The findings point to the need for clearer, documented and more inclusive engagement with

affected persons throughout the expropriation process.

Partial expropriation and consequential loss require stronger legal and practical protection. Partial expropriation affected 76% of surveyed respondents, yet the legal framework does not adequately address situations in which taking only part of a property renders the remainder economically, physically or practically unusable. The wider findings and subsequent case law also demonstrate the importance of capturing property damage and consequential losses arising during implementation of public projects, including impacts that may fall outside the original property inventory.

Valuation remains one of the most significant areas of concern. Seventy percent of respondents considered the assessed value of their property to be below prevailing market prices. Although the law provides a mechanism for challenging valuations through counter-assessment, only 4% of dissatisfied respondents pursued this remedy, with cost, limited awareness and procedural requirements presenting important barriers. Significantly, among those who obtained a counter-assessment, 97% secured a higher valuation. These findings raise concerns both about the reliability of initial valuations and the practical accessibility of remedies available to affected landowners.

Delayed compensation substantially weakens otherwise strong legal safeguards. The assessment found an average reported waiting period of 13.8 months, considerably beyond the statutory period for payment following approval of fair compensation. Delayed payment is not simply a procedural problem: where affected persons lose access to land, housing or livelihoods before receiving compensation, delays can increase economic vulnerability and undermine the principle of fair compensation.

Expropriation has significant socio-economic consequences. The findings indicate disruption to livelihoods, employment and established social and

economic networks, particularly where households are required to relocate. At the same time, some relocated households reported improved proximity to infrastructure and essential services. The assessment therefore demonstrates that the impact of expropriation cannot be evaluated solely by reference to the infrastructure or development ultimately created; the social and economic consequences for affected households must also be taken into account.

The report's expanded jurisprudential review provides an important post-fieldwork validation and learning dimension. The cases do not establish the statistical prevalence of particular violations. Rather, they provide judicially tested illustrations of recurring pressure points across the expropriation process.

Taken together, the jurisprudence demonstrates that:

- Public interest must be substantively justified, rather than merely asserted;
- Compliance with legally prescribed notice, consultation and other procedural safeguards must be capable of proof;
- Affected persons, property and compensable interests must be comprehensively identified before valuation and project implementation;
- Property damage and consequential losses arising during project implementation cannot be disregarded simply because they were omitted from the original compensation inventory;
- Valuation and counter-valuation remedies must be practically accessible, not merely available in law;
- Fair compensation must be adequate, timely and paid before displacement as required by law; and
- Effective protection requires not only access to courts but also prompt implementation of final administrative and judicial decisions.

The fact that some of the reviewed decisions arose after the 2021–2022 fieldwork is particularly important. While they do not retrospectively alter the original empirical findings, they demonstrate that some of the legal and implementation concerns identified by affected households have continued to require judicial clarification or remedy.

Priority Actions

The findings point to the need to strengthen the entire accountability chain of expropriation, from determination of public interest through consultation, valuation and compensation to relocation, dispute resolution and implementation of remedies. Priority actions should:

- Operationalise the statutory mechanism for supervision of expropriation projects and clarify institutional accountability;
- Establish clearer criteria for determining public interest, particularly where private investment and implementation of master plans are involved;
- Expressly address partial expropriation, consequential loss and project-related damage, including situations where the remaining property becomes substantially unusable;
- Require complete and verifiable property inventories before valuation and commencement of project works;
- Secure adequate compensation funding before projects start and ensure compliance with statutory payment timelines and the requirement that compensation precede displacement;
- Improve the quality, independence and professionalism of valuation and regularly update reliable property-market information;
- Make counter-valuation and other remedies accessible and affordable, including reconsideration of procedural and cost barriers;

- Strengthen meaningful notice, consultation and participation, with clear information on rights, procedures, timelines and available remedies;
- Strengthen institutional coordination and ensure the effective implementation of final administrative and judicial compensation decisions; and
- Establish a national expropriation compliance and learning mechanism capable of monitoring implementation across the full expropriation cycle and translating lessons from complaints and jurisprudence into improved administrative practice.

Overall, Rwanda's expropriation framework contains substantial legal safeguards and provides an important foundation for reconciling development in the public interest with protection of land and property rights. The central finding of this assessment is therefore not an absence of law, but an implementation gap.

Closing that gap requires more than isolated reforms. Public-interest justification, meaningful consultation, complete identification of affected property, professional valuation, accessible remedies, timely compensation, institutional accountability and enforcement of final decisions must function as an integrated system.

Ultimately, development in the public interest and protection of property rights are not competing objectives. Rwanda can pursue infrastructure, urban development and other legitimate public objectives while ensuring that the individuals and communities whose property makes those developments possible are treated fairly, meaningfully informed, adequately and promptly compensated, and provided with effective remedies when the process fails.

The measure of an effective expropriation system is therefore not only whether development projects are completed, but whether public-interest development is achieved without transferring a disproportionate share of its social and economic costs to the people whose property is taken.



1.

INTRODUCTION

This report presents the findings of an assessment by LAF on practices of expropriation in the public interest and their impact on land rights in Rwanda. The primary empirical research was conducted between December 2021 and March 2022, drawing on a literature review, qualitative research and a field survey of 1,248 households affected by expropriation.

A draft report based on this research was subsequently reviewed, discussed and technically validated but was not published at the time. Since then, LAF has continued to assess developments in expropriation practice, particularly through case law and other relevant legal and institutional developments. These subsequent developments have been incorporated into the present report to complement the original empirical findings, provide stronger evidence on continuing or emerging practices, and identify gaps in the existing legal framework.

Accordingly, the report should not be understood as presenting survey data collected in 2026. Rather, it combines the 2021–2022 empirical assessment with subsequent legal and practice-based evidence to provide a more current and comprehensive analysis of expropriation in Rwanda.

1.1. Scope of the assessment

The assessment has two complementary dimensions. First, its empirical baseline consists of quantitative and qualitative data collected between December 2021 and March 2022 from affected households and relevant stakeholders. Findings based on respondents' experiences therefore relate to the period covered by that field research.

Second, the report incorporates subsequent developments in law and practice, particularly relevant case law and other documented developments identified through LAF's continued engagement with expropriation issues. This additional evidence is used to assess whether concerns identified through the original field

research have persisted, evolved or been addressed, and to strengthen the analysis of practical and legal gaps.

1.2. Background Information

Expropriation in the public interest continues to affect many Rwandans because land is a principal household asset and an important source of livelihood. Before 2015, concerns regarding the protection of landowners during expropriation were associated, among other factors, with gaps in law n°. 18/2007 of 19/04/2007. Law n°. 32/2015 of 11/06/2015 relating to expropriation in the public interest was subsequently adopted to strengthen the legal framework governing expropriation.

Implementation challenges nevertheless remain. These include access to information and procedural fairness; determination of public interest; expropriation associated with private investment; public consultation; information on rights and obligations; valuation and counter-valuation; timely payment of fair compensation; and expropriation associated with residential development and implementation of master plans.

In 2015, LAF published *The Implementation of Rwanda's Expropriation Law and its Outcomes on the Population*, which identified challenges and recommended improvements in areas including valuation, public notice, transparency and accountability. The present assessment builds on that earlier work by examining the extent to which those concerns and recommendations have subsequently been addressed and whether expropriation practice has become more just, effective and rights-respecting.

1.3. Objectives of the assessment

The assessment has four main objectives:

1. To assess the procedures and processes applied in carrying out expropriation in Rwanda.

2. To assess compliance by expropriating entities with the 2015 Expropriation Law, related policies and applicable procedures.
3. To assess the extent to which recommendations from previous research have contributed to more just and effective expropriation practices.
4. To generate evidence for stakeholder dialogue, legal and policy reform, and advocacy aimed at strengthening respect for landowners' rights.

1.4. Assessment Questions

The assessment was guided by the following questions:

- To what extent did the 2015 Expropriation law address concerns identified under the 2007 legal framework?
- To what extent is the current legal framework implemented fairly and effectively, and are procedural safeguards respected in practice?
- Why have some recommendations from earlier research not been fully implemented, and why do certain land-rights concerns persist?
- What safeguards exist to mitigate the socio-economic effects of expropriation on affected households?
- What are the consequences of expropriation for affected landowners, and how satisfied are they with the process?
- What do subsequent developments, including case law, reveal about continuing or emerging gaps in expropriation law and practice?



2.

RESEARCH METHODOLOGY

2.1. Research Design

The assessment adopted a mixed-methods approach, combining quantitative and qualitative research with legal and documentary analysis. This approach enabled LAF to examine both the experiences of people affected by expropriation and the extent to which expropriation practices comply with Rwanda's legal and policy framework.

The methodology has two distinct but complementary components. The primary empirical assessment was conducted between December 2021 and March 2022 and consisted of a household survey, key informant interviews (KIIs), focus group discussions (FGDs), and a review of relevant literature and legal materials. This generated the principal quantitative and qualitative evidence presented in the report.

The second component consists of a subsequent legal and practice review undertaken following the original assessment. LAF continued to track developments relevant to expropriation, particularly through case law and other documented legal and institutional developments. This evidence has been incorporated into the final report to assess whether issues identified by the original assessment have persisted, evolved or been addressed.

The subsequent review does not alter or extend the original survey dataset. Rather, it complements and contextualises the 2021–2022 empirical findings with more recent evidence on expropriation law and practice.

2.2. Quantitative Research and Sampling

The quantitative component consisted of a household survey of persons affected by expropriation. The survey examined affected households' experiences at different stages of the expropriation process, including notification and consultation, valuation, compensation, relocation, and the socio-economic consequences of expropriation.

Sampling frame and procedure

The household was both the sampling unit and the unit of analysis. The sampling frame consisted of 5,052 expropriated households identified from lists provided by five districts: Gasabo in the City of Kigali, Bugesera in Eastern Province, Muhanga in Southern Province, Musanze in Northern Province, and Rubavu in Western Province.

A two-stage sampling approach was used. At the first stage, the five districts were purposively selected to provide geographical coverage across Rwanda, with one district selected from each of the four provinces and the City of Kigali. The selected districts constituted the primary sampling units (PSUs).

At the second stage, households were selected within the five districts using probability proportional to size (PPS), taking account of the number of expropriated households in each district. This approach ensured that districts with larger numbers of expropriated households contributed proportionately more households to the sample.

Sample-size determination

The sample size was determined using a 95% confidence level, a 3% margin of error, an assumed population proportion of 50% ($p = 0.5$), and a design effect of 1.17. The sample-size calculation was based on the following formula:

$$n = Deff \times (Z^2 \times p \times q) / E^2$$

where:

- n = required sample size;
- $Deff$ = design effect;
- Z = standard normal value corresponding to the 95% confidence level (1.96);
- p = assumed population proportion (0.5);
- $q = 1 - p$ (0.5); and
- E = margin of error (0.03).

Applying these parameters produced a required sample of approximately 1,248 households. To accommodate an anticipated non-response rate of 3.4%, the fieldwork target was increased to 1,290 households. Following fieldwork and data cleaning, the final analytical dataset comprised 1,248 respondents.

Data collection and quantitative analysis

The household questionnaire was digitised and administered using Survey CTO Collect. Following data collection, the dataset was checked and cleaned before analysis. Quantitative data were analysed using Stata.

The household survey provided the principal quantitative basis for identifying patterns in expropriation practices and assessing the experiences and perceptions of affected landowners. Because the survey was conducted between December 2021 and March 2022, percentages and other statistical findings reported in this assessment relate specifically to that empirical dataset and should not be interpreted as survey estimates for subsequent years.

2.3. Qualitative Research

The quantitative survey was complemented by qualitative assessment through key informant interviews (KIIs) and focus group discussions (FGDs) involving relevant public and private stakeholders engaged in or affected by expropriation processes.

The qualitative component was used to obtain more detailed explanations of the practices and institutional factors underlying patterns identified through the household survey. It also provided perspectives on implementation challenges, legal and procedural safeguards, valuation and compensation, dispute resolution, and the socio-economic consequences of expropriation.

Qualitative data were systematically coded and analysed using Taguette. The qualitative findings were used primarily to explain, contextualise and triangulate patterns emerging from the quantitative survey.

2.4. Legal and Documentary Review

The assessment reviewed the legal and policy framework governing expropriation in Rwanda, relevant literature and previous research, including LAF's earlier work on expropriation. The review provided the legal and analytical framework against which practices identified through the empirical research were assessed.

Following completion of the original field research and preparation of the initial draft report, LAF continued to review relevant case law and other documented developments in expropriation law and practice. These subsequent sources have been incorporated into the final report where relevant.

The later evidence serves three purposes: to determine whether previously identified challenges remain evident in practice; to identify emerging legal or implementation issues; and to strengthen the analysis of gaps between the applicable legal framework and its implementation.

Where subsequent evidence is used, its date and source are identified, thereby distinguishing it from the original 2021–2022 empirical dataset.

2.5. Triangulation and Analysis

The assessment used triangulation to strengthen the reliability of its findings. Quantitative findings from affected households were considered alongside qualitative evidence from KIIs and FGDs and assessed against the applicable legal framework, documentary evidence and relevant case law.

Rather than treating any single source as conclusive, the analysis examined areas of convergence and divergence among the different sources of evidence. This made it possible to distinguish individual experiences from broader patterns and to assess whether reported practices were consistent with legal requirements.

Subsequent case law and documentary evidence were used to contextualise and test the continuing relevance of the original findings, rather than being retrospectively incorporated into the original dataset.

Accordingly, percentages and other statistical findings reported in the study relate to the original empirical assessment. Later case law and documentary evidence are presented separately to demonstrate subsequent developments, continuing trends or emerging issues.

2.6. Quality Assurance

Quality-assurance measures were applied before, during and after fieldwork to strengthen the reliability and integrity of the empirical data.

Before data collection, the research instruments were designed to be practical and understandable to respondents. Qualified enumerators were recruited and trained on the questionnaire, assessment procedures and ethical considerations. The instruments were subsequently piloted to test their clarity, relevance and practical application before full-scale fieldwork.

During data collection, field supervisors provided ongoing oversight and guidance to enumerators, including assistance in resolving methodological and practical issues arising during fieldwork.

After data collection, the dataset was subjected to systematic cleaning, including checks for duplicate records, incomplete responses and outliers. As an additional verification measure, back-checks were conducted on a randomly selected 10% of completed interviews.

These quality-control measures, together with the triangulation of quantitative, qualitative, legal and documentary evidence, were intended to minimise data-quality risks and strengthen the reliability of the assessment findings.



3.

CONCEPTUAL FRAMEWORK AND ASSESSMENT

The assessment treats expropriation as a process linking the legal and policy framework, the institutions responsible for its implementation, the procedures followed in practice, and the socio-economic outcomes experienced by affected households. Weaknesses at any stage, whether in the legal framework, institutional arrangements, consultation, valuation, compensation or access to remedies may affect the protection of land and property rights even where the formal legal framework provides adequate safeguards.

The conceptual framework therefore examines four interrelated domains:

1. Normative framework: the Constitution, expropriation law, land law, relevant procedural laws, policies and other applicable legal standards.
2. Institutions and coordination: the institutions responsible for initiating, supervising, approving and implementing expropriation, including competent public authorities, supervising mechanisms, valuers, paying entities and courts.
3. Procedures in practice: notice and consultation, valuation and counter-assessment, determination and payment of compensation, relocation, complaints and access to remedies.
4. Household outcomes: physical and economic displacement, relocation, changes in occupation and livelihoods, access to essential services, and perceived changes in standards of living.

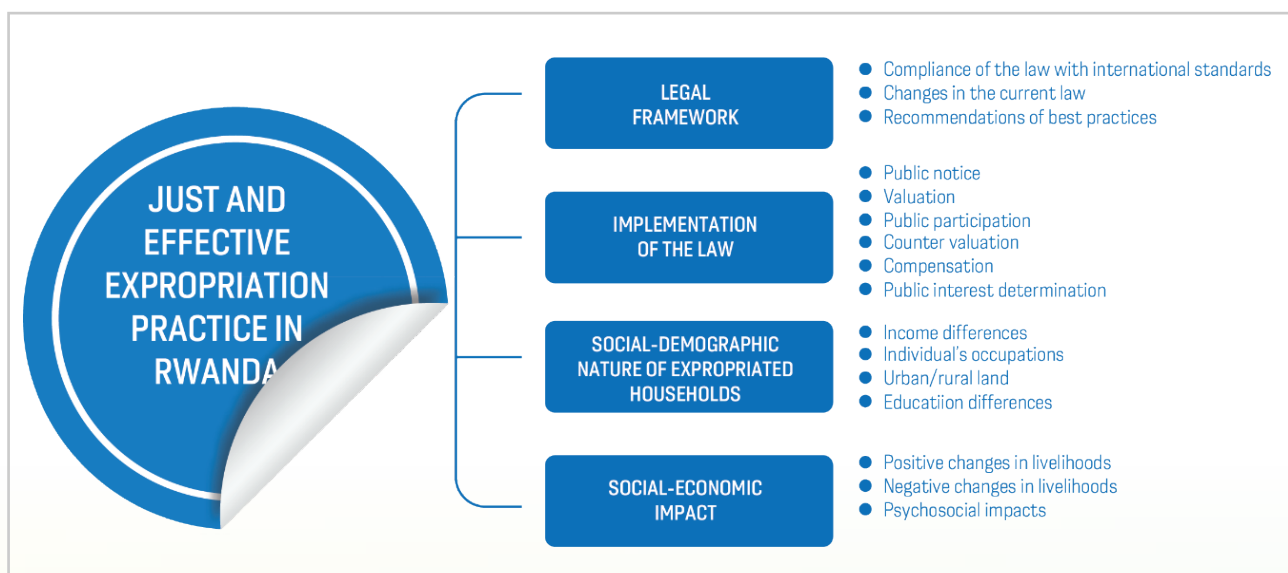


Figure A. Conceptual framework of the assessment

This framework enables the assessment to examine whether identified challenges arise primarily from gaps in the normative framework, institutional and coordination weaknesses, failures in implementation, or the socio-economic

consequences of expropriation for affected households. It also provides the analytical basis for assessing whether the legal and institutional framework translates into fair and effective outcomes in practice.

4.

LEGAL, INSTITUTIONAL AND POLICY FRAMEWORK ANALYSIS

Over the past ten years, Rwanda has distinguished itself as one of the fastest growing economies not just in Africa, but globally.¹ Land has been and continues to be one of the most needed resources to attract, facilitate, and enable economic growth, particularly in the context of urbanisation and infrastructure development. However, given the size of the country,² its population,³ and the dominance of agriculture as a vocation,⁴ it is difficult to find undeveloped land. As such, expropriations have become one of the few ways for developing infrastructure and state-driven industry in Rwanda.

