

Meeting land Related Local Service Delivery Standards by Local Governments in Rwanda: Key Challenges and Practical Solutions

Yves Bernard Ningabire

Director General for Planning, Monitoring and Evaluation, Ministry of Local Government, P. O. Box 3554, Kigali, Rwanda.

Author E-mail: bernard.ningabire@minaloc.gov.rw, yvesbern@yahoo.fr

Received 20 November 2018; Accepted 27 December, 2018

Service delivery is considered as a strategic pillar of Governance in Rwanda. This article explores the mechanisms that were adopted to ensure timely delivery of land related services in local government and highlights the existing policy, institutional and regulatory framework for service delivery in general, and land related services in particular. In addition, the article analyses in details land related service delivery implementation at the local government level and the role of stakeholders and sub district entities in the delivery of these services. It highlights how decentralization has enabled service delivery in Rwanda and how land related services quality and timeliness were improved. Capacity building has been a key enabler of improved services and various efforts have been deployed in this area both at the

institutional and individual levels. Home grown initiatives from the Rwandan culture were useful in improving the delivery of services including land related services as evidenced by this article. In order to sustain and guide service delivery in the land sector, service standards coupled with the use of Information Technology have been of paramount importance in improving service delivery. The article concludes by discussing challenges to meeting service delivery standards in Rwandan local governments and the proposed remedial measures.

Keywords: Land, challenges, service delivery, local government, practical solutions

INTRODUCTION

Land is among the important factors of production in Rwanda and a key driver of economic activities given that 85% of the working class citizens live on agricultural activities, contributing 31% to the National Gross Domestic Product (NISR, 2018). Moreover, Rwanda is the most densely populated country in East Africa and one of the highest densities compared with other countries globally as it accounts for 416 inhabitants per square meter according to the 2012 National Census (NISR, Population Census, 2012). According to the same census, the average annual population growth of Rwanda is 2.6% from 321 inhabitants per square meter in 2002 and one of the highest in Africa.

This trend has led the Government of Rwanda to put in place appropriate frameworks for effective management of land to ensure that maximum benefits stem out of its use, both for agriculture and business related activities.

Apart from scattered land regulations most of which dating back from colonial times, Rwanda had not had any specific laws and policies that govern land administration and related services. This contributed to giving rise to insecurity, instability and precariousness in land tenure and hence the need to address these challenges which were coupled with other obstacles like a strong pressure on the spatially limited land resources, domination of the agricultural sector which lacks any specialization in human resources and equipment, a land tenure system dominated by customary law which was in favor of land fragmentation resulting into scattered farming plots that were difficult to manage, a big number of people with no land who had to be resettled at all costs (given the History of Rwanda where many Rwandans had been forced to flee to other countries due to the divisionism of the Government that committed the Genocide against the

Tutsi in 1994), weak and inadequate methods of land use planning, disorderly and fraudulent land transactions and unplanned use of marshland (National Land Policy, 2004). This article therefore explores the efforts that the Government of Rwanda deployed to improve land tenure and management and how decentralization has been an enabler of a number of reforms in the way land related services are provided. It also hints on how services are delivered at the Local Government level in Rwanda, implementation mechanisms that were adopted and the stakeholders involved in this process. Much emphasis is put on the challenges that were faced and options that can be adopted as remedial measures to address the challenges are proposed. The methodology that is used to achieve this involved the review of the available literature and other official documents that allow the conceptualization of the area being investigated. However, this article has limitations in that it did not explore in details the gaps that exist in the legal framework governing land related service delivery and as such, further research will be of a great importance to put more clarity into this aspect.

