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AN ASSESSMENT OF LAND USE PLANNING IN RWANDA

DRAFT FINAL REPORT

LAND PROJECT

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CONTACT INFORMATION:

Anna Knox
Chief of Party
LAND Project
Nyarutarama, Kigali
Tel: +250 786 689 685
aknox@land-project.org

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MAIN REPORT

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Main abbreviations

DLUP	District Land Use Plan
GOR	Government of Rwanda
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MININFRA	Ministry of Infrastructure
MINIRENA	Ministry of Natural Resources
NLUDP	National Land Use and Development Plan
RALGA	Rwanda Association of Local Government Authorities
RDB	Rwanda Development Board
REMA	Rwanda Environment Management Authority
RGB	Rwanda Governance Board
RHA	Rwanda Housing Authority
RNRA	Rwanda Natural Resources Authority

CONTENTS

1. INTRODUCTION AND BACKGROUND.....	7
2. INSTITUTIONAL AND ORGANISATION FRAMEWORK	11
2.1 Institutional framework	11
<i>Policy</i>	<i>11</i>
<i>Government strategies</i>	<i>16</i>
<i>Legal instruments</i>	<i>18</i>
2.2 Organization framework.....	28
<i>Line ministries.....</i>	<i>28</i>
<i>Implementing agencies.....</i>	<i>29</i>
<i>Local decentralized entities</i>	<i>31</i>
<i>Coordination issues</i>	<i>31</i>
3. LAND USE PLAN DEVELOPMENT AND IMPLEMENTATION ISSUES .	36
3.1 The hierarchy and type of land use plans.....	36
3.2 Participation in plan development	42
3.3 Climate change resilience and adaptation	46
3.4 Implementation of land use plans and planning	48
<i>The control and enforcement of development</i>	<i>50</i>
<i>Capital investment planning and programming</i>	<i>52</i>
<i>Local government financing</i>	<i>55</i>
<i>The expropriation of land</i>	<i>60</i>
<i>Affordable housing</i>	<i>61</i>
4. LAND USE PLANNING CAPACITY ISSUES	63
<i>Land use planning staff.....</i>	<i>63</i>
<i>Land use planning skills and knowledge</i>	<i>67</i>
<i>Land use planning and elected representatives</i>	<i>68</i>
<i>Land use planning and ordinary citizens.....</i>	<i>69</i>
<i>Tools for land use practitioners and service users</i>	<i>69</i>
<i>Resources for land use planning.....</i>	<i>71</i>
<i>Land use planning in higher education</i>	<i>72</i>
<i>The land use planning profession</i>	<i>72</i>
5. RECOMMENDATIONS.....	74
5.1 Institutional, policy and organization issues	74
5.2 Land use plan development and implementation issues	77
5.3 Land use planning capacity issues.....	84
6. SOURCES.....	89
7. ANNEXES	94

Annex 1 Terms of Reference.....	94
Annex 2 Schedule of meetings.....	98
Annex 3 Interview guide.....	101

1. INTRODUCTION AND BACKGROUND

Background

Land is a critical resource. It is finite and irreplaceable. The role and efficiency of land use planning is therefore of considerable national importance. The issues faced by Rwanda in relation to land and land use planning are well recorded. They include: a) a very high population density of, b) land scarcity (total land area of 24,688 km²) and a large percentage of land that is considered undevelopable (such as wetlands or steep slopes),¹ c) increasing competition for land resources with a reduction in cultivable land due to soil erosion and inadequate soil and water management, d) comparatively low rates of urbanization (18%) but with projected increases that are significant, e) historically poor mechanisms to enforce the control of land use, f) a deficit in infrastructure and basic services, g) ineffective urban management systems, and h) an inadequate supply of affordable housing that is compounding.² Equally there are well-documented causes of optimism with the adoption of proactive planning. In some important respects and in comparison with other countries, Rwanda might be considered to be making good progress in relation to the development of a land use planning system.³

This assessment focuses on three primary dimensions in land use planning practice: the institutional and organization framework for land use planning, b) the plan development process and implementation issues arising from the plan, and c) the capacity of organizations and individuals to operate the land use planning system.

Objective

The Terms of Reference (TOR) for this assignment, the ‘Assessment of processes for development of land use plans and of the institutional framework for implementing and enforcing land use plans’, sets out two primary objectives (the TOR is attached as Annex 1):

- Investigate the institutions, criteria and processes employed in creating different levels of land use plans.
- As part of the land use planning process and decision-making examine: a) the extent of citizen participation, b) institutional coordination and efficiency, and c) the attention to climate change adaptation priorities.

Scope

As set out in the TOR, the scope of the work will, in summary, include:

- The level and efficacy of citizen engagement in plan formulation and validation.

¹ The National Land Policy (2004) estimates that there is 1,385,000 ha of arable land (52% of the total surface area of Rwanda).

² Rosen (2015).

³ GOR ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’; GOR (2015) ‘Review of Environment and Natural Resources Sector Policies’; GOR ‘National consultative meetings for the development of the urbanisation policy’; Smith School of Enterprise and the Environment (2011) ‘Land Sector Working Paper’; Goodfellow (2014).

- The capacity of planning professionals and planning methods in developing, and eventually implementing, DLUPs.
- The criteria used to develop land use plans (and land use allocation) and the treatment and integration of climate change mitigation and adaptation strategies into land use planning.
- The governance of the planning system comprising the institutional framework, organisations and inter-organisation working.
- Identification of other challenges or problems in relation to land use planning in Rwanda
- Recommendations and practical solutions for improving the land use planning

Where appropriate reference will be made to international good practice as benchmarks.

Method

In conducting the assessment, the TOR calls for the use of methods comprising:

Desktop review

This involves both primary (legal and policy instruments, and plans) and secondary (assessments and analysis). The work will draw in relevant material on international experience focused broadly on: a) land use and urban planning practice, b) participation in planning practice, and c) planning for climate change. The sources reviewed and referenced are listed at the end of the report ('Sources') with footnote references as necessary.

For illustrative purposes, and to substantiate our findings, we have undertaken a rapid review of the District Land Use Plans (DLUPs) and District Development Plans (DDPs) from 4 districts (1 rural, 1 urban and 2 districts with secondary cities). These are: Gasabo, Musanze, Ngoma and Nyagatare. We have also referred to City of Kigali where appropriate.

One-to-one discussions

The main informant interviewees and the interview guide are included as Annex 2 and Annex 3 respectively. A total of 24 interviews were conducted varying in duration from 50 to 90 minutes. These discussions were carried out and recorded during two assignment missions: 22 June to 3 July 2015 and 3 to 7 August 2015.

Presentation and discussion

An internal presentation and discussion of findings was held on 6 August 2015 with representatives of the Ministry of Natural Resources (MINIRENA), the Rwanda Natural Resources Authority (RNRA) and USAID funded LAND Project.

A note on terms

Planning practice is fashioned by the institutional framework and conditioned by the organizational context (the ways in which responsibilities are distributed between

organisations and the organization, financial and human capacity to deliver the institutional framework). The analysis maintains a clear distinction between ‘institution’ and ‘organization’.⁴ For the purposes of this study, institutional issues comprise the ‘rules of the game,’ both formal and informal, that governs individual and collective behaviour (principally policy, law, rules and regulations, customs, traditions, norms of behavior, conventions, and self imposed codes of conduct). For the purposes of this review, the primary focus is on policy and legislation though it should be noted that norms of behavior (throughout the planning system, including decision-makers, technicians and users of the service, and reflected in a culture of compliance and/or non-compliance), are also of considerable significance to planning practice. As such, the efficiency of the land use planning system is shaped by both political and administrative factors.⁵ Organization refers to ‘players of the game’ – bodies that operate with a common purpose or to achieve specific objectives. This includes central and local government departments, municipal banks, NGOs and community-based organisations.

Governance is interpreted as the overall context in which economic, political and administrative authority is used to manage affairs in cities and rural settlements at all levels. It comprises the institutions, organisations and processes through which citizens and groups articulate their interests, exercise their rights (legal and otherwise), meet their obligations and sort out their differences. In land use planning we are especially interested in the relationship between local levels of government and the range of other stakeholders (and for the purposes of this review, citizens in particular).

Relationships and sometimes overlaps between land use planning, urban planning, master planning, sector planning, capital investment planning, and land management are often encountered. The potential relationship between the use and allocation of land has, expectantly, resonance in all sectors. The common denominator of plans and planning reviewed under this assignment is their spatial orientation.⁶ Where reference is made to ‘land use plans’ therefore, it also covers the various urban and human settlement plans.

For purposes of clarity, the report refers to sectors (in reference to the administrative area under Rwandan law) and sectoral (in reference to the main thematic, activity and service delivery areas – infrastructure, land, health, education and so on).⁷

Limitations

Land use and especially urban planning systems are complex. They involve multiple legal and policy instruments, stretch across a range of organisations and stakeholders, embrace all sectors with land requirements, and is a field of practice for a range of

⁴ In this respect this report adopts the framework set out in ‘Promoting Institutional and Organisational Development’, DFID, March 2003.

⁵ The contrast between the development of Kigali and Kampala is illustrative (Goodfellow, 2014).

⁶ “Urban and territorial planning can be defined as a decision-making process aimed at realizing economic, social, cultural and environmental goals through the development of spatial visions and plans and the application of a set of policy principles, tools, institutional and participatory mechanisms and regulatory procedures.” UN-HABITAT (2015) ‘Draft international guidelines on urban and territorial planning’

⁷ The exception is in reference to official titles such as ‘Sector Working Groups’.

land use and built environment professionals, and are underlain by a complex web of practices. It is both a managerial and technocratic field, and a political arena that shapes land and townscapes.

This short-term review encounters the usual constraints of time (intermittent 2.5 months) and inputs (30 days). The review relies heavily on secondary analysis, and although we have attempted to substantiate the findings, the report will ultimately be subject to some limitations in accuracy.

Report structure

The report comprises five sections. This introduction and background (Section 1), is followed by:

- Section 2: Presents the institutional (policy and law) and organization framework for land use planning, and the coordination issues arising from operating the land use planning system.
- Section 3: Presents the land use plan hierarchy, the plan development method and implementation issues. It considers the extent to which participation supports the plan development process and the degree to which plans integrate climate change resilience and adaptation issues.
- Section 4: Presents the capacity issues arising from the operation of the land use planning system, including the overall staffing levels, skills development, and planning education.
- Section 5: Presents the recommendations arising from the assessment discussed in sections 2 to 4 and organized in three corresponding priority ‘enhancement areas’: a) strengthening the institutional framework and coordination mechanisms for land use planning, b) strengthening the land use plan development and implementation process, and c) systematically building the capacity of organizations and individuals in land use planning at all levels.

2. INSTITUTIONAL AND ORGANISATION FRAMEWORK

2.1 Institutional framework

The overall institutional framework for land use planning in Rwanda is summarized in Exhibit 1

Exhibit 1 At a glance: the institutional framework for land use planning in Rwanda

Principal policy and strategy	Primary legal instruments ⁸
<ul style="list-style-type: none"> • Vision 2020 • National Land Policy (February 2004) • National Human Settlement Policy in Rwanda (Updated Version, 2009) • National Urbanization Policy (Pre-final Draft Mid-April 2015) • National Decentralization Policy (Revised) (June 2012) • National Housing Policy (Final Draft March 2015) • Economic Development and Poverty Reduction Strategy 2 (EDPRS 2) 2013-2018 • Urbanization and Rural Settlement Sector Strategy 2012/13 – 2017/18 • Green Growth and Climate Resilience: National Strategy for Climate Change and Low Carbon Development (October 2011) 	<ul style="list-style-type: none"> • Law No. 24/2012 Relating to the planning of land use and development in Rwanda • Law N°10/2012 Governing urban planning and building in Rwanda • Law N°43/2013 Governing land in Rwanda • Law N°87/2013 Determining the organization and functioning of decentralized administrative entities • Law N°20/2011 Governing human habitation • Law N°18/2007 Relating to expropriation in the public interest • Ministerial Order N° 04/Cab.M/015 of 18/05/2015 determining urban planning and building regulations • Ministerial Instructions relating to the implementation of the National Grouped Settlement Program in Rural Areas (27 May 2009)

Policy

- **Vision 2020 (Revised 2012)**

Vision 2020 sets the overall policy framework for Rwanda.⁹ Land use management and planning is addressed under pillar 4 (infrastructure

⁸ There is a range of legal instruments that may have bearing on land use planning. This includes: Law N°15/2010 of 07/05/2010 Creating and organizing condominiums and setting up procedures for their registration; Ministerial Order N°001/16.01 of 26/04/2010 Ministerial Order determining the modalities of land sharing, and; Ministerial Order N°14/11.30 of 21/12/2010 Determining the models of land consolidation.

⁹ It consists of 6 pillars: a) Good governance and a capable state b) human resource development and a knowledge-based economy, c) private sector-led development, d) infrastructure development (including land use management, urban development, transport, communication and ICT, energy, water, waste management), e) productive high value and market oriented agriculture, and f) regional and international integration. There are three cross-cutting themes: a) gender equality, b) natural resources, environment and climate change, and c) science, technology and ICT.

development).¹⁰ In rural areas the Vision confirms the drive to establish organized grouped settlements (*umudugudization*) equipped with basic infrastructure and services. In urban areas the Vision commits by 2020 that all towns will be covered by an updated urban master plan and with coordinated implementation of the plans. Of participation in general, the Vision commits to its continued promotion through decentralization with the empowerment of local communities through their involvement in the decision making process.

- **National Land Policy (February 2004)**

The Policy outlines planning and land use goals and sets guidelines for sustainable land use. Land use plan development is recognized as an activity requiring “multisectoral intervention and coordination.”¹¹ Section 5 and 6 address the use and management of urban and rural land.^{12 13} Section 8 addresses plans and master plans in land planning and land management considered at the time of policy development as “weak and inadequate”. Climate is presented as a significant consideration in land use, but there is no reference to climate change. It does however emphasize the need for the protection of environmentally sensitive areas and human settlements development that optimizes land use through densification and outside vulnerable areas.¹⁴ The Policy is now outdated in the context of subsequent policy and practice development, but it has provided a solid foundation for building planning practice. The policy is the precursor to the development of the NLUDP, and it flags strategic options (such as densification and the need for new land use planning methods) that have been taken up by subsequent policies and legal instruments (presented below). In time, a revision of the Policy could usefully reflect the progress and developments in the land sector, and provide a consolidated policy for land use planning.

- **National Human Settlement Policy in Rwanda (Updated Version, 2009)**

The main objective of the Policy is to improve settlement conditions in urban and rural areas. In urban areas this is defined as boosting the implementation of the poverty reduction strategy. In rural areas it is defined as improving the existing system of settlements for sustainable socio-economic development. Urban objectives include: a) complete control and management of the urban planning and settlement, b) controlling the growth of urban population clusters, c) matching the supply and the demand of building plots in urban centres, d) organizing a human settlement financing system in urban areas, and e) organizing and coordinating human settlement management structures. The Policy commits to

¹⁰ “Rwanda’s scarce land resources still face a challenge of ineffective translation of the developed land use master plan into sector strategic plans and district development plans. In the coming years, Rwanda will ensure that every development plan is guided by the land use master plan.” (p.9).

¹¹ p.6

¹² For rural areas this comprises hill land, marshlands and land in protected areas.

¹³ The assessment of urban land comprises: a) growth of towns, b) urban area borders, c) squatter areas, d) reorganization of space, e) protection of green areas and other spaces of public interest, e) urban development planning, f) development of secondary towns, g) re-organization of human settlements, h) re-organization of human settlements in rural areas, i) demarcation of agricultural land.

¹⁴ Heermans, J., Ndagiza, M., and Knox, A. (2015) ‘Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda’

introducing participatory planning methods.¹⁵ Rural objectives include: a) the rationalization of national land use (promotion of the regrouping of human settlement in rural areas (*imidugudu* villages) and consolidation of currently established rural centres), and b) strengthening the role of local communities in human settlement management.

- **National Urbanization Policy** (Pre-final Draft Mid-April 2015)

The Policy mission is “to promote and enhance partnerships in implementing a proactive and spatially integrated urbanization for sustainable solutions to urban poverty reduction, effective land use, and improvement of social cohesion.”¹⁶ It is an ambitious policy in terms of scope, elaborated through four policy pillars (coordination, densification, conviviality and productivity), each with qualifying policy statements.¹⁷ Policy objectives of relevance to land use planning include: a) enhancing administrative institutions, urban management, cross-sectoral coordination and multilevel governance to progressively increase the urban population and the quality of urbanization, and b) advancing integrated and climate resilient land-use planning, development and management in order to enhance compact and mixed-use settlements leading to higher urban densities and optimization of infrastructure provision and service delivery. There are three implementation phases: a) phase 1 (2015-2020) inception (short term), b) phase 2 (2021-2042) development (medium term), and c) phase 3 (2043-2062) maturity (long term).

Implementation responsibility is spread widely across GOR agencies and other partners (Exhibit 2) presenting considerable challenges in terms of collaboration and coordination (discussed later in this section).¹⁸ The DFID commissioned assessment supporting the revision of the NLUDP comments: “Who is going to implement this policy? In my eyes, the policy is too vivid, has too many sophisticated phrasing and is not touching much of the real problems for implementation.”¹⁹

¹⁵ Programme 5.2.1.

¹⁶ p.15. Policy principles of relevance to land use planning include: a) promoting better integrated and compact urban areas, and b) developing climate-resilient and safer urban environments.

¹⁷ Coordination: (PS.1) Multi-level institutional coordination, good governance and effective urban planning and management shall be fostered by all public and private organizations, and (PS.2) Mechanisms for urban knowledge management, information and education shall be enhanced for mastering and monitoring urban growth. Densification: (PS 4): Integrated spatial planning and development in all human settlements shall be promoted by all public and private institutions as well as by communities (outcome: Improved capacities of the communities, the private sector, districts and city of Kigali in land-use planning and management to coproduce a network of compact, integrated, connected and climate-resilient human settlements), and (PS 5): Joint human settlements planning and management standards shall be adopted as the basis for inclusive urban renewal and the prevention of informal urban sprawl.

¹⁸ PS 4: Integrated spatial planning and development in all human settlements shall be promoted by all public and private institutions as well as by communities. Measure: Increase the application and enforcement of land-use plans, urban planning instruments and densification tools using modern technologies. Lead: RHA. Implementing: MINIRENA, MININFRA, MINALOC, RNRA, RURA. Measure: Improve cells', sectors' and districts' capacities to implement master plans and prevent unplanned spatial sprawl. Lead: WDA and RHA. Implementing: MINIRENA, MININFRA, MINFOTRA, MINALOC, RNRA, NCBS, PSF.

¹⁹ DFID (2015) 'Draft Review of the land use and development master plan', prepared by Land Use Planning Specialist, April 2015, p.6.

Exhibit 2 Implementing agencies for the National Urbanization Policy

Lead agencies ²⁰	Pillars			
	Coordination	Densification	Conviviality	Productivity
Lead (Pillar)	Ministry in charge of Local Government	Ministry in charge of Natural Resources	Ministry in charge of Gender and Family Promotion	Ministry in charge of Commerce
Co-lead (Pillar)	Ministry in charge of Urbanization	Ministry in charge of Transport, Water and Energy	Ministry in charge of Education	Rwanda Board in charge of Development

Source: 'National Urbanization Policy' (Pre-final Draft Mid-April 2015)

- **National Housing Policy** (Final Draft March 2015)

The Policy vision is that everyone independent of income, base of subsistence, and location is able to access adequate housing in sustainably planned and developed areas reserved for habitation in Rwanda.²¹ Policy objectives include developing sufficient and accessible housing through addressing management, neighborhood and settlement design, and the attainment of well-managed physical development, including upgrading of informally developed settlements.

The Policy is elaborated through three policy pillars and policy statements (PS).²² Policy pillar 2 (resource-efficient planning, green technology and professionalism) commits to: a) the efficient use of land needed to develop housing neighborhoods and settlements, with the considerate selection of development locations as the underlying principle of physical planning (PS 5), b) compact, clustered and dense layouts as the dominant form of all housing development (PS 10), and c) the development of rural housing that is responsive to rural lifestyles ('housing typologies') and based on green model village principles (PS 11).²³ Reflecting principles for integration in land use planning there is reference to the effective use of land, sustainable urban neighborhoods and sustainable urban expansion, and the high priority given to mixed-use development throughout the Policy. The Policy emphasizes the requirement for collaborative and participatory approaches

²⁰ Pillars are organized into implementation measures. Each measure is assigned to a lead agency and multiple 'implementing partners' (these are not shown in Exhibit 2). The lead agencies under each pillar are: a) Coordination: MIFOTRA, MININFRA, MINYCT, Office of the President, MINALOC, MINIRENA, MINECOFIN, OPM, MINISPOC, MINEDUC, MINISANTE, RNRA, RHA, RRA, REG, WASAC, RGB; b) Densification: MINIRENA, MININFRA, MINGEPFROF, RNRA, RHA, RTDA, RSB, REMA, WDA, Districts; c) Conviviality: MINALOC, NISR, RHA, OPM, PSF, JADF, MYICT, REMA, RGB, RDB, Districts; d) Productivity: MINICOM, MINECOFIN, MININFRA, RAB, RHA, RRA, PSF, BNR.

²¹ It has a proposed guiding timeframe of 2015-30.

²² These are: a) public benefit, b) resource-efficient planning, green technology and professionalism, and c) governance and partnership.

²³ Other policy statements include: (Public benefit PS.4) Existing informal housing units shall be upgraded and integrated into the formal housing stock to the highest degree feasible including integration of informal housing units through upgrading and public investment strategy for the highest effectiveness of upgrading, and (Governance and partnership PS.15) The City of Kigali and all Districts shall be capacitated in physical planning and development.

to planning. The Policy acknowledges significant land use planning related challenges including the: a) limited quantity of developable land with need to maintain land for agriculture and subsistence, b) limited accessibility to developable land and high acquisition costs, the c) need for more effective and proficient development management at the local government level, including physical planning proficiency.

- **National Decentralization Policy (Revised, June 2012)**

The Policy provides an unequivocal statement of intent regarding the transfer of responsibility to lower levels of government. The Policy acknowledges that the level of participation in different ‘domains’ is sharply contrasted. For example it compares community work and the election of local leaders at 93.2% and 92.2% respectively, with the formulation of District Development Plans and formulating District Council agendas at 11.7% and 10.8% respectively.²⁴

The vision and mission of this Policy is: a) for empowered citizens to determine how they are governed, and feel responsible for and be active participants in their personal wellbeing and sustainable local and national development, and b) to promote and ensure participatory, democratic, all-inclusive and accountable governance and effective citizen-centered quality service delivery in Rwanda. Whilst land use planning is not addressed specifically, the thrust of the Policy is of considerable significance, for example through the emphasis on participatory and accountable systems, building fiscally stronger local governments, and building the capacity of local government (Exhibit 3).

Exhibit 3 Decentralization and planning processes

Decentralization and planning processes

“Development planning shall be integrated, participatory, evidence-based, and focused on addressing the priority needs of citizens, taking into consideration the overall national development Vision and constraints of the resource envelope. As much as possible, national plans shall be composites of local development plans that are regularly prepared ... Secondly, the GOR recognizes Area-based Planning as an effective way of identifying and responding to unique local development challenges, and initiatives to explore unique development potentials of different localities shall be encouraged, promoted and supported.”