Expropriations are, however, not without controversy. Expropriations embody a tension between the competing interests of protecting private property rights⁵ legally recognised inviolability, and government projects that promote economic development and nation building. Precisely how these expropriations are executed, consultation, and deliberateness with which they are done can and will impact how these competing interests are affected as Rwanda embarks on its policy of expropriations in the public interest.

Article 34 of the Rwandan Constitution⁵ guarantees the right to private property, whether individually or collectively owned. However, Paragraph 3 of the same article states, “the right to property shall not be encroached upon except in the public interest and in accordance with the provisions of the law.”⁶ As an implementing instrument of the Constitutional provisions, the 2015 Expropriation Law provides the institutional and legal framework for the implementation of expropriation in Rwanda.

The 2015 Expropriation Law also provides for the rights of people subject to expropriation. It puts in place the institutional mechanisms for the approval, implementation, and supervision of expropriation projects, as well as the redress mechanisms for those whose rights might be violated in the process. Several other laws and legal instruments bear indirectly on the legality and implementation of land expropriation in Rwanda. These include statutes on land,⁷ local governance,⁸ and roads,⁹ as well as a number of international standards.¹⁰ There are also key national policies that address expropriation.¹¹

7 Article 41 of the law N° 27/2021 of 10/06/2021 governing land in Rwanda states that “[t]he State recognizes the right to freely own land and shall protect the land owner from being dispossessed of the land whether totally or partially, except in case of expropriation due to public interest.”

8 Article 109 of law n°87/2013 of 11/09/2013 determining the organization and functioning of decentralized administrative entities states that “[t]he decentralized administrative entity with legal personality may carry out expropriation for public interest. In this case, the entity shall use its funds to pay compensation before expropriation in accordance with Law.”

9 Article 33 of law n°55/2011 of 14/12/2011 governing roads in Rwanda provides that “[i]f the construction, modification, or widening of a national, District or City of Kigali road and that of other urban areas, require the expropriation of a built-up or bare land, it shall be carried out in accordance with the Law relating to the expropriation in the public interest.”

10 Article 17 of the Universal Declaration of Human Rights provides generally that “everyone has the right to own property alone as well as in association with others” and that “no one shall be arbitrarily deprived of his property”. Further, the African Charter of Human and Peoples’ Rights in Article 14 states that “[t]he right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.”

11 National Human Settlement Policy states that “[e]viction and expropriation operations should be in line with the fundamental rights of tenants, especially the right to a rehousing of almost similar conditions with the previous dwelling in terms of size and to financial conditions compatible with revenues of the households concerned (Updated Version of the National Human Settlement Policy in Rwanda, 2009, p.15).” Further, the National Land Policy provides that “regular quality assurance of resettlement plans must be carried out before expropriation and enforce their effective implementation” (National Land Policy, 2019, p.20).

And the National Urban Housing Policy for Rwanda recognizes the need to respect legal procedures and international standards in case expropriation is needed by requiring that “...legal and regulatory measures be put in place to ensure that expropriations if required are carried out in line with internationally acceptable norms (National Urban Housing Policy for Rwanda, 2008, p.12).”

1 The World Bank, “Rwanda Economic Update: Sustaining Growth by Building on Emerging Export Opportunities”, (10 Ed., August 2017) p.2, available on <http://documents.worldbank.org/curated/en/573241503374274792/pdf/119036-WP-PUBLIC-21-8-2017-16-10-48-RwandaEconomicUpdate.pdf>.

2 The total surface area of Rwanda is 26,338 km².

3 According to NISR projections for 2021, the size of the resident population in Rwanda is 12,955,736.

4 Almost 80% of Rwandans are dependent on agriculture for their livelihoods (RDB).

5 Constitution of the Republic of Rwanda, 2003, as amended in 2015

6 *Ibid*, at paragraph 3

4.1. Legal, Procedural and Institutional Framework for Expropriation

The current legal framework on expropriation in Rwanda provides guidelines for giving notice to affected landowners, determining public interest, valuing land, challenging initial valuations when a landowner disagrees with the number, ensuring timely payment of compensation, and ensuring timely payment of damages if compensation is not paid on time. These are all important principles in line with international standards and best practices for expropriation. However, the implementation of the law has caused some criticism and concerns about potential violations of the rights of landowners.

4.1.1. Submission, review, and approval of expropriation applications

The 2015 Expropriation Law allows public institutions and private investors¹² to apply for or initiate a project requiring expropriation. However, Article 3 states that, “the State has absolute power to manage all lands situated in its national territorial boundaries which it exercises in the general interest with a view to ensuring rational economic and social development in accordance with laws.”¹³ According to the provisions of Article 7 of the 2015 Expropriation Law, organs that can determine whether projects of expropriation are in the public interest are the following:

- The Executive Committee at the district-level (when development and expropriation activities or projects concern one district);
- The Executive Committee at the level of the City of Kigali (when development and expropriation activities concern more than one District within the boundaries of the City of Kigali); and,
- The relevant ministry in cases where development and expropriation activities concern more than one district or are at the national level.

¹² Though for private investors the law is not very explicit, the provisions of article 6 of the 2015 expropriation law allows for an expropriation to implement the land use and development master plans, which mainly relate to projects of private investors.

¹³ See Land Law, Article 3.

The relevant committee then determines the legality, necessity, and appropriateness of the proposal for expropriation. It has the legal authority to make decisions about expropriation in accordance with the law and may address any disputes that arise from initiating expropriation or from defining whether it is in the public interest. These committees are also allowed to initiate expropriations, most commonly on behalf of the relevant district.¹⁴

Committees in charge of supervising expropriation projects at the various levels are also responsible for reviewing expropriation applications.¹⁵ However, an Order of the Prime Minister to determine the organisation, functioning, responsibilities, and composition of these supervising committees¹⁶ has not yet been published since the 2015 Expropriation Law was adopted in 2015.¹⁷ Generally, the responsibility of the supervising committees is to review and decide on whether to approve the applications or proposals for expropriation proposed by the competent authorities, including by determining whether the project is in the public interest.¹⁸

In reaching its decision, the committee is required by law to conduct a consultative meeting with the population living where the land is located to discuss the relevance of the expropriation project.¹⁹ This procedural requirement sets forth a participatory approach for expropriation in the public interest, and creates an administrative mechanism through which individual citizens may provide feedback about a specific expropriation project to ensure it is truly in the public interest and in accordance with the law's requirements.

Article 11 of the 2015 Expropriation Law requires that this committee make its decision on the application for expropriation within 30 days of receiving it and

¹⁴ Article 7 of the 2015 Expropriation Law.

¹⁵ Article 11 of the 2015 Expropriation Law. In some articles of the English version of the law, they are called Committees in charge of *monitoring* projects for expropriation. In the French version, *contrôler* is used in all cases, and in Kinyarwanda, *kugenzura* is used in all cases.

¹⁶ Article 8 of the 2015 Expropriation Law.

¹⁷ The current version of the Expropriation Law that requires the adoption of this Prime Minister's Order has been in place since 2015.

¹⁸ Article 10 of the 2015 Expropriation Law.

¹⁹ Article 11 of the 2015 Expropriation Law.

after holding consultations with the concerned population on the relevance of the project.²⁰ Where the committee finds that the project is worthy of preliminary approval, it submits its decision in writing to the district council, Kigali City Council, or the ministry in charge of land within 15 days after the consultative meeting with the concerned population. If the committee determines not to approve the application, it must notify the applicant.²¹

In addition to validating the merit and legality of the project, the law also creates another administrative step to approve the expropriation, specifically for compensation and other relocation or dispossession issues that may arise. The authorities empowered to formally authorize expropriations in the public interest are:²²

- The District Council (which acts on district-level projects);
- The Kigali City Council (which acts on projects affecting more than one district within the boundaries of the City of Kigali);
- Upon an order of the Minister in charge of land whenever more than one district is involved in the project; and,
- Upon an order of the Prime Minister for projects at the national level, and in case the project relates to security or national sovereignty.²³

The decision of the approving committee must be made within 15 days of receiving the decision from the supervising committee, and the decision must be communicated in accordance with several requirements. The decision must be announced on at least one radio station with a broad audience in Rwanda and in at least one Rwanda-based newspaper with broad readership in order for the relevant parties to be adequately informed.²⁴

20 Article 11 of the 2015 Expropriation Law. This procedural requirement sets forth a participatory approach for expropriation in the public interest, and creates an administrative mechanism through which individual citizens may provide feedback about a specific expropriation project, to ensure the project is truly in the public interest in accordance with the requirements of the law.

21 Article 14 of the 2015 Expropriation Law.

22 Article 9 of the 2015 Expropriation Law.

23 Article 15 of the 2015 Expropriation Law.

24 Article 15 of the 2015 Expropriation Law.

However, other means of communication can be used to satisfy this information requirement, too. Another requirement is for the list of impacted property owners to be posted at the relevant administrative office where the land is located no more than 15 days after the expropriation's approval.²⁵

Within 15 days of the publication of the affected individuals list, any person affected by the expropriation may request a review of the properties included.²⁶ The expropriating entity then has 7 working days to decide on the application for review.²⁷ Within an additional 7 working days, the mayor of the district or City of Kigali, or the relevant minister, must approve the final list of persons whose property is to be expropriated.²⁸ It is this list that then serves as a basis for a final inventory of the property to be expropriated.

At the same time, poor planning and coordination is a common complaint about the expropriation process.²⁹ Some respondents noted that every expropriation project is considered urgent, which does not allow the districts enough time to conduct proper consultations with the affected populations.³⁰ Districts are the key liaison between the affected populations and the expropriating entity, and provided they get enough time to consult should be able to provide expropriators with important information about residents' conditions and foreseeable impacts of the project(s).³¹ Not only is compensation sometimes not fully allocated, but maintenance of projects that require expropriation may also not be factored into the project budget.³² These failures of planning lead to dissatisfaction with expropriation and a loss of public trust in the process overall.

25 Article 16 of the 2015 Expropriation Law.

26 Article 20 of the 2015 Expropriation Law.

27 Article 20 of the 2015 Expropriation Law.

28 Article 21 of the 2015 Expropriation Law.

29 Legal Aid Forum, "The Implementation of Rwanda's Expropriation Law and Outcomes on the Population" Final Report, Kigali, Rwanda: USAID | LAND Project, para 5.2.1; Rwanda Civil Society Platform, Analysis of Land Expropriation and Transfer Process in Rwanda: Final Report, para 4.3.2 (Oct. 2017); NHRC, Survey on Human Rights Respect During Expropriation for Public Interests in Rwanda, para 4.2.2.1 (July 2020).

30 FGDs Bugesera Officials, Feb. 11, 2022; Focus Group Discussion, Muhanga Officials, Feb. 11, 2022.

31 FGD held with Bugesera Officials, Feb. 11, 2022.

32 FGD held in Gasabo District Expropriated Individuals, Feb. 14, 2022.

4.1.2. Land and property valuation

As stipulated in Article 23 of the 2015 Expropriation Law, the valuation of land, property incorporated thereon, and activities carried out on the land shall be conducted by valuers certified by the Institute of Real Property Valuers of Rwanda (IRPV).³³ After the decision on the expropriation is made and the list of impacted landowners is published, a concerned landowner is not allowed to develop any other long-term activities on the land, and such activities are not compensable during expropriation.³⁴ Where expropriation processes are unreasonably delayed, this can result in lost revenues and livelihoods for concerned landowners.

Compensation for disruption caused by expropriation may also be made available to those subjected to expropriation.³⁵ According to Article 22 of the 2015 Expropriation Law, a list of land values and prices for property incorporated on the land should be issued annually by the IRPV and published in the official gazette to form the basis of valuations. The market prices for land are determined by calculating an average of comparable, recent sales in the area. Before the land is valued on this basis, the law requires the district, the City of Kigali, or the relevant ministry to inform the persons whose land is being expropriated of the expected start date of their valuation. This notice must also be communicated through an announcement posted on the office of the jurisdiction where the project is occurring, and through a radio station and newspaper with wide audiences, or another means of communication if necessary.³⁶

The valuation of land and property incorporated thereon must be conducted in the presence of the land and property owner(s) or their lawful representatives, as well as in the presence of local

administrative representatives.³⁷ The valuation must be completed within a period of 30 days, but that period can be extended by a maximum of 15 additional days upon the request of the expropriator, so long as it receives approval by the relevant organ.³⁸ When the property owner is satisfied with the valuation, he or she signs or fingerprints the approved fair compensation reports.³⁹ The law also requires that the valuation report⁴⁰ be published in writing, a copy of it be posted in the office of the jurisdiction where the land is located, and a notice of availability be made through the proper radio and newspaper channels.⁴¹

The 2015 Expropriation Law also provides a procedure for landowners to challenge their property valuations through an independent valuation firm or expert.⁴² The law indicates that the expense of obtaining such a counter-assessment must be borne by the landowner, and that a counter-assessment report must be submitted within 10 days of the challenge's filing.⁴³ In turn, the expropriating entity must render a decision on the counter-assessment within 5 days of its receipt, and if the landowner remains dissatisfied with the final valuation decision, he or she may approach courts of law within 15 days.⁴⁴ As discussed below, these short time frames and

³⁷ Article 25 of the 2015 Expropriation Law.

³⁸ Article 29 of the 2015 Expropriation Law. The law, however, does not address when these 30 days start to be counted. It could be from the date of the publication of the final list of holders of rights registered on the land and property incorporated on land, or just from the date the valuation starts.

³⁹ Article 32 of the 2015 Expropriation Law.

⁴⁰ By law, the valuation report should include the list of persons to be expropriated, the size of land and the value of property incorporated thereon belonging to each person to be expropriated, and the fair compensation to be paid to any person whose property is expropriated in the public interest (article 30 of the 2015 Expropriation Law).

⁴¹ Article 31 of the 2015 Expropriation Law.

⁴² Article 33 of the expropriation law states that "within seven (7) days after the approval of the valuation report by the expropriator, any person to be expropriated who is not satisfied with the assessed value of his/her land and property incorporated thereon shall indicate in writing grounds for his/her dissatisfaction with the valuation report." Though this article does not specify the organ or authority to which the aggrieved person might appeal in these cases, later text in Article 33 suggests that this appeal should be submitted to the expropriating entity.

⁴³ Article 33, expropriation law.

⁴⁴ Article 34 of the expropriation law. Any agreement or disagreement as to the final assessment decision must be memorialized in detailed minutes.

³³ Article 27 of the 2015 Expropriation Law. The IRPV is a professional body established by Law N°17/2010 of 12/05/2010 establishing and organising the Real Property Valuation Profession in Rwanda.

³⁴ Article 17 of the 2015 Expropriation Law. According to the provisions article 2 of the same law, a long-term activity is defined as "any activity performed on land and likely to remain there for more than one hundred and twenty (120) days".

³⁵ Article 27 of the 2015 Expropriation Law.

³⁶ Article 24 of the 2015 Expropriation Law. Also, see article 28 of the 2015 Expropriation Law.

onerous expenses on individuals being expropriated raise important questions of the fairness and practicality of the process.

4.1.3. Compensation

Fair compensation is a fundamental precondition of expropriation and must be equivalent to the value of land and the activities performed thereon, calculated at market prices.⁴⁵ The law mandates expropriators to allocate funds for the valuation of the landowner's assets to be expropriated, as well as for the compensation for their losses, before expropriation is performed.⁴⁶ Fair compensation under Rwandan law also includes compensation for disturbances due to expropriation,⁴⁷ fixed at a rate of 5% of the total compensation to be paid to the subject of expropriation.⁴⁸ Fair compensation can be monetary or in any other form mutually agreed upon by the expropriator and the subject thereof.⁴⁹

4.2. Approaching courts in expropriation cases

Individuals affected by expropriation can seek legal redress by requesting an annulment of the decision, the revised valuation, or any other action or decision related to different stages of the expropriation process. However, like any other administrative matter, administrative remedies must be exhausted before filing a claim in court. Articles 334-336 of the Civil Procedure Code stipulate the procedure and requirements to file an action to annul an administrative decision in court. However, Article 342 of the Civil Procedure Code also gives the individual affected by the administrative decision the right to seek compensation, stating that a party “may file a separate claim for damages before an administrative court without requesting for the annulment of the illegal administrative decision by only proving the

illegality of such a decision.” The individual's request for compensation is not contingent upon requesting annulment of the administrative action. This provides an alternative route for individuals subject to expropriation to seek damages, either directly for expropriation of their property, or for insufficient compensation from partial expropriation. The affected person can also file a case contesting the valuation process of his or her property, or for any other matter in the expropriation process.

According to Article 83 of Organic Law N°51/2008 of 09/09/2008 determining the organization, functioning and jurisdiction of courts, as amended to date (hereinafter referred to as the Law on the Competence of Courts), any action against an administrative decision, act or omission rendered by local administrative authorities up to the district level including, of course, expropriation decisions should be filed at the first instance with the administrative chambers of the appropriate Intermediate Court. Article 93 of that law also specifies that complaints arising from expropriation decisions taken by the City of Kigali or Provincial authorities are reviewed by the High Court (the High Court also hears any second-instance appeals from the Intermediate Court, including those related to expropriation).⁵⁰ Final recourse from decisions of the High Court is to the Appeals Court.

4.2.1. Jurisprudential review of expropriation cases

The household survey and qualitative fieldwork for this assessment were undertaken between 2021 and 2022. Publication was subsequently deferred, in part, to allow the assessment to learn from evolving practice and jurisprudence. The case-law review therefore serves as a post-fieldwork validation and learning exercise: it does not alter the original empirical findings, but tests, contextualises and updates them against disputes that reached the courts before and after the fieldwork.⁵¹ This is particularly important because expropriation is a process rather than a single administrative act,

⁴⁵ Article 27 of the 2015 Expropriation Law.

⁴⁶ Article 4 of the 2015 Expropriation Law.

⁴⁷ Article 27 of the 2015 Expropriation Law.

⁴⁸ Article 28 of the 2015 Expropriation Law.

⁴⁹ Article 35 of the 2015 Expropriation Law. For example, in some cases, expropriated persons have been compensated with houses in consideration of the value of their expropriated properties. See case of people expropriated from “lower” Kiyovu to Batsinda, Legal Aid Forum, “The Implementation of Rwanda's Expropriation Law and Outcomes on the Population” Final Report, para 5.2.1, Kigali, Rwanda: USAID | LAND Project.