CONTEXTUALISING LAND RELATED SERVICE DELIVERY IN RWANDA

After the 1994 Genocide against the Tutsi, the Government of National Unity embarked on national consultations that took place from 1998 to 1999 with a view of finding unique and adequate solutions to the post genocide challenges that the Country was facing (National Unity and Reconciliation Commission, 2016). Out of these consultations and among many others, two key policies were recommended namely the decentralization policy and the land policy which were adopted in 2000 and later revised in 2012 and 2004 respectively. The decentralization policy's overall objective is to promote good governance, service delivery, and national development (National Decentralization Policy, 2012). One of the policy objectives in this regard is to enhance effectiveness and efficiency in the planning, monitoring, and delivery of services by promoting joint development planning between central and local governments (Districts and the City of Kigali) and ensuring that service delivery responsibilities and corresponding public expenditure are undertaken at the lowest levels possible (National Decentralization Policy, 2012). In this regard, the Government envisages that certain functions relating to service delivery to the population will be devolved to local governments to the greatest extent possible with the aim of making Districts and the City of Kigali autonomous in accordance with Article 6 of the Constitution of the Republic of Rwanda of 2003, revised in 2015 while ensuring that as much as possible, functions including land related ones are delegated or otherwise undertaken

at the lowest administrative levels possible (National Decentralization Policy, 2012). The Law No 87/2013 of 11/09/2013 determining the organization and functioning of decentralized administrative entities, in its article 123 on the general responsibilities of the District clearly entrusts it with the task of providing services that are not delivered by other administrative entities, hence stressing the need for Local Governments to adopt measures that allow proper delivery of quality services, including land related services. Among the strategic options of the 2004 National Land Policy is the decentralization of services responsible for land management to ensure harmonized special distribution of activities and services (p.33). Another strategic option of this policy is that the capacity of decentralized entities should be strengthened and improved. These strategic options will permit the implementation of this policy at the decentralized level through the following principles (National Land Policy, 2004):

- (i) The right to land property should be correlated to a number of obligations in order to guarantee the development of the land, which is the common heritage of past, present and future generations.
- (ii) According to the constitutional principle of equality for all citizens, all Rwandans enjoy the same right of access to land, without any discrimination whatsoever.
- (iii) Land tenure and land administration should guarantee land tenure security for all holders of title deeds and should promote optimum development of land.
- (iv) Land management and use should take into consideration different land categories as represented by the various master plans and land classification and land development maps.
- (v) The modes of land management and use will differ, depending on whether they apply to urban or rural land; the latter comprising hilly land, marshlands and natural reserves.
- (vi) Proper land management should include the planning of land use, on the backdrop of the organization of human settlement and the enhancement of consolidation of plots for a more economical and more productive use of the land.
- (vii) The process of land transactions improves the value of land and leads to a more productive land use. It attracts investment in land development and enables various land users to look forward to better times ahead.
- (viii) Plans and maps are the best means of obtaining, recording, and analyzing comprehensive and accurate land-related information.
- (ix) An appropriate land registry system is essential in order to really understand the land situation of a Country and thus plan for any measure of land reform.

In order to have a tangible baseline for implementation of this policy, a systematic land registration process in Rwanda was started according to the organic land law of

2015 which was later revised in 2013 (Law No 43/2013 of 16/06/2013) in its article 20, which stipulates that registration of land is obligatory for the land owner.

In this regard, 10.3 million land parcels have been registered countrywide since 2008. The associated benefits of land registration included among others certainty of ownership, reduced land disputes, stimulation of market and security of credit, facilitation, improved physical planning, facilitation of land management and support to environment management. The second priority area of the Economic Development and Poverty Reduction Strategy (EDPRS 2) 2013-2018 is related to service delivery and seeks to continuously improve the performance of both the central and local government in service delivery while ensuring that the cost of services is kept at the lowest possible level and increased quality.

Improvement in the quality of land management has consistently reduced the time it takes to transfer property from 379 days in 2008 to less than 10 days in 2018 (World Bank, 2018). This has led to increased investments in Rwanda given that evidence from economies around the world suggests that property owners with registered titles are more likely to invest. In 2008, the National Urban Housing Policy was established and aimed at guiding the Government of Rwanda's objectives and priorities in relation to urban Housing (Ministry of Infrastructure, 2008). According to the Vision 2020, about 30% of the population will live in planned cities with access to basic infrastructure that they need to achieve sustainable development. In this regard, 6 Secondary Cities were created to serve as poles of economic growth. These include Muhanga and Huye Districts in the Southern Province, Rubavu and Rusizi Districts in the Western Province, Nyagatare District in the Eastern Province, and Musanze District in the Northern Province. These secondary cities will redirect employment opportunities to rural areas to avoid the rural urban migration that has been characterizing the population, especially the youth living in rural areas.