Source: National Decentralization Policy (Revised) p.31

Policy objectives relevant to land use planning include: a) enhancing and sustaining citizens’ participation in initiating, making, implementing, monitoring and evaluating decisions and plans that affect them by transferring power, authority and resources from central to local government and lower levels, and ensuring that all levels have adequate capacities and motivations to promote genuine participation, and b) promoting and entrenching a culture of accountability and transparency in governance and service.²⁵ Strategic actions include: a) promoting integrated citizen-centered local and national development

²⁴ The Policy draws on the Citizen Report Card (2010) compiled by RGB.

²⁵ Principles include: a) subsidiarity, b) local autonomy, and c) ‘one size does not fit all’.

planning (integrated, participatory, evidence-based, and focused on addressing the priority needs of citizens), and b) ensuring planned and sustainable urbanization.

Government strategies

- **Economic Development and Poverty Reduction Strategy 2 (EDPRS 2) 2013-2018: Shaping our development**

EDPRS 2 is the implementation framework for Vision 2020. The significance of land use planning is reflected in thematic and priority areas: a) economic transformation,²⁶ b) rural development,²⁷ and c) accountable governance.²⁸

EDPRS 2 also refers to foundational and cross cutting issues, and principles, that support land use plans and planning.²⁹ This includes: a) deepening participatory, democratic, accountable local governance systems, b) building capacity for effective local service delivery, and c) increasing citizens' empowerment. Climate change priorities focus on reducing vulnerability to impacts.

- **Green Growth and Climate Resilience: National Strategy for Climate Change and Low Carbon Development (October 2011)**

The Strategy vision is for the development of Rwanda as a climate-resilient, low-carbon economy by 2050. It is structured by five guiding principles (including economic growth and poverty reduction, sustainability of the environment and natural resources, and welfare and wellness of all citizens) three strategic objectives, fourteen programmes of action and five enabling pillars.³⁰ Programmes

²⁶ Priority 4: Transform the economic geography of Rwanda by facilitating and managing urbanization, and promoting secondary cities as poles of economic growth. Outcomes 4.1-3): a) integrated development planning and management (including land use planning), b) develop secondary cities as poles of growth, c) developing financing and supply options for affordable housing. Priority 5: Pursue a 'green economy' approach to economic transformation – covers the development of sustainable cities ('green urbanization' and a pilot 'green' city) and villages. Outcome: Increased level of "green" investment and environmentally sustainable urban development that exploits 'green' economic opportunities

²⁷ Priority 1: Integrated approach to land use and human settlements; a) overall land use allocation for development, and b) decentralized process of land allocation and management. Outcome (1.2): Enhanced rural settlements which facilitate access to basic services, farm and off-farm economic activities through integrated district land-use plans

²⁸ Priority 1: Strengthen citizen participation and demand for accountability by using "home grown initiatives" to promote citizen participation. Objective: "Enhance accountable governance by promoting citizen participation and mobilization for delivery of development, strengthening public accountability and improving service delivery". Outcomes (1.1): Increased citizen participation in planning processes and solving their own problems, (2.1) improved citizens' scores on the provision of services.

²⁹ Foundational issues (carried-over from EDPRS 1): Consolidating decentralization: Deepening participatory, democratic, accountable local governance systems, building capacity for effective local service delivery, using ICT to deliver services efficiently and effectively, increasing citizen's empowerment. Cross-cutting issues: a) capacity building: prioritizing institutional and individual capacity development within sectors and districts to deliver under each of the thematic areas and foundational issues. Priority areas/sectors includes urbanization (implementation of master plans of current and potential urban centers), b) environment and climate change: mainstreaming environmental sustainability into productive and social sectors and reducing vulnerability to climate change. Principles include: a) inclusiveness and engagement, b) district-led development, and c) sustainability.

³⁰ Strategic Objectives are to achieve: a) energy security and a low carbon energy supply that supports the development of green industry and services, b) sustainable land use and water resource management that results in food security, appropriate urban development and preservation of biodiversity and ecosystem services, and c) social protection, improved health and disaster risk reduction that reduces vulnerability to climate change.

of action include:

- Sustainable land use management which includes: a) employing an integrated approach to planning and sustainable land use management, and b) improving spatial data for managing land use by harnessing ICT and GIS.
- Low carbon urban systems, including low carbon urban planning.
- Disaster management and disease prevention, including: a) risk assessments and vulnerability mapping, and b) incorporating disaster and disease considerations into land-use, and building and infrastructure regulations.

The fourth enabling pillar ‘integrated planning and data management’ recognizes that sustainable land management demands integrated analysis of various data sets including land use, zoning, administrative boundaries, roads, population and health, environment, soils and geology, hydrology, and elevation. A priority action includes the development of climate compatible national and district level sector plans integrated with national strategies based on the national land use and development master plan.

- **Urbanization and Rural Settlement Sector Strategy 2012/13 – 2017/18**

The mission of the sector strategy is to ensure “Rwanda’s human settlements and urbanization are sustainably managed and promoted, supporting economic development and benefiting all strata of population”. The objectives of the strategy are to: a) develop the basis for good urban and rural settlements development management, cross-cutting all development sectors and following clear guidelines and procedures at all levels of governance, and b) prioritize a hierarchical network of urban and urbanizing centres providing services and attracting economic activities countrywide, and to support the development of Kigali, secondary cities, districts, towns and villages. In alignment with EDPRS 2, and of relevance to land use planning, the sector priorities are to: a) improve the urban and rural settlement development planning and management system, b) develop secondary cities as poles of growth, c) develop urban and rural settlements around economic activities, d) provide financing and supply options for affordable housing, e) enable and stimulate collaboration with private sector, f) promote institutional and human capacity building in urbanization and rural settlement sector, g) support the Rwanda Housing Authority’s (RHA) efficient administration of government assets and management of government projects.³¹

Policy coherence

There are a range of policy positions arising from the instruments presented above that are, and will need to be, translated through land use plans. The policy framework is relatively voluminous and complex, and articulated through visions, missions, goals, objectives, principles, pillars, statements, outputs, outcomes and indicators. At central government level the division of responsibility for land use planning and for implementing sectoral policy reflected through land use planning are spread across GOR ministries and agencies (for example, ranging from RNRA’s responsibility in

³¹ Outputs include: Urban Planning and Human Settlement Codes and Standards (p.50) (‘Climate change mitigation and adaptation measures will be an integral part of the urban management codes and standards and should be adapted to whenever urban management decisions are taken’ (p.52)

leading the development and revision of NLUDP to the Ministry of Gender and Family Promotion and Ministry of Education charged with ensuring access to, and the upgrading of, urban public open spaces).

In general terms the overall policy framework is thoughtful, multi-layered and ambitious. The critical question is how an articulate technocratic policy framework is balanced against the practicalities of implementation at the local level. The overwhelming responsibility for land use planning – comprising the development of land use plans and their implementation – is assigned to districts through the decentralization process. Implementation and capacity issues are addressed in Sections 3 and 4.

At both central and local government level, the most pressing need is to enhance the visibility and comprehensibility of land use planning through the development of practical and practitioner orientated support materials. This should consist of a series of short briefings for all relevant ministries and districts (discussed in Section 4) on the policy framework in summary, the land use planning related responsibilities arising from this (such as the provision of sectoral data to districts to support plan revision) and the overall scope and importance of the land use planning system.

Legal instruments

In common with planning systems elsewhere in the world, the Rwandan planning system has multiple legal instruments with direct and indirect bearing on the system. It has been noted that the legal framework is relatively young and is developing (for example through the development of orders to substantiate primary legislation).

Laws

- Law No. 24/2012 of 15/06/2012 **Relating to the planning of land use and development in Rwanda**

The objective of the law is to: a) establish the coordination, monitoring and enforcement of land use planning at all administrative levels, b) establish fundamental principles to ensure that land use planning provides for the natural resource base to be protected, c) promote equal opportunity of access to any benefit related to land use planning and development, and d) provide for participation in a transparent decision-making process for determining, processing, evaluating, revising and validating land use planning at all administrative entities.³² The law enacts fundamental principles to be followed in land use planning.³³

The law provides the legal basis for national land use planning and the adoption of a master plan by Presidential Order.³⁴ This master plan must be in conformity

³² Article 3.

³³ Land use and development must: a) contribute to sustainable development, b) take gender considerations into account, c) help minimize the need for the use of land, energy and natural resources, d) prioritize higher density, multi-family residential settlements, e) prevent urban sprawl, maximize mixed zoning and integrated land uses, and f) focus on integrated land uses in settlement areas in which people live and work to minimize physical distances.

³⁴ Article 5.

with the principles set down in the Law.³⁵ For purposes of the Law, enforcement is defined as the preparation of: “specific master plans based on the district development plan... Every district shall also prepare an urban development plan and specific plans, subjected to the adoption of the District Council.”³⁶

Development control mechanisms are referred to as ‘land use applications’ (and to be defined within Ministerial Orders).³⁷ These applications are to be determined on the basis of the: a) fundamental principles of the Law, b) the guiding and enforceable elements of the master plan, c) consolidated and adopted plans and building plans, and d) all other adopted plans.

The law does not establish: a) the content and structure of plans,³⁸ b) detailed procedures for controlling development or implementation, c) the distribution of mandates in implementing the Law, d) provisions for participation in land use planning,³⁹ and e) other useful planning mechanisms such as land value capture provisions.⁴⁰ The hierarchy of planning instruments is not specified.⁴¹ Some of these issues are dealt with in subsequent ministerial orders (discussed below). However, as primary legislation for land use planning in Rwanda, this law would benefit from considerable consolidation and expansion.⁴² This consolidation would build out from existing law and adopted and pending presidential and ministerial orders setting out the procedural practice of land use planning at all levels (national, district, sector): this would help overcome the fractured nature of the legal framework related to land use planning and, in principle, support better understanding of land use planning law. It would help ensure clarity in compliance (the hierarchy of plans) and enforcement issues in both rural and urban areas. By bridging both urban and rural land use planning, it would help overcome the so-called ‘drainpipe legislation’ syndrome whereby laws are drafted by, and for, individual organizations (line ministries and implementing agencies).

- Law N°43/2013 of 16/06/2013 **Governing land in Rwanda**

The law determines modalities for the allocation, acquisition, transfer, and use and management of land in Rwanda.⁴³ It vests the power over land use and

³⁵ The master plan must conform to: a) the principles determined in the Act, b) determine, indicate and designate the land use and development that should be adopted in each area according to its specific conditions, c) give effect to integrated and coordinated national visions, policies, strategies and practices affecting land use and development, d) provide guidelines to organs concerned with land use and management (Article 6).

³⁶ Article 8 (Enforcement).

³⁷ The mode of use of a piece of land may only be changed with the approval of the competent authority (Article 10). Change the use of a piece of land requires an application in writing (Article 11).

³⁸ Heermans, J., Ndangiza, M., and Knox, A. (2015) ‘Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda’, Policy Research Brief No. 4, Kigali, Rwanda: USAID LAND Project. June 2015.

³⁹ Article 9 (Procedures for revision of the master plan and its ownership by the public) sets out the requirement for revision of the master plan which includes invitation for public comments and a “consultative and participative procedure for evaluating and revising the master plan.”

⁴⁰ The ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’ (GOR, undated) references the absence of land value capture in the Land Law. This is a function that is most readily tied to a development control procedure through the permitting of development.

⁴¹ Article 13 requires the harmonization of plans, but does not establish the plan hierarchy.

⁴² The law consists of just 16 articles and 14 pages.

⁴³ Article 1.

development rights with the state.⁴⁴ The law does not specifically address land use planning and defers to Law No. 24/2012 Relating to the planning of land use and development in Rwanda.⁴⁵ There is a notable provision on land subject to confiscation in both urban and rural areas relating to: a) land within urban areas where a detailed physical plan is approved and it is clear that it has spent three consecutive years unexploited, and b) land with an approved physical plan, that is designated for rural settlement or land designated for fast track development, that has spent three consecutive years unexploited.⁴⁶ The law does not define ‘unexploited’.

It has been noted that the law does not reference: a) local public gardens, parks and tourist sites considered as important open public spaces in local urban development plans (but with the anticipation that this omission will be rectified forthcoming ministerial orders).⁴⁷ nor b) climate change explicitly. The law also lacks meaningful integration of climate change considerations, but does list stipulations for sustainable land use (including buffers for wetlands and water bodies) and components useful for climate change adaptation planning (such as defining flood boundaries or soil erosion controls).⁴⁸

- Law N°10/2012 of 02/05/2012 **Governing urban planning and building in Rwanda**

The law establishes the management structures for urban planning and building regulation which includes: a) the ministry in charge of urban planning and building, b) decentralized entities, and c) RHA.⁴⁹ Urban planning documents are defined as: a) the master plan for land management and urban planning, b) local land development plans, c) specific land development plans, and d) land subdivision plans.⁵⁰ Procedural details, including the purpose and contents of

⁴⁴ Article 3 The State is the sole authority to accord rights of occupation and use of land. It also has the right to order expropriation in the public interest. Article 12 and 13 define land in the public domain of central and local government respectively. Article 12 includes (defined in Ministerial Orders): a) land occupied by lakes and rivers, b) shores of lakes and rivers, c) land occupied by springs and wells, d) national land comprised of natural forests, national parks, protected swamps, State public gardens and tourist sites, e) islands, f) national roads and their boundaries, g) land reserved for public State activities and infrastructures. Article 23 includes: a) land reserved for public activities and infrastructures of local authorities, b) districts and City of Kigali roads, c) arterial roads that connect districts roads to rural community centres that are inhabited as an agglomeration with their boundaries, and d) land reserved for public cemeteries.

⁴⁵ Article 27: Land use and development planning. The national land management shall be governed by the law relating to the planning of land use and development in Rwanda.

⁴⁶ Article 58 (land subject to confiscation). The ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’ (GOR, undated) comments: “If rigorously understood, respected and implemented by all, stakeholders shall in the medium- and long-term reduce the large amount of vacant land in almost all urban areas and designate land for grouped settlements in rural zones. Those in charge of implementation and enforcement of land use, urban planning and human settlements rules and regulations must work together to design procedures and manuals to make this become effective as soon as possible.” (93)

⁴⁷ ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’ (GOR, undated), p.94.

⁴⁸ Heermans, J., Ntangiza, M., and Knox, A. (2015) ‘Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda’, Policy Research Brief No. 4, Kigali, Rwanda: USAID LAND Project. June 2015.

⁴⁹ Articles 8-10.

⁵⁰ Article 12.

master plans for land management and urban planning, procedures for formulation, approval, revision and publication of these master plans, and the procedures for the awarding of building permits, are not defined within the law and are determined by Presidential and Ministerial Orders.⁵¹ There are no direct provisions for either participation in plan development or climate change adaptation within plans.

The law establishes development control mechanisms comprising: a) demolition permits, b) building permits (required for all buildings except temporary buildings and national defense buildings), and c) occupancy permits (which must be obtained prior to occupancy).⁵² As such the law combines planning (the use and development of land) and building (safe and efficient construction) regulations. Enforcement procedures are not established in detail other than fines for contravention.⁵³ The shortcomings of the law include the need for numerous subsequent Orders to detail operational and administrative procedures including urban land use planning, and the lack of emphasis on enforcement.⁵⁴

- Law N°20/2011 of 21/06/2011 **Governing human habitation**

This law governs land occupation and construction on lands reserved for human habitation in both rural (group settlements) and urban areas.⁵⁵ Reservation is to be determined in: a) District Development Master Plans, b) Urban Development Master Plans for land governed by urban planning laws, and c) district development plans.^{56,57} A building inspection function in rural areas is provisioned through RHA district level technicians ensuring compliance with ‘Rural Land

⁵¹ Articles 43, 44, 85.

⁵² Articles 80, 83, 87.

⁵³ Article 91 (Punishment of faults related to urban planning and building activities) sets administrative fines for unauthorized building activities at between RWF 50,000 to RWF 1 million (residential buildings) and RWF 2 million to RWF 10 million (for non-residential building, public building or specific building).

⁵⁴ The ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’ (GOR, undated) sets out the need for additional orders as follows. (1) Defining the contents, hierarchies and scales of planning documents: a) a Ministerial Order Determining Contents of Urban Planning Documents and Procedures of Urban Planning Operations, and b) a Presidential Order determining boundaries in urban areas (for MINIRENA). (2) Defining the process for elaborating plans: a) a Presidential Order determining procedures for formulation, approval, revision and publication of the master plan for land management and urban planning, b) a Prime Minister’s Order determining procedures for elaboration, approval and review of the Local Development Plan, and c) a Ministerial Order determining procedures for the formulation, approval, revision and publication of the specific land development plan. (3) Institutionalizing the coordination and integrated planning process and defining the development management framework: a) a Ministerial Order determining the categorization of buildings and conditions and the procedure for demand and granting building permit, b) a Prime Minister’s Order determining the conditions for authorization to carry out real estate development operations, and c) a Ministerial Order determining Urban Planning and Building Regulations that will integrate the reviewed current building control regulations.

⁵⁵ Article 1.

⁵⁶ Article 4.

⁵⁷ Article 5. The criteria for delineating areas reserved for human settlements is based on: a) a basic direction set by the government for land development, b) well-balanced development between provinces and districts, c) economic and social development perspectives, d) environmental protection and preservation, and e) land development programmes.

Subdivision Plans.⁵⁸ Provisions for enforcement are cited and referenced to construction laws.⁵⁹

Noted limitations of the law include: a) broad based criteria that are inadequate for an evidence-based determination of the geographical limits of habitation areas, and b) absence of direction in what must be done to improve conformity in unplanned settlement areas by providing basic services networks (such as water supply, waste water, sewage disposal, electrification, communication networks or any other infrastructure). Climate change is not specifically addressed. There are however a number inferred relationships such as environmental protection and conservation in both rural and urban human settlements through adequate rainwater collection and drainage systems. There are no references to consultation procedures or participation in plan development.

At a minimum, revision in the law would ensure coherence in legal definitions (such as the various plans) with later adopted laws (discussed above) on plans. However, the system would be better served by streamlining land use planning legislation, as discussed above, involving the merging of this law with either Law N°10/2012 (Governing urban planning and building in Rwanda) and/or through consolidation in an expanded Law No. 24/2012 (Relating to the planning of land use and development in Rwanda).⁶⁰

- Law N°18/2007 of 19/04/2007 **Relating to expropriation in the public interest**

The Law determines the procedures relating to expropriation in the public interest which is broadly defined.⁶¹ The application for expropriation must include specification of the land master plan upon which the project is to be carried out.⁶² Persons to be expropriated do have the right of appeal.⁶³ Expropriation is to be carried out on the basis of ‘just compensation.’⁶⁴ The implementation of public projects identified in land use plans inevitably involves a degree of expropriation.

⁵⁸ Article 26 (Inspection of construction projects).

⁵⁹ Article 36 (Buildings not complying with the law).

⁶⁰ ‘The State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’ (GOR, undated) favors consolidation with Law N°10/2012 (Urban planning).

⁶¹ Article 5: Roads and railway lines; water canals and reservoirs; water sewage and treatment plants; water dams; rainwater canals built alongside the roads; waste treatment sites; electric lines; gas, oil, pipelines and tanks; communication lines; airports and airfields; motor car parks, train stations and ports; biodiversity, cultural and historical reserved areas; acts meant for security and national sovereignty; hospitals, health centres, dispensaries and other public health-related buildings; schools and other related buildings; government administrative buildings and their parastatals, international organizations and embassies; public entertainment playgrounds and buildings; markets; cemeteries; genocide memorial sites; activities to implement master plans of the organization and management of cities and national land in general; valuable minerals and other natural resources in the public domain; basic infrastructure and any other activities in the public interest not listed but approved.

⁶² Article 11. The master plan must indicate: a) the plan or map indicating the land demarcation of land to be expropriated, b) description of the items on that land, c) the list indicating beneficiaries of that land, d) the list of beneficiaries of activities on that land.

⁶³ Article 19.

⁶⁴ Article 2 define just compensation as ‘equivalent to the value of land and the activities performed thereon given to the expropriated person and calculated in consideration of market prices’. Market price and valuation is not defined. Article 21: valuation is based on the land and activities carried out on the land (including different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity).

The difficulties in implementing the law, and therefore supporting land use plan implementation, are well acknowledged and regarded as a significant bottleneck to infrastructure development (further discussed in Section 3).⁶⁵ A new law initiated by RNRA is proceeding through parliament. At the time of drafting this report, it had been approved by the lower chamber.

- Law N°87/2013 of 11/09/2013 **Determining the organization and functioning of decentralized administrative entities**

The law determines the organization and functioning of decentralized administrative entities with legal personality (City of Kigali and the Districts) and without legal personality (sectors, cells and villages).⁶⁶ The law provisions for support to the City of Kigali and districts by relevant central government agencies with particular reference to: a) development and implementation supervision of their projects, and b) design and/or review of master plans.⁶⁷ The Law establishes the responsibilities for land use planning in the City of Kigali and the constituent districts, and districts of the provinces.^{68 69} The procedural detail for implementing the land use planning system in urban areas is deferred to Law N°10/2012 (Governing urban planning and building in Rwanda) and subsequent ministerial orders (discussed below). For rural areas there is a need to define land use planning procedures (permissions and enforcement). This is best achieved through a consolidated land use planning law.

Orders and instructions

- Ministerial Order N°14/11.30 of 21/12/2010 **Determining the models of land consolidation**

⁶⁵ Problems in expropriation were cited in the majority of the interview discussions undertaken in support of this assessment report. The 'State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy' (GOR, undated) notes the "poor understanding, joint analysis and interpretation of the expropriation law by all players and the lack of will to respect its content could be one of the key causes of its ineffective execution and enforcement" and the absence of "advocacy or nationwide campaign to explain to provisions to communities, land commissioners and the private sector." (p.88). Other problems noted (Draft 'A study of review of Land Use Planning and Management in Rwanda', F. Kalema and H. Mukama), of the Law include the need to: a) define market value, b) define compensation for partial expropriation, and c) define compensation for planning and expropriation 'blight' (the effect on land the value and productivity of land resulting from the intention to expropriate that is subsequently rescinded)

⁶⁶ Articles 1 to 3.

⁶⁷ Article 89.

⁶⁸ Article 141 (Mission of the City of Kigali) includes: a) prepare the master plan of the City of Kigali and specific master plans, to ensure their execution through large- scale projects implemented at the level of the City of Kigali, and follow up on the execution of specific master plans by the Districts, b) prepare the development plan of the City of Kigali, and c) provide guidelines and coordinate the planning activities of the Districts of the City of Kigali. Article 142 (Responsibilities of the Council of the City of Kigali) include: a) approve the draft master plan, the local and specific plan of the City of Kigali in accordance with the relevant laws, and b) to approve and follow up the execution of specific plans for the development of the City of Kigali in accordance with the relevant Laws. Article 155 (Mission of the District of the City of Kigali) includes: a) Implement specific master plans with reference to the master plan of the City of Kigali, b) protect, build and maintain infrastructure with reference to the City of Kigali master plan and guidelines.

⁶⁹ Article 169: Specific responsibilities of the Executive Committee of a District include to prepare and make follow up on the implementation of the master plan, local and specific plan approved by the Council.

The order supports rural development and agricultural transformation through land consolidation involving the combining of land parcels for more productive farming. Neither land use planning nor climate change are specifically referenced. The optimal use of land is clearly pertinent to land use planning and could be usefully cross-referenced in the order.⁷⁰ This could be reflected in land use plans.