⁵⁰ See Article 93(7°) and 83 of the organic law on the organization, Functioning and Jurisdictions of courts.

⁵¹ The cases do not establish the statistical prevalence of particular violations. They provide judicially tested illustrations of recurring pressure points across the expropriation process.

and implementation failures may emerge at the stages of project approval, identification of affected persons and assets, valuation, payment, relocation, project execution and enforcement of remedies.

The cases are analysed against the law applicable at the material time. Law No. 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest is the principal statutory reference for later cases.⁵² Earlier disputes are assessed under the legislation then in force, notably Law No. 18/2007 of 19/04/2007, rather than by retrospectively applying the 2015 Law. The 2015 Law nevertheless provides a useful contemporary benchmark because it defines expropriation as removal from property in the public interest after fair compensation and establishes detailed safeguards on public interest, consultation, affected-person lists, valuation, challenges to valuation, payment and relocation.⁵³

Read together, the jurisprudence is most useful not as a collection of isolated disputes, but as evidence of how statutory safeguards operate in practice. The cases reveal recurring questions about: (i) whether the asserted purpose is genuinely public; (ii) whether affected owners are properly identified and informed; (iii) whether all affected assets and consequential losses are captured; (iv) whether valuation and counter-valuation remedies are practically accessible; (v) whether compensation is paid before displacement and within statutory time limits; and (vi) whether successful claims and judgments are effectively implemented.

⁵² Law No 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest.

⁵³ Law No 18/2007 of 19/04/2007 Relating to Expropriation in the Public Interest.

A. Public interest as a substantive legal requirement

*Itorero Umwungeri Mwiza v Ndimukaga François Supreme Court, RADAA 00005/2017/SC, 14 June 2019; appeal from High Court, RADA 0079/15/HC/KIG, 11 April 2017.*⁵⁴

The dispute concerned an attempt to justify acquisition of Ndimukaga François's land as an expropriation in the public interest. Gasabo District informed the courts that no statutory public-interest expropriation had in fact been conducted and that the arrangements concerned the church and certain landowners. The High Court held that the property remained Ndimukaga's, and the Supreme Court affirmed that activities pursued for the private interests of persons cannot become public interest merely because they are described as such or receive administrative involvement.

Legal and analytical significance. The case goes to the threshold legality of expropriation. It is particularly important when read alongside Articles 5 and 6 of Law No. 32/2015. Article 5 recognises a broad range of public-interest activities, including activities implementing land-use and development master plans. Article 6, however, requires the project initiator first to negotiate with affected owners; if negotiations fail, formal expropriation procedures must be followed, the interests of the person to be expropriated must be taken into account, and affected assets must be paid for before project activities begin.⁵⁵ The judgment therefore supports a substantive, rather than merely declaratory, understanding of public interest. It also responds directly to the concern identified in the earlier policy/legal review that the breadth of master-plan-based public interest can blur the boundary between public and private benefit. The practical lesson is that classification of a project as falling within a master plan should not substitute for scrutiny of its actual public purpose and compliance with statutory safeguards.

⁵⁴ *Itorero Umwungeri Mwiza v Ndimukaga François*, Supreme Court, RADAA 00005/2017/SC, 14 June 2019; High Court, RADA 0079/15/HC/KIG, 11 April 2017.

⁵⁵ Law No 32/2015, arts 5–6.

B. Procedural legality, participation and proof of compliance

*Nyarugenge District v Mukangemanyi Adéline, Supreme Court, RS/RV/INJUST/AD0001/16/CS, 30 June 2017; arising from Intermediate Court of Nyarugenge, RAD0010/12/TGI/NYGE, 28 February 2013.*⁵⁶

The underlying dispute arose from a challenge to the legality of an expropriation on the basis that the owner had not been properly informed and that the prescribed procedures had not been followed. The Intermediate Court held the expropriation unlawful because the district failed to produce sufficient evidence that the legally required procedure had been followed. The later Supreme Court proceedings principally concerned the inadmissibility of an extraordinary review after ordinary avenues of challenge had not been used in time.

Legal and analytical significance. The value of the case lies primarily in the underlying finding that an expropriating authority must be able to prove procedural compliance. Under the current framework, this principle is reinforced by Articles 10–16 of Law No. 32/2015 on expropriation. Of particular relevance, Article 10 requires the expropriation request to contain information on affected land and rights and a study of consequences for the living conditions of persons to be expropriated; Article 11 requires consideration of the relevance of the project and consultation with the population where the land is situated; and Article 16 requires publication of the expropriation decision and affected-rights list.⁵⁷ The case therefore strengthens the assessment's findings on notice, participation, documentation and institutional accountability. Knowledge of a project should not be treated as a substitute for demonstrable compliance with legally prescribed procedures.

C. Identification of affected persons and completeness of the property inventory

*Mukeshimana Alphonse and Uwayezu Vénantie v Rwanda Social Security Board (RSSB) Supreme Court, RADA 0040/12/CS, 16 September 2014.*⁵⁸

The claimants challenged omissions from the valuation of property affected by expropriation in Gacuriro. They maintained that, although four houses had been valued, another house and additional assets had not been included. The Supreme Court distinguished a challenge to the administrative decision to expropriate from a dispute concerning implementation and completeness of valuation. A claim seeking inclusion and valuation of omitted property was therefore not equivalent to seeking annulment of the expropriation decision.

Legal and analytical significance. The decision demonstrates that fair compensation depends first on a complete inventory of what is actually affected. Under the current law, Article 20 permits review of the initial list of persons to be expropriated, Article 21 makes the approved list the basis for the property inventory, and Articles 27–30 govern the property to be valued and the valuation report.⁵⁹ Article 27 covers land, activities carried out on the land for its efficient management or rational use, and compensation for disruption; Article 28 requires market-based valuation and provides a 5% disturbance compensation. The case therefore supports a key assessment finding: errors or omissions at the identification and inventory stage can carry through into valuation and compensation unless an accessible corrective mechanism is available.

⁵⁶ Nyarugenge District v Mukangemanyi Adéline, Supreme Court, RS/RV/INJUST/AD0001/16/CS, 30 June 2017; Intermediate Court of Nyarugenge, RAD0010/12/TGI/NYGE, 28 February 2013.

⁵⁷ Law No 32/2015, arts 10–16.

⁵⁸ Mukeshimana Alphonse and Uwayezu Vénantie v Rwanda Social Security Board (RSSB), Supreme Court, RADA 0040/12/CS, 16 September 2014.

⁵⁹ Law No 32/2015, arts 20–21 and 27–30.

D. Property omitted from formal expropriation or damaged during project implementation

*China Road and Bridge Corporation Ltd v Uwiringiyimana Daniel Intermediate Court of Rusizi, RCA 0002/16/TGI/RSZ, 21 July 2016; on appeal from Primary Court of Nyakabuye, RC 0105/15/TB/NYAKB, 4 December 2015.*⁶⁰

During construction of the Bugarama CIMERWA road, a drainage canal was constructed and spoil deposited on Uwiringiyimana's registered land even though the plot had not been included among the properties formally valued and compensated by RTDA. The courts found that the works interfered with the owner's property and upheld compensation. The appellate court rejected the argument that omission of the parcel from the formal project valuation displaced responsibility for the actual interference caused by the contractor.

Legal and analytical significance. The case exposes a gap between the formal expropriation footprint, and the actual footprint of infrastructure works. It shows that administrative omission from a compensation list does not extinguish substantive property rights. It is also consistent with the protective logic of Article 6 of the 2015 Law, which requires payment for assets affected by master-plan implementation before commencement of activities.⁶¹ For project management, the lesson is that compensation systems must capture not only property deliberately acquired but also foreseeable or actual consequential impacts created during construction.

*Ayinkamiye Dative v City of Kigali, Intermediate Court of Nyarugenge, RAD 00105/2024/TGI/NYGE, 14 November 2025.*⁶²

Ayinkamiye alleged that works on the Sonatube Sahara Road damaged her house and other property and that repeated engagement with local authorities had not resulted in adequate compensation. The Court found interference with her property rights and held the City of Kigali liable for proven property loss.

Legal and analytical significance. Ayinkamiye is particularly valuable as post-fieldwork jurisprudence because it shows that the problem illustrated earlier in China Road and Bridge Corporation loss caused by implementation of a public project outside, or inadequately captured by, the formal compensation process remained capable of generating litigation. The recurrence does not by itself establish prevalence, but it provides contemporary judicial evidence that project-related damage and incomplete capture of affected property remain implementation risks. This supports stronger pre-construction inventories, mechanisms for recording subsequent damage, and rapid administrative remedies before affected persons are forced into litigation.

⁶⁰ China Road and Bridge Corporation Ltd v Uwiringiyimana Daniel, Intermediate Court of Rusizi, RCA 0002/16/TGI/RSZ, 21 July 2016; Primary Court of Nyakabuye, RC 0105/15/TB/NYAKB, 4 December 2015.

⁶¹ Law No 32/2015, art 6.

⁶² Ayinkamiye Dative v City of Kigali, Intermediate Court of Nyarugenge, RAD 00105/2024/TGI/NYGE, 14 November 2025.

E. Valuation disputes and access to an effective remedy

*Bayingana Holvis and Others v City of Kigali, Court of Appeal, RADAA00009/2024/CA, 21 November 2025.*⁶³

The City of Kigali valued the affected land and petrol station at FRW 75,449,723, while the owners' counter-assessment valued the property at FRW 534,143,240. The parties did not agree on compensation. The owners later sought nullification of the expropriation on the basis that payment had not been made within 120 days, but the Court of Appeal treated the unresolved valuation dispute and the statutory challenge procedure as decisive.

Legal and analytical significance. The case is important for distinguishing the statutory stages of a valuation dispute. Article 33 of Law No. 32/2015 requires a dissatisfied owner to state objections in writing within seven days after approval of the valuation report and to obtain, at the owner's expense, a counter-assessment from a recognised valuer or valuation firm, with the counter-assessment report available within ten days of the request.⁶⁴ Under Article 34, the expropriator decides on the counter-assessment within five working days. If disagreement remains, minutes recording the disputed points are signed; the owner may then refer the matter to the competent court within fifteen days from signing those minutes. Pending the court's decision, the value determined by the expropriator is to be paid so that the expropriation is not suspended.

The case demonstrates both protection and procedural burden. The law provides a route for challenging valuation, but the time limits are short, and the counter-assessment is initially financed by the affected owner. For this assessment, that is an access-to-remedy issue as well as a valuation issue: a legal remedy may exist formally while cost, information, capacity and compressed deadlines affect its practical accessibility. Bayingana should therefore be read as evidence of the importance of timely legal information to affected persons, clear minutes of disagreement and realistic access to independent valuation expertise.

F. Timeliness of compensation, payment before relocation and consequences of delay

*Museremu Jean Claude and Nambajemariya Ancille v Gicumbi District, Intermediate Court of Gicumbi (Administrative Chamber), RAD 00001/2021/TGI/GIC, 11 May 2021.*⁶⁵

The applicants accepted compensation of FRW 13,672,995 for land and a woodlot acquired for public water reservoirs but were required to vacate before payment, and payment was made outside the statutory period. The Court awarded an additional 5% for delayed payment and distinguished that consequence from disturbance compensation.

Legal and analytical significance. The case should be anchored principally in Articles 35–37 of Law No. 32/2015.⁶⁶ Article 35 permits monetary compensation or another mutually agreed form and requires fair compensation before relocation. Article 36 requires approved fair compensation to be paid within 120 days of approval; if it is not, the expropriation becomes null and void unless the parties agree otherwise. Once compensation is received, the expropriated person has up to 120 days to relocate. Article 37 separately requires compensation equivalent to 5% of the fair compensation where the expropriator retracts after valuation or fails to pay within the Article 36 period; if the parties agree to continue the expropriation after delay, that additional compensation must be paid before continuation. This 5% must also be distinguished from the 5% disturbance compensation provided under Article 28.

Museremu therefore shows that 'fair compensation' is temporal as well as monetary. Adequate valuation cannot cure displacement before payment or prolonged delay. The judgment gives concrete judicial force to one of the central safeguards of the statute and supports the assessment's treatment of delayed compensation as an implementation failure capable of undermining livelihood security and the fairness of the process.

⁶³ Bayingana Holvis and Others v City of Kigali, Court of Appeal, RADAA00009/2024/CA, 21 November 2025.

⁶⁴ Law No 32/2015, arts 33–34.

⁶⁵ Museremu Jean Claude and Nambajemariya Ancille v Gicumbi District, Intermediate Court of Gicumbi (Administrative Chamber), RAD 00001/2021/TGI/GIC, 11 May 2021.

⁶⁶ Law No 32/2015, arts 28 and 35–37.

G. Enforcement and institutional accountability after judgment

*Kanamugire Rwaka Laurent v City of Kigali and the Mayor of the City of Kigali Supreme Court, RADA 0001/13/CS, 15 May 2013; enforcing Supreme Court judgment RADA 0046/12/CS, 16 November 2012.*⁶⁷

The Supreme Court had previously ordered the City of Kigali to pay Kanamugire FRW 86,186,205 as compensation. When the judgment was not executed, the City argued that it was negotiating with the Rwanda Social Security Board, to which the land had subsequently been allocated, to assume the debt. The Supreme Court maintained the responsibility of the administrative authority and ordered execution within the period set by the Court.

Legal and analytical significance. Kanamugire identifies a problem beyond valuation and adjudication: the effectiveness of the remedy after a claimant has succeeded. Internal arrangements among public institutions should not shift the burden of institutional coordination to the expropriated owner. The case demonstrates that access to court is not, by itself, an effective remedy if payment of an adjudicated entitlement is subsequently delayed. In the assessment, enforcement should therefore be treated as part of the expropriation accountability chain, not as an unrelated post-litigation issue.

What the jurisprudence adds to the assessment, Public interest requires more than a label. Itorero Umwungeri Mwiza demonstrates that the legality of the taking itself is judicially reviewable. This is significant in a policy environment where Article 5 recognises a wide range of public-interest activities, including master-plan implementation. The breadth of statutory public interest makes procedural and substantive scrutiny more not less important. Procedural compliance must be demonstrable. Nyarugenge District v Mukangemanyi shows the importance of evidence that notice and statutory procedures were actually followed. This aligns with the current law's requirements for project information, assessment of consequences on living conditions, consultation, publication and review.

The inventory is a critical point of vulnerability. Mukeshimana shows how omitted structures or assets can undermine compensation, while China Road and Bridge Corporation and Ayinkamiye show that losses can arise outside the property formally identified for acquisition. Together they support stronger baseline inventories and post-commencement damage-recording mechanisms.

Valuation remedies are legally structured but procedurally demanding. Bayingana demonstrates that the counter-assessment and litigation process is governed by strict deadlines. The combination of a seven-day objection period, owner-funded counter-assessment, ten-day counter-assessment period and fifteen-day court-referral period after minutes of disagreement makes early information and access to valuation and legal assistance important to the practical effectiveness of the remedy.

Payment before displacement is a core safeguard. Museremu gives practical effect to the statutory requirement that compensation precede relocation and to the consequences of delayed payment. The law's 120-day payment period, nullity rule and additional 5% compensation for delay should be treated as substantive protections, not administrative targets. A favourable judgment must translate into an effective remedy. Kanamugire shows that the protection chain does not end with judicial determination. Delayed execution can reproduce the economic harm that the compensation regime is intended to prevent.

⁶⁷ Kanamugire Rwaka Laurent v City of Kigali and the Mayor of the City of Kigali, Supreme Court, RADA 0001/13/CS, 15 May 2013, enforcing Kanamugire Rwaka Laurent v City of Kigali, Supreme Court, RADA 0046/12/CS, 16 November 2012.

4.3. Strengths of the current Rwandan legal framework

The current legal framework on expropriation in Rwanda has several strengths. Some of these strengths align with international standards and best practices for determining expropriation in the public interest

4.3.1. Reasonably well-defined legal framework

The Rwandan legal framework creates a reasonably well-defined procedure that an expropriation project must follow, including defined legal rights and responsibilities for both expropriated persons and expropriating entities. This allows for some degree of accountability at each stage of the process, where individuals can ensure their rights are being respected and if they are not, they can advocate for their interests to the appropriate body. Separate levels of government have unique responsibilities and there is some degree of oversight of the process by elected political authorities. The 2015 Expropriation Law also clearly stipulates the timelines within which each activity must be done as part of the broader expropriation process. These timelines provide deadlines for citizens and government alike; even though, as noted, many are too short to encourage meaningful action and deliberation.

4.3.2. Non-discrimination

The law is non-discriminatory in its provisions, as required by Rwandan Law and international standards. While some concerns have been raised as to the accessibility of certain procedural rights where affected individuals are vulnerable and indigent, the provisions of the 2015 Expropriation Law generally give all landowners in Rwanda the same rights to complain, seek compensation, and challenge expropriators' actions that are against their will.

4.3.3. Availability of redress mechanisms

The legal framework provides for basic remedies and redress mechanisms where an individual is not satisfied with the decision to expropriate, the grounds for expropriation, and/or the valuation of the property. Providing for multiple opportunities to challenge various decisions made at different

levels in the expropriation process ensures an important degree of transparency and integrity in the expropriation process.

4.4. Gaps in the legal and institutional framework governing expropriation

While the 2015 Expropriation Law has several strengths and creates a number of mechanisms to protect landowners' rights during expropriation, there are several obstacles in the present legal and policy framework. Some of these are inherent in applicable normative provisions, and others stem from associated policy and implementation problems. In several instances, these obstacles derive from the inherent power imbalance between the government and the individual, whereby the latter does not typically have the time, resources or knowledge of their rights to challenge government action under the current framework. For example, individuals are required to use personal funds to counter-value their lands and are expected to meet short timelines in finalising counter-valuations. Without further assistance based in the law to make it practically easier to mount a meaningful challenge, many individuals will not be able to access the appeal options available to them.⁶⁸

4.4.1. Incomplete operationalisation of committees in charge of supervising expropriation projects

Article 8 of the 2015 Expropriation Law establishes the committees in charge of supervising expropriation projects ("supervising committees") at different levels, but goes further to state that "An Order of the Prime Minister shall determine the organization, functioning, responsibilities and composition of the committees."⁶⁹ This Prime Minister's Order is yet to be adopted. The supervising committees are mandated with "conducting the consultative meeting with the population living where the land is located concerning the relevance of the project

⁶⁸ According to the survey conducted by the Legal Aid Forum, "The Implementation of Rwanda's Expropriation Law and Outcomes on the Population" (Final Report, p.60), out of the 1,381 surveyed households, 80% reported not being satisfied with the valuation given to their land, however, only 6% appealed or requested a counter-valuation.