This move also calls for proper management of land and the related services in order to allow the Government achieves the intended objective of secondary cities development. The Service Delivery Policy was also developed to provide guidance in the provision of service delivery in various areas, and the land management area has been able to benefit from it. This policy envisages turning Rwanda into a World Class service hub that is efficient and customer centered in order to achieve a vibrant and competitive economy (Rwanda Governance Board, 2017). Its mission is to make quality service delivery a way of life for Rwandans with the aim of transforming Rwanda into a service-led economy.

Rwanda Service Delivery policy has the following objectives:

(i) Enhance policy and regulatory frameworks to facilitate quality service delivery.

(ii) Institutionalize the culture of quality of service delivery.

(iii) Strengthen the capacity of individuals and institutions to offer services effectively and efficiently.

(iv) Set service delivery standards for Public, Private and Civil Society Organizations.

(v) Institute a reliable service delivery coordination, monitoring and evaluation system to inform service delivery improvements in all sectors.

In order to implement the service delivery policy priorities, Local Government Standard Service Charters were introduced during the 3rd Phase of Decentralization (2010-2015) with the aim of providing information to the local citizens on the minimum service standards, the performance that can be expected, the time frame, and the cost for the service to be provided (MINALOC, 2011). These Local Government Standard Service Charters were revised in 2018 by the Ministry of Local Government in order to align them with the fast development of Information Communication and Technology in service delivery.

Land services delivery in Rwandan local governments

Initially, the delivery of land related services, as well as other services, was highly centralized at Ministerial level, with the related steps and processes being difficult to undergo. This also implied the use of a huge amount of resources (both financial and in terms of time) for citizens from remote areas of the Country. After the adoption of the decentralization policy adoption in 2000, one of the key priorities of the Government of Rwanda was to streamline the delivery of various services to the citizens through a decentralization framework that is informed by the local needs and the national development agenda. In this regard, the District, as the decentralized entity with a legal personality and an administrative and financial autonomy was established and had on its organizational structure, the staff who were responsible for delivery of land related services. A specific structure dubbed "District Land Bureau" was established by the Organic Land Law to carry out functions related to land use planning and administration at the District level. This bureau also acted as the public notary for land matters.

In the same line, "Land Committees" were established at the sector and cell levels (administrative entities under the District and much closer to the Citizens) and they were assigned the role of acting as the first point of contact for land registration and land use planning (Ministry of Land and Environment, 2010). In 2012, in order to improve the quality of land related services at the decentralized level, the District Land Bureau was replaced by the District One Stop Center which since then has been serving as point of delivery of land related services. It merged the departments of construction, land

registration and inspection.

Through the District One Stop Center, a client gets all the land related services in one place. One Stop Centers have enabled streamlining of responsibilities and specialization amongst the District staff in charge of providing land related services. As for the City of Kigali (which is also a decentralized entity), Kigali construction and urban planning One Stop Centre was created by a cabinet decision of 14th April 2010 and was assigned the following roles:

- (i) To ensure respect for safety standards in the construction sector.
- (ii) To develop and review key area detailed physical plans.
- (iii) To ensure quick service delivery mostly in building permit issuance.
- (iv) To monitor and advise Districts' One Stop Centers for efficient service delivery.

In a bid to further strengthen the delivery of land related services, during the 2015 restructuring of the Local Government, some of them were further decentralized from the District to the Sector level. The organizational structure of the Sector since then included the position of Infrastructure, Habitat and Community Settlement Officer whose services are supplemented by those of the Civil Registration and Notary Officer. All these gradual changes/improvements have significantly contributed to the improvement of the quality and timeliness in the delivery of the local services related to land. They have also improved the business environment especially in relation to investments that require land as a key production factor. Rwanda ranking in the World Bank Doing Business Report has been improving partly due to improved quality, cost and timeliness of land related services offered at the level of Districts and the City of Kigali.