- **Ministerial Order N° 04/Cab.M/015 of 18/05/2015 determining urban planning and building regulations**

The order establishes the land use planning and development control system in urban areas.^{71 72} Appended to the order are comprehensive urban and building codes. The urban planning code covers urban land use planning comprising types and hierarchies of urban areas, site and plot development requirements, categories of land use, zoning and site development requirements, permitted land use development, urban renewal, transport and traffic management, urban infrastructure services, and coordination mechanisms).⁷³ The emphasis on implementation mechanisms is noteworthy. The order makes provision for the development of short-range (three year, annually reviewable) investment plans based on local land development master plans.⁷⁴

Climate change is not specifically referenced in either the order or Urban Planning Code. Nevertheless, the Urban Planning Code provides direction on climate related areas: a) prohibited development in environmentally sensitive areas (including wooded and wetland areas, water sources, water bodies, water catchment, and steep slopes),⁷⁵ and b) storm water management and control of soil erosion. The omission of urban climate change adaptation and vulnerability assessments and planning is significant and should be rectified.

- **Ministerial Instructions relating to the implementation of the National Grouped Settlement Program in Rural Areas (27 May 2009)**

⁷⁰ As already noted, “the order could be set up to increase adaptive capacity by charging implementing agencies with responsibility to identify agricultural technologies and practices that suit climatic conditions”. Heermans, J., Ndangiza, M., and Knox, A. (2015) ‘Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda’.

⁷¹ For the purpose of development control Article 2 defines ‘the permittee’ as ‘any individual, private or public entity who/which is issued with authorization for new development, extension, refurbishment, renovation, occupation or demolition of a building’. Chapter V (Principles of supervision, inspection and audit of urban planning and building activities) establishes the permitting process.

⁷² The urban planning code includes the definition of trading centers in rural surroundings.

⁷³ Article 4 (Urban planning code): Annex I Rwanda Urban Planning Code. This is: a) binding for all categories of land within urban areas for any development and investment project, public institutional, tourist, public spaces, urban renewal and infrastructure servicing, b) an important tool for the preparation and implementation of physical plans and provides a reference for government authorities, planners and professionals who undertake activities in urban planning and development, and c) may be applied with a degree of flexibility in a way that the community at large will benefit most from any development (p.11). Article 15 (Building code) Annex II Rwanda Building Code. Part 5 (Development Planning and Building Requirements) refers to a ‘development permission’ rather than a building permit or permission underlining the need for a general cleaning of the legislative framework to ensure consistency in terms.

⁷⁴ Article 6 (Public investment planning and phasing process).

⁷⁵ Article 7. Article 15 (Building code) Annex II Rwanda Building Code. Chapter 6: Special Provisions, does include risk zoning, green building and imidugudu (grouped settlements) considerations.

The instructions govern grouped settlement in rural areas.⁷⁶ There are various provisions for detailed (local) land use (layout) plans requiring the demarcation of lands for public purposes.⁷⁷ District authorities are responsible for: a) developing these layout plans, b) sensitizing communities to the National Grouped Settlement Program, c) announcing areas earmarked for grouped settlement purposes by Sector Councils.⁷⁸ Compliance to the program, and by inference to land use planning at a district level, is through the removal of buildings outside group settlements.⁷⁹ The procedures and sanctions are not specified. As noted more broadly, the procedures for controlling development in rural areas and settlements is not defined in law, and it is unclear whether pipeline draft ministerial orders specifying development control procedures in urban areas without detailed planning documents (Draft Ministerial Order Determining the instructions of categorization of buildings, conditions and procedure for application for and issuance of building permits) could apply to human settlements in rural areas.

Orders in draft (Presidential and Ministerial)

- Draft Presidential Order **Determining procedures for formulation, approval, revision and publication of the master plan for land management and urban planning**

The draft order establishes a typology of master plans for land management and urban planning designed to provide a ‘strategic planning and development framework’. Plans are valid for 30 years, and reviewable every 10 years.⁸⁰ The order does not clarify whether the plans are limited to legally defined urban areas only. There is no reference to higher order plans including DLUPs. The plans are classified as:⁸¹

- a) **Urban area.** This provides a development framework within demarcated or urbanizing areas within districts or City of Kigali. Responsibility for initiation and supervision of plans is allocated to district councils or City of Kigali, in collaboration with the GOR agency responsible of urban planning and human

⁷⁶ Grouped settlement is defined as a type of well-planned settlement comprising between 100 and 200 houses built next to each other and forming one block, in rural areas (Article 2). The criteria for the selection of grouped settlement areas is: a) must be an area with basic infrastructure or in which such infrastructure can be easily developed, b) must be located not more than 5 kilometers from farms or pastures of potential dwellers, c) should neither be an area whose steepness exceed 40 degrees nor be located in valleys or swamps, d) must be a naturally raised area of land (only infertile land shall be used for construction purposes unless technically not feasible), and e) should not be too close to each other and no less than 4 km apart (Article 4).

⁷⁷ Roads (Article 10). Public buildings (community health posts, nursery schools, small markets, multi-purpose halls, and facilities for cattle breeding, biogas and animal manure purposes, hygiene and sanitation facilities (composts, domestic waste water and run-off rain water system) and cemeteries (Article 11).

⁷⁸ Article 28.

⁷⁹ Article 31: Local authorities in rural areas must order those building in areas other than those approved by the Sector Council as grouped settlement areas in which land is subdivided into plots and roads constructed to remove their constructions.

⁸⁰ Article 4.

⁸¹ Article 3. In full form the plans are to be known as: a) Urban Area Master Plan for Land Management and Urban Planning, b) Regional Master Plan for Land Management and Urban Planning, and c) Sectoral Master Plan for Land Management and Urban Planning. A common method for plan development is set out in Article 6

settlement.

- b) **Regional.** This provides a development framework for an area cross-cutting the boundaries of more than one district or the City of Kigali. Responsibility for initiation and supervision of the plans is allocated to the GOR agency responsible of urban planning and human settlement.⁸²
- c) **Sectoral.** This provides a development framework for a particular sector such as transport, water supply or environment. Responsibility for initiation and supervision is allocated to District Councils or the City of Kigali, in collaboration with unspecified GOR agencies. The indication of the sectors to which sectoral plans are applicable is listed in the order.⁸³ Whilst climate change adaptation is not referenced specifically, it could be included under this typology.

The maximum duration for plan formulation and adoption is 18 months. Consultation procedures to be followed in plan formulation are: a) assessing citizens' needs through survey, and b) conducting consultative meetings with the community, local authorities, the private sector and other local organizations. Formal consultative procedures are identified as: a) presentation of a draft plan through 'public consultative processes,' b) public display of a revised draft plan for 28 days announced through different media, c) a public meeting to present observations, suggestions and requests for revision, and d) plan approval followed by a final public display for 14 days, after which the plan is formally adopted.⁸⁴ A requirement for all plan formulations to require the development of a 'participation and consultation strategy' at the commencement of formulation could help to ensure continuous involvement of citizens (addressed under enhancement area 4).

- **Draft Ministerial Order Determining procedures for formulation, approval, revision and publication of the specific land development plan**

Specific plans can be applied to a range of urban sector issues.⁸⁵ The validity of plans is 10 years.⁸⁶ Responsibility for initiating and developing specific plans is allocated to districts or the City of Kigali and the GOR agency mandated in the specific subject matter.⁸⁷ The maximum duration from initiation to 'publication' is not to exceed 14 months.⁸⁸ There is no reference to higher order plans including DLUPs.

Whilst not specifically referenced, climate change adaptation actions would appear to be pertinent (the scope of application includes flooding and

⁸² Article 4.

⁸³ Article 3. "Sectoral Master Plansare but not limited to": watershed basin, integrated rural development, tourism development, industrial development, green economic growth, road network and water distribution.

⁸⁴ Article 9.

⁸⁵ Article 2.

⁸⁶ Article 11.

⁸⁷ Article 6.

⁸⁸ Article 9. It is unclear whether publication refers to approval or adoption.

environment). Consultation procedures to be followed in plan formulation are: a) citizens' needs survey, b) conducting consultative meetings with the community, local authorities, the private sector and other local organizations at the start and end of background studies, c) elaborating the results and recommendations from community consultations, d) agreeing on a planning scenario in a consultative meeting, and e) development of a public communications plan.⁸⁹ Formal consultative procedures for the approval of specific plans are: a) display and circulation of the draft plan for 21 days, b) a follow-on public meeting for comment, and c) approval followed by a 7 day public display. Adoption follows through a council meeting (district or City of Kigali).⁹⁰

- **Draft Ministerial Order Determining the instructions of categorization of buildings, conditions and procedure for application for and issuance of building permits**

The draft order establishes detailed guidance on the type, content and procedure for obtaining permissions required for development.⁹¹ Development is defined as “new development, extensions, structural alterations or replacements, refurbishment with or without structural alterations, occupations of any category of building.”⁹² Building permits must comply with an existing document.⁹³ In circumstances where there are no existing urban planning documents, building permits are to be granted on the basis that the development: a) is not located in an area for which planning documents are to be elaborated, updated or revised, and b) is compatible with neighboring uses.⁹⁴ Permits must be granted within 30 days and remain valid for 1 to 5 years (depending on the category of building).⁹⁵

Ensuring consistency in terminology

It has already been noted above that there is a lack of consistency in terms used across the different laws and orders, reflecting no doubt the speed at which the land use planning system is developing. By way of illustration, Law 24/2012 Relating to the planning of land use and development has multiple terms used in relation to plans: land use and development master plan in Rwanda, the master plan, master plan of land use and management at national level, master plan at the national level, draft master plan, land use and development master plan, district development plan, district urban development plans, urban development master plans, district specific master plans, land use master plans at the district level, specific plans, building plans, adopted plan, consolidated and adopted plans, and land use plans.⁹⁶ In other regulation and draft orders there is reference to village plans, sectoral master plan for

⁸⁹ Article 5.

⁹⁰ Article 8.

⁹¹ Article 5 (Types of building permits): a) new construction, b) extension (vertical / horizontal), c) refurbishment (with structural alteration), d) rehabilitation and refurbishment (without structural alteration), e) occupancy, and f) demolition (full or partial).

⁹² Article 4. Temporary and national defense buildings are exempted.

⁹³ Article 16.

⁹⁴ Article 17.

⁹⁵ Articles 19 and 20.

⁹⁶ Government of Rwanda (undated) 'State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy', Ministry of Infrastructure (p.101)

land management and urban planning, urban area master plan for land management and urban planning and specific land development plan. As noted above, a general cleaning of the legislation will ensure consistency in terminology and legal definition.

2.2 Organization framework

Land use planning is by its nature multi-sectoral and a composite of challenges, issues and conflicts arising from land. Unsurprisingly, there are multiple agencies with some form of relationship with land use planning. Most, if not all, organisations and individuals need land for habitation, food production, the provision of infrastructure and facilities and so on. Most, if not all, organisations and individuals have a location (also referred to as a ‘spatial’) interest. For example, public services need to be located close to populations requiring access, and citizens need to have reasonable proximity to jobs. In this section the focus is on the core organisations with land use planning related responsibilities.

Line ministries

- **Ministry of Natural Resources (MINIRENA)**

MINIRENA is responsible for ensuring the protection and conservation of the environment and rational utilization of natural resources for sustainable national development. MINIRENA is the lead ministry for climate change action and for land use policy and planning. It is consulted on all matters regarding environmental impacts of urban planning and building projects.

- **Ministry of Infrastructure (MININFRA)**

MININFRA is responsible for infrastructure and human settlements development. Responsibilities include: a) supervision of activities for the elaboration, monitoring and assessment of the implementation of national policies and programs on matters relating to habitat and urbanism, transport, energy, water and sanitation and meteorology, b) initiation, development and facilitation of urban development programs and the promotion of grouped settlements, and c) support and supervision of infrastructure development programs under the decentralized structures and within the DDPs for each district.

- **Ministry of Local Government (MINALOC)**

MINALOC regulates and supervises the work of decentralized administrative entities (comprising the City of Kigali, Districts, Sectors, Cells and Villages), and rural settlement development. MINALOC supervises the development of DDPs. It is responsible for the coordination of provincial and district actions under EDPRS 2, and the lead agency for coordination (pillar 4) under the National Urbanization Policy.⁹⁷

⁹⁷ NUP Pillar 2 (Coordination). Indicator 1.1: Number of public and private institutions that have endorsed and implemented multi-sectoral and multi-stakeholder coordination mechanisms and good urban governance principles to enhance the management of joint Urbanization process at national and local levels. Target 1.1: At least 70% of public and private institutions endorse and implement multi-sectoral and multi-stakeholder coordination mechanisms and good urban governance principles at

- **Ministry of Finance and Economic Planning (MINECOFIN)**

MINECOFIN is responsible for raising sustainable growth, economic opportunities, and living standards of all Rwandans, with a view to eradicating poverty. It manages the sectoral allocations of the state budget and is responsible for economic planning at the different territorial levels. MINECOFIN facilitates implementation and monitoring of the EDPRS 2, and collaborates with MINALOC to ensure provincial and district actions are aligned to agreed priorities. Its mandate includes improving the delivery of public services and accountability through effective financial and fiscal decentralization. Whilst land use planning is not a direct mandate MINECOFIN has in principle a significant role in supporting the implementation of land use planning through strengthening the financial position and economic development planning of districts.

There are other line ministries that have an indirect relationship with land use planning.⁹⁸ All sectoral ministries have an interest in land use planning in terms of the location of facilities and services, and the spatial consequences that arise from this (such as accessibility of the population to education and health facilities, for example).

Implementing agencies

There are two main implementing agencies in relation to land use planning:

- **Rwanda Natural Resource Authority (RNRA)** covering natural resources and land use planning at the national and district level.
- **Rwanda Housing Authority (RHA)** covering urban and rural settlement and land use planning.

A third implementing agency, the Rwanda Environment Management Authority (REMA), has an important role in environmental protection, including the oversight of environmental impact assessments. There are other agencies that have a subsidiary relationship to land use planning.⁹⁹

- **Rwanda Natural Resource Authority**

RNRA is an implementing agency of MINIRENA. It leads the management and promotion of natural resources comprising land, water, forests, mines and geology.¹⁰⁰ Responsibilities include: a) implementing national policies, laws,

national and districts levels by 2020. Indicator 1.2: Proportion of households/population (by sex) satisfied with the quality of social facilities with focus on health, education and open public spaces in secondary cities and City of Kigali. Target 1.2: At least 80% of citizens, taxpayers and decisions-makers are satisfied with the quality of social facilities provided in secondary cities to attract more urban residents and multi-actors coordination of urban development in City of Kigali.

⁹⁸ This includes the Ministry of Agriculture and Animal Resources, Ministry of Education, Ministry of Gender and Family Promotion, Ministry of Trade and Industry, Ministry of Public Service and Labour.

⁹⁹ This includes the Rwanda Agriculture Board, Rwanda Development Board, Rwanda Environmental Management Agency, Rwanda Transport Development Authority and Rwanda Governance Board.

¹⁰⁰ Law Nr N°53/2010 of 25/01/2011 Law establishing Rwanda Natural Resources Authority (RNRA) and determining its mission, organisation and functioning.

strategies, regulations and government resolutions in matters relating to the promotion and protection of natural resources, b) advising Government on appropriate mechanisms for conservation of natural resources and investments opportunities, and c) providing technical advice on the proper use, management and promotion of natural resources. RNRA is responsible for the development of the NLUDP and supervising and monitoring districts in the development and implementation of DLUPs.

- **Rwanda Housing Authority**

RHA is an implementing agency of MININFRA. It leads on human settlements planning and development (cities, towns and rural settlements). Core functions include: a) policy implementation and development of housing and urban planning strategies and programs,¹⁰¹ b) regulation of housing and urban development, c) support for urban infrastructure development programs within local government, and d) the development of a reliable database that comprises land use management, housing and construction data. RHA is also responsible for supporting local planning and development management tasks and procedures, the responsibility for which is at District level.^{102 103}

- **Rwanda Environment Management Authority**

REMA is an implementing agency of MINIRENA. REMA is responsible for promoting and ensuring the protection of the environment and sustainable management of natural resources through decentralized structures.¹⁰⁴ It is mandated to implement GOR environmental policy through: a) advising Government on policies, strategies and legislation related to the management of the environment, b) putting in place measures designed to prevent climate change and cope with its impacts, c) monitoring and assessing development programs to ensure compliance with the laws on environment during their preparation and implementation, and d) monitoring and supervising environmental impact assessments. REMA collects and disseminates climate and environmental data.¹⁰⁵

¹⁰¹ RHA is responsible for implementing Law Governing urban planning and building in Rwanda (Article 10). Article 48: Any proposed urban planning and any proposed planning and construction standards shall be submitted to RHA at the District level for its opinion. Article 65 (Supervision of a proposed urban planning): the proposed urban planning shall be submitted to Rwanda Housing Authority for consideration. Article (86): supervision of building operations. RHA is responsible for the supervision of building operations in the country.

¹⁰² "In this mandate, the role of RHA is a mediator and trainer, until decentralization is completed. In this interim period RHA is contracting planning consultants on behalf of local governments to prepare local plans for each district." (Urbanization and Rural Settlement Sector Strategic Plan. p.32)

¹⁰³ The Urban Settlement Division: a) supports districts in development of Local Urban Plans, b) provides technical advice in Urban development, and c) monitors the implementation of Local Urban Development Plans in districts. The Rural Settlement Division: a) coordinates the activities related to implementation of settlement policy on grouped and planned settlement (imidugudu) in rural areas; b) provides technical support to districts, c) assists districts in designing layout plans, and d) monitors implementation of model villages in districts.

¹⁰⁴ Law n°63/2013 of 27/08/2013 Determining the mission, organization and functioning of Rwanda Environment Management Authority (REMA)

¹⁰⁵ REMA is finalizing a baseline climate vulnerability index for the entire country that will identify specific risks and areas of highest priority or most vulnerable. Reported in Heermans, J., Ndingiza, M., and Knox, A. (2015) 'Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda'.

Local decentralized entities

- **City of Kigali**

The City of Kigali is responsible for the preparation of City of Kigali master plan. Its responsibilities include: a) supervising the implementation of national policies in the Districts of the City of Kigali (Gasabo, Kicukiro and Nyarugenge), b) preparing the master plan of the City of Kigali and specific master plans, to ensure their execution through large-scale projects implemented at the level of the City of Kigali, and follow up on the execution of specific master plans by the Districts, c) preparing the development plan of the City of Kigali, and d) providing guidelines and coordinating the planning activities of the Districts of the City of Kigali.¹⁰⁶ A City of Kigali One Stop Center is responsible for: a) administrating land use and transactions, b) regulating urban planning operations, and c) delivering building permits.

- **Districts**

Districts are responsible for land use planning (DLUPs and urban area plans) and represent the most critical part of the organizational framework for delivering land use planning.¹⁰⁷ The three Districts of the City of Kigali are responsible for preparing and implementing specific master plans with reference to the master plan of the City of Kigali and protecting, building and maintaining infrastructure with reference to the City of Kigali master plan and guidelines.¹⁰⁸ The general responsibilities of districts include: a) implementing government policies, b) planning, coordinating and implementing development programs, c) coordinating planning activities of sectors, d) monitoring, and inhabitation of, grouped settlements, e) implementing the District specific master plan, and f) promoting land use and organization, and allotting plots in the District.¹⁰⁹ One Stop Centers (OSCs) have been established in all districts and are responsible for developing and overseeing implementation of DLUPs.¹¹⁰ OSCs are responsible for: a) administrating land use and transactions, b) regulating urban planning operations, and c) delivering building permits. At the sector and cell level, Land Committees are responsible for following up on the management and use of land.¹¹¹

Coordination issues

With the roles and responsibilities for land use planning spread amongst a number of organizations, coordination is of considerable importance. The recent diagnostic

¹⁰⁶ Article 141 and 142, Law N°87/2013 of 11/09/2013 Determining the organization and functioning of decentralized administrative.

¹⁰⁷ Law N°87/2013 of 11/09/2013 Determining the organization and functioning of decentralized administrative. Law N°87/2013 of 11/09/2013 Determining the organization and functioning of decentralized administrative.

¹⁰⁸ Article 155 Law N°87/2013 of 11/09/2013 Determining the organization and functioning of decentralized administrative

¹⁰⁹ Articles 123 and 130, Law N°87/2013 of 11/09/2013 Determining the organization and functioning of decentralized administrative.

¹¹⁰ EDSPR 2 (p.43).

¹¹¹ Article 33 Land Law. Each sector and cell has a land committee which is the first point of contact for land use planning ('Land Sub-sector Strategic Plan 2009/10 – 2013/14', MINIRENA, p.18).

assessment on urbanization concluded that the “planning system proposed clearly requires multi-level governance but this is not adequately established.”¹¹² National consultative meetings held in support of the development of the NUP cited the coordination between public institutions and among different stakeholders as one of the main challenges faced.¹¹³

At the national level a recent assessment concluded that despite considerable progress in developing the NLUDP that: a) the collaboration and commitment of stakeholders was missing in part reflecting an unwillingness to cooperate, not understanding the role of the NLUDP and as yet weakly systematized coordination mechanisms, and in consequence, b) the development process ended up being controlled by the National Land Centre.¹¹⁴ By way of observation during this study, it is clear that the overall pool of skills in land use planning is small, is thinly spread between organizations (in the number of staff employed and available) and that the understanding and appreciation of the relevance of land use planning outside this core pool is patchy. It is a context that is likely to impair effective cooperation and participation.

A number of interviewees commented on the friction between the lead central government agencies RNRA and RHA, though the manifestations of such friction and the reasons for this were not substantiated. However, it is clear that the land use planning system has undergone a rapid period of growth. The development of land use plans have not necessarily reflected the nested hierarchy conceived of in the plan system (presented in Section 3), and the quality of plans has been judged to be poor.¹¹⁵ In part, poor quality reflects inadequate directives for land use planning that is being addressed through draft and pending ministerial orders (discussed above) and, most critically, the lack of capacity in land use planning at the district level (discussed in Section 4). One interview respondent referred to this as a ‘transitional period.’¹¹⁶

Several interviewees recommended that all planning functions should be held with one agency, or failing this, that an apex agency should be created to ensure close collaboration between RNRA and RHA. There are merits with such an approach, for example, by ensuring the system has a clear ‘district-up’ perspective with clear reporting lines between the districts and a single GOR line agency, and supporting pooling and enhancing the skills of land use planning professionals. But the challenge of, and need for, multi-agency and multi-sectoral coordination and collaboration remains. With such a multi-dimensional activity as land use planning there is no ideal

¹¹² ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’, p.104.

¹¹³ Government of Rwanda (undated) ‘National consultative meetings for the development of the urbanization policy’

¹¹⁴ DFID (2015) ‘Draft Review of the land use and development master plan’, prepared by Land Use Planning Specialist, April 2015.

¹¹⁵ Of urban plans it has been observed: “‘master’, ‘detailed master’, detailed land use, local development and other inconsistent types of urban plans ... have been prepared by consultants administered by RHA on a top to down basis. The urban plans are poor in a comprehensive planning context: Lack of realism as regard to implementation opportunities; the binding directives from the National Land Use and Development Master Plan are not applied in the plans; proper needs assessments and risk & suitability analysis seem not to be in place; the use of GIS is poorly conducted and sometimes even misleading; existing condition and infrastructure are paid little respect to, nor finance plans neither implementation plans are included, which make them unrealistic and difficult to put into practice – a task which falls on the land professionals to undertake.” DFID (2015) ‘Review and update of the 30 District Land Use Plans’.