⁶⁹ Article 8, 2015 Expropriation Law.

of expropriation in the public interest.”⁷⁰ Because the supervising committees are not yet formed, the District Executive Committees take on the task of citizen consultations.⁷¹

However, the 2015 Expropriation Law has separated the role of the district executive committee, as the organ initiating the expropriation,⁷² from that of the supervising committees, as a review and assessment organ. The latter’s responsibilities include consulting the concerned population,⁷³ whereas the former’s primary role is administering the approvals.⁷⁴ Without the supervising committee, citizens’ first line of administrative review and assistance in the expropriation process is missing.

4.4.2. Insufficient specification of criteria for activities qualifying as in the public interest

Even though the 2015 Expropriation Law contains a list of activities that can be considered as being in the public interest, the list is not exhaustive, and states that “an Order of the Minister in charge of lands, on the Minister’s own initiative or upon request by relevant public institution, determines any other activity of public interest.”⁷⁵ Without any guidance as to general standards that could help define additional public interest grounds, the Minister could make arbitrary decisions or use unchecked discretion to approve an activity or project as in the public interest. Where no clear standards are present in the law, individuals may also have insufficient parameters to clearly argue a successful challenge against a public interest determination.

4.4.3. Limited Personalised Communication and Notice to Affected Persons

The way the law is currently structured, individuals who have land expropriated are not provided with any written notice, even though such documentation could be necessary to seek review of expropriation processes with the competent authorities. In addition to a public posting of lists of households to

be expropriated which is supposed to be done once the households to be expropriated are determined formal and individual notice is also necessary to enable affected people to assert their rights and feel satisfied with the process.

Lack of personalized communication to concerned individuals affects their ability to follow strict deadlines. For instance, the 120 days within which compensation must be paid is counted starting on the day that fair compensation is approved by the district or City of Kigali Council.⁷⁶ When it is unclear at what time the valuation is approved, individuals have no way of knowing when their timeline for compensation ends, and they cannot properly protect their right to timely compensation or exercise their right to appeal.⁷⁷

4.4.4. Practical accessibility and effectiveness of counter-valuation

In cases where the affected individual is not satisfied with the value given to his or her property, the law provides an avenue for the affected person to engage the services of a private valuer or a valuation firm to carry out a counter-valuation of the property.⁷⁸ Whereas it is a measure to limit baseless claims, the fact that the full cost of this activity must be borne by the affected individual deters the majority who would otherwise want a counter-valuation from pursuing it.⁷⁹ This situation often results in the aggrieved landowner accepting the low compensation determined by the expropriating entity without any practical administrative recourse, even where judicial remedies technically remain available.⁸⁰

⁷⁶ Article 36 of the expropriation law.

⁷⁷ The non-publication of the “decision approving expropriation” as well as the “the list of persons to be expropriated” could have adverse effects on the right of citizens to appeal, as the time for appeal starts to run from the day of the publication of the decision to expropriate and the list of people to be expropriated. (Articles 18 and 21 of the Law on Expropriation).

⁷⁸ See article 33 of the expropriation law.

⁷⁹ More than 80% of expropriated households reported not to have been satisfied with the valuation of their property, but only 6% among the dissatisfied households actually appealed or requested for counter-valuation of their properties. One of the reasons mentioned for not carrying out the counter-valuation was the cost. See Legal Aid Forum, “The Implementation of Rwanda’s Expropriation Law and Outcomes on the Population” Final Report, pp.60-63. Kigali, Rwanda: USAID | LAND Project.

⁸⁰ Legal Aid Forum, “The Implementation of Rwanda’s Expropriation Law and Outcomes on the Population” Final Report, p.60. Kigali, Rwanda: USAID | LAND Project.

⁷⁰ Article 11, 2015 Expropriation Law.

⁷¹ Information from FGDs held in Muhanga, Bugesera, Rubavu, Musanze and Gasabo districts on 11th. 02.2022.

⁷² Article 7 of the 2015 expropriation law.

⁷³ Article 8 and 11 of the 2015 expropriation law.

⁷⁴ Article 9 of the expropriation law.

⁷⁵ Article 5, expropriation law.

This weakness in the law could be addressed by having some financial assistance for those who are indigent according to an objective standard, or having the cost of the counter-valuation reimbursed by the expropriating entity if it results in a major increase from the first valuation.

Furthermore, the root cause of low valuations could also be addressed by the law, especially since only a small percentage of individuals are able to comply with the requirements of formally contesting the valuation.⁸¹ The law requires the IRPV to publish a list of land values annually as the basis of the valuations,⁸² but the institute has often taken a very long time to publish them.⁸³ The unavailability of these updated prices can lead to speculation and inconsistency in land valuation. This has then led to concerns over the professionalism of valuers when inexplicable differences appear between their valuations and counter-valuations.⁸⁴ Accordingly, while the availability of a regularly updated list of land values and prices for property incorporated thereon⁸⁵ is a crucial starting point and required by law, there is certainly room for refining best practices for valuation and counter-valuations.⁸⁶

81 Interviews with the Vice Mayors in Charge of Economic Affairs from Bugesera, Muhanga, Musanze and Rubavu districts on 11th, 14th and 15th February 2022 respectively. The other major categories of complaints relate to delays in the payment of compensation, or even the non-payment of compensation for land taken for projects like the construction of District roads, installation of electric poles, or installation of water pipelines. These reports corroborate other research done on expropriation, noted that over 80% of households were unsatisfied with the valuation given to their lands (see, e.g., Legal Aid Forum, “The Implementation of Rwanda’s Expropriation Law and Outcomes on the Population” Final Report, p.60. Kigali, Rwanda: USAID | LAND Project), and that many households experienced extreme delays in their receipt of compensation (see id, p. 67).

82 Article 22, expropriation law.

83 According to information obtained from a certified professional value and a member of Board of Directors at IRPV during a conference on land rights on 10th June 2022, “the institute recognises that there has been a gap in updating land prices annually but this has been resolved and the IRPV has put in place a technology-based mechanism that will ease the process of updating land prices annually”.

84 Information obtained from a survey in Bugesera district.

85 Article 22 of the expropriation law requires that this list be updated every year.

86 For example, participants in the round table discussions and interviews noted that valuations are aided where property is photographed. However, it was also mentioned that many valuers fail to do this, which is a real problem where landowners make improvements after the valuation and then claim that the valuation was incorrect.

4.4.5. Short statutory time limits for valuation challenges and appeals

The 2015 Expropriation Law in most instances provides specific time limits for decision-making. However, the length of some of these time limits could significantly hinder individuals in accessing justice. For example, the law requires a person whose land is being expropriated to give notice to the expropriating entity of the intent to challenge a valuation within 7 days of the valuation.⁸⁷ The law also requires the aggrieved individual to fund the counter-valuation of their lands, to be completed within 10 days of the notice of counter-valuation.⁸⁸ The law further gives the expropriating entity only 5 working days to make a final decision on whether to accept the counter-valuation.⁸⁹ And, ultimately, if the individual does not agree with the final decision of the expropriating entity on the valuation question, he or she has only 15 days to file a claim in court.⁹⁰ While these short timelines might be intended to protect individuals affected by expropriation, they are unrealistic both for the individual who has to seek legal advice⁹¹ and gather financial resources for the counter-valuation as well as likely have to appeal to the same institution that provided the valuation, and for the expropriator, which has only a few days to reach a decision whilst likely balancing other claims from other projects contemporaneously.

4.4.6. Weaknesses in socio-economic impact assessment, transparency and reporting

There are some key transparency issues that affect the soundness of the expropriation process. Among the requirements that must accompany the application for expropriation are a “document indicating that the project has no detrimental effect on the environment” as well as a “study indicating consequences on living conditions of persons to

87 Article 33, expropriation law.

88 Article 33, expropriation law.

89 Article 34, expropriation law.

90 Article 34, expropriation law.

91 Given the biggest majority of the expropriation projects take place in rural areas (87.8%, see LAF report on expropriation 2015), where majority of the poor and uneducated live in Rwanda (NISR, The sixth Integrated Household Living Conditions Survey, 2020-2021), you really understand how this is a challenge to these people; finding the money, knowing where to find an independent valuer, contract him/her and then carry out the counter-assessment and submit the report - all of these only in 10 days.

be expropriated.”⁹² However, the law does not require these studies to be published for public scrutiny (which would address potential mistakes or misinformation), nor is it clear how these studies are verified and validated.⁹³ International best practices support robust transparency and accountability in the expropriation process, which is furthered through public participation and open public debates⁹⁴ with regard to the “plan or maps indicating the demarcations of the land where activities shall be carried out.”⁹⁵

4.5.1. Delays and bureaucracy in payment of compensation

The 2015 Expropriation Law requires that compensation be paid within 120 days of the valuation report’s approval.⁹⁶ However, payment delays have always been a problem with compensation for expropriation.⁹⁷ These delays

92 Article 10 of the expropriation law.

93 During the round-table discussions, some participants also raised the issue of capacities at the District level to review and verify these reports, which is where the reports are to be submitted. Where District authorities do not have the resources or capacity to actually validate the reports, then producing them becomes just a formality, and no actual, independent assessment of the contents will occur. Information obtained from a FGD held with members of CSOs on 11th February 2022.

94 Ward Anseeuw, Liz Alden Wily, Lorenzo Cotula, and Michael Taylor (2012), *Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project*, INTERNATIONAL LAND COALITION, 65 available at https://d303cb4w253x5q.cloudfront.net/media/documents/ILC_GSR_report_ENG.pdf.

95 One of the requirements in the application for expropriation is “the master plan of land where the project will be carried out” which includes the plan or maps indicating the demarcations of the land where activities shall be carried out, among others (see article 10 of the expropriation law).

96 Article 36 of the expropriation law.

97 See Legal Aid Forum, “The Implementation of Rwanda’s Expropriation Law and Outcomes on the Population” Final Report, p.67-73. Kigali, Rwanda: USAID | LAND Project). According to a 2017 survey conducted by Rwanda Civil Society Platform “The Analysis of Land Expropriation and Transfer Process in Rwanda”, 31% of the expropriated people did not receive their compensation within the required legal timeline. See also <https://igihe.com/amakuru/u-rwanda/article/abadebite-batabarije-abaturage-bamaze-igihe-bishyuzamurane-y-aho-bimuwe-na>. The Government of Rwanda has also acknowledged this issue with delays. While appearing before the Parliamentary Standing Committee on National Budget and Patrimony on 2nd February 2018, the Minister of Local Government indicated that slightly more than 4 billion Rwandan francs is needed to pay arrears of compensations to more than 16,000 people/households expropriated by different projects implemented by WASAC, REG RCAA and RTDA. See also <http://mobile.igihe.com/ubukungu/>

have serious effects for the concerned persons both economically and socially, as well as harm their trust in government authorities.⁹⁸ The delays are caused by the bureaucracy of the payment process: in some instances, compensation has to pass through more than three institutions. This confuses affected individuals with where to follow up on their delayed payments, and which institution may be accountable.⁹⁹

Key informants and roundtable participants noted that problems with payment procedures such as strict requirements for payment methods coupled with other factors like bureaucracy, poor planning, and wrong or incomplete information provided by the affected persons ID numbers, bank account numbers, etc., cause delays in compensation.¹⁰⁰ Many roundtable participants called for payment procedures to be more flexible and adapted to individuals’ particular circumstances in order to ensure they receive compensation in time. The 2015 Expropriation Law requires that monetary compensation be deposited into a bank account of the person whose land is expropriated.¹⁰¹ However, this can be problematic in practice, depending on the amount of compensation to be provided.

4.5.2. Reported inconsistencies in valuation practice

Some participants during FGDs reported that some expropriators use their own staff as valuers even though the 2015 Expropriation Law requires that valuation be conducted by independent valuers certified by the IRPV.¹⁰²

article/leta-irasabwa-miliyari-4-frw-yo-kwishyura-abaturage-ingurane-y-ahagenewe.

98 See Legal Aid Forum, “The Implementation of Rwanda’s Expropriation Law and Outcomes on the Population” Final Report, p.67-73. Kigali, Rwanda: USAID | LAND Project).

99 Interview with the Accountant General at the MINECOFIN on 16th February 2022.

100 According to the recently commissioned study by the Rwanda Civil Society Platform entitled “The Analysis of Land Expropriation and Transfer Process in Rwanda”, 31% of the expropriated individuals/households face delays in payment of their compensation.

101 Article 38 of the expropriation law.

102 Article 23, expropriation law. RTDA, for example, was one of the institutions reportedly using their own staff as valuers. Muhanga FGD on 11th February 2022.

This can result in an inaccurate decision about how much compensation should be paid based on speculation as to the value of the crops destroyed. Participants in the roundtable discussions and interviews also reported that the valuation report is, in practice, approved by members of the District Executive Committee despite the fact that the law vests this power with the District Council (Njyanama).¹⁰³

These reports should be understood as evidence of possible implementation inconsistencies rather than as proof that the practice is universal. They nevertheless justify stronger professional oversight and closer enforcement of the statutory requirement that valuation be undertaken by certified valuers.

This practice also highlights discrepancies between what is provided for by the law and what is done in practice. Stricter enforcement of the provision requiring independent valuers and review of the valuation reports by the District Council must be carried out. There must also be recognised from public institutions of the importance of supporting independent valuers. There should be mechanisms in place to report problems related to the professionalism of the valuers or the valuation process itself, rather than landowners trying to challenge valuers' authority independently, which can, at best, be futile, and at worst, harmful.

4.5.3. Implementation of master-plan projects and prior negotiation

Among the activities considered to be in the public interest, "activities to implement land use and development master plans" are specifically included.¹⁰⁴ Development activities of private investors normally fall under this criterion for expropriation. While the 2015 Expropriation Law requires expropriating entities using the master plan justification to "first negotiate with owners of assets that are affected by the project,"¹⁰⁵ participants during a FGD held in Gasabo district reported that individuals whose land was being expropriated were often not approached. In practice, an investor who wants to carry out an activity defined as a master plan often goes through government institutions

such as the Ministry or another public entity rather than directly approaching landowners.¹⁰⁶ Investors then rely on the government institution to work with district officials where the project is supposed to take place. Officials from public institutions argue that direct negotiation with individual landowners is not possible and could lead to speculation in land values. Indeed, they often fail to recognize the legal requirement that master plan expropriations must first be presented to concerned individuals for negotiation, which can act as a powerful check on determining a public interest for master plan projects. Without such consultation, invoking 'the public interest' may be misused to advance projects that foremost serve investors' financial interests.

4.5.4. Administrative accountability and complaint pathways

A key challenge for people seeking redress in some expropriation cases is the difficulty of knowing which institution is legally responsible for carrying out the expropriation, and therefore not knowing the proper institution to challenge during the process. This problem is mainly caused by the fact that even in expropriation projects not initiated by the district, it is always the district leaders (together with the sector and cell leaders, working under the district) who convene the necessary meetings about the project and take the lead in explaining the project to locals.¹⁰⁷ The district accordingly becomes the face of the expropriation project regardless of the other institutions and entities involved.

This results in affected individuals taking complaints about expropriation to the district authorities or to the sector and cell authorities even if another institution or agency is the legally responsible entity.¹⁰⁸ The law

¹⁰⁶ FGD held in Gasabo with expropriated household representatives on 14th February 2022. Participants from CoK reported that in most cases, implementation of Master plans in Kigali is forceful and people to be affected are always not consulted.

¹⁰⁷ See <http://www.newtimes.co.rw/section/read/228299/>.

¹⁰⁸ Even in cases where the affected individuals know or come to know the actual expropriating entity, some face the challenge of knowing exactly where the offices of the expropriating entity are located, and may also have difficulty finding transport to reach to the offices of these expropriating entities (most of which are in Kigali). Legal Aid Forum, "The Implementation of Rwanda's Expropriation Law and Outcomes on the Population" Final Report, p.63. Kigali, Rwanda: USAID | LAND Project).

¹⁰³ Article 36 of the expropriation law.

¹⁰⁴ Article 5, expropriation law.

¹⁰⁵ Article 6, expropriation law

does not address this situation. Given the district level's responsibilities of ensuring community members' welfare and coordinating activities at the local level, it is understandable that complaints should go through them. But the procedure should be clear as to how the district authorities should be required to coordinate with the expropriating entity in handling affected people's complaints, and conversely, in which circumstances affected persons should directly deal with the expropriating entity.¹⁰⁹

4.5.5. Limited knowledge of the law and available remedies

Another challenge in implementing the 2015 Expropriation Law is the general lack of information about the Law and one's rights in the expropriation process. For example, people may not know that they have a right to ask for a review of the decision to expropriate. For those who do try to request a review of the decision, it is too often unknown that they have the right to seek a stay of the decision, pending the court decision on the merit. Moreover, many local leaders are themselves not conversant with the 2015 Expropriation Law. For example the procedure to solve claimants' issues and timelines and how to deal with these issue. This lack of knowledge about expropriation procedures can cause delays in the process, cause detrimental reliance on misinformation, and cause complainants to miss opportunities legally provided for to seek redress.

4.6. International and good-practice benchmark

While expropriation law establishes numerous specific procedural requirements to protect landowners' rights, expropriation should also conform to standards established by international best practices on expropriation. This would protect human rights and the rule of law by augmenting the already considerable body of law protecting Rwanda landowners' private property rights. Examples of

¹⁰⁹ Legal Aid Forum, "The Implementation of Rwanda's Expropriation Law and Outcomes on the Population" Final Report, p.40-43. Kigali, Rwanda: USAID | LAND Project). In some cases the District authorities have forwarded complaints to the proper institutions, although they have no clear obligation to do so. However, if the District does not forward the complaint to the proper authority, or notify the individual to do so, the individual's already short time limit to submit a complaint can lapse.

relevant best practices include:

- Expropriations should be done only in exceptional circumstances that justify the use of the public interest argument to impact an individual's right to own and control his or her own property;
- Expropriations must be reasonable and carried out as a last resort when no alternative is available;
- Expropriations must be proportional *i.e.*, the impacts and potential benefits of the expropriation for various groups must be evaluated, including through an eviction impact assessment;
- Expropriations must promote the general welfare and show evidence of such an outcome;
- Expropriations must be non-discriminatory in law and in practice;
- Expropriations must be defined by law and foreseeable;
- Expropriations are subject to close supervision and technical legal requirements to ensure their conformity with the constitution and the State's international obligations;
- Information on expropriation decisions and the criteria for their justification must be public and transparent;
- Expropriations are subject to consultation and participation; and,
- Effective recourse mechanisms should be available for those directly or indirectly affected by expropriations.¹¹⁰

4.7. Synthesis of the legal and institutional analysis

Overall, Rwanda has a relatively comprehensive legal framework governing expropriation in the public interest. It recognises private property rights, establishes procedures for determining public interest, provides for consultation and valuation, requires fair and timely compensation, and creates administrative and judicial avenues for redress.