The role of information communication and technology in delivering land related services at the local level

After 10.3 million land parcels had been registered countrywide, there was need to establish a sound, flexible and easy to use system for data management and land administration. In this regard, the Land Administration Information System (LAIS) was put in place to address any land parcel issues such as overlapping parcels and incomplete ownership information with the objective of improving land related services (Kendall, 2016). Since its development, this system has helped to reduce land related transaction time, cost and has improved the reliability of the land registry and has contributed to reducing land disputes in Rwanda. It has also ensured quick, efficient and

transparent land transactions and the quick and efficient issuing of land certificates has increased security of tenure of land owners, reduced land related disputes and facilitated land owners to access loans for development and economic growth as envisaged in the country's Economic Development and Poverty Reduction Strategy (EDPRS), National Strategy for Transformation (NST1) 2018), Vision 2020 and Vision 2050. The operationalization of LAIS was carried out in an integrated approach whereby the Districts One Stop Centers also have access to this system. This has significantly contributed to improve sharing of land related information and improved services. In its efforts to digitize all the Services, the Government of Rwanda established Irembo platform to serve as the one-stop portal for e-Government services. Its role as a platform is the provision of Government services online to the citizens with ease, efficiency and reliability. Land related services such as land registration, subdivision, transfer of land titles, rectification of the land register, land merging and change of land use form an integral part of the Irembo platform. This has significantly contributed to improving the quality and timeliness of services offered to the Citizens. The payment for these services has been facilitated by e-payment mechanisms that have been put in place by telecoms operating in Rwanda like MTN Mobile Money and Airtel Cash as well as many local commercial banks. This has allowed land related service seekers to enjoy self-served services with zero or limited trips to administrative offices. In 2016, the Government of Rwanda in partnership with MTN Rwanda established the Land Query Notification System (LQNS) which is a telephone system that allows Rwandans to access the status of their land online through Unstructured Supplementary Service Data (USSD) by dialing *651#. This system has enabled interested buyers to enquire about the land information before engaging in any related land transactions. The Electronic Building Permit Management information system was also established in 2017 as a computer based platform that serves to automate and streamline the process of acquiring building permits in the City of Kigali. It provides progressive notifications to the service seekers in relation to how far their requests have gone. It has significantly reduced the permitting time, improved staff efficiency and customer service quality.

The role of home grown solution in improving land related services

Home Grown Solutions, derived from the Rwandan Culture have been instrumental in finding customized, appropriate and sustainable solutions to various complex challenges that Rwanda faced after the 1994 Genocide Against the Tutsi.

It is in this regard that the law N°56/2016 of 16/12/2016

establishing the Rwanda Governance Board (RGB) (2017) and determining its mission, organization and functioning gives to Home Grown Solutions Division the following mandate:

- (i) To preserve, protect and promote the use of Home Grown Solutions (HGS) and Good Practices (GP) in Rwanda and devise strategies meant for applying them efficiently.
- (ii) To give pre-authorization and follow up studies and researches carried out in Rwanda on governance and HGS whether by Rwandans or foreigners.

In the area of land management and related services, a number of Home Grown Solutions have been applied as well.

Umushyikirano

This is a practice drawn from the Rwandan tradition where the leaders and the citizens used to interact to find solutions to various challenges facing the community. This practice has been made a constitutional requirement. Through this practice, once a year, the President of the Republic interacts with citizens of all categories who are in the country and abroad (mostly through teleconference or other types of communication technologies) to discuss various socio-economic development issues facing the country and to take strict remedial resolutions whose implementation is monitored by the Office of Prime Minister on a quarterly basis. Through this arrangement, many issues including land related issues are solved.

Abunzi (Mediation Committee)

These committees, based at the Cell level, are composed of wise men and women at the community level, who are very much trusted by the Citizens. They play a big role in playing a mediation role between the two conflicting parties. Most of land related disputes have been solved through this framework and this saves the conflicting parties both time and money and their complaints are solved at the community level in sessions to which their neighbors participate, under the leadership of Abunzi.