¹¹⁶ Interview discussion with MININFRA.

organisation fit for land use planning. Institutional development (policy and law) reflects political priorities and challenges, and there is no guarantee that organizational mandates today will easily fit priorities tomorrow. On balance it is preferable to make existing arrangements work properly, and ensure accountability, rather than shuffling mandates or creating new bodies. **The greatest risk to the effective adoption of land use planning system in Rwanda is the lack of capacity at the district level to operate and implement the system.** However, given the speed at which the system is developing, the expectations of plan development and implementation, and the critical nature of land in Rwanda, a bridging mechanism may help the system develop and settle into the business of government.¹¹⁷ This is discussed below.

Responses to our interview discussions indicate general confidence in the overall structure of coordination mechanisms in Rwanda. They are considered extensive and well developed. However, as far as we can ascertain there is no existing coordination mechanism that is focused on land use planning coordination and collaboration (an overview of which is shown in Exhibit 4).

Exhibit 4 Coordination mechanisms in Rwanda

Coordination mechanisms in Rwanda and their relationship to land use planning					
Mechanism	Lead	Function	Members	Frequency	Is LUP included?
Rural Settlements Task Force (RSTF)	RHA (passed from MINALOC in 2014)	Links rural communities and supports Imidugudu development. ¹¹⁸	IDP Steering Committee PS MINALOC RSTF Chair RSTF staff members	Established 2009 TBD	TBD
Sector Working Groups (SWGs)	Overall leadership: MINECOFIN under EDPRS-2 Sector leadership: Various dependent on	Technical working forums to discuss sector and cross-sector planning and prioritization. Objectives include ¹²⁰ ensuring the mainstreaming of cross-cutting	SWGs are co-chaired by the PS of the relevant line ministry and a representative from the lead DP. SWGs convene	At least quarterly	TBD ¹²¹ LUP is considered in SWG Urban and Rural Settlement (but only from a urban perspective) ¹²²

¹¹⁷ The development of land use planning will involve the adoption of ministerial orders, the revision of the NLUDP and DLUPs, the development of further urban and detailed area plans, and the anticipated integration of DLUP and DDP planning and plans. This will all take place within 5 years.

¹¹⁸ Functions include: a) performing extensive sensitization to the population on *imidugudu* settlement, b) developing layout plans for the selected *imidugudu* sites, c) providing GIS equipment and software in support to districts to manage properly the settlement processes, d) effectively plan and provide training to the local government staff responsible and rural settlement committees, and e) supporting 35 established IDP Model villages as role models to each District, Province and City of Kigali.

Monitor and evaluate all the processes and report regularly to the relevant authorities.

Coordination mechanisms in Rwanda and their relationship to land use planning					
Mechanism	Lead	Function	Members	Frequency	Is LUP included?
	thematic area. ¹¹⁹	issues at the sector level.	as EDPRS II sector working groups.		LUP could be provisioned for under cross-cutting themes.
IDP Committee ¹²³	MINALOC	Conceived as the main vehicle for coordinating ministries and aligning sectoral policies.	TBD (Ministers and Technicians)	TBD	TBD
Steering Committee for Urbanization and Human Settlements	Office of the Prime Minister CEO – RDB		Ministers: MINECOFIN, MINIRENA, MININFRA, MINALOC, MINAGRI, MYICT	Quarterly reporting to the Cabinet	TBD Will be limited to urban LUP
Economic Cluster	MINECOFIN	TBD	TBD	TBD	TBD
Joint Action Development Forum (JADF)		Joint discussion platform at the district level. ¹²⁴	TBD	TBD	TBD
Abbreviations: LUP = land use planning, TBD = To be determined (information requested but not received)					

¹²⁰ The main functions are: a) coordination of activities within the sector, b) conducting Joint Sector Reviews, and c) developing Sector Wide Approaches (SWAPs).

¹²¹ According to MINECOFIN TORs are drafted bi-annually.

¹²² Interview discussion with MININFRA.

¹¹⁹ There are 14 SWGs and 7 cross-cutting issues. SWGs include: a) Education (MINEDUC / DFID), b) Agriculture (MINAGRI / EC), c) Transport (MININFRA/ AfDB), e) Water and Sanitation (MININFRA / Japan), f) Energy (MININFRA / World Bank), g) Private Sector Development and Youth (MINICOM / Netherlands), g) Environment (MINIRENA / UNDP), h) Urban and Rural Settlement (MININFRA / World Bank), and i) Governance and Decentralization (MINALOC / Germany). Source: accessed from the internet (listing as of September 2013). Cross-cutting issues include climate change and environment, and capacity building.

¹²³ The IDP Committee was regarded as a significant coordination and implementation mechanism. At conceptualization the IDP Committee would: a) be the supervising authority for the implementation of the NLUDP, b) ensure and monitor that all concerned ministries align their policies and strategies with the Master Plan, b) coordinating the implementation of projects and guidelines on land use for national interests, d) setting guidelines for public participation during the preparation and adoption of DLUPs, d) ensuring that new policies and strategies demonstrate how land needed for their implementation will be availed and where, and e) propose the review of the NLUDP when necessary and after 5 years. ('Implementation of the National Land Use and Development Master Plan', MINIRENA, 16 October 2012).

¹²⁴ Conceived as a local level land use planning coordination mechanism. Source: Implementation of the National Land Use and Development Master Plan', MINIRENA, 16 October 2012.

As far as our interview discussions can ascertain, there is no evidence or indication of the extent to which land use planning is coordinated through these mechanisms, the outcome of this coordination and how this is translated into performance contracts. There is no stipulation of attendance in support of land use planning and the manner in which land use planning focused discussions should be convened. The use of existing mechanisms to coordinate land use planning activities is important. The TORs for these mechanisms will need review and revision to ensure land use planning is addressed, including: a) the scope of land use planning under each mechanism (for example whether this is on a specific sectoral or thematic focus, or a more general non-specific reference), b) the role of participants in relation to this focus and who should attend, and c) how the discussion and agreements on land use planning will be recorded and reported. Performance targets for coordination could include: a) senior representation (PS, DG and Director level) at all meetings, and b) bi-annual / annual reporting and dissemination on land use planning aspects identifying actions for participating members (for inclusion in subsequent year performance contracts).

One interview respondent recommended the creation of a working group to bring all stakeholders together on land use planning.¹²⁵ Given the extent of coordination mechanisms, and the time and commitment required of participating agencies, on balance it is preferable to make existing mechanisms work in the interests of land use planning rather than creating additional mechanisms. However, as noted, there will be significant developments in land use planning over the medium term, and consideration of the most effective means of ensuring coordination could include more elaborate interventions such as a limited life commission or task force (Exhibit 5).

Exhibit 5 Improving coordination through new mechanisms

Land Use Planning Commission
<ul style="list-style-type: none"> • Rationale: a) to ensure the coordinated growth and development of all aspects on land use planning: plans, implementation and the capacity to operate the system, b) to ensure both rural and urban (and urban-rural linkages) land use planning are seen holistically, c) to ensure the function and challenges of land use planning are adequately addressed in a revised national policy framework (Vision 2020). • Lifespan: 3-5 years • Indicative functions: a) develops a strategy for development of the land use planning system, b) oversees implementation, c) oversees quality assurance mechanisms for plan development, d) screens plans for compliance, e) undertakes hearings on priority aspects of the land use planning system, f) establishes arbitration mechanism for competing uses, g) ensures coordination, and h) supports the effective integration of DLUPs and DDPs. • Organizational location: Prime Minister's Office. • Secretariat: Seconded staff from RNRA, RHA, MINALOC and MINECOFIN. • Steering: Steering Committee with representatives of the main ministries, RALGA and select district representatives (mayors).

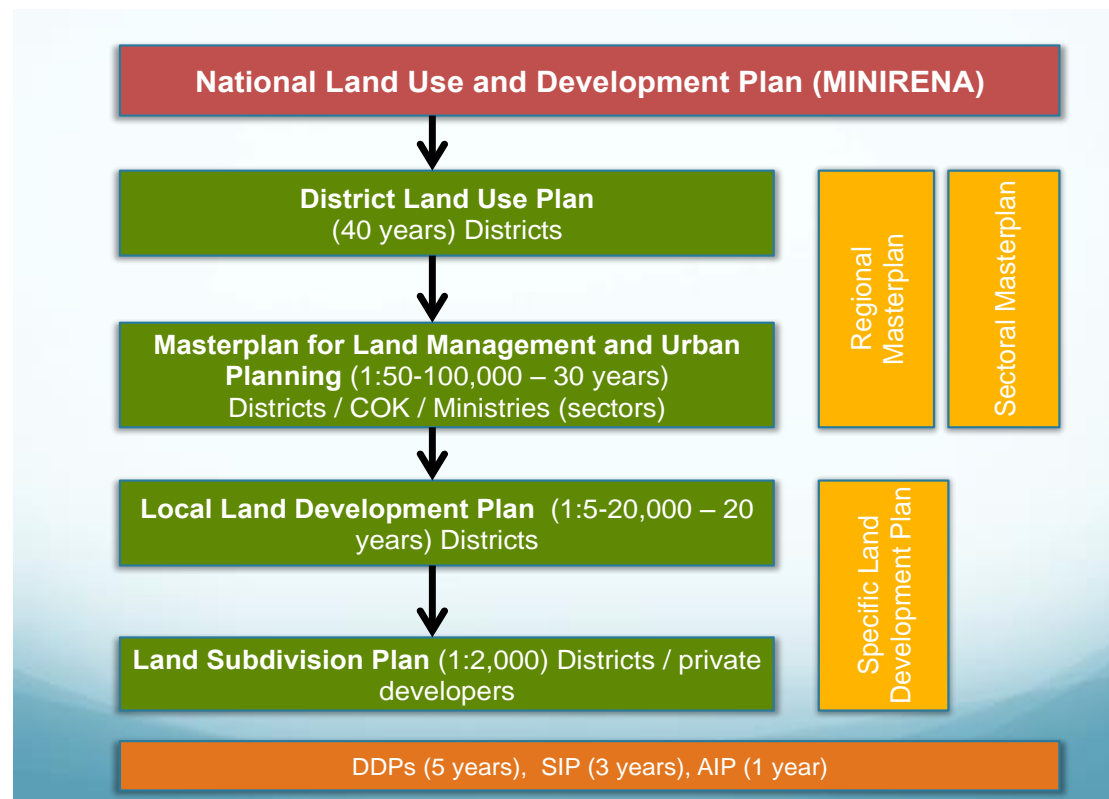
¹²⁵ Interview discussion conducted with RALGA.

3. LAND USE PLAN DEVELOPMENT AND IMPLEMENTATION ISSUES

3.1 The hierarchy and type of land use plans

The Rwandan planning system comprises a hierarchy of plans. This is not clearly established in the legal framework.¹²⁶ As discussed above this should be addressed through a revision and expansion of Law No. 24/2012 Relating to the planning of land use and development in Rwanda. The hierarchy is shown in **Exhibit 6**. It should be noted that the 40-year timeframe indicated for DLUPs does not conform to the 5-year timeframe as currently established. The hierarchy as established attempts to ensure conformity of all levels of plans to the overall policy framework (discussed in Section 2) and sectoral priorities.

Exhibit 6 The hierarchy of land use plans¹²⁷



Source: Information provided by MININFRA.

National Land Use and Development Plan (NLUDP)

¹²⁶ Article 43 Law N°10/2012 Governing urban planning and building in Rwanda requires the master plans for Land Management and Urban to “be developed in such a way that it integrates the objectives of the State, Districts and the City of Kigali”. Article 2 Law No. 24/2012 Relating to the planning of land use and development in Rwanda defines an ‘adopted plan’ as a “plan which is coordinated with the Rwanda land use and development master plan”.

¹²⁷ The requirement for master plans for land management and urban planning and Local Land Development Plans is stipulated in Article 13 Law N°10/2012 Governing urban planning and building in Rwanda.

The NLUDP was prepared from August 2007 to August 2010 and was approved by Cabinet on 19 January 2011. It has relevance to all sectors of the country and at all levels of government. The NLUDP maps land use considerations and outcomes on the basis of sector planning data. Through the use of maps, plans and GIS layers it has attempted to: a) reveal conflicting and contradictory land use requirements and outcomes (for example the citing of waste management facilities, or the limits to human settlements expansion in ecologically fragile areas), b) optimize sector service provision (for example where education and health facilities are best located to service grouped settlements), c) identify high risk areas and regulating land use in these areas (for example, areas subject to climate change impacts including slope stability and flooding), and d) provide an information and mapping resource through which to arrive at compromises (which are inevitable in land use planning).¹²⁸ The NLUDP requires other planning tools to comply with its directives, guidelines and proposed planning standards. It is valid for five years but with a planning horizon of 10 years.¹²⁹

The potential threat of climate change is noted (under environment) comprising drought, flooding and landslides. The challenges and strategies noted include: a) consideration of risk planning on the basis one in 10 year, one in 50 year and 1 in 100 year events, b) application of a catchment approach to flood and landslide mitigation at the district level, c) climate sensitive land use zoning, d) different land use adaptation practices such as vegetation clearance, forestation, terracing, climate resilient urban development (especially drainage considerations and green building techniques), different forms of sustainable agricultural production, soil conservation, and prevention of channelization, siltation and wetland removal, and e) the requirement for DDPs to include environmental risk assessment and adaptation strategies, and districts to consider climate change in development strategies and land use zoning. The NLUDP includes mapping of: a) areas at risk of erosion, b) population living in flood prone areas, and c) population living on slopes of more than 20 degrees. Climate change projections are not used in the NLUDP but their use is recognized as significant for assessing future risks.

The NLUDP is now being prepared for revision. A recent assessment in the initial preparation recorded strengths and weaknesses.¹³⁰ On strengths the NLUDP is seen to benefit from: a) an “implementation agent” through the subsequent development of DLUPs, b) a consultation process that was successful involving numerous

¹²⁸ Master plan preparation involved: a) high resolution aerial photography of 96% of the total Rwandan territory and 4% of satellite imagery, b) an inventory of existing data in Rwanda (which captured almost all data produced in all sector before 2007), c) a socio-economic study of ecological sensitive areas, d) an inventory of land tenure categories in Rwanda, e) a risk and suitability analysis for various land uses, f) a national base map at a scale of 1:50,000, and g) a text based report. A final consolidated text report has not been obtained. On the basis of the material provided Part II (Base line studies, needs assessment, risk and suitability analysis, scenarios) of the NLUDP consists of: a) demography, b) housing and urbanization, c) education, d) health, e) economy and labour market, f) transportation, g) water and sanitation, h) energy, i) environment, and j) scenarios. (pp: 411). Recommendation for the revision of NLUDP (DFID (2015) ‘Review of the land use and development master plan’ include a reduction in the text content

¹²⁹ Five main areas identified for special focus during implementation were: a) directives for land use planning of areas and hubs of national interests for the period of 2010–2020, b) an integrated district development planning concept, c) guidelines on rural group settlement, d) guidelines on urban development planning, and e) guidelines on informal settlement revitalization/upgrading.

¹³⁰ DFID (2015) ‘Review of the land use and development master plan’, prepared by Land Use Planning Specialist, draft April 2015.

stakeholders, although such consultation was considered to be “late stage” in the plan development process,¹³¹ and c) the development of a comprehensive cross sector database. Of weaknesses it is noted that: a) collaboration and commitment from stakeholders was missing with some organizations “not really willing to cooperate”, b) the steering committee was “ceremonial” with the National Land Center (now RNRA) seen as “ruling” the process rather than facilitating the development of a plan that is complementary to other planning instruments, c) binding directives that were drafted but neither understood nor adopted by other stakeholders,¹³² and d) a general lack of staff capacity (in GIS and planning) at all levels and sectors at the time of development (current capacity levels are discussed in Section 4). Two major areas for attention are flagged up for attention in the revision process: a) a steering committee that “steers”, and b) the preparation of sectoral components by stakeholders (referred to as “custodians”) rather than consultants.^{133 134}

District Land Use Plans (DLUP)

The DLUP is considered a primary mechanism for implementing the NLUDP. A DLUP is required for every district and consists of common format base maps (1:50,000) and text reports.¹³⁵ The intention was to integrate DLUPs and DDPs (referred to on the title page of DLUP as an ‘Integrated District Development Plan’). This logical integration was not achieved in the first round of DLUP development. The DLUPs were not prepared on time, and in synchronization with, DDPs. This can and should be rectified in the next DDP planning cycle (2018/19) when DDPs are being renewed and DLUPs can be revised.¹³⁶ The method for the development of DLUPs is a facsimile of that adopted for the development of the NLUDP (

Exhibit 7).

¹³¹ The consultation process is detailed in Chapter 14 ‘Rwanda National Land Use and Development Master Plan - Consultation Report’, 224 June 2010.

¹³² The binding directives were the demarcated areas and hubs of national importance in final NLUDP (1:250,000) designating the location and/or nature of priority land use that all other plans must conform with (DLUPs and urban area).

¹³³ DFID (2015) ‘Review of the land use and development master plan’, prepared by Land Use Planning Specialist, draft April 2015.

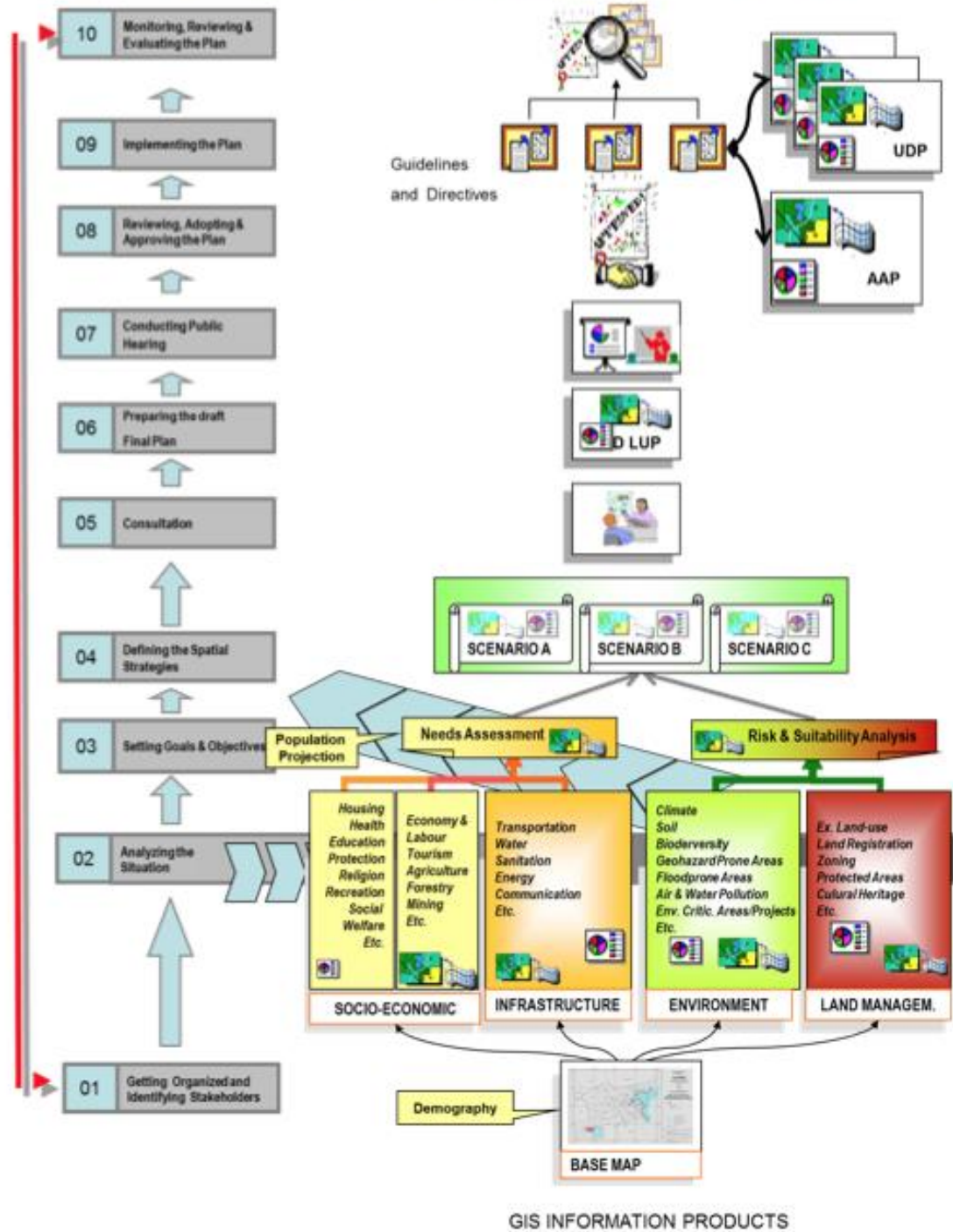
¹³⁴ The process for developing the NLUPD sought to engage higher level stakeholders: “The NLUDMP became the subject for a rigorous consultation period involving central and local governments, private sector and the general public. In some cases in-depth consultations with the respective custodian (a ministry or other central authority with the responsibility for a sector and data needed for planning) have consolidated the planning directives”. DFID (2015) ‘Draft Review of the land use and development master plan’, April 2015 (pp.4-5). Proposed improvements for the process of revising the NLUDP are to include a more “active steering” of the revision process and engaging sector/thematic stakeholders as “custodians” (it is assumed that this refers to the requirement of line ministries and implementation agencies to undertake sector based data gathering and analysis as opposed to consultants, coupled with an emphasis on the ownership of the NLUDP by all ministries)¹³⁴ As with the development of the first NLUDP a two-month consultation is proposed, with a protocol ‘demanding’ districts to hold a public forum led by land professionals. It is noted that there is no specific position dedicated to consultation and communication on the proposed NLUDP revision team.

¹³⁵ Comprising: a) population projections, b) profiling and SWOT analysis, c) socio-economic needs assessment (including housing, urbanization, grouped settlement, education, health, commercial, tourism, agriculture, mining, industry, and forestry), d) infrastructure needs assessment (including the transport network, power supply, ICT and WATSAN), and d) risk and suitability analysis.

¹³⁶ It is assumed that the next generation of DDPs will commence 2018/19, and the revision process would commence in 2017 (in 18 months time).

Exhibit 7 District Land Use Plan development method

INTEGRATED DISTRICT DEVELOPMENT PLANNING



DISTRICT LUP PREPARATIONS STEPS

In respect of climate change adaptation, the risk and suitability analysis of the NLUDP is mirrored at the district level.. However, a review of selected DLUPs

suggests that such analysis is either non-existent or poorly undertaken.¹³⁷ Moreover, no localized projections are used to bring analysis to a relevant district level scale.

We have noted the considerable effort that has been required to develop DLUPs. Initiated in 2012, the target date for validation was March 2015. Of the 30 districts, 24 DLUPs have been approved (the 3 City of Kigali DLUPs and 21 others). Six DLUPs remain to be approved ('to be determined').¹³⁸ The review of DLUPs emphasizes the significance of including the plan making and implementation process in performance contracts. The exact number of district and land professional performance contracts including DLUP development and approval as a performance measure was unobtainable. We were informed by RNRA that most districts did not include such measures. A DFID commissioned assessment concludes that about 40% of land professionals include DLUP preparation as a mandatory undertaking in their performance contracts.¹³⁹

Kigali City Master Plan (2013)

The Kigali City Master Plan (KCMP) is based on previously completed Kigali Conceptual Master Plan and Kigali Sub Area Planning. The method for the development of KCMP comprised: a) reconnaissance and base mapping, b) situation analysis and vision formulation, c) preparation of the conceptual district plan, d) preparation of schematic plans, preparation of detailed urban design, and e) preparation of implementation plans. The KCMP text report consists of eight sections with the substantive focus on six goals in creating a city of: a) vibrant economy and employment for all, b) green transport, c) quality affordable homes, d) enchanting nature and biodiversity, e) endearing character and unique local character, and f) sustainable resource management.¹⁴⁰ A 'Broad Land Use Plan 2025' is included as part of the plan. The KCMP is also made up of three Detailed District Physical Plans (also referred to as 'Zoning Plans') that regulate the types of uses permitted, the development intensity, and the setting and height of buildings on any plot.¹⁴¹ These zoning plans are designed to inform landowners and developers with what can, and cannot, be developed on any particular plot. They consist of a zoning map and a set of zoning regulations.