¹¹⁰ Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, Guideline 4.3, available at <https://www.refworld.org/pdfid/5322b79e4.pdf>.

The case law reviewed in this chapter further demonstrates that courts can enforce important safeguards, including compensation for delayed payment, protection against unlawful interference with property and limits on the use of the public-interest justification.

However, the effectiveness of these protections is affected by two distinct sets of challenges. First, gaps remain within the legal and institutional framework itself, including incomplete operationalisation of supervisory mechanisms, limitations affecting personalised notice, counter-valuation and appeal procedures, and weaknesses concerning transparency and socio-economic impact assessment. Second, implementation challenges arise where existing legal requirements are not consistently translated into practice, including delayed compensation, reported inconsistencies in valuation, weak coordination among responsible institutions, unclear complaint pathways and limited awareness of rights and remedies.

These findings provide the legal and institutional context for the empirical analysis in the following chapter, which examines whether, and to what extent, the safeguards identified in the legal framework are reflected in the actual experiences of households affected by expropriation.

Challenges that persist in expropriation procedures in Rwanda have been noted by the Human Rights Council of the UN. In the third cycle of the UPR, Rwanda was given 284 recommendations by member States, and it accepted 160 of them. Among the accepted recommendations, the Government of Rwanda was advised to “give due notice to the populations affected by the expropriation processes and guarantee them fair compensation, in accordance with the 2015 Expropriation Law for public utility and land ownership.”¹¹¹ This accepted recommendation supported the need for adopting a revised law to address all the legal issues still arising from insufficient notice and compensation during public interest expropriations.



¹¹¹ See the 47th session of the United Nations General Assembly, Report of the Working Group on the Universal Periodic Review, para 134.76 (21 June – 9 July 2021).

5.

ANALYSIS AND RESEARCH FINDINGS

This chapter presents the findings from the household survey, FGDs, and KIs conducted countrywide. From the household survey, 1,248 individuals representing their households were interviewed. The households were selected through purposive random sampling of people who were affected by expropriation from 2015 to 2021.

5.1. The socio-demographic nature of expropriated households

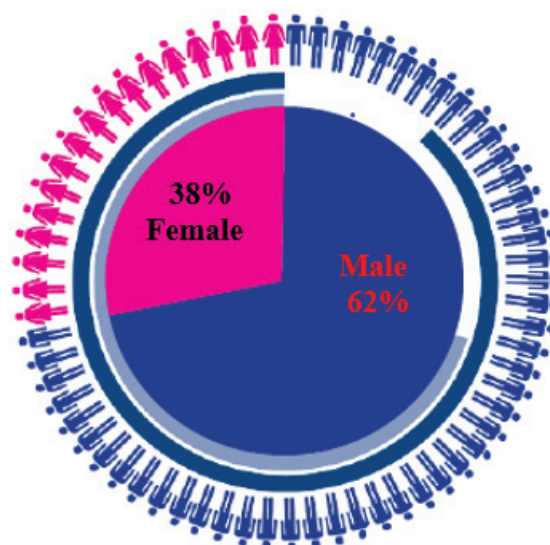
Socio-demographic factors are closely associated with quality-of-life outcomes. In the context of this survey, social demographic data helped the research team understand the targeted population and ensure the quality, integrity, and reliability of primary data collected.

5.1.1. Respondents' gender

The survey considered respondents' gender because the data indicated that this characteristic may affect

individuals' choices and responses to different situations. Of the 1,248 respondents that were interviewed, 38% were female, and 62% were male.

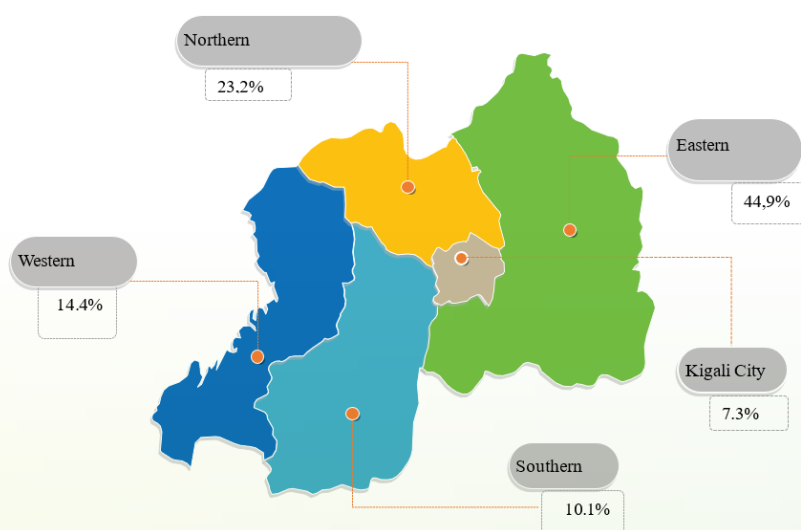
Figure 1: Gender of Respondents to the survey



5.1.2. Geographic location

The assessment reached respondents from all regions of the country to isolate geography as a variable that may influence opinions, and the sample size of 1,248 was proportional to the respective populations of all surveyed regions. 44% of respondents were from the Eastern Province, 23% were from the Northern Province, 15% were from the Western Province, 10% were from the Southern Province, and 8% were from the City of Kigali. Figure 2 below shows the sample size distribution of the survey.

Figure 2: Household Survey Sample Size distribution



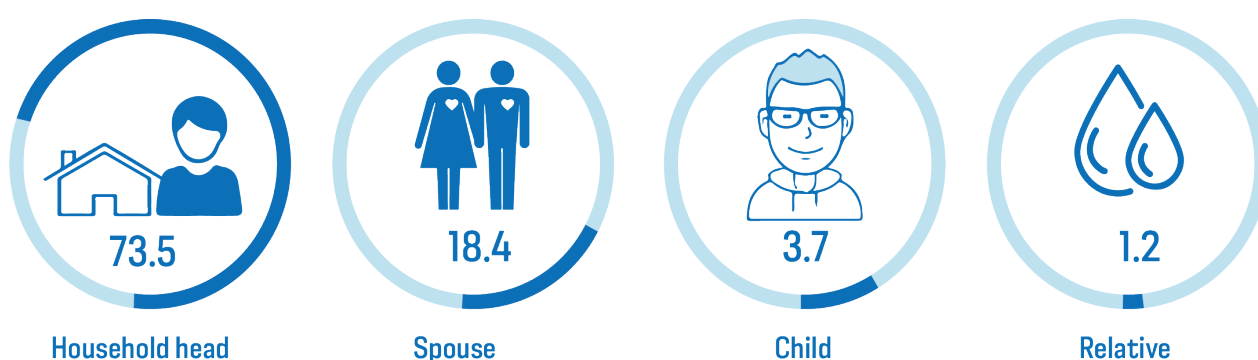
Source: LAF Household survey, 2022

5.1.3. Respondents' relationship to the head of households

The unit of analysis for the survey was the household, and the targeted respondents were either heads of household or other persons of the age of maturity belonging to that household. The survey found that 73.5% of the respondents were household heads, 18.4% were spouses of household heads, 3.7% were

biological children of household heads, and 1.2% were relatives of household heads. Together, 91.9% of respondents were household heads or spouses of household heads this is the percentage that can confidently be considered to provide accurate and credible information that the assessment can rely upon. Figure 3 below illustrates respondents' household roles and their relationship to household heads.

Figure 3: Respondents and their responsibilities / titles in the household



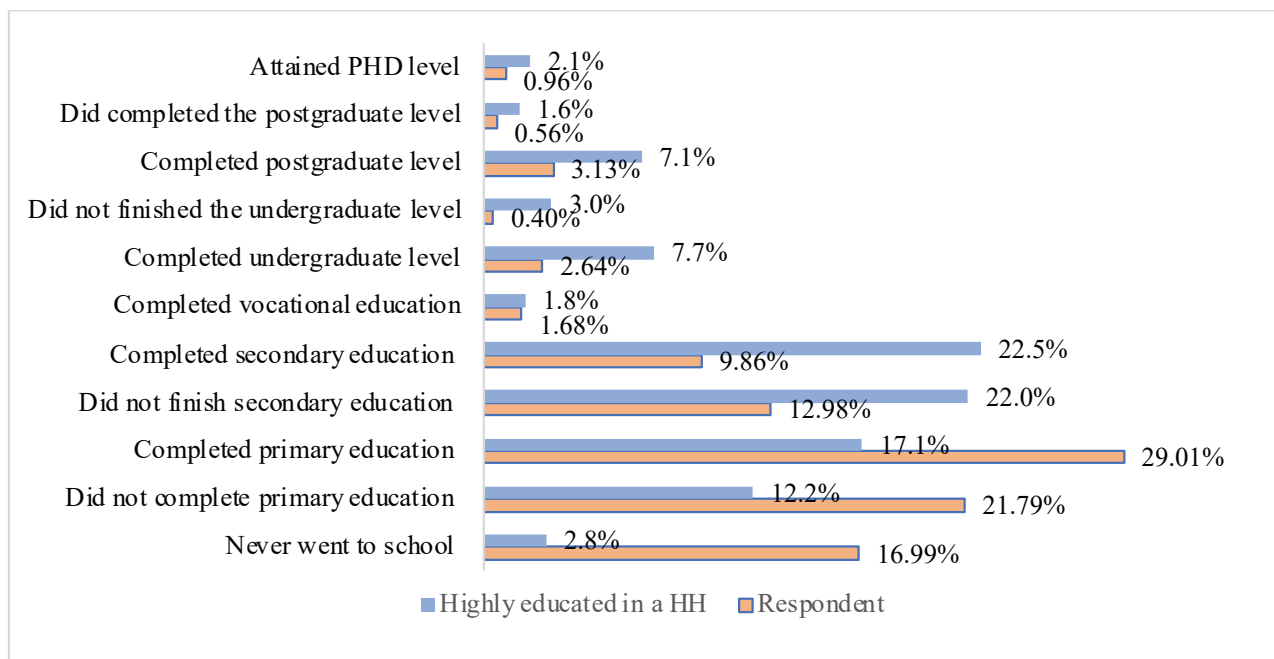
Source: LAF Household survey, 2022

5.1.4. Respondents' level of education

Respondents' education levels were also controlled for as a factor in their views towards expropriation decisions and procedures. The data yielded the following: 17.2% of respondents had never acquired any formal education; 21.8% had an incomplete primary education, while 28.9% had a completed primary education; 13.0% had an incomplete secondary-level education, while 7.9% had

completed their secondary-level education; and 7.6% had completed some sort of post-secondary education 1.5% having a vocational education, 2.8% having an undergraduate-level education, and 3.3% having a postgraduate-level education. A small percentage of respondents, especially from the CoK, reported an education level higher than the undergraduate-level, up to a PhD. Figure 4 below depicts respondents' education levels.

Figure 4: Percentage distribution of respondent's levels of education



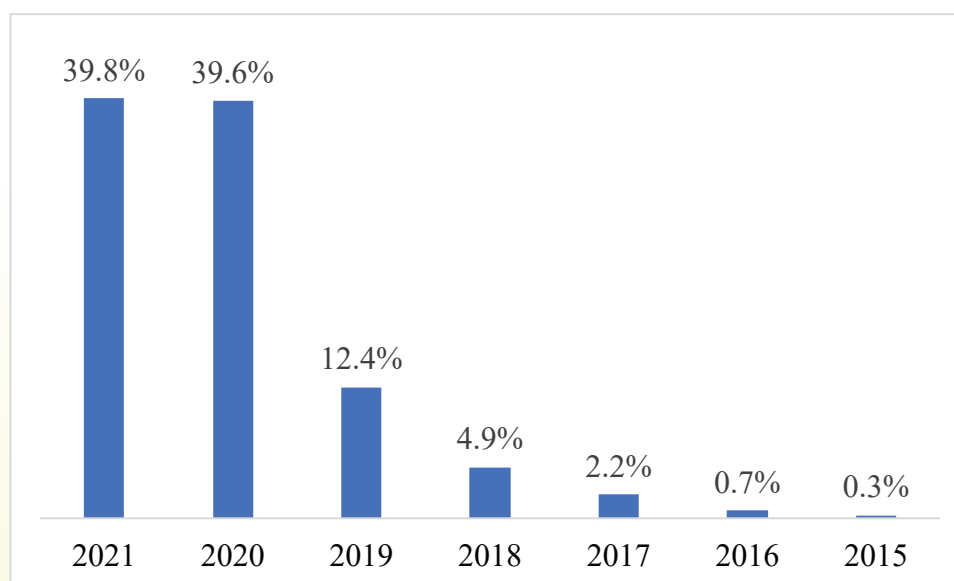
Source: LAF Household survey, 2022

5.1.5. Year of expropriation

As mentioned, this survey targeted 1,248 respondents who experienced expropriation during the period of 2015 to 2021. From Figure 5 below, 39.8% of respondents reported to have had land expropriated in 2021, 39.6% in 2020, 12.4% in 2019, 4.9% in 2018, and 2.2% in 2017. Furthermore, 0.7% of the

respondents reported to have had land expropriated in 2016, and just 0.3% expropriated in 2015. We have high confidence in the reliability of the data due to most expropriations occurring in the past two years. It is therefore quite likely that subjects were able to recall with considerable detail what transpired during most expropriation practices.

Figure 5: Distribution of respondents based on year of expropriation

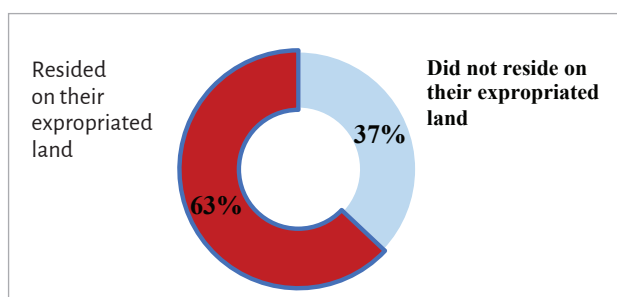


Source: LAF Household survey, 2022

5.1.6 Households' uses of expropriated land

It should be noted that expropriation does not only lead to the loss of land, but also relocation of households. While conducting this assessment, the research team was eager to know the status of landowners in relation to their land; that is, to know if they resided on their land to assess whether expropriation causes high rates of relocation. The household survey revealed that 63% of respondents resided on their land that was expropriated, while 37% did not, but rather utilized it for other income generating purposes. This means that 63% of all respondents that were interviewed, had to relocate from their residences due to expropriations in the public interest.

Figure 6: Residential status of expropriated landowners



Source: LAF Household survey, 2022

5.2. Implementation of expropriation procedures

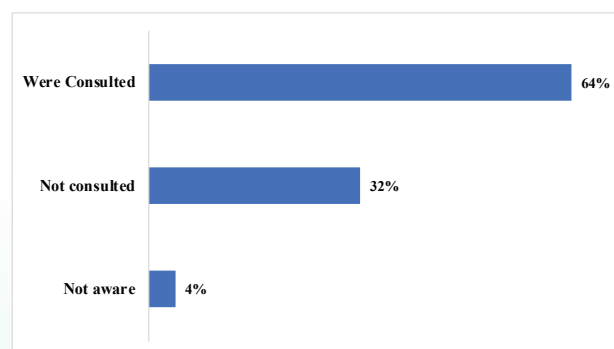
Rwanda's current legal framework provides for various procedures to follow when carrying out expropriations in the public interest, including but not limited to: procedures for giving notice to affected landowners, determining the public interest, valuing land and property, counter valuations when landowners do not agree with determined valuations, timely payment of fair compensation, and calculating damages if compensation is not paid on time. All these important regulations which are set in law are aligned with international standards and best practices for expropriation. However, implementation of these procedures can sometimes contradict expropriation laws themselves. Data collected during the household survey revealed numerous concerns in the implementation of these procedures and are discussed in detail in the sections that follow.

5.2.1. Limited public notice and participation in expropriation practices

Prior to implementation of any expropriation project, the committee in charge of monitoring that project is required to conduct a consultation with the population living on the land no more than thirty days after receiving the expropriation request.¹¹² The law further requires that once a decision is taken to implement that project, it must be announced on at least one of Rwanda's radio stations with a broad audience, and at least one of Rwanda-based newspaper with similarly broad readership. This ensures the relevant parties affected by the expropriation are informed early in the process.¹¹³

In assessing how this is implemented in practice, 64% of respondents reported that they had been consulted by expropriators prior to implementation of the projects, and that they had participated in consultative meetings held. However, a quite small but substantial number of respondents reported to have not been consulted prior to implementation of expropriation projects that affected them. Among them, 32% reported to have not been consulted at all, whereas 4% claimed to have had no information about the procedure whatsoever. Figure 8 below clearly shows the percentage of respondents that reported to have been notified or who participated in expropriation decisions prior to their implementation.

Figure 8: Public participation in expropriation practices



Source: LAF Household survey, 2022

¹¹² Article 11 of the 2015 Expropriation Law.

¹¹³ Article 16 of the 2015 Expropriation Law.