Imihigo

This is the synonym of “performance contract” and is a practice drawn from the Rwandan culture through which people used to make commitments in public on the achievement of specific milestones. These would then be evaluated during another public gathering where good performers were rewarded while the community would

reprimand poor performers. This practice was reintroduced in 2006 as a Government planning and accountability tool and has significantly contributing to the achievement of many socio-economic targets. Among these targets are interventions related to improvement of land management practices and land related services.

Inteko z’abatwariye (Citizen Outreach Program)

These are community assemblies which, culturally used to bring together the members of the community and their leaders, on quite regular intervals to exchange on the issues facing their communities in order to find appropriate and customized solutions. This practice has been institutionalized under the leadership of the Ministry of Local Government through a public gathering that is held on a weekly basis (on Tuesdays afternoon) at the Cell level. During these public gatherings, local leaders and citizens discuss on various development programs including land related programs for information sharing. The local leaders also take advantage of this forum to listen to the citizens complaints and to find appropriate solutions. Government officials from Ministry, Province and District level also attend these events to support local leaders. Through these gatherings, a lot of land related services issues citizens are facing are promptly solved and this enables the population to save time to concentrate on developmental activities rather than spending much of their time at administrative offices seeking solutions for their problems/complaints.

Oversight of service delivery at the local level and enforcement of the standards

In the framework of improving land related services at the local level, Local Government Standard Service Charters have been developed by the Ministry of Local Government in collaboration with the Ministry of Lands and Forestry and the Rwanda Lands Management and Use Authority. These charters clearly indicate the type of services that are offered, the time and cost it takes to get them as well requirements that the service seeker has to fulfill. They are displayed at all the Local Government Public Offices for reference. On a quarterly basis, the Local Government Inspection Department of the Ministry of Local Government conducts planned and spot/improvised inspections to check how services are delivered at the Local level, focusing on compliance with the provisions of the charters and the level of quality of the delivered services. The Office of the Prime Minister, during the Imihigo (performance contracts) evaluation exercise at the end of every financial year, takes time to assess how the local government services are provided to the citizens basing on what had been set as targets for the year. Article 5 of the law No 05/2017 of 03/02/2017

establishing Rwanda Land Management and Use Authority and determining its mission, organization and functioning gives it the responsibility to supervise all the land related matters/interventions on behalf of Government and through this framework, and land related service delivery is regularly monitored and supervised. Basing on the findings of the supervision/monitoring exercises, appropriate advice/feedback is provided to the concerned government institution, mostly focusing on the areas for improvement.

The role of stakeholders in the delivery of land services at the local level

In order to properly deliver land related services, the role of both Government and Non Government institutions is of paramount importance.

The Ministry of Lands and Forests provides strategic and policy orientation in this area while the Rwanda Lands Management and Use Authority ensures proper implementation of the strategic and policy interventions and advises the Government on major reforms that may need to be undertaken.

Civil Society Organizations role in the area of land related services delivery has proven to be important, especially through recommendations that are provided to the Government institutions in charge.

Most of these recommendations come from analytical works/studies, policy dialogues and capacity-building interventions that are conducted on various topics related to land services.

The Rwanda Civil Society Platform, Transparency International – Rwanda Chapter and Rwanda Association of Local Government Authorities (RALGA) has provided a significant contribution in this regard.

Rwanda Development Board responsible for promotion of business investment has been playing a key role in providing feedback on the components of land related service delivery that need to be focused on in order to improve the conduciveness of the business environment in the Country.

The Districts and the City of Kigali as the implementers of the land related policies and strategies play a vital role in the delivery and continuous improvement of land related services through One Stop Centers.

Academic institutions play a key role in building the capacity of the staff involved in the land services delivery chain to allow them to continuously improve the quality of services they provide.

The Institute of Real Property Valuers of Rwanda is another key stakeholder in the area of land related services provision. It is mandated with the responsibility of providing guidelines and regulating property valuation profession in Rwanda in order to achieve the highest level of services.

The bottlenecks in land services delivery and the proposed remedial measures

Despite tremendous progress that have been made to modernize land registration and tenure and the management of the related transactions in Rwanda, a number of bottlenecks have been identified. Awareness of the content of the land laws, guidelines and procedures is not yet spread to the seekers of land relates services. This is the case for awareness on the content of services charters in relation to the land related services (Transparency International, 2018).