As already noted on the KCMP, whilst climate change adaptation is not explicitly addressed, and localised climate projections have not been used in plan preparation, the plan does include objectives and actions that are relevant to climate resilience: flooding, erosion and landslides.¹⁴² Chapter 7 (A city of enchanting nature and biodiversity) comprises a range of targets that could enhance climate resilience: a) no

¹³⁷ DFID 'Textbook for NameOfYourDistrict Review', Draft December 2014

¹³⁸ These are Bugesera, Muhanga, Musanze, Nyabihu, Rubavu, Rwamagana. Source: 'Status and progress regarding with district land use plans completion 30/03/2015 (passed to the consultants on 26 June 2015 by RNRA).

¹³⁹ DFID (2015) 'Review and update of the 30 District Land Use Plans', prepared by Land Use Planning Specialist, draft January 2015 (p.14).

¹⁴⁰ Kigali Master Plan Report (2013) Task Order 3: Concept Planning

¹⁴¹ There is a Detailed District Physical Plan for each of the three City of Kigali districts: Gasabo, Kicukiro and Nyarugenge.

¹⁴² Heermans, J., Ndangiza, M., and Knox, A. (2015) 'Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda'

development on steep slope, b) relocation of unplanned communities on steep slopes and full restoration of slopes above 40%, c) mandatory soil stabilization of all slopes above 20%, d) a citywide Watershed Management Plan, e) flood free city for a 50 years of flood return period, f) 100% conservation of all water bodies, g) a 20m mandatory buffer for all water bodies, h) a zero net loss of existing forests, i) creation of innovative urban agriculture for slopes > 20%, j) afforestation on slopes > 60%, and k) reforestation to restore former forests.¹⁴³

Urban Land Use Plans

There are a number of types of urban plans (we refer to these collectively as ‘urban land use plans’). Secondary City Master Plans are currently being developed following the KCMP plan development model. Under Law N°10/2012 Governing urban planning and building in Rwanda four types of urban plan are provisioned: a) the City of Kigali and districts are required to develop ‘master plans for land management and urban planning’ in conformity with the pattern of rational land use in Rwanda,¹⁴⁴ b) local land development plans defined as plans governing the allocation and occupation of land in the area selected, c) specific land development plans, and d) land subdivision plans. In practice, it appears that variously titled urban plans – ‘local urban’, ‘detailed master’, ‘detailed land use’, and ‘local development’ have been developed rapidly by consultants and are considered inconsistent.^{145 146}

Conformity and compliance of plans

Whilst the proposed hierarchy of plans is logical, and from our interview discussions appears to be understood (especially the proposed relationship between the NLUDP and DLUP), the practicalities of ensuring that plans are in compliance with higher order instruments is more challenging. The weight and depth of policy and strategy developed at the central government level, and the need for districts to ensure compliance, will require support comprising: a) the development of district capacity in line with expectations for the development of plans, and b) the development of screening and review tools to support and confirm compliance.

Our interview discussions also suggested the need to ensure a clear focus on the relationship and interactions between economic and social development needs. One informant emphasized the significance of economic development leading land use planning (rather than vice-a-versa): “Urban and territorial planning has an inherent and fundamental economic function.”¹⁴⁷

Land use planning is a delicate balance of encouraging, facilitating and enabling change and development (for example, through the provision of infrastructure), rather

¹⁴³ This is discussed in more detail in Heermans, J., Ntangiza, M., and Knox, A. (2015) ‘Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda’.

¹⁴⁴ Article 13 Law N°10/2012 Governing urban planning and building in Rwanda

¹⁴⁵ DFID (2015) ‘Review and update of the 30 District Land Use Plans’.

¹⁴⁶ The DLUP process had conceptualized the development of Action Area Plans as an implementation instrument related to planned changes of urban land and water use, and with an implementation period of between 5 and 15 years. Source: DFID ‘Textbook for NameOfYourDistrict Review’, Draft December 2014.

¹⁴⁷ UN-HABITAT (2015) ‘Draft international guidelines on urban and territorial planning’ (p.2)

than attempting to overprescribe the permitted use of land. A degree of flexibility in the implementation of plans is therefore important in responding to economic opportunities. A number of informants, both planning professionals and end users, also referred to the significance of flexibility in the planning process to address anomalies in the first generation of DLUPs. This ranged from the allocation of land unsuited for industrial use, the perceived misallocation of land for sporting purposes and the siting of a new airport. In another case we were informed of a district's intention to demarcate national highway-side communities hitherto unidentified as such in the DLUP as group settlement areas. There have been previous suggestions to consider relaxing stringent planning regulations in relation to affordable housing. Unnecessarily restrictive planning regulations (such as density, floor area ratios, building coverage and set backs) are known to be an important obstacle to increasing housing supply.¹⁴⁸ The adoption of 'mixed use development' (which can include retail, residential, leisure, and business uses for example) in zoning practice has become a frequently used tool to flexibly respond to development needs and trends.¹⁴⁹

Good quality plans that build consensus and seek to resolve conflict to the degree possible are critical to the ability to implement plans and remove potential implementation bottlenecks. In this respect, effective participation is critical.

3.2 Participation in plan development

There is unanimity in an international planning context that the participatory development of plans is critical and should be founded on appropriate multi-stakeholder and participatory approaches. This participation embraces both the willing and active cooperation of partners such as central and local government agencies, a range of stakeholders such as NGOs, CSOs, businesses and universities, and ordinary citizens. In principle a participatory approach to plan development has multiple benefits in ensuring legitimacy and ownership, and that the fullest range of local resources is mobilized from the start (human, organizational, physical, and financial).¹⁵⁰ We were regularly reminded in our interviews that participation is also critical for implementation, most especially in working towards a consensus and understanding of the proposals and the requirement for land expropriation.

In our discussions with central and local government, policy thinks tanks and civil society organizations there was unanimity: the potential vehicles for engaging ordinary citizens in the land use planning process are embedded at each level. The vehicles and channels through which participation can be harnessed and policy intentions disseminated are multiple in Rwanda. Councils and forums (focused on women, youth and people with disabilities for example) exist at each level (district, sector, cell and village) and include local opinion leaders.¹⁵¹ So-called home-grown

¹⁴⁸ Buckley (2014). Payne, G. and Majale, M. (2004) 'The Urban Housing Manual: Making Regulatory Frameworks Work for the Poor'.

¹⁴⁹ Such an approach has been adopted in the KCMP (2013) through 'integrated mixed use development'

¹⁵⁰ This can range from the support for plan development of universities and research bodies to the involvement of ordinary citizens in collecting baseline information. It can involve the contribution of physical space to convene workshops and meetings, the agreement of stakeholders to display and disseminate information regarding the planning process, and commitments to financially support proposals arising from the plan.

initiatives such as Umuganda provide a forum in which public policies are communicated and explained, problems discussed and solutions identified.¹⁵² Such mechanisms appear to have worked efficiently for Land Tenure Regularization. The role of Land Committees was considered especially successful in supporting a participatory approach and a mechanism that could support land use planning.¹⁵³

The conclusions which we can draw from the interview discussions are limited by a number of factors: a) we have not conducted a field survey with ordinary citizens gauging the extent and effectiveness of participation in the plan development process, b) the individuals interviewed were not always those that had been in post (both elected officials and staff) and c) our discussions (Annex 3) which were generally limited to one hour were insufficient to provide a detailed picture of participation. In general terms, the responses to how participation has worked in land use planning received a considerably more pessimistic response to the confidence expressed in the mechanisms for the participation of citizens in general, and participation in land tenure regularization in particular (Exhibit 8).

Exhibit 8 How is participation working? What respondents had to say.

“Poor, poor, poor community participation”
“Good levels of participation have been achieved”
“Very little”
“Planning is top-down at present”
“Participation doesn’t happen in Rwanda”
“It is one-way communication”
“Participation is the biggest challenge in implementing national policy – research findings show that ordinary citizens are not adequately included in planning”
“It was participatory from start to finish involving all parties ...good for implementation which becomes much easier”

Source: Consultants’ records (abbreviated statements from interview discussions)

Interview responses indicate that the method and process was consultative and information providing in nature, rather than participatory (reflecting the method adopted for DLUP development –

Exhibit 7). The latter implies a more concerted, perhaps creative, approach to ensuring people’s views are embodied in plans and which starts from the outset of the plan development process.¹⁵⁴ Moreover, statutory requirements for consultation have not been defined in law for the development of DLUPs. Nevertheless the DLUPs. Nevertheless the prescribed method followed by each district (

¹⁵² Rwanda Governance Board (2014) ‘The assessment of the impact of home grown initiatives’

¹⁵³ The ministerial order establishing and regulating the Sector and Cell Land Committees is in the pipeline and not yet approved yet. The Committees are provisioned through Article 33 Land Law 2013 (“responsible for follow up of management and use of land are not therefore functional at present.

¹⁵⁴ During our discussion a representative of RNRA usefully referred to the enduring analogy of participation as a ladder. First used in 1969 by Sherry Arnstein, the ladder of participation has been modified and applied in many different ways since as a way of understanding the level and depth of participation in planning. From the bottom rung up, the eight-step ladder consists of: manipulation, therapy, informing, consulting, placation, partnership, delegated power and citizen control.

Exhibit 7) in developing DLUPs requires consultation: a) following the situation analysis,¹⁵⁵ b) through formulation of a consultation report, and c) on finalization of the draft plan. The prescribed format for reporting consultation in the DLUP text report requires sections on: a) public consultation after situation analysis, and b) public consultation for the draft plan proposal. Of the sample plans reviewed Musanze (to be determined), Nyagatare (approved), and Ngoma (approved), these sections have not been completed.¹⁵⁶

There were a range of views expressed on the extent of consultation and participation. In general terms there is a rather more optimistic assessment by central and local government on the extent and effectiveness of participation, and a more pessimistic assessment from civil society organizations. In one district there was divergence between an elected official and district staff member.¹⁵⁷ The former considered participation of the public in DLUP development as effective and encouraged from the start, whereas the latter viewed it as insufficient, top-down and not understandable by ordinary people. Another interviewee expressed disappointment at a consultation process which focused on the ‘validation’ of already drafted plans. Several respondents referred to the consultations as an ‘instructional,’ one-way flow of information. They described the invitation to a select meeting of ‘representatives’ (approximately 60 participants in total), presented by consultants in what was described as ‘impenetrable technical language’ and that local citizens were not involved. The majority of comments and questions raised by participants at the meeting were perceived as unanswered by the meeting facilitators (the Chairman of the Land Commission) and consultants.

There is no clarity on how ordinary citizens should be involved in the process of development, for example through gathering local level data and information to into the situation analysis, through field surveys (both in conducting surveys and respondents), and through attendance at regular meetings throughout the plan development process. Consequently there is no indication of how the outputs of participation can be fed into plan formulation, and the accountability of districts considering these citizen inputs. On the basis of the DLUP development method (

Exhibit 7) it appears that the emphasis is consultation (on drafted proposals) rather than participation (in the development of the proposed plan). The requirement for the development of a straightforward participation and consultation strategy before plan development commences could help ensure more effective participation (Exhibit 9).

Exhibit 9 Participation and Consultation Strategy

¹⁵⁵ The situation analysis consists of a review of the current socio-economic and infrastructure context. This analysis includes housing, agriculture, health, education, imidugudu development, mining, industry, forestry, commercial, transport systems, power supply, ICT and water and sanitation. It provides a baseline of data and information through which needs can be identified against population projections and development scenarios formulated and assessed.

¹⁵⁶ Accompanying DLUP Consultation Reports have not been received by the consultants. The proposed revision of the DLUP Textbook re-emphasizes: “The Textbook should contain what public participation activities there have been in the district during the preparation of the DLUP and what impact the consultations have had on the final draft. In the DLUP training program documentation there are templates for public hearing minutes as well as DLUP Consultation Report.” Government of Rwanda ‘Textbook for NameOfYourDistrict Review’, Draft December 2014, p.61.

¹⁵⁷ Interview discussions in Nyagatare.

- Establish principles to be used for involving ordinary citizens, and the challenges in doing so.
- Set out the phasing of participation and consultation (in line with legislative requirements).
- Identify who needs to be involved and how.
- Identify the methods to be used – this can comprise a wide range of techniques from commonly used workshops and meetings, to charrettes (multiple-day collaborative design and planning workshops held on-site and inclusive of all affected stakeholders), citizens’ panels, juries and summits, community design and drop-in centres, community planning events, community planning forums, planning for real (using simple models), public walls (an area of wall space or display boards - perhaps at the sector and or district level - where ordinary citizens can make their views known by putting up drawings, text or photos and making comments on material already there).
- Set out how citizens’ inputs will be used in the plan formulation process.
- Anticipate the logistics and resources required for participation and consultation activities.

A wide range of methods can be accessed through www.communityplanning.net/methods/methods_a-z.php

Determining the extent, organization and outcome of the participation of citizens in the development of urban plans was equally challenging to determine through the interview discussions. Interview discussions indicated that in general terms current practice in urban plan development and the extent of participation is inadequate. This perception is also reflected in the diagnostic assessments that supported the development of the NUP and in the draft ministerial orders covering plan development that seek to clarify and improve procedures.^{158 159}

We have noted that to date that the timeframe for the development of urban plans outside the City of Kigali has been short (typically 6 to 8 months from commencement to approval), and unlikely to provide sufficient time for effective participation. The rules of engagement have been established in draft orders for the development of urban plans.¹⁶⁰ For example, the development of an ‘urban area master plan for land management and urban planning’ requires ‘conducting consultative meetings with community, local authorities, the private sector and other local organizations’ (though specific instructions detailing this general requirement are not provided). The public display and circulation of the draft plan involves: a) public consultative process, b) display for public comment for 28 days, c) a public meeting for comment, d) display of the final ‘approved’ plan for 14 days. These are

¹⁵⁸ “There needs to be much better coordination amongst local government authorities, opinion leaders and beneficiaries with grass root participation so that the implementation of the LUDP should become more concerted to ensure the plans respond to people’s needs. For this to happen in a coherent and sustainable manner, the management and evaluation of urban spatial planning must be increasingly decentralized and subject to more local control (district and sector) to be aligned to the law governing decentralization. This requires an incremental augmentation of delegation of authority from central government to entities with legal personalities to separate implementation, monitoring and regulation functions between administrative bodies (ministries, agencies and districts).” Government of Rwanda (undated) ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’, Ministry of Infrastructure (pp.112-13)

¹⁵⁹ Draft Presidential Order Determining procedures for formulation, approval, revision and publication of the master plan for land management and urban planning

¹⁶⁰ Draft Presidential Order Determining procedures for formulation, approval, revision and publication of the master plan for land management and urban planning (Art.3)

necessary steps in ensuring a level of transparency. However, as with DLUP development, there is no further guidance on the content and nature of participation or how input is built into the plan.

3.3 Climate change resilience and adaptation

A recent review of climate change and land use planning has established the broad parameters of climate change threats and challenges in Rwanda and the land use planning related responses that are required, including: a) climate vulnerability assessments to inform land use zoning and regulations, b) stricter enforcement of regulations, and c) the incentivization of climate change adaptation measures.^{161 162} The NLUDP has made an important first step with regard to identifying risks that are likely to be exacerbated by climate change. For example, it maps what can be considered climate change hot spots prone to flooding and erosion (steep slopes > 20%), and identifies adaptation measures such as reforestation. In one district we were informed of how this has translated into the DLUP and the subsequent enhancement of the budgetary allocation to afforestation from RWF 5 million to RWF 380 million.¹⁶³ There are other positive steps in supporting climate change adaptation in land use planning. For example, we have noted the prototype development of a ‘sustainability and climate change impact screening tool’ by MINAGRI that could prove of broader use in other sectors.¹⁶⁴ The City of Kigali’s commencement in the Rockefeller Foundation 100 Resilient Cities program will provide further support for mainstreaming climate change in land use planning and opens up a global network of cities tackling similar issues that can be shared with secondary cities and other urban areas.

Despite the confidence expressed during our interview discussions at the district level that climate change has been adequately reflected in DLUP, it is apparent that there is considerable room for improvement. As part of the DLUP preparation districts are required to undertake and report a ‘risk and suitability assessment’ (

Exhibit 7). This assessment consists of overlaying GIS base layers recording risks (such as erosion hazards and flood risks) to inform decision-making on land use allocation and zoning. Whilst such risks are clearly pertinent to, and potentially exacerbated by, climate change – the assessment neither addresses climate change

¹⁶¹ Heermans, J., Ndagiza, M., and Knox, A. (2015) ‘Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda’

¹⁶² Adapting a common definition of resilience, climate change resilience in the Rwandan context, refers to the capacity of districts, sectors, cells and villages – individuals, communities, organisations, businesses and systems – to survive, adapt and thrive in the face of climate change related *stress* (chronic, slower onset, constant or cyclical such as high costs of doing business, intermittent power supply, inefficient public utilities, chronic food and water shortages) and *shocks* (episodic with a quicker, often more unpredictable onset, such as floods and land slides), and even transform when conditions require it. Source: ‘Investing in urban climate change resilience: sharing lessons and accelerating action’, Aide-Memoire, Rockefeller Foundation Conference Center, Bellagio, Italy (2-6 June 2014), International Finance Corporation (2015) ‘The Project Development Facility to Support Infrastructure to Build Resilience: “Resilience Screen” Guidance and Background Information’ p.3.

¹⁶³ Interview discussion with Nyagatare District

¹⁶⁴ Interview discussion with MINAGRI 29 June 2015. The development and application of the tool through piloting is currently the subject of a grant application to Fonwera and was not available to the consultants.

specifically nor considers climate change adaptation. More broadly, a DFID commissioned assessment of DLUPs comments of risk and suitability analysis: “This planning factor is hardly found in any of the DLUPs I have come across in spite of the fact that the data was prepared and distributed during the training.”¹⁶⁵

Climate change projections have not been used in the preparation of DLUPs, and as far as can be ascertained localized climate change projections have not yet been developed. As one interviewee confirmed, there has been a concentration on macro analysis of climate change at the national level with local micro-level considerations confined to behavioral change and adaptation (for example of farmers) rather than climate change prediction and projection.¹⁶⁶ In a context where the climate change risks faced will vary between districts and towns, the current gap appears to be in what might be described as ‘meso-level’ data and analysis that would support effective climate change adaptation at the district and urban level. For example, there was uncertainty expressed in one district as to whether recently designed and constructed drainage channels would be sufficient for both the planned densification of the urban area and potential climate change impacts in an area that has historically experienced flooding.¹⁶⁷ There is therefore good scope for improving the climate change resilience of land use plans through integrating adaptation measures, starting from a clear, user friendly understanding of what climate change will look like at the district level.¹⁶⁸

Mainstreaming climate change in land use planning is challenging.¹⁶⁹ It is impossible to precisely predict future climate change implications, as this change is dependent on global greenhouse gas emissions trends that cannot be known with certainty.¹⁷⁰ Nevertheless, the critical challenge for climate resilient plan development is to assess the current climate trends and look to provide a robust-enough view of the possible future climate. The use of conservative projections is therefore critical, however imperfect.¹⁷¹ Planning requires projecting future trends and seeking responses to such trends. There are four critical planning functions for supporting sustainable urban development in relation to climate change: a) controlling land use by preventing development in areas of high risk and in areas that exacerbate levels of risk, b)

¹⁶⁵ ‘Textbook for NameOfYourDistrict – Review’, Draft . December 2014, p.57

¹⁶⁶ Interview discussion conducted with the Institute of Policy Analysis and Research, 25 June 2015.

¹⁶⁷ Interview discussion conducted with Nyagatare District.

¹⁶⁸ It is reported that REMA is finalizing a baseline climate vulnerability index that will identify specific risks and areas of highest priority and vulnerability. Heermans, J., Ndingiza, M., and Knox, A. (2015) ‘Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda’.

¹⁶⁹ The process by which development policies, programmes, projects and plans are (re)designed, (re)organized and (re)evaluated from the perspective of climate change mitigation and adaptation. Ayers (2013) et al (2013) ‘Mainstreaming climate change adaptation into development: A Case study of Bangladesh’, Wiley Interdisciplinary Reviews.

¹⁷⁰ Additionally, even if there was certainty in the emissions trends, the science of climate change is limited in the certainty it can provide for different climate variables like temperature and rainfall.

¹⁷¹ “Land use master plans could benefit from incorporating climate change projections and related impacts into long term plans to guide land use, settlement, economic growth, infrastructure and environmental protection areas. By neglecting to use climate data to inform the design of land use master plans, Rwanda risks missing an opportunity to match growth and land use objectives with future climate change projections. Even the upper limit of today’s most intense events may be tomorrow’s baseline.” Heermans, J., Ndingiza, M. and Knox, A. (2015) ‘Climate Change Adaptation within Land Use and Tenure Reforms in Rwanda’, Policy Research Brief No. 4, Kigali, Rwanda: USAID | LAND Project. June (p.21)

promoting, directing and facilitating development in areas of least risk and that are compatible with a climate resilient development strategy, c) allocating and reserving sufficient land for critical climate resilient infrastructure (such as water supply, drainage and roads) including sufficient rights-of-way and land availability, and d) identifying, on a continual basis, priority capital investments that promote climate resilience (including new and rehabilitated infrastructure, and ‘natural’ eco-systems investments such as afforestation and the protection of wetland and natural drainage basins and channels).¹⁷²

In response to the intensity of climate change impacts in Asia, a number of countries have piloted more elaborate processes in developing climate change resilience strategies and action plans based on vulnerability assessments. Whilst this work has focused on urban areas, the general approach is applicable to all areas. A range of generic tools both developed, and under development may prove of use to Rwanda.¹⁷³ In common the tools set out approaches to the development of participatory vulnerability and adaptation assessments, and adaptable step-by-step methods for developing climate change strategies as either stand alone instruments or a something that can be integrated into existing land use planning. Recognizing that climate change impacts all sectors and therefore requires the involvement and cooperation of a range of stakeholders, these tools are equally focused on increasing the overall awareness and understanding of climate change.¹⁷⁴ As such it is considered as much a technical exercise in planning as a means for strengthening the ways in which stakeholders collaborate in identifying, prioritising and addressing climate change impacts and adaptation responses (improving therefore ‘climate resilient governance’).¹⁷⁵

3.4 Implementation of land use plans and planning

¹⁷² This involves: a) the identification of user-friendly design parameters for critical infrastructure (typically + 25 years), b) the assessment of incremental costs of climate adaptation (the costs above and beyond ‘business as usual’ infrastructure) thus improving the links to climate financing, and c) the monetization of climate change impacts.