Additionally, data collected from FGDs and KIIs also emphasized concerns about the quality of the consultations. Some survey participants stressed that public consultation and local participation during expropriation practices is still unsatisfactory. During FGDs, some reported that certain district authorities convened meetings to simply tell affected people the timeframe for the project's completion and how to file for their compensation without any real dialogue or seeking of landowners' input.¹¹⁴ They also added that there was a perceived lack of concern from certain residents who are largely unaffected by expropriations. This group would often not attend the consultations, which amounted to a diminished voice for landowners overall against the powerful expropriating entities and relevant committees.¹¹⁵

Another important issue raised in FGDs about expropriation practices is that people with disabilities are not always reached by the conventional means of community consultation and communication. As one respondent during an FGD put it, *"public notice and participation involve communicating to the concerned individuals through newspapers, radios, published communiques and many others as the law provides. However, people with disabilities are neither reached nor targeted to participate in expropriation proceedings given limitations set in the law, which is an effective limitation to public notice and communication to all citizens during expropriation practices."*¹¹⁶

District officials from Muhanga stressed the concern that expropriators simply pass announcements over the radio or post lists of individuals who will be affected at district, sector or cell offices, but do not use "other means of communication" where necessary to reach disabled landowners.¹¹⁷ One participant shared an experience of a blind couple in Shyogwe Sector who owned land that was going to be expropriated, but were not informed of any of the procedures. This was able to occur because one of their neighbours took advantage of their disability and, unauthorised, signed the valuation paperwork on their behalf. This issue was later discovered by local authorities, but only when the landowners had already been robbed of their compensation.¹¹⁸

It is clear that the processes of public consultation and notifying landowners require improvement to achieve a more positive overall implementation of expropriation practices. This was corroborated by numerous participants during FGDs. Participants said that expropriations which involve concerned individuals at early decision-making phases far more often guarantee successful outcomes. Because consultation processes give local citizens more insight into the importance of expropriation projects and their contribution towards the country's development, a robust consultation process is more likely to result in landowners being satisfied with the outcomes.¹¹⁹ Some participants in a Gasabo District FGD expressed this sentiment, reporting that, *"It makes us happy to access social amenities like electricity, roads, clean water, schools and others, in our neighbourhood. We cannot go against such developmental projects that may require us to relocate. However, this becomes easier for us to cooperate when we have been communicated from the get-go."*¹²⁰

5.2.2. Partial expropriation vs total expropriation

The law relating to expropriation in the public interest defines expropriation as an act based on the power of government, public institutions and local administrative entities with legal personality to remove a person from their property in the public interest after giving them fair compensation.¹²¹ The law relating to land also provides that the State grants rights to free land ownership and protects landowners from total or partial land dispossession, unless in a case of expropriation deemed to be in the public interest.¹²² These laws that define and govern expropriation practices thus apply equally to both entire and partial expropriations. It is important to note that, regardless of partial or total expropriation, 92% of expropriated households reported to have relocated from their primary residences, and only 8% managed to remain on their land which remained after a partial expropriation. Even when the current law does not recognize partial expropriation, and the damage caused by it is not compensable, the data showed that it is a common practice.

114 FGD with Muhanga District officials, 11/02/2022.

115 Interview with Vice Mayor of urbanisation and infrastructure of the City of Kigali, 15/2/2022.

116 FGD with Rubavu District officials, 11/2/2022.

117 FGD with Muhanga District Officials, 11/2/2022; Art. 16, 2015 Expropriation Law.

118 FGD with Bugesera District Officials, 11/2/2022.

119 FGD with CSOs and Law Practitioners in Gasabo District, 11/2/2022.

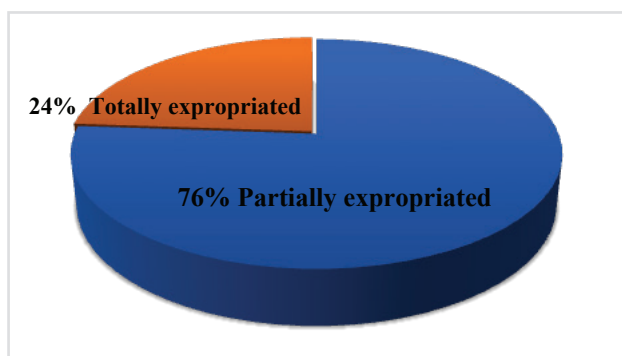
120 FGD with expropriated individuals in Gasabo District, 14/02/2022.

121 Article 2, 40 of the 2015 Expropriation Law.

122 Article 41 par 2 of the Law N° 27/2021 of 10/06/2021 governing land.

76% of expropriated households experienced partial expropriations, while only 24% had their land fully expropriated, as illustrated in Figure 7 below.

Figure 7: Partial expropriation vs total expropriation



Source: LAF Household survey, 2022

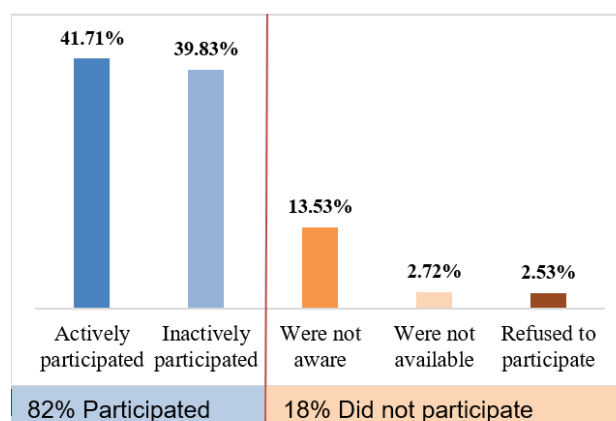
5.3. Land and property valuation

Another significant area of concern in expropriation practices is the valuation of land and property. After the final decision to expropriate in the public interest is made, expropriators are required by law to immediately look for valuers to conduct a valuation of the affected land or property.¹²³ Valuation of property is defined under the law as the process of determining the value of real property based on the market value.¹²⁴ During this process, property including land, activities carried out on the land, and potential disruption caused to the land¹²⁵ is valued based on the prevailing market prices.¹²⁶ The current law provides that valuation of land and property must be conducted in the presence of concerned landowners or their lawful representatives, and in the presence of representatives from local administrative entities.¹²⁷

However, during implementation of some expropriation projects, it was revealed that some expropriating entities conducted valuations in the absence of landowners. Moreover, some affected landowners reported that, even in their presence, their views and comments were not taken into

consideration, and their presence did not amount to participation. 39.83% of survey respondents reported that during the valuation of their property, their presence was meaningless, and their views were not taken into consideration. On the other hand, 41.71% of respondents reported that the valuation of their property was conducted in their presence and with their involvement. These respondents confirmed that they had provided information about their land titles, the size of their houses or land, the value and nature of crops that were incorporated on the land, and any other information that was requested by the property valuers during the valuation. Rounding out the survey, 13.53% of respondents reported to have been unaware of valuation processes, 2.72% reported to have been absent during the process, and 2.53% willingly refused to participate in the valuation process of their property.

Figure 9: Participation levels of landowners in land and property valuation processes



While assessing the communication between expropriators and landowners during property valuations, 52% of respondents reported to have communicated with expropriators through verbal means, especially during meetings held by local leaders, whereas 45% reported to have obtained the relevant information through posted announcements. The remaining 3% were informed by mass media.

¹²³ Article 23, 2015 Expropriation Law.

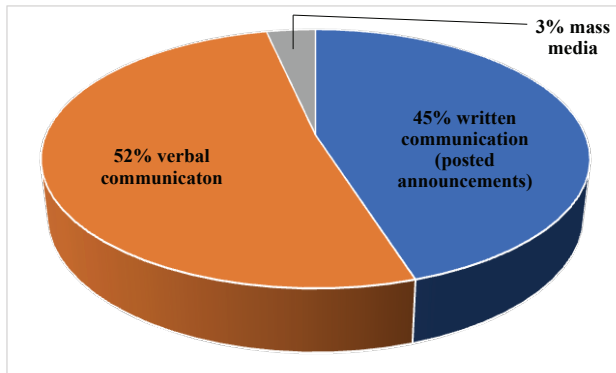
¹²⁴ Article 2 para 6, Law N° 17/2010 of 12/05/2010 Establishing and Organising the Real Property Valuation Profession in Rwanda ("IRPV Law").

¹²⁵ Article 27 of the 2015 Expropriation Law.

¹²⁶ Article 28, 2015 Expropriation Law.

¹²⁷ Article 25, 2015 Expropriation Law.

Figure 10: Communication means used to reach landowners



Source: LAF Household survey, 2022

Supplementing these findings, information obtained from FGDs and KIIs also showed that there are still gaps in conducting transparent valuation procedures. Expropriators therefore should improve on their means of communication and engagement with the concerned individuals.¹²⁸

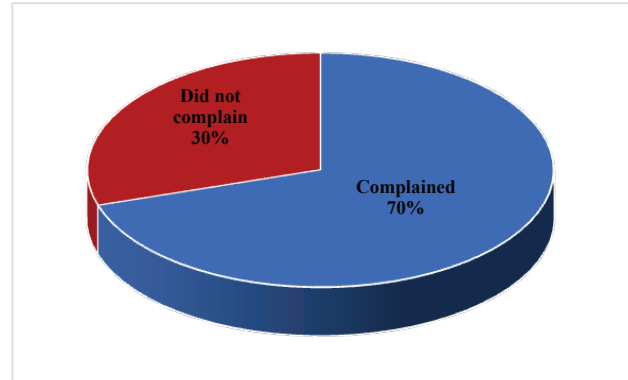
5.3.1. Unfair valuation of expropriated land and property

Valuation of land and property is a process of assigning an economic value to land and property based on the prevailing market price.¹²⁹ Even when the law requires that expropriated property be valued at such a rate, and reference prices set by IRPV I Rwanda, there often remain complaints from landowners that the given value to their property does not correspond to the prevailing market prices. From the survey, 70% of respondents complained that the determined value of their land or property was below the market price, while only 30% did not raise this concern. This gap presents serious concerns. Valuing landowners' property legally requires strict adherence to the market rate, and if respondents' complaints are accurate, this means that there may be mass under-compensation for landowners who are subject to expropriation.

¹²⁸ FGD held in Muhanga, Bugesera, Rubavu and Musanze with district officials.

¹²⁹ Article 22 of the 2015 Expropriation Law.

Figure 11: Landowners complaining unfair valuation of their property



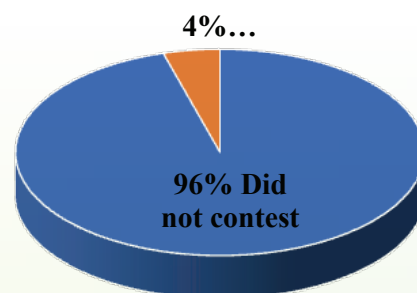
Source: LAF Household survey, 2022

5.3.2. Low levels of counter assessments

Even though expropriation law provides for individuals who are subject to expropriations challenge their valuation up to 7 days after a determination has been made, the remedy is still often unattainable. In the survey, only 4% of unsatisfied respondents reported to have requested a counter-valuation, whereas the remaining 96% did not. This means that even when the majority of landowners are not satisfied with the determined value of their property, they do not exhaust the remedy provided in the law.

Figure 12 below shows the rate of unsatisfied landowners who do not exhaust the counter-valuation remedy.

Figure 12: Unsatisfied landowners who conducted counter-valuations

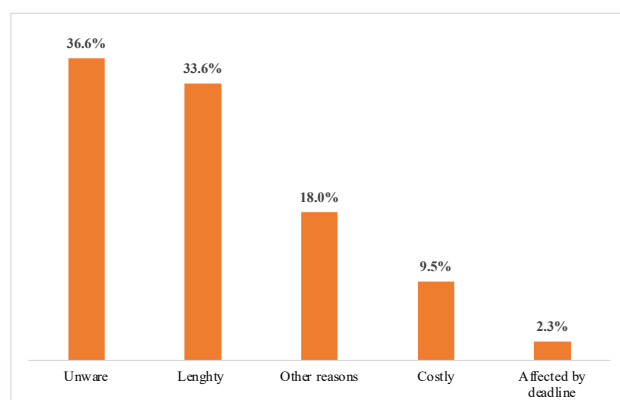


Source: LAF Household survey, 2022

5.3.3. Limitations in conducting counter-valuations

While assessing reasons for not conducting counter-valuations, some reported that they did not know about the appeal process and that they had not been informed of their right to challenge with a counter-valuation.¹³⁰ According to the previous chart, (Figure 12), 96% of respondents did not contest their valuations even if they claimed it was unfair. Various reasons were attributed to this, including ignorance of the law, costs, and short deadlines to appeal, among others. As Figure 13 below illustrates, 36.6% of individuals that did not counter-assess the initial value reported to have been unaware of the procedure. Additionally, 33.6% reported to have been discouraged by the difficulty and lengthiness of the process, while 18% stated other reasons. Nor should it be neglected that 9.5% of respondents attributed costliness of the process for their not seeking a counter-valuation, since the minimum cost of hiring an independent valuer is 50,000 RWF. Finally, some respondents also reported that the tight deadlines set for conducting counter-valuations was why they could not pursue it.

Figure 13: Landowner reasons for not conducting counter-valuations



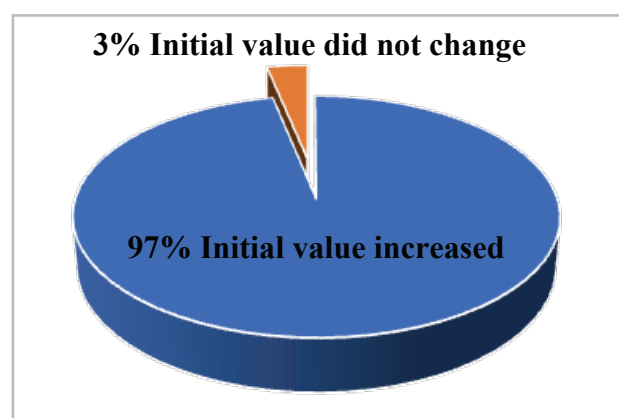
Source: LAF Household survey, 2022

5.3.4. Dramatic changes in land values after counter-assessment

As shown in Figure 12, although the majority of landowners unsatisfied with their initial valuation did not conduct counter-valuations, the few who did obtained satisfactory results. 97% of landowners

who counter-assessed the initial value of their property received increased assessments from the initial valuation. This is a considerably high success rate, and would do well to form the basis for initiatives to improve access to counter-valuations for landowners subject to expropriation.

Figure 14: Changes in land values from counter-assessments



Source: LAF Household survey, 2022

5.4. Payment of fair compensation

In Rwanda, fair compensation is paid either in Rwandan Francs or in any other form mutually agreed upon by the expropriator and the person whose land is being expropriated.¹³¹ If the landowner as part of the expropriation must relocate, the law provides that payment of fair compensation must be issued before the relocation,¹³² and within of 120 days from the day that the expropriation is approved.¹³³

5.4.1. Delays in payment of fair compensation

The survey revealed that some landowners wait up to 86 months to receive their compensation. Others only had to wait a minimum of 1 month, but the average was 13.8 months. This far exceeds the 120 days provided by law within which compensation must be paid, indicating that expropriators ought to improve their procedures for compensation payment.

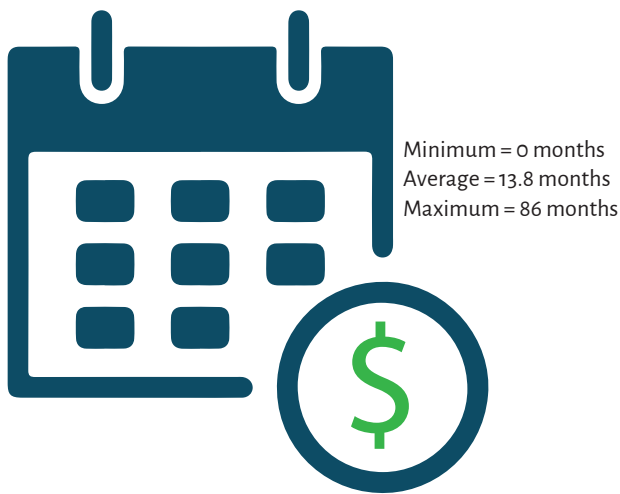
¹³¹ Article 35, 2015 Expropriation Law.

¹³² Article 35(2), 2015 Expropriation Law.

¹³³ Article 36, 2015 Expropriation Law.

¹³⁰ FGD with Expropriated Households from Gasabo District, 14/02/2022.

Figure 15: Duration for landowners to receive compensation



Data obtained from FGDs and KIIs also confirmed the existence of delays in payment of fair compensation. An example can be found in Kabaya Sector, where some residents have been waiting since 2014 to receive fair compensation. These individuals reported that they were pressured by local leaders to sign waivers for the 120-day compensation period before they had their land expropriated.¹³⁴ A similar situation existed in Muhanga, where the Water & Sanitation Corporation (WASAC) has failed to pay residents since 2014.¹³⁵

Many stakeholders and government officials agreed that payment was improperly delayed in many cases. Representatives from the Rwanda Social Security Board (RSSB) and the Rwanda Transport Development Agency (RTDA) noted poor documentation, bureaucracy, and internal delays within payment authorities could be to blame.¹³⁶ In a road project in Rutsiro District, around 60% of landowners were found to have deficiencies in their documentation to prove their clear ownership of the land being expropriated, which caused delays in their receiving compensation.¹³⁷ In Muhanga, district officials were also in agreement and confirmed that compensation delays had been and still are a hindrance to achieving just and effective expropriation practices.

¹³⁴ FGD with Musanze District Officials, 11/2/22.

¹³⁵ FGD with Muhanga District Officials, 11/2/2022.

¹³⁶ Interview with Director of Real Estate, RSSB, 16/2/22; Interview with Social Safeguard Specialists, RTDA 15/2/22.

¹³⁷ Interview with Social Safeguard Specialists, RTDA 15/2/22.

One district official in a Muhanga FGD reported that they were still receiving and trying to handle compensation complaints from individuals who had land expropriated in 2015.¹³⁸ Some district officials noted that one of the roles of the district in expropriation projects is to advocate for timely payment of compensation to landowners.¹³⁹

A representative from MINECOFIN reported that some government projects are proposed and executed with availability of funds only for the project's implementation, without consideration for compensating those who have their land expropriated.¹⁴⁰ He noted:

*"Sometimes, some externally financed projects come with budgets only for project implementation, and no other related effects. In the end, we go ahead to implement those projects prior to compensating the affected individuals and gather finances to compensate them after they have relocated."*¹⁴¹

RTDA also noted that sometimes central government entities put undue pressure on the accomplishment of projects within such a short timeframe that compensation cannot be paid on time. But in such cases, temporary supports are offered to landowners.¹⁴² MINECOFIN also pointed to deficiencies in documentation for land titles and bank accounts as a reason for delayed compensation.¹⁴³ While this practice of failing to pay compensation on time is in direct violation of the law, compliance could be assured by devoting a portion of the project's financing to anticipated compensation for landowners. Another measure could be only undertaking projects once the compensation budget is fully available as a part of the project's budget. In addition to budgeting, expropriators should always verify landowners' documentation before expropriation proceeds to ensure compensation can be paid in a timely manner.