Continuous awareness through the community outreach program, display of service charters at all administrative offices and through land week activities (land services provision and awareness campaigns organized by local governments in collaboration with the Rwanda Land Management and Use Authority at least twice a year) would be adopted as the sustainable solution to this awareness gap. Community radios could also serve as the ideal solution for this awareness campaign, given that every District's citizens have access to at least one community radio. Limited electricity and internet connectivity especially in remote rural areas has been registered as another barrier to the access to land related services. However, through its electricity access roll out program (EARP) and 4G-connectivity program, the Government of Rwanda is finding solutions to these challenges. Limited capacity of staff involved in the delivery of land related services has been hampering timeliness and quality of services that are offered. This was more visible when the District One Stop Centers had just been put in place, with new responsibilities and new ways of working that staff were not used to. Over time, a lot of efforts in capacity building of One Stop Centre staff have been and continued to be deployed by Rwanda Land Management and Use Authority, especially on the use of the newly introduced land management information systems.

Conclusion

Land being one of the most valuable factors of production and a prerequisite for most investment projects in Rwanda, its management and the handling of the related services requires the highest level of care and quality. The progress that has been registered by Rwanda in this area is commendable but continuous improvements in terms of policies, guidelines, information systems and service standards are of paramount importance. Drawing from past experience and practices, land related service quality will be achieved through continuous sensitization of citizens on their rights and obligations, awareness about the provisions of the standard service charters and continuous development and improvement of easy to use information technology solutions that are easily accessible.

This will go along with the development of the required infrastructure, especially internet and electricity connectivity in the remote areas where the citizens are concentrated. Collaboration amongst all the actors in land related service delivery (Government, Civil Society, and the Private Sector) is another building block towards addressing service delivery issues in the land sector, mainly through regular interactions and information sharing. This will best work if coupled with continuous capacity building of the service providers, especially Local Government technical staff in One Stop Centers and private service providers. Home Grown solutions, drawn from the Rwandan culture, as evidenced by the past experience will also play a vital role in continuously addressing issues hampering timely and quality delivery of land related services.

REFERENCES

- Kendall J (2016), Improving Rwanda Land Administration Information Systems, Leica Ecosystems.
- MINALOC (2011), Decentralization Implementation Plan 2011-2015, Kigali.
- Ministry of Local Government, (2017), Decentralization Impact Assessment Report. Kigali.
- Ministry of Environment And Lands Environment And Natural Resources Sector (2010). Land Sub-Sector Strategic Plan 2009/10- 2013/14.
- Ministry of Lands, Environment, Forests, Water and Mines, National Land Policy, (2004), Kigali.
- Ministry of Local Government, (2010), 5 year capacity building strategy for Local Governments, (2011- 2015).
- Ministry of Local Government, National Decentralization Policy (Revised), June 2012.
- Ministry of Local Government, Governance and Decentralization Sector Strategic Plan 2018/2024.
- National Strategy for Transformation (NST1), (2018).
- National Unity and Reconciliation Commission, NURC (2016). Unity And Reconciliation process in Rwanda, Kigali.
- NISR, GDP National Accounts (2017), Quarter 4, March 2018.
- NISR, Population Census, 2012.
- Republic of Rwanda, document on VISION 2050, SDGs, NST1, SSPs & DDSs.
- Republic of Rwanda (2013), Mid-term review for the Second Economic Development and Poverty Reduction Strategy (EDPRS2) 2013-2018.
- Rwanda Governance Board (2017), National Policy on Service Delivery.
- Ministry of Infrastructure (2008), National Urban Housing Policy for Rwanda, Kigali.
- Rwanda Governance Board (2013), Sector Decentralization in Rwanda, Current Status.
- Transparency International (2018), Report on Service Delivery in the Land Sector in the City of Kigali and Secondary Cities of Rwanda, Pp.44- 47.
- WB (2013), World Bank Program Document for a proposed development policy grant for Quality of Decentralized Service Delivery Support Development Policy Operation.
- World Bank (2018), Doing Business Report.