¹⁷³ For example: ACCCRN (2009) ‘Responding to the Urban Climate Challenge’ and the Asian Cities Climate Change Resilience Network <http://accrn.net/about-accrn>. UN-HABITAT (2012) ‘Developing Local Climate Change Plans: A guide for cities in developing countries’. UN-HABITAT (2015) ‘Proceedings Document: Expert Group Meeting (EGM) on ‘Guidelines for City Climate Action Plans’, 2-3 March 2015.

¹⁷⁴ Whilst of a different scale and context to Kigali and secondary cities, the widely referenced experience of Durban is of interest. Whilst a climate change project had operated since 2000, by 2006 it was reported that very little internal organisation momentum and knowledge was built amongst either elected representatives or municipal staff. This was addressed through intensive briefing and sensitization to climate change. The extent to which climate change was institutionalized in the local government as then measured against 4 markers: a) the emergence of identifiable politics/administrative champions for climate change issues, b) the appearance of climate change as a significant issue in mainstream municipal plans, c) allocation of dedicated resources, and d) incorporation of climate change considerations into political and administrative decision making. Debra Roberts (2008)

¹⁷⁵ Deficiencies in governance in pilot Asian cities are regarded as more significant than the lack of technical capacity (see Friend, R. et al (2014) ‘Mainstreaming urban climate resilience into policy and planning: reflections from Asia’, and Jarvie, J. et al (2015) ‘Lessons for Africa from urban climate change resilience building in Indonesia’). Piloting the development of climate resilience strategies in four countries concludes that an emphasis on resilience requires policy and planning approaches that can cope with future uncertainty, and this requirement may be at odds with a technocratic-managerial, linear, and prescriptive approach to policy development practiced in many countries.

In our discussions with central government agencies, districts and non-government organisations, the need for, and challenge of, implementing land use plans was the single most commonly cited challenge.¹⁷⁶ There are obvious reasons for this being so. Whilst land use plans can be effective mechanisms for preventing undesirable development, they can be more limited and passive in terms of proactively leading physical, social and environmental change (for example by omitting effectively prioritized action plans and financing strategies). In addition, land use change and development, and the realization of the vision and targets set out in land use plans, are highly contingent on the private sector and individuals investing in the forms of development that land use plans envision. In this context plans are an important vehicle for encouraging development, for example through planning the provision of basic infrastructure (roads, drainage, water and sanitation systems and the provision of open public spaces for example) and planning regulations that are responsive to needs, demands and affordability (such as the stipulation of building density and the protection of environmentally sensitive areas).

Whilst there is no single definition of the way in which ‘implementation’ is defined in either rules and regulations in Rwanda, or through our interview discussions, various uses and interpretations were apparent: a) the use of the DLUP and urban land use plans as a means of controlling development through the building permit system, b) the monitoring and enforcement of permissions for development, and the control of illegal development, c) the realization of the land use patterns specified in the plan, d) the planning of infrastructure required to facilitate and enable change, e) the finances and financing mechanisms to support implementation, and f) the capacity required to operate and service the land use planning system.¹⁷⁷

To be effective, planning systems and practice need to work back from, and designed in to response to implementation. Implementation considerations include: a) whether the plan has an implementation orientation (for example whether and how action plans and financing mechanisms accompany the plan), b) how development will be controlled in compliance with the plan, including whether development control systems are administered, and c) the ability and capacity of organizations and planning professionals to operate the system. It is acknowledged that the current system is young and developing in Rwanda, but there is a clear mismatch in between these requirements for implementation and planning as currently practiced.

The efficiency of plans as implementation mechanisms is also, in part, a reflection of the level of ownership of these plans. In general the more organizations and individuals have invested in plan preparation, the more likely they are to proactively promote the plan, ensure it is complied with and that priority proposals are implemented. In our interview discussions, districts did express a sense of ownership of both DLUPs and urban plans – even in circumstances where these plans were developed by external consultants. However, this sense and expression of ownership

¹⁷⁶ As one respondent estimated of DLUPs – only 5-20% will be implemented at the of the plan period. International guidelines cite three fundamental elements for successful plan implementation: a) an enforceable and transparent legal framework (with particular emphasis on accountability, ‘implementability’, and the capacity to enforce the legal framework where required), b) sound and flexible planning and design, and c) a financial plan for affordability and cost effectiveness. UN-HABITAT (2015) ‘Draft international guidelines on urban and territorial planning’ (p.3)

¹⁷⁷ It is noted that Collier focused on the need for three primary investments: housing, infrastructure and commercial. Buckley, R. (2014).

needs to be further enhanced in local practice. Whereas the quality of the DLUP text based reports is variable, most are generally poor.¹⁷⁸ This needs to be improved, and a revision guide has been developed.¹⁷⁹ Also, on the basis of our visits to central and local government offices, we observed only one publically displayed map or information board (the City of Kigali Master Plan in Gasabo District) promoting the existence of a plan (NLUDP, DLUPs and UDPs).

The control and enforcement of development

Insufficient enforcement of planning standards and regulations in urban and rural areas has been recorded as a major challenge in multi-stakeholder workshops.¹⁸⁰ As far as we can determine through our interview discussions and secondary documentary analysis, the critical lever for controlling development - the building permit system - is only currently applied in those areas covered by detailed Action Area Plans (**Exhibit 10**).¹⁸¹ Thus only a very small proportion of Rwanda is subject to detailed planning control. This was described as a significant gap with little or no monitoring.¹⁸² Outside these control areas it appears that an advisory approach is taken through the sector level Land Managers – covering highway adjacent business centers and other ribbon development (for example by ensuring regulations such as the highway 20 meter set back is observed) and in group settlements. In one interview discussion it was described as a ‘flexible’ approach with people ‘made aware’ of the regulations. In urban districts such as Gasabo that cover both urban and peri-urban / rural areas, and where the pressures of urbanization will inevitably build, the absence of effective development control mechanisms of approximately 60% of the total district area is a gap that needs to be addressed.¹⁸³ For Nyagatare District approximately 11% (500 has) is covered by Action Area Plans. The remainder is not subject to regulated development control.

Exhibit 10 The development control system in Rwanda

Areas	Mechanism	Legal basis	Who administers the system?
Urban areas with ‘detailed plans’	Building permit system (building, construction, occupancy)	Law N°10/2012 Governing urban planning and building in Rwanda	One Stop Centers (Districts)
Urban areas without detailed plans	None. Awareness raising and persuasion To be addressed by building permits in	Law N°43/2013 Governing land in Rwanda (Article 3) Draft MO Determining the	One Stop Centers (Districts)

¹⁷⁸ Interview discussion with RNRA. DFID ‘Review and update of the 30 District Land Use Plans’, prepared by Land Use Planning Specialist, draft January 2015

¹⁷⁹ ‘Textbook for NameOfYourDistrict – Review’, Draft December 2014. This review notes that even the Mayoral foreword template has been retained, rather than personalizing this to the local district context.

¹⁸⁰ Government of Rwanda (undated) ‘National consultative meetings for the development of the urbanisation policy’ (p.43)

¹⁸¹ Now entitled Local Land Development Plans and Land Subdivision Plans.

¹⁸² Interview discussion with RNRA, 29 June 2015.

¹⁸³ The Draft Ministerial Order ‘**Determining the instructions of categorization of buildings, conditions and procedure for application for and issuance of building permits**’ extends the issuance of building permits in areas without existing urban planning documents (Article 17).

	“areas without existing urban planning documents”.	instructions of categorization of buildings.... Article 17: conditions for issuance of building permit in areas without existing urban planning documents.	
Rural group settlement areas	None. Awareness raising and persuasion (there are neither control nor sanction mechanisms)	Law N°43/2013 Governing land in Rwanda (Article 3) Article 17 as above (but it is not clear if this applies to grouped settlements) Ministerial Instructions for general guidelines. DLUP Layout plan	One Stop Centers (Districts)
Rural areas	None. Awareness raising and persuasion (there are neither control nor sanction mechanisms)	Law N°43/2013 Governing land in Rwanda (Article 3) NLUDP, DLUP	Land Committees at sector and cell level. ¹⁸⁴ Land Managers (Sector)

We were unable to substantiate the exact number of building permits per period (years or month) in all districts (Exhibit 11). It also appears that different systems are employed for recording permits awarded. In one district an internal Excel format file was being kept. None of the districts recorded refused permits or the reasons for refusal. The numbers of refusals were considered to be very small (with the exception of the City of Kigali), which is likely to reflect the generally limited demand for permits, the ability to predetermine whether the development is acceptable and the prescriptive nature of the detailed plans and regulations. Information on the building permits awarded are not accessible to the general public. Making this so will help strengthen the overall transparency of the system and in principle encourage the reporting of non-compliance with permits by ordinary citizens.

Exhibit 11 A snapshot of development control in four districts

City / Districts	Est. number of permits awarded	Est. number of refused applications	Comments
City of Kigali	Approximately 10-15 permits per week	Approximately 20 per week	Refused includes incomplete applications and non-conformity to the plan. COK handles all 1+ floor applications for the three districts Permits are not publicly accessible
Gasabo	Approximately 100 per week	Approximately 100 per week. Unrecorded	Handles small (1 floor) dwelling applications only. The rest is handled by COK. Permits are not publicly accessible

¹⁸⁴ Article 43 for the 2013 Land Law provides for Land Committees which replace Land Commissions.

			Currently using hard copies only but looking to shift to an e-based system
Musanze	109 permits (FY 2014/15)	Unrecorded	Permits recorded in the Land Query Notification Information (SMS) sent to applicants Permits are not publicly accessible
Ngoma	Approx. 60 (FY 2014/15)	Unrecorded	Permits recorded in excel format, and not entered in GIS Permits are not publicly accessible
Nyagatare	Approx. 100 permits (FY 2014/15)	Unrecorded	Permits recorded in the Land Query Notification Information (SMS) sent to applicants Permits are not publicly accessible
Source: Information supplied through interview discussions.			

Enforcement can only effectively be applied to areas requiring building permits. Here regulations are followed including informing the landowner of the infringement, applying fines where appropriate and applying the ultimate sanction of demolition. But with limited staff in OSCs and limited means of travel (vehicles and motorbike) operating and policing the permit system and encouraging conformity to the regulations are challenging. There is no substitute for visual inspection. Whilst exact figures of illegal development are unavailable, ‘cheating’ (divergence from the building permit) was cited as prevalent on permitted development as was development contrary to DLUPs outside detailed plan areas.

In general, development control and enforcement systems rely on a balance between appropriate regulation, public awareness and citizen pressure. Few, if any systems are immune from the breaking of rules, and international experience suggests there is no silver bullet to ensuring compliance.¹⁸⁵ If anything, a cultural disposition to compliance or non-compliance is more significant especially in a context of limited capacity and resources to effectively manage an enforcement system.¹⁸⁶

Capital investment planning and programming

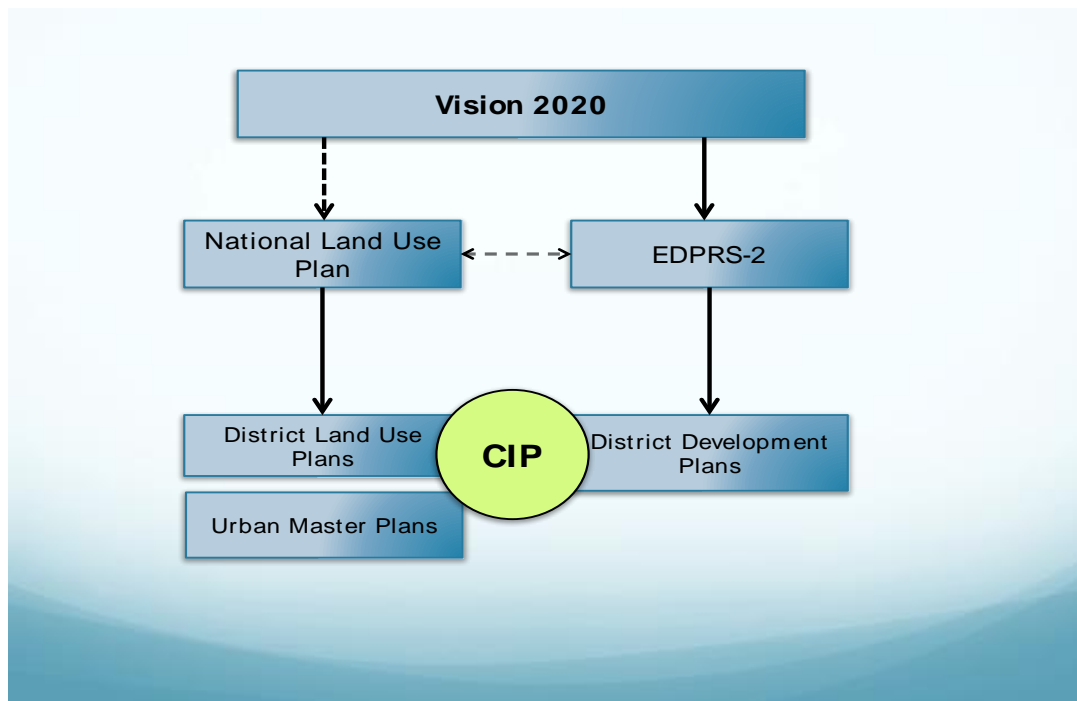
The implementation of land use plans requires some form of implementation mechanism either integrated within the plan or accompanying the plan as a separate strategy and/or action plan. Effective investment planning is critical to implementation which may comprise physical and environmental investments that support the realization of the plan and non-physical activities such as capacity development, whether training, awareness-raising, or staffing. It has been noted that DLUPs do not currently address implementation issues. In part implementation

¹⁸⁵ Enhancing the efficiency of the development control and enforcement system should: a) recognize, and work within, the existing and projected constraints in capacity to operate the planning system, and b) ensure optimal transparency and accountability to engender confidence in the system as equitable and fair.

¹⁸⁶ As Jane Jacobs recognized in the wildly different urban setting of New York in the 1960's, eyes on the street and informal community 'surveillance' is the most efficient way of enforcing rules (formal and informal). Rwanda benefits from a well structured administrative and community infrastructure (sector, cell, village) and on the basis of systematic and continual awareness raising it could be harnessed to support compliance in land use planning. These achievements could be incentivized.

issues, including capital investments and activities (such as training needs), are addressed in DDPs. These are not yet aligned and integrated with DLUPs as originally conceived (as an ‘Integrated District Development Plan’). This integration should take place in the next planning cycle for DDPs commencing in 2018/19.¹⁸⁷ A similar observation is made of the KCMP with implementation projects set out in the City Development Plan (CDP 2013-18). It has not been possible to review these implementation plans in detail, but our observation is that whilst priority projects have been listed in the DDPs and CDP, these priorities are ambitious in relation to the estimated costs and available budget (discussed further below). It is also unclear how significant spending requirements for the operation and maintenance / repair (O&M/R) of existing infrastructure are reflected into projected costs and spending. This suggests that a long (wish) listing approach has been adopted, and further project prioritization and programming are necessary to sharpen the implementation orientation of plans (Exhibit 12).

Exhibit 12 Capital investment planning for plan implementation



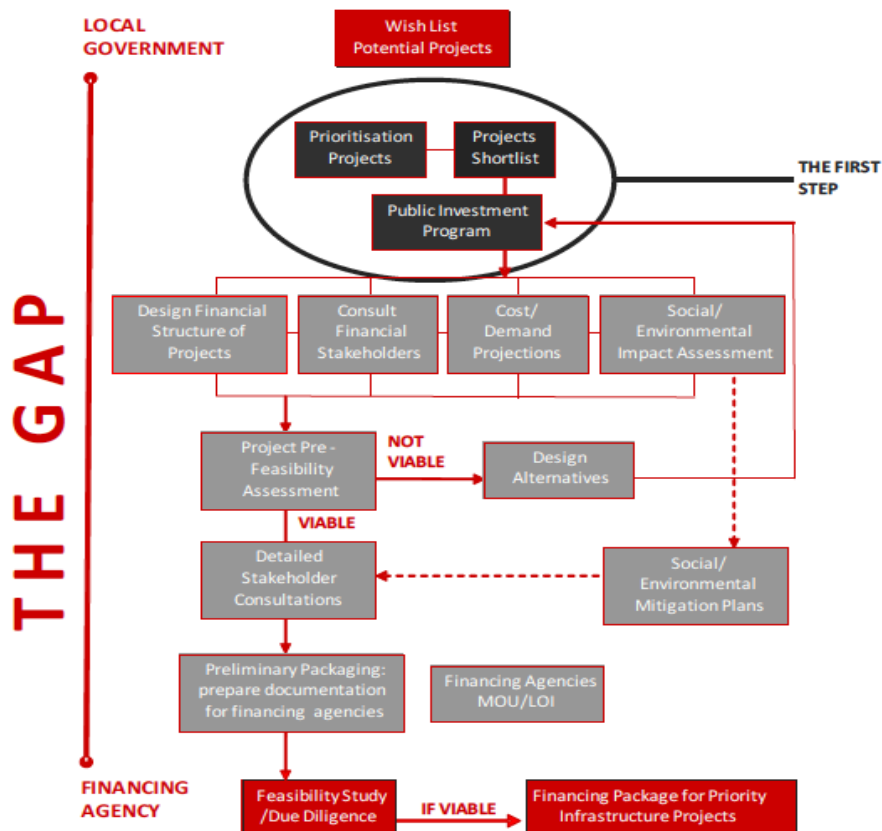
The need for short range, typically 3-5 year, annually reviewed capital investment mechanisms is already noted in Rwandan regulations requiring ‘public investment planning.’¹⁸⁸ This is a promising development. However, both public investment planning and the current DDP approach are likely to need support to ensure clear prioritization based on anticipated feasibility. Capital investment planning has multiple advantages, including sharpening the feasibility of implementation,

¹⁸⁷ Interview discussion with MINALOC.

¹⁸⁸ Article 6 of Ministerial Order N° 04/Cab.M/015 of 18/05/2015 (determining urban planning and building regulations) states of public investment planning and phasing process: “Public investment planning based on local land development master plans shall be established to guide all public investments in urban development activities. The public investment plan shall be designed for a period of 3 years and shall be accompanied by annual action plan to be implemented for urban development in phases.”

identifying priorities in relation to affordability (and thus embedded in a rigorous assessment of local government finances) and better management and understanding of physical assets (known as ‘asset management’).¹⁸⁹ It is a direct response to the commonly encountered ‘funding gap’ experienced by local governments worldwide between the long list of project priorities and the viability and funding availability for implementation (Exhibit 13).

Exhibit 13 The funding gap



Source: Cities Development Initiative for Asia (2010) ‘City infrastructure investment programming and prioritization tool: user manual’, CDIA Manila, Philippines

Practical and adaptable prioritisation tools have been developed, tested and refined in the Asia region to support local governments in investment prioritization exercises.¹⁹⁰

¹⁸⁹ Asset management is considered critical to the capital investment planning process in: a) managing infrastructure and identifying up-to-date O&M costs based on the condition of infrastructure, b) managing other assets with revenue generation potential (such as land holdings and markets), and c) identifying areas for capital investment in renewal and rehabilitation of core infrastructure (and beyond the envelope of routine O&M). Within asset management the use of life-cycle costs and assessments has the advantage of estimating the value-for-money comparability between investment options (both physical and natural); life cycle costs include the capital investment (per unit), average lifespan (years), yearly depreciation, and yearly O&M/R. This is significant for climate change adaptation investments in designing and selecting options that optimize resilience and value for money (for example the comparison of total costs between different types of construction and how resilient they are to projected climate change). World Bank (2011) ‘Guidebook on capital investment planning for local government’

¹⁹⁰ This method has been developed by a multi-lateral facility - Cities Development Initiative for Asia (CDIA). So far inconclusive discussions have considered the establishment of a similar facility in Africa.

Based on multi-stakeholder collaboration in local governments, an Excel format based tool establishes weighted criteria (which include climate change resilience and adaptation) for project prioritization and places the short-listing process in the context of the investment capacity of local government. Such approaches may prove useful to supporting the rolling out of the capital investment mechanisms anticipated by the Ministerial Order 04/Cab.M/015 of 18/05/2015, and could be extended to DLUPs and DDPs during the next planning cycle (for preparation of plans commencing 2018/19).

Local government financing

The lack of local government financing was referenced regularly in our discussions as a major bottleneck in implementation. Finances, or the lack thereof, affect the preparation of plans which are expensive to develop, the maintenance of administrative systems in operating the land use planning system, the provision of sufficient land use planning related staff and resources (discussed in Section 4), and investment financing that supports the realization of land use plans (such as the provision of infrastructure in urban areas and group settlement areas, afforestation and other environmental measures).

It is not possible to comment on the financial robustness of DDPs since cost calculations for proposed priority projects are not included. A review of DDPs and the Kigali CDP is therefore a proxy indicator of the fiscal health of districts and the anticipated ability to finance the developments anticipated in DLUPs and KCMP. A review of all DDPs and Kigali CDP indicate that of the RWF 640 billion funding required a meager 2% is available from local own-source revenues. Once inter-government fiscal transfers and private sector contributions are discounted, there is an estimated shortfall of 61% of the total budget.¹⁹¹ We have reviewed the the financial projections of focus districts for this assignment (Exhibit 14), although projected income and expenditures for Musanze were not available.¹⁹²

Exhibit 14 Financial overview (projection) of the City of Kigali and three districts

District / budget headlines	Financial Years					Total
	2013/14	2014/15	2015/16	2016/17	2017/18	
City of Kigali (RWF '000)						
Own taxes and fees	13,469,294	9,804,602	9,253,398	10,826,476	12,666,977	56,020,746
GOR block grant	3,766,227	3,954,538	4,152,265	4,359,879	4,577,872	20,810,782
Total available funds	159,191,791	165,857,727	179,176,132	195,991,662	214,583,981	914,801,294
Projected CDP costs	151,523,070	159,104,127	173,876,000	187,502,890	205,736,205	791,560,371
Overall deficit / surplus	7,468,722	6,753,601	5,300,133	8,488,772	8,847,776	36,859,003
% Deficit / surplus	5%	4%	3%	5%	4%	5%
Gasabo District						
Own taxes and fees	6,556,000	7,801,000	9,752,000	12,677,000	17,114,000	53,900,000

¹⁹¹ State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy' (p.116)

¹⁹² We have not however reviewed financial performance over the past 5 years which would provide a clearer indication of the fiscal health of local government.

GOR block grant	6,715,500	4,309,905	4,106,664	4,011,389	3,918,325	53,900,000
Total available funds	29,265,871	30,058,105	33,986,890	39,279,886	46,439,606	179,030,358
Projected DDP costs	50,562,773	43,431,594	42,737,220	32,830,559	28,793,729	198,355,874
Overall deficit / surplus	(21,296,902)	(13,373,489)	(8,750,330)	(6,449,327)	(17,645,878)	(19,325,516)
% Deficit / surplus	-42.1%	-30.8%	-20.5%	-19.6%	-61.3%	-9.7%
Nyagatare District						
Own taxes and fees	850,000	960,000	1,200,000	1,300,000	1,400,000	5,710,000
GOR block grant	10,172,174	12,180,000	13,100,000	14,100,000	15,000,000	64,552,174
Total available funds	11,022,174	13,140,000	14,300,000	15,400,000	16,400,000	70,262,174
Projected DDP costs	94,371,207	61,487,298	107,464,647	49,119,683	94,252,405	406,695,240
Overall deficit / surplus	(83,349,033)	(48,347,298)	(93,164,647)	(33,719,683)	(77,852,405)	336,433,066
% Deficit / surplus	-87%	-79.9%	-87.4%	-66%	-83%	-83%
Ngoma District						
Own taxes and fees	630,336	650,000	700,000	750,000	800,000	3,530,336
GOR block grant	7,684,990	8,453,489	9,298,838	10,228,722	11,251,594	46,917,635
Total available funds	11,401,004	12,343,451	13,400,798	14,550,780	15,802,255	67,498,290
Projected DDP costs	13,266,450	16,505,950	21,571,660	14,197,440	11,189,940	76,731,440
Overall deficit / surplus	(1,865,446)	(4,162,499)	(8,170,862)	353,340	4,612,315	(9,233,150)
% Deficit / surplus	-14%	-25%	-38%	2%	41%	-12%
Source: the District Development Plans (2013-18) for Gasabo, Ngoma and Nyagatare. City of Kigali City Development Plan (2013-18).						