¹³⁸ FGD with Muhanga District Officials, 11/2/2022.

¹³⁹ Interview with Bugesera Vice Mayor in charge of Economic Affairs.

¹⁴⁰ Interview with Accountant-General of MINECOFIN, 25/2/22.

¹⁴¹ Interview with Accountant-General of MINECOFIN, 25/2/22.

¹⁴² Interview with Social Safeguard Specialists, RTDA 15/2/22.

¹⁴³ Interview with Accountant-General of MINECOFIN, 25/2/22.

5.4.2. Subsequent evidence on compensation arrears

Subsequent documentary evidence indicates that delayed compensation has remained a significant implementation challenge beyond the period covered by the household survey. In December 2018, The New Times reported that the Government had approximately Rwf 30 billion in outstanding expropriation compensation and had committed to clearing the arrears.¹⁴⁴ While this evidence predates the present assessment's 2021–2022 fieldwork, it demonstrates that delays in compensation were already recognised at national level as a significant implementation issue.

More recent evidence indicates both substantial progress in payment and the persistence of arrears. On 22 October 2024, The New Times, reporting on the Chief Ombudsman's presentation of the Office of the Ombudsman's 2023/2024 annual report and 2024/2025 action plan to a joint plenary sitting of Parliament, reported that 165,269 expropriation files had been recorded, of which 163,647 had been valued and 121,246 paid. A further 42,401 files remained unpaid, representing more than Rwf 15.8 billion in outstanding compensation. More than Rwf 76.3 billion had been paid out of compensation obligations exceeding Rwf 92 billion. The Chief Ombudsman further observed that compensation arrears had exceeded Rwf 100 billion in previous years and called for the remaining unpaid compensation to be cleared expeditiously.¹⁴⁵

These figures should not be interpreted as directly comparable measures of arrears over time because they relate to different reporting periods and administrative datasets. Nevertheless, when considered alongside the household survey findings, they provide important institutional corroboration of a persistent implementation challenge concerning timely payment of compensation.

¹⁴⁴ Nasra Bishumba, 'Govt to pay Rwf30 billion in expropriation arrears' The New Times (Kigali, 24 December 2018) <https://www.newtimes.co.rw/article/162300/News/govt-to-pay-rwf30-billion-in-expropriation-arrears> accessed 24 September 2026.

¹⁴⁵ Emmanuel Ntirenganya, 'Ombudsman says over Rwf15bn owed to expropriated people' The New Times (Kigali, 22 October 2024). See also Madeleine Nirere, presentation of the Office of the Ombudsman's 2023/2024 annual report and 2024/2025 action plan to a joint plenary sitting of Parliament (22 October 2024).

The evidence suggests that the problem is not confined to isolated individual cases: substantial numbers of compensation files have remained unsettled at national level despite the legal requirement for timely payment. At the same time, the volume and value of compensation reported as having been paid by 2023/2024 demonstrate significant Government efforts to address outstanding obligations. The evidence therefore points to progress in reducing arrears, but not their complete elimination.

This continuing pattern is significant from a rights perspective. Delayed compensation can transfer the financial burden of public-interest development to affected property owners, particularly where households must relocate, replace productive assets or re-establish livelihoods before receiving the compensation due to them. It also reinforces the importance of ensuring that compensation liabilities are fully identified, funded and secured before implementation of an expropriation project begins. The persistence of arrears therefore appears to reflect not only a payment-processing issue, but also broader questions of project planning, budgeting, institutional coordination and compliance with statutory safeguards.

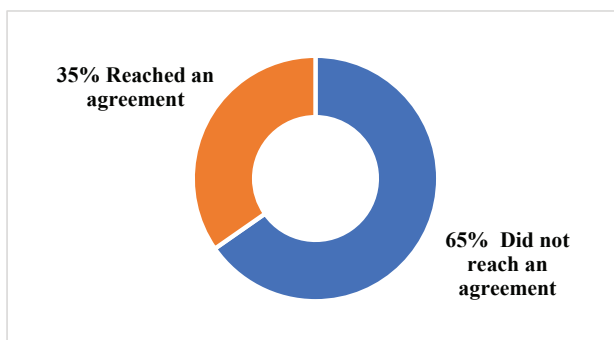
Viewed against the statutory framework, the persistence of compensation arrears raises an important question of implementation rather than absence of legal protection. The 2015 Expropriation Law requires the expropriator to make provision for compensation before expropriation is undertaken and establishes a defined period within which approved fair compensation must be paid.¹⁴⁶ The existence of substantial unpaid compensation files therefore points to a gap between the financial and procedural safeguards contemplated by the law and their consistent implementation in practice. This supports the broader finding of this assessment that Rwanda's principal challenge in expropriation is not necessarily the absence of legal safeguards, but ensuring that those safeguards operate effectively and consistently throughout the expropriation cycle.

¹⁴⁶ Law No 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest, arts 35–37 (compensation to precede relocation; payment of approved fair compensation within 120 days; additional 5% where payment is delayed).

5.4.3. Lack of mutual consent in determining the mode of payment for fair compensation

Upon landowners' approval their land's valuation, they are entitled to fair compensation equivalent to the valued price,¹⁴⁷ either in cash or another form mutually agreed upon between the relevant parties.¹⁴⁸ The law provides that where payment is monetary, it is to be deposited directly into the expropriated landowner's bank account,¹⁴⁹ and where payment is in kind, it is to be provided according to the agreement of the parties.¹⁵⁰ In practice, however, many respondents did not get a say in the means of compensation. Respondents were asked to evaluate the process for determining modes of compensation, and only 35% confirmed that they had negotiated an agreement with the expropriator regarding how compensation would be paid to them. The remaining 65% reported that there had not been any prior negotiations or discussions with the expropriator to agree on the mode of compensation.

Figure 16: Reaching an agreement on type of fair compensation



Source: LAF Household survey, 2022

5.5. Impact of expropriation practices on affected households

While assessing the effectiveness and implementation of expropriation practices, not only should the implementation of procedural rules be assessed, but also the socio-economic impacts to expropriated households in the short- and long-term. While assessing these impacts on affected households and communities, it was found

that the consequences for landowners were both positive and negative. As such, a nuanced inquiry into the harms and benefits of expropriation for landowners is needed to for a balanced assessment of expropriation practices.¹⁵¹

5.5.1. Relocation of affected households

As illustrated in Figure 6, the survey revealed that 63% of expropriated households lived or settled on the land they had expropriated. It therefore follows that this cohort was forced to relocate during the expropriation process. This survey also showed that even though the remaining 37% of landowners did not live on their expropriated land, they utilized it for other purposes such as income generation. This means that a substantial part of this cohort would have been forced to relocate from their primary residence, since their source of income would have been directly affected. Indeed, the survey's subsequent findings back this up. 92% of expropriated households reported to have relocated from their initial residences and only 8% managed to remain only in cases of partial expropriations. Figure 17 below highlights how these relocations manifest and contribute to urban-rural migration trends.¹⁵² These findings should be read together with Articles 35 and 36 of the 2015 Expropriation Law, which require fair compensation before relocation and give the expropriated person up to 120 days to relocate after payment.¹⁵³ Where relocation precedes payment, the statutory safeguard is undermined and the socio-economic cost of public-interest development is transferred to the affected household.

¹⁵¹ Legal Aid Forum, Household Survey of Persons Affected by Expropriation (fieldwork December 2021–March 2022) (hereafter 'LAF Household survey, 2022'). Statistical findings in this section relate to that dataset and should not be read as 2026 survey estimates.

¹⁵² LAF Household survey, 2022, Figures 6 and 17. Residence on the expropriated land: 63%; non-residence but other use, including income generation: 37%; subsequent relocation from initial residence: 92%; remaining on residual land after partial expropriation: 8%.

¹⁵³ Law No 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest, arts 35–36. See also Museremu Jean Claude and Nambajemariya Ancille v Gicumbi District, Intermediate Court of Gicumbi (Administrative Chamber), RAD 00001/2021/TGI/GIC, 11 May 2021 (compensation is temporal as well as monetary; payment must precede displacement).

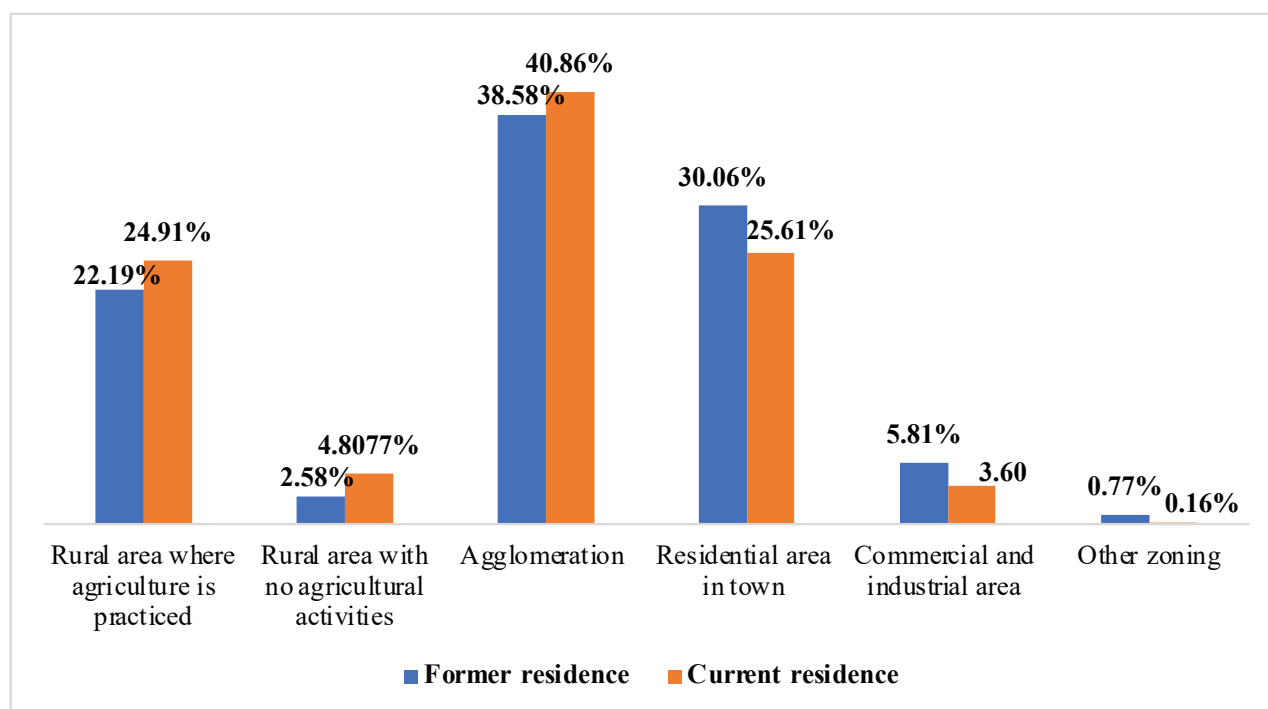
¹⁴⁷ Art 30 of the 2015 Expropriation Law.

¹⁴⁸ Article 35, 2015 Expropriation Law.

¹⁴⁹ Article 38(1), 2015 Expropriation Law.

¹⁵⁰ Article 39(1), 2015 Expropriation Law.

Figure 17: Levels of relocation among expropriated households



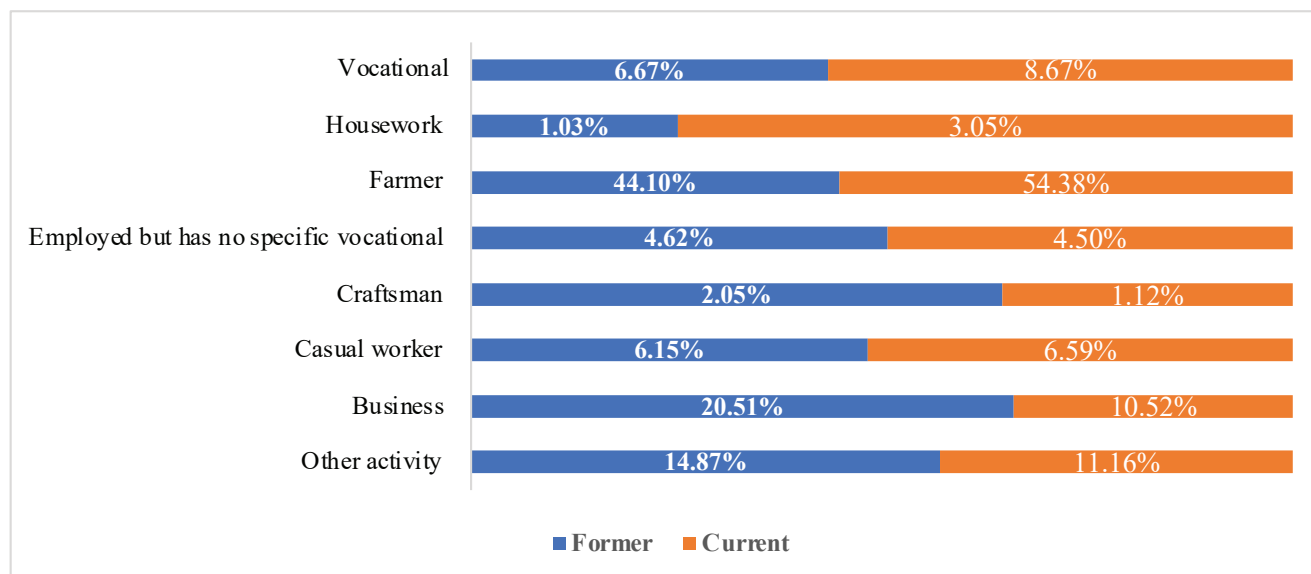
Source: LAF Household survey, 2022

5.5.2. Impact on occupation of household heads

Overall, expropriation practices affect job mobility and may lead to increased poverty rates among households subject to expropriation. Expropriated households reported that some household heads lost their jobs, while others relocated to areas where they were unable to continue with their former jobs. In Figure 18 below, occupational changes between pre- and post-expropriation are illustrated. Corroborating the trend of urban-rural relocation, Figure 18 shows that the sector with the greatest loss in occupations is business, while that which gains the most is the farming sector. This occupational shift is relevant to the assessment of fairness. Compensation that replaces the market value of land does not automatically replace the livelihood attached to that land. Article 10 of the 2015 Law requires the expropriation request to include a study of consequences for the living conditions of persons to be expropriated.¹⁵⁴ The occupational findings suggest that those consequences must be treated as part of the expropriation process itself, not as an incidental after-effect.

¹⁵⁴ Law No 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest, art 10 (expropriation request to contain a study of consequences for the living conditions of persons to be expropriated). See also art 27 (valuation to cover land, activities carried out on the land, and compensation for disruption).

Figure 18: Comparison in changes of expropriated individual's occupations

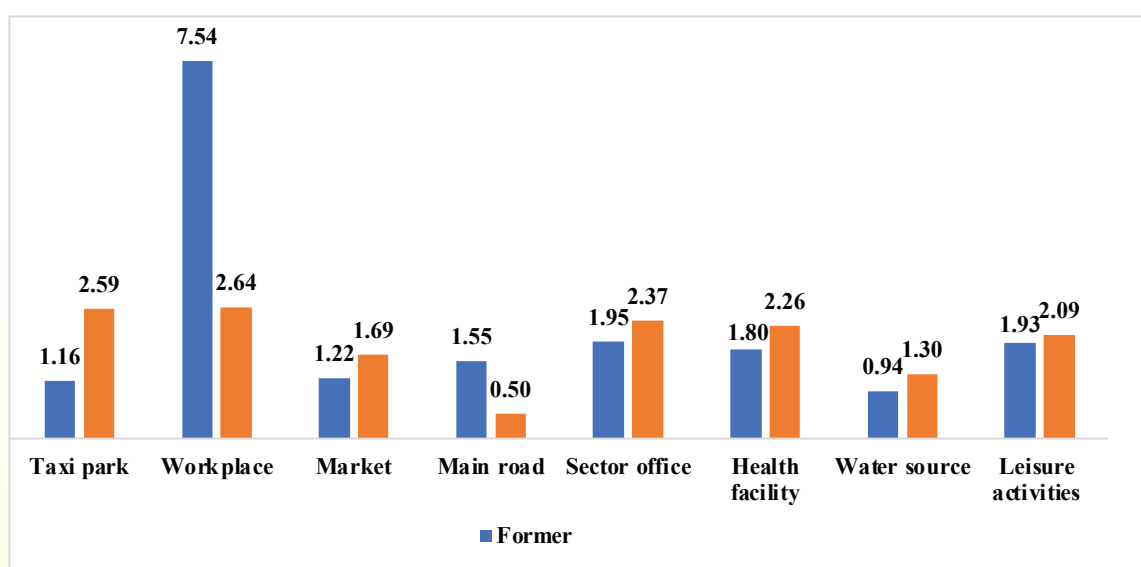


Source: LAF Household survey, 2022

5.5.3. Impact on distance travelled to access social services

Expropriations can have consequences for access to important places and services. Forced relocations can lead to longer distances between individuals' residences and the day-to-day services they rely on or places they frequent. Conversely, sometimes these distances are shortened, too. The survey observed several changes in the distances landowners had to travel to access social services and key destinations before and after relocation. On average, shorter distances were observed for travel to areas of work and main roads. However, for most places, distances slightly increased.¹⁵⁵

Figure 19: Changes in distances travelled for social services



Source: LAF Household survey, 2022

¹⁵⁵ LAF Household survey, 2022, Figure 19.