With the exception of COK, the districts are projecting an overall deficit over the DDP implementation period ranging from minus 9.7% to minus 83%. The contribution of own-source revenue (taxes and fees) as a percentage of total available funds, with the exception of Gasabo, is generally small (City of Kigali 6%, Gasabo District 30%, Nyagatare District 8%, and Ngoma District 5%), and considerably below international benchmarks.¹⁹³ With less than 10% of the overall projected budget of COK anticipated to come from own-source revenues and GOR block grants, the assumption that 90% will be made up by private contributions appears (wildly) optimistic.

Weak local government finances depress the credit worthiness of local government. This reduces the capacity of local government to raise financing (for example through borrowing and the issuance of bonds) and therefore places a considerable drag on the implementation of priority projects arising from land use planning and other planning instruments (Exhibit 15).¹⁹⁴ The conclusion of a recent international assessment of local government investment needs and financing availability is a timely reminder of the significance of addressing financing as part of the overall (land use) planning process: “The literature and respondents state repeatedly their concerns over a widening infrastructure financing gap of a scale incomprehensible to most but

¹⁹³ Bahl, R. and Linn, J. (2014) ‘Governing and financing cities in the developing world’, Lincoln Institute of Land Policy. Bahl, R., Linn, J. and Wetzel (2014) ‘Financing metropolitan government in developing countries’, Lincoln Institute of Land Policy.

¹⁹⁴ It is understood that districts are able to borrow from national / domestic banks. Interview discussion with Gasabo District.

governments who are increasingly aware of it. There seems to be some sort of ‘expectation’ for this gap to be filled by alternative sources of finance such as institutional investors and private finance institutions, almost out of ‘necessity’.”¹⁹⁵

Exhibit 15 The ability of local government to raise finance for infrastructure¹⁹⁶

The ability of local government to raise finance for infrastructure tends to reflect:

- Local government fiscal discipline and credit worthiness.
- The ability and capacity of local governments to contract.
- Access to other sources of government funding (e.g. regional or national funding streams) or to capital markets.
- For revenue generating investments - the lack of robust funding streams (e.g. revenue from user charges) is a major obstacle to private financing of infrastructure.
- Small size or the lack of scale in investments. Project aggregation at the sectoral level or across local government boundaries can facilitate access to finance, including from private sources such as infrastructure and private equity funds.
- The ability to tap into alternative sources of financing such as private finance through incentives and tools.
- The ability to leverage existing assets in order to develop new ones, linking both to land use planning.
- Project prioritisation is critical to raising finance for infrastructure helping to narrow down a shortlist of projects that match local priorities and resources which can then be presented to developers and financiers.
- Project preparation helps to assess the viability of shortlisted projects through financial structure design, stakeholder consultation, cost revenue projections, and social and environmental impact assessments.
- Capacity building and appropriate governance systems also critically influence the viability of sustainable infrastructure projects and their chances of raising finance
- Investor confidence in the transparency, accountability and sustainability of public finances and administration (Public governance is one of ten key policy areas identified in the OECD ‘Policy Framework for Investment’ (2006) to support domestic and foreign investment.

Source: Long Finance and WWF (2015) ‘Financing the transition: Sustainable infrastructure in cities’. World Bank (2013) ‘Planning, connecting and financing cities – now: priorities for city leaders’

Local government financing strategies are clearly not a land use planning function; they nevertheless have an important bearing on implementation. There are suggestions for filling the financing gap within the DDPs reviewed, but these amount to generalities. The Nyagatare DDP for example concludes: “to fill the gap, resources will be mobilized from the development partners, donors and other sources that the district will get. The projected districts own revenues and government grants may increase further which may also decrease the deficit gap” (p.63). Ngoma DDP concludes: “It is important to mention that the district may encounter challenges of budget constraint all along the implementation process due to either the low estimated

¹⁹⁵ Long Finance and WWF (2015) ‘Financing the transition: sustainable infrastructure in cities’, p.47.

¹⁹⁶ Whilst this assessment draws on surveys of urban local government in Asia, it benefits from extensive consultation with investors, and provides some reflections for Rwanda. It draws on 20 semi-structured interviews with senior city and finance professionals, 180 responses to an online questionnaire, a global web based discussion and a comprehensive literature review.

budget or in simple word lack of sufficient budget to implement the current DDP priorities; new and urgent policy actions and initiatives may arise.” (p.73). And the Musanze DDP suggests that it will be funded mostly through district income generation, development partner contributions (described as the “key in addressing the critical gaps in funding”), ministry sector based funding, and private sector sources (described as “very important” with the district having to attract large investors in some key projects).¹⁹⁷ There is no indication of more rigorous strategies for ensuring sustainable financing.

It is encouraging to note that the need to enhance district revenue is underway, spearheaded by the Rwandan Revenue Authority (RRA) which will collect taxes on behalf of districts. A transition phase is currently under way, and the support programme will be fully operational from January 2016.¹⁹⁸ The RRA will focus on three taxes that are estimated to constitute approximately 40% of district own-source revenue collection: a) rental income tax, b) trading license taxes, c) fixed asset tax (property tax on freehold titles only). The remainder of fees will still be collected by the district (including land lease fees applied to leaseholders who pay according to the plot size and whether it is classified as rural or urban). There may be scope for significant improvements in the collection of these fees too. The strategy involves: a) the development of software for registration of taxpayers, b) the shift from district manual systems to an e-based system that will provide for the easier detection of non-payers, and c) the further expansion of RRA offices in the districts headquarters. The approach will include mobilizing citizens on the need to pay taxes (the ‘role of the payee’) and strengthening the role of the collector, including addressing irregularities.¹⁹⁹

Improvements are reported to have already resulted from the strategy, and the target for collection in the FY 2015/16 is RWF 55.5 billion.²⁰⁰ However, it is reported that the disaggregation of improvements by the three taxes is difficult.²⁰¹ Such disaggregation will be important for the strategy and ensuring that additional effort is applied in circumstances where improvements are disappointing. It is also noted that there are distinct challenges with an effective and equitable valuation system – the foundation of the fixed asset tax. Currently, this is a self-assessment system with individual fixed asset holders required to revalue every 4 years or at points where there is an increase of value of more than 20%. Zoning valuations are considered inappropriate in the context of the mixed residential stock, but there would be merit in revisiting this with the goal of making the system efficient and workable. The shortcomings of such a system are obvious, and have important ramifications for the optimal collection of this most significant of local taxes. Cheating is acknowledged as

¹⁹⁷ Information extracted from the City of Kigali City Development Plan (2013-18), and the Gasabo, Musanza, Ngomo, Nyagatare ‘District Development Plans’ (2013-2018)

¹⁹⁸ On the basis of discussions in Gasabo District it is understood that this has involved the signing of a Memorandum of Understanding with RRA and will involve a 5% retention fee for RRA for services rendered.

¹⁹⁹ Our interview discussions at Gasabo indicated an optimistic view that revenues could be enhanced, particularly based on seven urban districts subject to fixed asset tax (the remaining eight districts are peri-urban / rural sectors and are not therefore subject to the same local tax regime). However, the capacity constraints of a lack of staff and experience were also noted.

²⁰⁰ The level of improvements were not substantiated in our interview discussion at RRA.

²⁰¹ Interview discussion with the Rwanda Revenue Authority.

prevalent, districts have insufficient staff capacity to address this, and enforcement is described as very weak.

In addition to the enhancement of existing revenue sources, there will be a need to consider all potential sources of financing to support the implementation of priorities in DLUPs and urban plans (Exhibit 16). In line with countries at a similar income level as Rwanda, the main sources of financing will likely be public and debt. In urban areas, the application of land value capture mechanisms could provide a viable means of financing development of adjacent infrastructure (roads and drainage) and support services where developments are sizeable and their presence creates extra demand on public services (health centres, education facilities, and open and public spaces). Such mechanisms work against the permission to develop (building permits) and are variously termed development obligations, impact fees, and community infrastructure levies. Such mechanisms are not a deterrent to investment. Used judiciously such approaches can improve infrastructure and the public realm, and protect and enhance the value of development (making areas favorable to further investment).

Exhibit 16 Assessing financing instruments

Types of finance	Types of financing instruments
Public	<ul style="list-style-type: none"> • National and regional funds (for example infrastructure) • Public private partnerships (PPPs) • Tax incentives • Land value capture instruments • Building rights and permits (fee and charge based) • Grants and subsidies • Taxes (rental income tax, trading license taxes, fixed asset tax) • Fees and fines (such land lease fees and parking charges)
Debt	<ul style="list-style-type: none"> • Loans (including concessional loans, flexible loans and loans blended with grants) • Special purpose bonds (such as green city bonds, infrastructure bonds) • Targeted guarantees and credit enhancement • Debt refinancing mechanisms (such as asset-backed securities and forfeiting, subordinate debt financing)
Equity	<ul style="list-style-type: none"> • Listed infrastructure equity • Infrastructure funds • Thematic / targeted private equity structures and funds • Equity-funded direct investments (Special purpose vehicles and joint ventures)
<p>Source: Adapted from Long Finance and WWF (2015) 'Financing the transition: Sustainable infrastructure in cities', p.5</p>	

In line with capital investment planning and strategies for increasing local financing for plan implementation, it will be useful to support districts in practically assessing financing options through a straightforward screening matrix. As a first step this matrix can record and rank potential public, debt and equity financing mechanisms, together with the outline considerations (such as interest rates, repayment periods, financing conditions and risks).

The expropriation of land

The realization of the vision and goals of the NLUDP, DLUPs and urban land use plans inevitably necessitates a level of land expropriation. In the majority of our interview discussions expropriation was raised as a significant implementation bottleneck, especially with regards to infrastructure development. Analysis in preparation for the NUP suggests that a combination of factors are withholding efficient implementation and enforcement, including poor understanding of both the need for expropriation and the expropriation law itself by all actors and the lack of ‘respect’ for its content.²⁰² A word of caution is necessary regarding the invocation of ‘respect’: the act of being expropriated regardless of whether this is enshrined in law, is literally unsettling. The revised expropriation law is currently in draft.²⁰³ As one mayor commented, “It’s not easy to tell someone their land is needed for a roundabout ... you can’t simply go out and move people straight away.” As discussed in Section 2 and as confirmed in our interview discussions, inadequate levels of compensation are also slowing implementation. As with land use planning more broadly, there will need to be a concerted effort to raise awareness and understanding of the provisions of expropriation to district elected representatives and officials, land committees and communities. Concentrating efforts on the meaningful participation of ordinary citizens is also critical in this respect. This involves both reaching a consensus (wherever possible) on land that needs to be expropriated and avoiding expropriation wherever possible through exploring the land use planning options. For example, current informal settlements may provide an opportunity for incrementally providing affordable housing.

Equally challenging is the implementation of Imidugudu (group settlements).²⁰⁴ The target for the percentage of Rwandans living in group settlements is very ambitious.²⁰⁵ The implementation of the policy relies on the voluntary relinquishing of land by owners residing in DLUP demarcated areas to make way for group settlement and to accept compensation in the form of ‘pieces of land’ or money.²⁰⁶ We received a range of reactions to the practicalities of implementing this policy. On the one hand, the establishment of group settlements has allowed for more efficient and cost effective delivery of basic services, including roads, electricity and water supply. However, several respondents emphasized the need to accelerate public provision of infrastructure to complement its delivery through Umuganda (community work) and to facilitate a more rapid relocation of rural populations to group settlements and to avoid the emergence of informal settlements. The civil society organizations with

²⁰² Government of Rwanda (undated) ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’, p.88

²⁰³ This draft has not been obtained for review.

²⁰⁴ A group settlement is defined as a ‘a type of well-planned settlement comprising between 100 and 200 houses built next to each other and forming one block, in rural areas’ (Article 2, The Ministerial Instructions No. 001/07.05 of May 19th, 2009). Within the scope of the assignment we have not had an opportunity to assess in detail implementation issues arising from imidugu policy and its integration into land use planning.

²⁰⁵ The Ministerial Instructions No. 001/07.05 of May 19th, 2009 Relating to the implementation of the national grouped settlement program in rural areas, set the target as 70% of all Rwandan people in grouped settlements by the end of 2012 (Art.20)

²⁰⁶ Article 6 Ministerial Instructions No. 001/07.05 of May 19th, 2009

whom we met reported some positive comments as regards to servicing.²⁰⁷ However, many respondents emphasized the considerable constraints associated with the ‘land and/or cash’ approach. In many cases land swaps are considered impractical, resulting in the relinquishing of a single land holding for a number of smaller plots. Commonly cited problems arising from this approach included: a) a downgrading of the potential collateral benefit due to multiple small plot sizes, b) plots that are incomparable in terms of soil fertility, and c) plots that are dislocated from habitation and therefore increase the time required to reach farming land. .

Affordable housing

Within the time available for this assignment it has not been possible to review and screen DLUPs and urban land use plans for their responsiveness to housing needs and affordability (household income and expenditure constraints). It is well acknowledged in policy that access to affordable housing is an immediate and pressing need.²⁰⁸ This is especially marked in Kigali where an estimated 80% of the population lives in informal settlements, and where the projected population growth and housing need will require an estimated 344,000 new housing units by 2022. There is a significant affordability mismatch between supply and demand, and a concern that an aggressive drive towards formal housing solutions may result in the exclusion of low-income communities to the margins of urban areas.²⁰⁹ Such an approach has important ramifications for local economic development by potentially dislocating citizens’ homes from employment opportunities and restricting the supply of the labour force.²¹⁰

Exhibit 17 The contribution of land use planning to affordable housing

Summary extract of policy directions and preferred options

Land:

- Promotion of voluntary and guided land pooling and re-plotting to enable sustainable use of land with original land holders being shareholders in a development or individual landholders organizing in a cooperative and developing.
- Strategic land acquisition in line with public investment plans and efficient Master Plans.
- Phasing for the implementation of public infrastructure.
- Developable land including underutilized government land may be availed for social

²⁰⁷ According to ‘Land Management Survey: Land use consolidation, crops intensification and rural settlement’ most program objectives were met with respondents agreeing that: village organization improved (89%), security had been enhanced (88%), infrastructure was established (85%), and social cohesion had improved (76%). RGB (2012).

²⁰⁸ Draft National Housing Policy.

²⁰⁹ Rosen (2015) records that the average cost of a 2 bedroom apartment in the Kigali development ‘Vision City’ will cost RWF 124 million approximately 100 times the median annual household income.

²¹⁰ Evidence from Asian cities for example indicate that the availability of affordable housing and the dislocation of workers from work place is an important determinant in the turnover of the workforce, and the attractiveness for investment. On the basis of comparative international research, the McKinsey Global Institute conclude that successful affordable housing models share five common characteristics: (a) planning for an adequate number of affordable housing units including earmarking land as part of a city master plan, (b) making the economics of affordable housing provision work through a combination of mandates, incentives and beneficiary contributions, (c) government acting as a facilitator and direct contributor, (d) ensuring flexibility in housing size, format and ownership, and (e) an appropriate institutional (policy and legal) framework to make provision sustainable. ‘India’s Urban Awakening: Building Inclusive Cities, Sustaining Economic Growth’, McKinsey Global Institute, April 2010.

housing projects.

- Develop and enforce a guideline for managing unproductive urban land.
- Zoning in support of high densities and affordable housing.

Infrastructure:

- It is public responsibility to provide basic trunk infrastructure.
- Housing neighborhood infrastructure may be provided to projects which fulfill affordable housing project criteria established by the government through the instructions.
- An affordable housing infrastructure fund is proposed which would bundle cross-sectorial resources for infrastructure in affordable housing projects (e.g. health, education, roads, energy, water, sanitation).

Source: Draft Final National Housing Policy, 2015 (p. 46)

The draft National Housing Policy seeks to address the pressing need for affordable housing. Housing policy is never isolated and adequate and affordable housing depends on the structure and functioning of the entire housing sector and market comprising five fundamental and inter-dependent components: land, infrastructure, finance, labour, and building materials.²¹¹ For land use planning there are, in general terms, various levers for addressing the housing issue. This includes: a) allowing for incremental upgrading of existing informal settlements with a view to land pooling or sharing, land rationalization, and over time higher densities, b) zoning a stipulated mix of permitted housing types (i.e, requiring developers to provide a percentage of all housing units as affordable units), c) the allocation of land for affordable housing (thus in principle adjusting land value to the proposed use and enhancing the financial viability of affordable housing provision), and d) the application of land value capture mechanisms (discussed above) that require developers to contribute to the provision of off-site affordable housing.²¹² The opportunity to translate this broad housing policy canvas into practical land use planning policy that supports the provision of affordable housing (and is built into DLUP revisions and the development of urban land use plans) and uses the full range of planning responses - should not be missed. The capacity development and resource challenges in doing so are acknowledged in the Housing Policy.²¹³

²¹¹ A fundamental problem lies outside the immediate purview of the land use planning: affordability. The National Housing Policy base assumptions on a comparison of the: a) 'actual average household income' (< RWF 300,000 pa), b) 'affordable house cost' (RWF 6.3 million), c) 'actual house' cost (RWF 20 million), and d) 'required income' (RWF 990,000). It concludes: "The problem of access to housing therefore partially becomes an issue of capacity of the financial system, which requires the deposit base and equity to be able to address the need" (p.6).

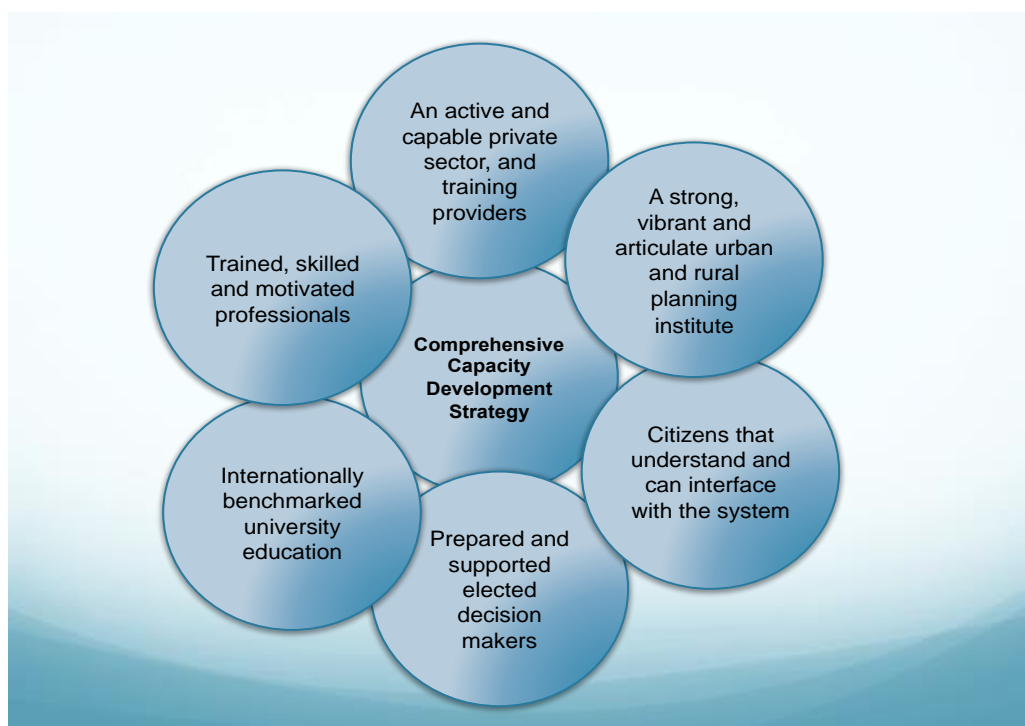
²¹² It is noted of the Burera DLUP for example: "Mixed housing means that in a new area there should be opportunities for all income groups to settle. In this model area we propose that a new housing area of reasonable size should be divided in 25% for high income, 25% for medium income group and 50% for the low income group. However, as no official definition of the incomes groups has been found but the assumption is that a major share of the area should be reserved for families with a low income." (p.19)

²¹³ The policy calls for the capacity building of the City of Kigali and districts in physical planning and development (Policy pillar 3 Governance and partnership, policy statement 15. It is acknowledged that the "revision of existing Master Plans to accommodate high density mixed use approach to ensure optimum use of land involves expenses for the plan preparation and consultation processes." (p.47). Government of Rwanda (2015) 'National Housing Policy.

4. LAND USE PLANNING CAPACITY ISSUES

Rwanda is in the process of developing a comprehensive land use planning system consisting of a hierarchy of plans and of relevance to all levels of society. Supporting the development of the system will require a comprehensive and multi-pronged approach to capacity development (**Exhibit 18**). The elements of this response are addressed below.

Exhibit 18 The need for a comprehensive land use planning capacity development strategy



Land use planning staff

Operating, implementing and maintaining the system will require sufficient staffing and resourcing. Indicatively, a recent assessment of the level of effort required to revise the NLUDP notes the requirement for a team of twelve, the equivalent of over 15 years of specialist inputs and at a cost ranging from USD 864,000 to 980,000. It sets an ambitious timeline of 6 months from commencement to finalization.²¹⁴ We have also noted the intention for hitherto consultant developed DLUPs (as concerns the preparation of sector assessments and urban land use plans) to be developed by district professionals.

We encountered a range of views on the capacity for land use planning in the interview discussions. At the district level, however, there is unanimity: there are neither sufficient numbers nor sufficient finance to fill vacant positions and operate the system (Exhibit 19). In the context of decentralization policy that makes districts responsible for the development, revision and implementation of DLUPs and urban land use plans, this is, and will be, a critical bottleneck. Each district operates the land

²¹⁴ DFID (2015) 'Review of the land use and development master plan'.

use planning system through a One Stop Center (OSC); these are considered a significant development in the provision of customer-oriented services in land and planning.²¹⁵ For rural districts there are 17 posts; for urban districts there are 28 posts split into four teams: a) general staff under the Director / Land Notary (10 staff), b) land management team (6 staff), construction permitting team (6 staff) and d) infrastructure management team (6 staff).

Exhibit 19 Capacity development from the perspective of elected leaders

Do you have sufficient capacity?...What the Mayors and Vice Mayors say

“I have lots of gaps on land use planning. I’ve had no training, and there’s no plan to do so. I pick the brains of others, but I don’t have much time and so it’s half-baked. You can’t educate others, when you’re not educated yourself.”

“As implementers we are not feeling good; we are missing some important elements.”

“Planning is a process; you can’t simply go out and move people straight away.’

““No not really, we need to understand land use planning as a team – elected officials, staff, hired consultants. The OSC is not at a very good level to do it.”