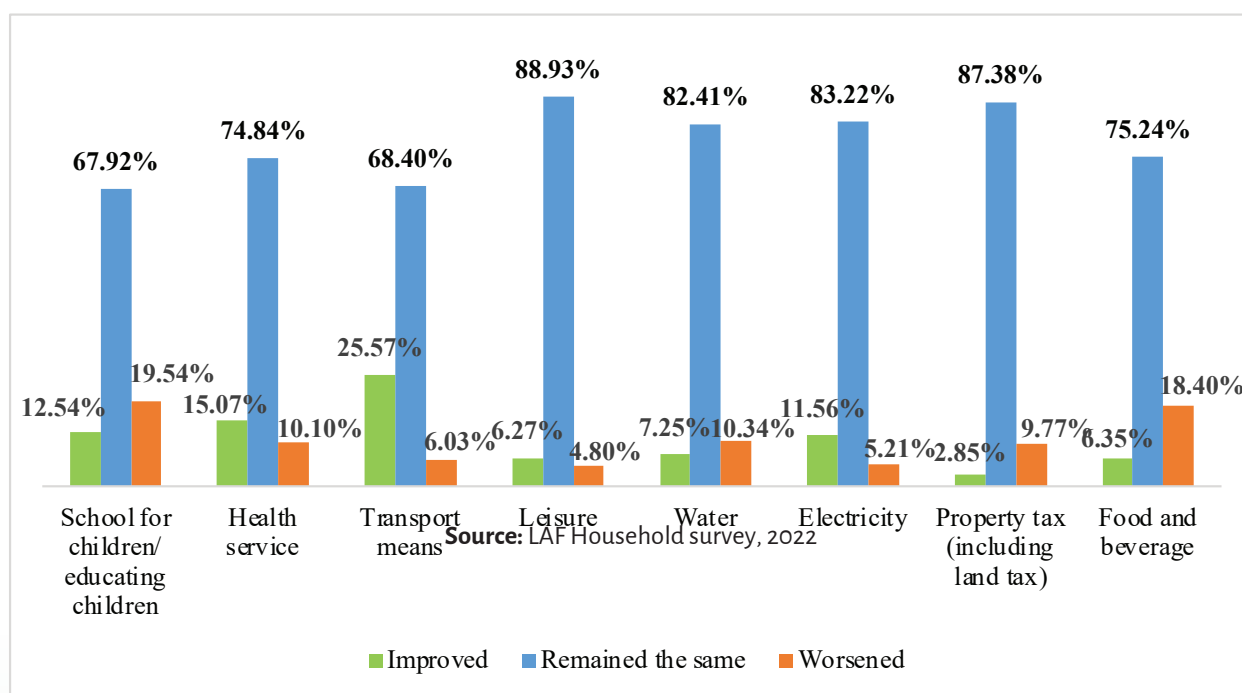
It is worth considering why some expropriated households report short distances to workplaces and main roads, even though many have relocated from urban areas to rural areas. The previously discussed data on vocational changes and geographic shifts may shed light on a possible explanation. The most pronounced work trends among individuals whose land has been expropriated are upticks in housework and farming. As for the same group's geographic trends, residential towns and commercial areas lost

residents to rural areas. It therefore follows that the shorter distances to the workplace observed among individuals who have had their land expropriated is probably a result of their having to leave former jobs to take up domestic and/or agricultural vocations. This is an important insight that should accompany any conclusion that expropriations led to shorter distances to important places such as the workplace and main roads.

5.5.4. Changes in living standards

The survey also monitored changes in expropriated households' quality of life, assessing whether they had improved, worsened or remained the same. Generally, the survey showed that access to activities and amenities had remained consistent with what it was prior to expropriation. However, access to transport facilities, health services, and electricity saw marked improvements.¹⁵⁶

Figure 20: changes in households' access to key activities and amenities



¹⁵⁶ LAF Household survey, 2022, Figure 20.

6.

RECOMMENDATIONS AND CONCLUSION

The findings of this assessment, read together with the subsequent jurisprudence reviewed in the case studies, demonstrate that Rwanda has established important legal safeguards governing expropriation in the public interest, but that significant gaps remain between the law and its implementation. The recommendations below therefore address both legal and regulatory gaps and institutional and implementation weaknesses across the expropriation cycle from determination of public interest and consultation, through identification and valuation of affected property, to payment of compensation, relocation, dispute resolution and enforcement.

6.1. Strengthen the Legal and Institutional Framework

6.1.1. Enact the Prime Minister's Order establishing committees responsible for supervision of expropriation projects

The Prime Minister's Order required under the Expropriation Law to operationalise the committees responsible for supervising expropriation projects should be enacted without further delay. These committees are important safeguards for reviewing the relevance and legality of proposed expropriation projects and strengthening community consultation and institutional accountability.

In their absence, there is a risk that executive authorities involved in initiating or implementing expropriation projects also exercise functions associated with reviewing their justification and implementation. Operationalising the supervisory mechanism would strengthen institutional checks and balances, improve expropriation project planning and coordination, and provide an additional safeguard against inappropriate or inadequately justified expropriation.

6.1.2. Establish clearer and objective criteria for determining public interest

The legal framework should provide clearer and more objective criteria for determining whether a proposed activity genuinely serves the public interest. The breadth of activities capable of falling within the statutory concept of public interest, particularly those connected with implementation of land-use and development master plans, creates a need for strong substantive and procedural safeguards.

The jurisprudence reinforces this concern. *Itorero Umwungeri Mwiza v Ndimukaga François* demonstrates that describing an activity as being in the public interest does not, by itself, establish the legality of taking private property. The actual purpose of the project and compliance with statutory requirements remain subject to scrutiny.

Accordingly, the law should either define more precisely the categories of activities qualifying as public interest or establish objective criteria against which the public-interest character, necessity and proportionality of a proposed expropriation can be assessed. Decisions should also be properly reasoned and documented.

6.1.3. Promote negotiated development and appropriate public-private partnership arrangements

Where development objectives, particularly implementation of master plans, can reasonably be achieved without compulsory acquisition, negotiated solutions should be prioritised. Public authorities should facilitate arrangements through which affected landowners may partner with investors, participate in development projects or otherwise retain an economic interest in the development of their property.

Such arrangements could include joint ventures, shareholding arrangements, land readjustment or other appropriate models that enable development while reducing unnecessary displacement. These alternatives must remain genuinely voluntary and should not be used to circumvent the safeguards applicable to formal expropriation.

6.1.4. Recognise and adequately compensate partial takings and consequential project-related losses

The legal and administrative framework should more clearly address situations in which only part of a property is formally acquired but the remaining property suffers substantial loss in value, accessibility, usability or productive capacity.

This recommendation is strengthened by the jurisprudence. *China Road and Bridge Corporation Ltd v Uwiringiyimana Daniel and Ayinkamiye Dative v City of Kigali* demonstrate that public works can cause compensable interference or damage to property that was not adequately captured within the original expropriation or valuation process.

Expropriating entities should therefore assess not only the property formally acquired but also reasonably foreseeable consequential effects of the project. Pre-project inventories should be sufficiently comprehensive, and accessible mechanisms should be established for documenting, valuing and compensating additional damage that becomes apparent during project implementation.

6.1.5. Review appeal timelines and strengthen accessible administrative dispute resolution

The statutory timelines applicable to valuation objections, counter-assessment and judicial challenge should be reviewed to determine whether affected persons have a realistic opportunity to exercise their rights, particularly where they lack immediate access to legal advice or independent valuation expertise.

The significance of this recommendation is reinforced by *Bayingana Holvis and Others v City of Kigali*, which illustrates the procedural demands

associated with valuation disputes. A remedy may exist in law but remain difficult to exercise where affected persons must understand the process, obtain a counter-valuation at their own expense and comply with short statutory deadlines.

Consideration should therefore be given to reasonable extensions of relevant timelines and to strengthening administrative mechanisms capable of resolving disputes promptly before litigation becomes necessary. Any such mechanism should be independent, accessible and subject to judicial review.

6.1.6. Reinforce requirements for negotiation in the implementation of master plans

The requirement for negotiation between investors and affected landowners in projects implementing master plans should be applied consistently and meaningfully. Local authorities should facilitate informed negotiations, particularly where individual landowners have limited bargaining power or are unable independently to implement development requirements.

Alternative approaches including joint development, shareholding, land pooling or cooperative arrangements should be explored where appropriate. The objective should be to ensure that implementation of master plans does not automatically translate into displacement where less intrusive and mutually beneficial alternatives are reasonably available.

6.2. Ensure Timely and Effective Payment of Fair Compensation

6.2.1. Ensure adequate financing before expropriation projects commence

No expropriation project should proceed without demonstrable availability of sufficient funds to compensate all affected persons within the period prescribed by law. Expropriating entities should establish reliable databases and payment-verification systems to minimise delays arising from inaccurate records, incomplete documentation or administrative errors.

The jurisprudence gives particular weight to this recommendation. *Museremu Jean Claude and Nambajemariya Ancille v Gicumbi District* demonstrates that fair compensation is not solely about the amount awarded: timing is an integral component of fairness. Compensation must precede relocation and statutory consequences for delayed payment must be respected.

Budget approval, property identification and compensation planning should therefore be completed before displacement or commencement of works affecting the property.

Strengthen ex ante funding controls for expropriation projects. No expropriation project should proceed to implementation unless the responsible authority has demonstrated that adequate funds have been secured to meet the full estimated compensation liability within the statutory period. Compensation should therefore be treated as an integral and pre-funded component of project cost rather than an obligation to be financed after implementation has commenced. The persistence of substantial compensation arrears reported by public institutions over successive years demonstrates the need for stronger budgetary controls, monitoring of outstanding compensation files and clear institutional accountability for delayed payments.

6.2.2. Develop flexible, secure and inclusive compensation-payment mechanisms

Payment systems should accommodate legitimate circumstances in which ordinary bank transfers are impractical, including small compensation amounts, jointly owned property, incomplete land documentation and recognised informal or customary land-use arrangements.

Alternative payment mechanisms should nevertheless preserve transparency, traceability and protection against fraud. Any cash or intermediary payment arrangement should therefore be subject to clear documentation, acknowledgement of receipt and appropriate financial controls.

6.2.3. Establish effective coordination and accountability mechanisms

A clear institutional coordination mechanism

should oversee compliance with the Expropriation Law throughout the entire process. This should include standards and monitoring arrangements for consultation, identification of affected persons and property, valuation, payment, relocation, complaints and enforcement.

The Ministry responsible for expropriation should exercise clear leadership in coordinating this framework, including through a dedicated function or unit responsible for monitoring expropriation practice, consolidating information and identifying systemic implementation problems.

The jurisprudence demonstrates why coordination must extend beyond the initial compensation decision. *Kanamugire Rwaka Laurent v City of Kigali and the Mayor of the City of Kigali* shows that a successful claimant may continue to experience harm where an adjudicated compensation obligation is not promptly executed. Institutional disagreements or arrangements between public bodies should never transfer the burden of enforcement to the affected landowner.

A mechanism should therefore be established for monitoring and ensuring prompt implementation of final administrative and judicial compensation decisions.

6.3. Improve Valuation of Land and Property

6.3.1. Strengthen the capacity, independence and professionalism of valuers

The Institute of Real Property Valuers (IRPV) should continue to strengthen professional standards, monitoring, ethical compliance and technical capacity among valuers engaged in expropriation.

Valuation methodologies should reflect relevant characteristics of individual properties, including location, accessibility, infrastructure, permitted use, improvements and other factors affecting actual market value. Government should consider providing appropriate institutional support for activities necessary to maintain reliable market information while safeguarding the professional independence of valuation.

6.3.2. Ensure regular and evidence-based updating of property-market information

Reliable property-market information should be updated and published regularly in accordance with applicable legal requirements. Technology-based systems should be considered to improve the collection and analysis of market data and reduce delays in updating valuation information.

Published reference prices should support not replace professional assessment of the characteristics and market value of individual properties.

6.3.3. Make counter-valuation practically accessible

The cost of obtaining an independent counter-valuation should not prevent an affected landowner from challenging an assessment believed to be inaccurate. Government should consider mechanisms for subsidising or meeting the cost of counter-valuations where the expense constitutes a substantial barrier.

Options could include a dedicated fund, an approved roster of independent valuers or publicly supported/pro bono valuation assistance for persons unable reasonably to meet the cost.

The very low use of counter-valuation reported in this assessment, considered alongside the jurisprudence on valuation disputes, indicates that the existence of a statutory challenge procedure is insufficient unless affected persons can realistically access it.

6.3.4. Strengthen property inventories before valuation and commencement of works

Expropriating entities should establish a rigorous and verifiable inventory of all affected land, structures, improvements, crops, activities and other compensable interests before valuation and commencement of project activities.

This recommendation is strongly supported by *Mukeshimana Alphonse and Uwayezu Vénantie v Rwanda Social Security Board (RSSB)*, which illustrates how omission of structures or assets from the inventory can subsequently undermine compensation.

Affected persons should participate in verification of the inventory and receive a copy or accessible record of what has been identified and valued. A simplified corrective procedure should also allow genuine omissions to be addressed without requiring affected persons to initiate lengthy litigation.

6.4. Strengthen Notice, Consultation and Public Participation

6.4.1. Ensure meaningful participation throughout the expropriation process

Community consultation should be meaningful rather than merely procedural. Affected persons should receive adequate information about the proposed project, its public-interest justification, the property likely to be affected, anticipated social and environmental consequences, valuation procedures, compensation arrangements, relevant timelines and available remedies.

Where required studies have been conducted concerning the social, environmental or livelihood consequences of a proposed project, relevant findings should be made reasonably accessible to affected communities, subject to legitimate legal restrictions.

Appropriate measures should be taken to ensure participation by persons with disabilities and other persons who may face barriers to accessing ordinary consultation processes.

6.4.2. Standardise notice and information on available remedies

Every affected person should receive clear and accessible information explaining the expropriation process and the remedies available at each stage. This should identify where and how objections may be submitted, applicable deadlines, counter-valuation requirements and the competent administrative or judicial authority.

Nyarugenge District v Mukangemanyi Adéline reinforces the importance of this recommendation by demonstrating that an expropriating authority must be capable of proving compliance with legally prescribed procedures. General awareness that

a project is taking place should not substitute for documented compliance with statutory notice, consultation and procedural requirements.

Standardised notice templates, acknowledgement mechanisms and record-keeping requirements should therefore be adopted across expropriating entities.

6.4.3. Strengthen knowledge of expropriation law among public and private actors

Officials involved in expropriation particularly district and sub-district authorities, project managers and other frontline personnel should receive regular practical training on the Expropriation Law and related legislation.

The Ministry responsible for expropriation should work with MINALOC, IRPV and other relevant institutions to develop a standard training module addressing the full expropriation cycle. Training should emphasise public-interest justification, consultation, property inventories, valuation, payment timelines, relocation safeguards, complaints, record keeping and implementation of judicial decisions.

6.5. Establish an Expropriation Compliance and Learning Mechanism

The assessment and subsequent jurisprudence demonstrate that expropriation should be monitored as a complete accountability chain, rather than as a series of disconnected administrative acts. A national monitoring mechanism should therefore periodically review implementation across expropriation projects and identify recurring problems requiring administrative, regulatory or legislative intervention.

At minimum, monitoring should cover: justification of public interest; consultation and notice; identification of affected persons and assets; valuation and counter-valuation; compensation amounts and payment timelines; relocation; project-related damage outside the original inventory; complaints and litigation; and implementation of final administrative and judicial decisions.

Relevant institutions should periodically publish aggregated information on implementation, complaints and corrective measures. Court decisions concerning expropriation should also inform administrative guidance and professional training so that jurisprudential lessons translate into improved practice rather than remaining confined to individual disputes.

CONCLUSION

Rwanda's legal framework on expropriation represents an important development in the protection of land and property rights while enabling the State to pursue legitimate development objectives in the public interest. The framework establishes procedures for determining public interest, identifying affected property, valuation, compensation, participation and redress. These safeguards provide a significant normative foundation for fair and accountable expropriation.

The central finding of this assessment, however, is that the effectiveness of the framework depends ultimately on implementation.

The household survey and qualitative findings identify significant gaps between legal safeguards and the experiences of affected persons. Thirty-six percent of surveyed landowners reported receiving no meaningful consultation prior to expropriation, while some who were consulted considered the process largely formal rather than genuinely participatory. Persons with disabilities faced particular barriers to effective participation.

Valuation emerged as another critical concern. Seventy percent of respondents considered the assessed value of their property to be below prevailing market prices, yet only 4 percent of dissatisfied landowners submitted counter-valuations. Cost, limited information and restrictive timelines were important barriers. Among those who did pursue counter-valuation, 97 percent obtained a higher valuation. These findings raise important questions about both the accuracy of initial valuations and the practical accessibility of the statutory remedy.

Payment delays further weaken the protection offered by the law. The average reported waiting period for compensation was 13.8 months, substantially exceeding the statutory payment period, with some respondents reporting much longer delays. Such delays have consequences beyond procedural non-compliance: where households lose access to land or livelihoods before receiving compensation, delayed

payment can directly contribute to economic and social vulnerability.

The socioeconomic findings reinforce this concern. Expropriation was associated in some cases with changes in employment and livelihood patterns, including movement from urban employment towards agriculture and domestic work. Although access to certain infrastructure and services improved for some relocated households, those benefits must be considered alongside evidence of livelihood disruption and displacement. Development outcomes therefore cannot be assessed solely by the physical infrastructure ultimately created; the consequences for the people required to make way for that development must also form part of the assessment of fairness.

The case-law review materially strengthens these findings. Importantly, the cases do not establish the statistical prevalence of particular violations and should not be interpreted as doing so. They instead provide judicially tested illustrations of pressure points across the expropriation process.

The jurisprudence demonstrates that public interest must be substantively justified rather than merely asserted; procedural compliance must be capable of proof; affected persons and assets must be comprehensively identified; property damage arising during implementation cannot simply be disregarded because it falls outside the original compensation inventory; valuation remedies must be practically accessible; compensation must be timely and precede displacement as required by law; and a favourable judgment must ultimately result in an effective remedy.

Particularly significant is the fact that some of these decisions arose after the 2021–2022 fieldwork. They do not retrospectively change the empirical findings. Rather, they provide a valuable post-fieldwork validation and learning dimension, demonstrating that some of the legal and implementation issues identified by affected households have continued to

require judicial clarification or remedy.

The overall picture is therefore not one of absence of law. It is one of a legal framework containing substantial safeguards whose protective potential is weakened when institutions, procedures and remedies do not operate consistently throughout the expropriation cycle.

The reforms proposed in this report operationalising the statutory supervisory mechanism; clarifying public interest; addressing partial and consequential losses; ensuring complete property inventories; making counter-valuation accessible; strengthening consultation and notice; securing compensation funding before displacement; improving institutional coordination; and ensuring implementation of final compensation decisions should therefore be understood as a coherent package rather than isolated interventions.

Ultimately, development in the public interest and protection of property rights are not competing objectives. A credible expropriation system must achieve both. Rwanda can pursue necessary infrastructure, urban development and other legitimate public objectives while ensuring that the individuals and communities whose property makes those developments possible are treated fairly, informed meaningfully, compensated adequately and promptly, and provided with effective remedies when the process fails.

The measure of an effective expropriation framework is therefore not only whether development projects are completed, but whether public-interest development is achieved without transferring a disproportionate share of its social and economic costs to the people whose property is taken.



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