“No, no, no, not enough, we are supposed to have 17 staff in our One Stop Center; we only have 3”

We have reviewed the district organizational structure and the ‘key job duties and attributions’ of district OSC personnel for both urban and rural districts. It is noted that: a) land use planning is inadequately covered in the description of key duties (confined to a single bullet point), and this requires expanding to describe the range of duties in planning (for example, the activities required for plan preparation and revision and the need for participation), b) DLUPs and urban land use plans are not referenced, c) there are positions of direct relevance to land use planning that make no reference to it (recorded in Exhibit 20), and d) arising from our interview discussions the inference that planning equates to GIS.²¹⁶

It is understood that the organization structures issued by Ministry and Public Service and Labor are guides. There will be a need for a demand responsive and flexible approach to staffing as the planning system develops in general (requiring the development and revision of plans), as the pace of development inevitably accelerates (especially in urban districts) and as the areas under the building permitting system are expanded.

Exhibit 20 District staffing of relevance to land use planning

Level	Job title (Numbers)	Is LUP specifically covered in the job description and attributions?
District	District Urban Planning Engineer	Yes - Land use plan preparation, review

²¹⁵ Within the preceding district organization structure it was reported that the District Land Officers, who were historically responsible for planning matters, for the most part had a legal background and poor understanding of land use planning.

²¹⁶ GIS is a useful decision-making tool within land use planning, but is just one part of a portfolio of skills required in contemporary planning, and commonly involves GIS technicians supporting core planning staff.

(Urban)	(2) (Construction Permitting Team)	and monitoring
	Building Inspector (2)	No
	Land Survey and GIS Officer (2) (Land Management Team)	Yes - Land use plan preparation and coordinated implementation. There is no reference to the DLUP.
Sector (Urban)	Habitat and Community Settlement Officer (1)	No
	Land and Infrastructure Officer (1)	No
	Land Surveyor and GIS Officer	Yes - Land use plan preparation and coordinated implementation
	Construction Permitting Officer (2)	No
District (Rural)	Land Surveyor and GIS Officer	Yes – prepare specific land use plans. There is no reference to the DLUP
	Construction Permitting Officer (2)	Yes – planning and/or review of the 'District specific Master Plan'
Sector (Rural)	Land, Infrastructure, Habitat and Community Settlement Officer (1)	No
<p>Note: based on the organization of urban and rural districts and cells (2014). LUP = land use planning.</p> <p>Source: 'Key job duties and attributions of urban district, sector and cell', Ministry and Public Service and Labor, April 2015. 'Key job duties and attributions of rural district, sector and cell', Ministry and Public Service and Labor, April 2015.</p>		

We have also noted the need for clarification of which districts are classified as urban, and which are rural; and by extension which organizational structure therefore applies.²¹⁷ This was not immediately clear from our interview discussions. We have reviewed the overall current levels of OSC staffing in three districts (Musanze, Ngoma and Nyagatare) and it appears these districts are still working to a rural organization OSC structure, despite their classification as urban districts (Musanze and Nyagatare are designated secondary cities).

As noted above, OSC functions cover the full suite of land administration, planning and building control functions of which land use planning is one part. The overall staffing levels are considered indicative of the ability to efficiently deliver all services, including land use planning. Exhibit 21 illustrates the scale of the challenge facing districts. Of the total of 17 posts in each of the districts, only 10 (Musanze), 4 (Ngoma) and 3 (Nyagatare) are currently filled. There is no staff with a land use planning background currently occupying one of these posts.

Exhibit 21 Staff resources in selected districts (One Stops Centers)

One Stop Center Positions	Districts		
	Musanza	Ngoma	Nyagatare
Director / Land Notary	●	●	●

²¹⁷ In the interview discussion with MINALOC 12 urban districts were listed: Kigali Districts (Gasabo, Kicukiro and Nyatugenge) and Gicumbi, Huye, Karongi, Muhanga, Musanze, Ngoma, Nyagatarre, Rubavu, and Rusizi. MINALOC confirmed this will need to be clarified following the public sector reforms of 2014.

Receptionist			
Billing Officer			
Archives			
OSC Lawyer			
Road Dev. and Maintenance Engineer			
WATSAN Officer			
IT/MIS Officer			
Buildings Inspector			
Land Valuation Officer			
Land Surveyor and GIS Officer			
Land Administrator (1)			
Land Administrator (2)			
Construction Permitting Officer (1)			
Construction Permitting Officer (2)			
District Infra. and Property Mgt. Officer			
Electricity Maintenance Engineer			
Total current OSC staff	10	4	3
Total anticipated OSC staff FY 2015/16	10	9	5
Any staff with a planning background and /or qualifications			
= post filled, = post due for filling FY 2015/16, = post vacant			
Source: Information provided by districts			

Our interview discussions confirmed that even where posts are filled at the district level, retaining staff is proving very difficult. Good quality staff understandably seek promotion or move to other positions. Interview respondents reported that this situation is further complicated by regular public service reforms resulting in the re-profiling of jobs, and creating a mismatch between the new positions and trained staff.

In the short term there may be a need to incentivize retention, through measures such as salary enhancements to recruit and retain planners, non-cash incentives (such as holidays), and performance related pay linked to 'staying in post'. At the same time, and for development of the land use planning system in the short to medium term, there is a need to develop clearer career progression pathways in planning to avoid district level posts becoming 'dead end' jobs. Planning at the frontline can be the most challenging and rewarding of planning tasks. Competitions and awards for excellence in local planning will help to reinforce the importance of local planning.

In contrast to the constrained staffing levels in the sample districts, staffing levels in the City of Kigali OSC comprise approximately 30 to 40 staff which include representatives from line agencies (for example MINIRENA staff provide

environmental impact clearances).²¹⁸ The staffing includes qualified planners (6-7) and other built environment professionals (architects, engineers, environmentalists). The OSC considers it has sufficient capacity to complete detailed urban land use plans using consultant services. However, they regard staffing for inspection and the ‘policing’ of illegal development to be insufficient, and this will compound as the demand for development and development control increases.

Staffing levels are also constrained at the central government level. RNRA, responsible for developing the NLUDP and supporting districts develop DLUPs, has limited staff. The department overseeing planning has seven staff members (a Director and six officers). Only three officers are currently in post; the remaining officers are undertaking training. MINIRENA has two staff monitoring planning activities – a Director and a Land Use and Administration Specialist. The assessment that current staffing levels are sufficient may be optimistic given the need for a comprehensive approach to capacity building in land use planning at all levels and the need for effective monitoring systems that should ensure bottlenecks are identified and addressed and that compliance with plans is assured.²¹⁹

Land use planning skills and knowledge

There was also unanimity in all our interview discussions regarding the need to further develop skills and knowledge in land use planning. This is not to discredit the efforts already made to date in the development of the NLUDP and DLUPs nor to question the professional competence of core planning professionals in central government ministries (MINIRENA and MININFRA). It is acknowledged the development of plans is often complex and relies on the deployment of skills that are in part, best developed by learning-by-doing (and this is especially so in relation participatory planning with ordinary citizens).

Some respondents referred to the training so far provided as basic, but practical. Equally it has been acknowledged that the quantity and intensity of training has not necessarily matched the task at hand. Of DLUP support training was been noted, “The training program failed in changing the mindset about planning of some of the participants. And the reason of this was lack of time.”²²⁰ Of more concern is the assessment that a ‘don’t care mentality’ has prevailed in some districts, and that some DLUPs have been approved in the absence of a clear understanding of either the plan or the implications arising from its approval.²²¹

The introduction of OSCs was described in one interview discussion as ‘light at the end of the tunnel’ in addressing capacity gaps.²²² There are certainly grounds for

²¹⁸ Interview discussion with City of Kigali. Exact staffing figures were not obtained.

²¹⁹ Interview discussion with MINIRENA. MINIRENA monitoring activities at district level are currently achieved through: a) field visits, b) an annual submission of a report on DLUPs identifying progress and implementation, and c) submission to the minister at the end of the financial year. We were unable to consult the monitoring report, but this may be an area that could be expanded and elaborated to ensure DLUPs are being effectively implemented, and providing an important feedback mechanism to address challenging implementation issues.

²²⁰ DFID (2015) ‘Review and update of the 30 District Land Use Plans’, p.12.

²²¹ DFID (2015) ‘Review and update of the 30 District Land Use Plans’.

²²² Interview discussion with MININFRA.

optimism and the OSC provides an opportunity to target capacity development efforts. However, for the reasons described above the structure and staffing of OSC will need to be carefully considered in relation to the vision for, and demands generated by, the land use planning system. In one interview discussion it was considered that OSC staff had simply ‘forgotten’ the training they had received. In another interview discussion the level of understanding of land use planning in the OSC was judged ‘okay’, but as ‘very low’ in the rest of the district. As one interim OSC Director (formerly the District Land Officer) commented, he understands the system but requires support from the Land Surveyor and GIS Officer and Construction Permitting Officer (staff responsible for planning).²²³ Similarly, it was observed of Sector Land Managers, who have backgrounds typically in engineering and geography, that an understanding of land use planning was poor or absent.

The capacity gaps are also regarded as broader than planning skills and embrace language, computer and drafting skills.²²⁴ There are also understandable barriers to sustainable capacity building referenced above, including: a) regular public sector reform and reorganization, b) the availability and release of relevant staff from already very low staffing levels, and c) the level of staff turnover (an inevitable syndrome by which trained staff become attractive to other employers).²²⁵

The funding of a comprehensive and continual capacity development effort will need to be addressed. We have noted that as a reflection of land use planning responsibilities being passed to the districts that RHA no longer has a budget for capacity building (FY 2015/16).

Land use planning and elected representatives

The appreciation of land use planning amongst elected representatives appears patchy and inconsistent, and needs immediate attention: those in positions of leadership and decision-making in land use planning need a firm grasp of those areas, issues and responsibilities in which they are charged. A number of Vice Mayors reported good levels of appreciation and understanding gained through induction in DLUP preparation and development. But this appreciation of land use planning appears to be confined to a few, and needs to embrace all elected representatives. The induction efforts for elected officials will need to be further developed, formalized and provided on a regular on-going basis – upon election and in response to developing needs. Recommendations for supporting awareness raising during our interview discussions included: a) exposure to land use planning in other countries, b) the development of diagnostic tools to identify specific bottlenecks and how to deal with them, and c) support for understanding the development of an effective land use plan.

²²³ Interview discussion with Musanza District.

²²⁴ A reasonable assessment of skills required include: a) analytical and cognitive (understanding social, economic and environmental issues), b) communication, negotiation and inclusion skills (focused on facilitating participation and building inclusion; negotiation, mediation and conflict resolution), c) being strategic (formulating strategy, visions and action plans), d) management (budgets, projects, people and managing change), and d) learning and monitoring (M&E, learning from others and being a reflective practitioner). Source: Hague, C., Wakely, P., Crespin, J. and Jasko, C. (2006) ‘Making Planning Work: A Guide to Approaches and Skills’.

²²⁵ This will require developing a strategy to training provision that balances training delivery with the need to retain staff (for example in providing for enhanced training opportunities related to performance and time-in-post).

Similarly, our discussions suggest that once the Land Committees become functional at all levels (district, sector, cell) they will require support to fulfill a role in land use planning.²²⁶ In principle, the committees are considered as a useful mechanism to enforce land use plans, but committee members need to understand their roles and responsibilities and how to enforce DLUP. As noted by a representative of IMBARAGA, a federation of farmers in Rwanda, “As the system is new, sensitization is vital”²²⁷.

Land use planning and ordinary citizens

The final piece of the capacity development jigsaw is the level of awareness and understanding of land use planning amongst ordinary citizens. It is of course true that citizens are most likely to increase their understanding of land use planning when they are in direct contact with the system: for example, by participating in plan development, in protesting against proposals, in obtaining a building permit, or in facing expropriation. Participation in the system is instrumental in building understanding.

Nonetheless, there are good grounds for trying to popularize planning at all levels. Efforts in other areas, such as land tenure regularization, have spearheaded approaches to informing citizens. The introduction of an annual Land Week has proven successful and is being extended beyond land administration issues to also address land use planning. Interaction with the public through radio broadcasting is also well established. An interactive broadcast involving senior policy makers and the general public is held weekly (broadcast simultaneously through five radio stations), and community radio broadcasting is being piloted in two districts by Search for Common Ground. These provide tested methods which can be applied to raising citizen awareness of land use planning. There is also the need to provide a visual reference to land use planning and plans through maps and information boards. MINIRENA with USAID LAND Project support has committed to printing out maps for all cells. It will be important to ensure that these maps are displayed and accessible to all, and that subsequent revisions are printed and displayed.

Tools for land use practitioners and service users

A new and ambitious land use planning system needs user-friendly, practitioner-oriented guides and tools targeted at planning professionals, elected representatives and ordinary citizens. This is already acknowledged in relation to urban planning in a diagnostic assessment to inform the NUP, “MININFRA and agencies need procedural manuals, user guides, training modules and many other tools to advance their performance and create an enabling working environment to retain as many staff as possible.”²²⁸ These materials will require an unequivocal ‘implementer’ and ‘user’

²²⁶ The operationalization of land committees will follow a pending ministerial order. Training had commenced to support land tenure regularization activities but land committees were described as ‘forgotten’.

²²⁷ Interview discussion with IMBARAGA.

²²⁸ GOR (2014) ‘State of Urbanization in Rwanda: Diagnostic for preparing the National Urbanization Policy’ (p.160).

orientation and, ideally, encourage creativity in the development of the planning system, uncluttered by the scope and complexity of the institutional framework. The materials will need to be periodically refreshed and energized on the basis of good practice in Rwanda. The Rwanda Association of Local Government Authorities (RALGA) already supports a reflective-practitioner approach amongst districts, and this can be usefully harnessed to support the development of the land use planning system.²²⁹ Sharing ideas, methods and ways of overcoming obstacles in land use planning will help support the development of the system, and making these readily accessible through an internet resource bank (and allowing for regular updating) will provide a useful additional resource (Exhibit 22).²³⁰

Exhibit 22 A web-based facility for sharing community participation and ideas



²²⁹ RALGA assists local government entities in achieving their mission, complying with principles of good governance and decentralization. Granted legal personality No. 034/11 in 2013 in compliance with law 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations.

²³⁰ This could utilize the National Land Use Planning Portal (<https://rwandalanduse.mra.rw/portal/home/>) and/or a RALGA hosted site.

In addition to the sharing of tools and good practice, there is a need to support direct peer-to-peer learning (also referred to as horizontal learning). In our discussions with central government agencies there was no direct reference to, or knowledge of, horizontal learning between districts. However, RALGA uses a variety of peer learning activities some of which are already being applied to land and planning matters, and these can be usefully extended.²³¹ There is an immediate relevance to shared experience in dealing with common issues: for example, in developing plans, coping with inadequate data, addressing financing constraints, and persuading citizens to be involved in and compliant with the planning system. Horizontal learning reinforces and complements the spirit of competition (which the Imhigo culture has successfully instilled) by demonstrating successful practice, encouraging others that change is feasible and in providing practical and sympathetic support.²³²

Resources for land use planning

A range of practical resource constraints were identified by districts during our interview discussions as necessary to better operate the land use planning system:

- **Vehicles.** None of the OSCs reported a vehicle at its disposal. One district reported just one vehicle for over sixty district staff. Site inspection, the enforcement of the building permit system and the detection of illegal development require the availability of transport. All districts recommended the issuance of motorbikes to Sector Land Managers.
- **Office space.** The physical space allocated to OSC appears insufficient for the number of staff and level of activity and service anticipated. In the case of Gasabo District both the administrative space and waiting area are already cramped. As the level of activity in all OSCs will increase, there is a need to address such issues and ensure wherever possible that the OSC does not become physically fragmented.
- **Hardware.** On the basis of interview responses and observation it appears in some cases that the availability of computers, printers and photocopiers is inadequate. In one case there was inadequate filing cabinets with files piled on cabinet tops and floors. This will be addressed once hard-copy paper systems are replaced by e-based systems and may therefore represent a short-term need. The issuance of computers and printers to Sector Land Managers was also recommended.

²³¹ These include: a) 'peer learning workshops' identifying key challenges and how they are being addressed in different districts, b) 'technical forums' for professional posts in districts sharing good practice, innovation etc., c) 'position papers' based on technical forums / issues, d) 'study tours' mainly within Rwanda and less commonly outside, e) 'workshops' for example providing training for sector Land Managers on spatial data collection, GIS and LICS system, f) 'Annual Local Government Innovation Competition' supporting peer learning through documentation of the most promising entries which in 2015 is focused on the 'Effective land management and improved local human settlement planning and development' – (commences Feb to explain theme, March on-line submission of 30 entries to RALGA platform, May evaluation, Award 17 July (RALGA General Assembly), g) 'annual benchmarking sessions' (supported by the Netherland LGA) as a comparative peer learning method through preparation of an on-line questionnaire of key service delivery area, analyzing the returns in comparative graphics and thus encouraging comparisons, structured learning, and benchmarking.

²³² This can be achieved formally through workshops and seminars, and informally through mentoring systems and 'help desk' contacts.

- **Software.** All districts reported that they do not have software. Rather, they had to access software through ‘other means’.²³³
- **Geographical Positioning Systems.** GPS equipment was reported to be old and in need of replacement in all districts. All districts raised the need for the availability of GPS equipment in all sectors.

Land use planning in higher education

Land use planning education will need to be embedded in existing university courses and curricula offered in the Rwandan higher education system.²³⁴ An audit of existing courses on offer will need to establish the current supply, the number of undergraduate and post-graduate places available, the teaching resources available (including the number and profile of teaching staff, ICT and library resources, international collaboration and available funding), and the appropriateness and relevance of course curricula and learning outcomes (based on the skills and knowledge anticipated to be developed by students). A review of course supply should focus on both specific planning courses, and courses that could usefully offer modules in planning. The latter will include existing built environment (such as architecture, civil engineering, and environmental management) and rural development courses. Beyond formal university courses there is also a need to consider continuing professional development needs for those already practicing through short courses (ranging from a half-day to five days, for example). Such courses can be offered through both universities and other training suppliers, such as private sector providers and RALGA.²³⁵

The land use planning profession

The presence and development of a professional institute cannot be underestimated. In principle, and where working well, it has multiple advantages in:²³⁶

- Playing an active role in advocating for more inclusive and equitable development, ensuring widespread public participation in planning and ensuring that such approaches are reflected in the content of planning instruments such as plans, designs, regulations, laws and regulation.
- Facilitating planning processes through the contribution of expertise and experience through plan making and implementation.
- Contributing to evidence-based knowledge on land use planning and making sure this is disseminated.
- Collaborating with universities, colleges and training providers to review and develop curricula on land use planning.
- Promoting continuing professional development for the continual identification of training and knowledge needs and the response to these needs.

²³³ There was a lack of clarity on whether GIS licenses were up to date or needed renewal.

²³⁴ This is already acknowledged. The draft National Housing Policy for example calls for “professional programs for physical planning and development, possibly through a physical planning department attached to a university.” (p.49)

²³⁵ RALGA is establishing a subsidiary company (a local government institute) to build its capacity building portfolio, and intend to offer certified courses up to masters level.

²³⁶ UN-HABITAT (2015) ‘Draft international guidelines on urban and territorial planning’.

- Supporting planning professionals to develop new tools and ways of working to tackle ‘issues of the day’ (such as green and compact cities, the urgent need for affordable housing, public transport development, solutions to the challenges of poverty and informal settlements, and addressing climate change).

It is significant therefore that the Rwanda Institute of Urban Planners (IUP) has been established. MININFRA is supporting the drafting of a law to establish the IUP as a legal entity. It is estimated this will take 6 to 12 months. The objectives of IUP are to strengthen and streamline planning as a profession and field of activity. Whilst a modest 15 members are currently officially listed, it is estimated that there are considerably more with an active interest. The IUP reports the immediate needs will be to: a) establish a secretariat / office, and b) facilitate continuous capacity building such as internships for newly qualified planners. More broadly it is noted that the IUP could usefully broaden its appeal to embrace land use planners working on both human settlements and natural resource / rural land use planning issues (an ‘urban and rural planning institute’). Support for the development of a business plan and development strategy would support IUP in the short-term start phase (1-2 years) and medium-term growth and development (3-5 years).

5. RECOMMENDATIONS

5.1 Institutional, policy and organization issues

Enhancement area 1: Strengthen the institutional framework and coordination mechanisms			
Main focus	Measures / outline steps	Who	Timescale
Practitioner and user oriented policy materials	<ul style="list-style-type: none"> Develop a TOR / concept note for the preparation of policy briefings (concise, easily digestible, well illustrated 4 page (max) summaries that explain the policy framework in plain language).²³⁷ Ensure a portfolio approach ('Understanding Land Use Planning in Rwanda') that will: a) cover the overall land use planning policy and legal framework (discussed below) together with thematic areas that directly support the improvement of plan development and content (such as climate change, participation, the division of responsibility, and affordable housing), b) adapt briefings for audience groups (central government officials, elected representatives, local government staff, ordinary citizens), c) adopt a multi-media dissemination strategy (print and e-based). Develop and budget and timeline for the development process, and agree procurement requirements. Procure and develop materials. 	MINIRENA / MININFRA MINALOC / RALGA (for the development of materials for districts)	ST
Legal framework consolidation and clarification	<ul style="list-style-type: none"> Develop a concept note for an expert group meeting bringing together legal experts and practitioners, summarizing the various recommendations for improvements to the legal framework in relation to land use planning.²³⁸ Formulate an action plan based upon consensus, which may include the recommendations below. Consolidate and expand Law No. 24/2012 of 15/06/2012 (Relating to the planning of land use and development in Rwanda) as a comprehensive Urban and Rural Land Use Planning law. This should include new and/or expanded protocols including participation and climate change 	MINIRENA / MININFRA	ST

²³⁷ Rather than describing individual policies, these briefings should interpret the overall framework. For example, the approach to human settlements development as it is expressed across a number of existing policies.

²³⁸ A detailed 2-day meeting for reaching consensus and definitive recommendations on the development of the legal framework.

Enhancement area 1: Strengthen the institutional framework and coordination mechanisms			
Main focus	Measures / outline steps	Who	Timescale
	<p>(presented in enhancement area 2).</p> <ul style="list-style-type: none"> • Clean existing legislation (laws and orders) to ensure the harmonization of planning terms and methods (aimed at enhancing the comprehension of land use planning law). • Revise the Ministerial Order N° 04/Cab.M/015 determining urban planning and building regulations to include climate change adaptation planning (see enhancement area 2). • Revise the Draft Presidential Order 'Determining procedures for formulation, approval, revision and publication of the master plan for land management and urban planning' to: a) include climate change planning and adaptation under Sectoral Plans, b) require all plan formulation to develop a 'participation and consultation strategy' at initiation of the plan development process (discussed under enhancement area 4). • Revise the Draft Ministerial Order 'Determining procedures for formulation, approval, revision and publication of the specific land development plan' to: a) include climate change planning and adaptation, b) require all plan formulation to develop a 'participation and consultation strategy' at initiation of the plan development process (discussed under enhancement area 4). • Extend and clarify the application of Draft Ministerial Order 'Determining the instructions of categorization of buildings, conditions and procedure for application for and issuance of building permits' to all areas (urban and rural) (discussed under enhancement area 3). • Develop user-friendly guides (for integration as above - 'Understanding Land Use Planning in Rwanda') to land use planning law for central government officials, elected representatives, local government staff, and ordinary citizens. 		
<p>Improved coordination <i>(Using existing mechanisms)</i></p>	<ul style="list-style-type: none"> • Screen and confirm whether existing coordination mechanisms adequately reflect land use planning – that these are clearly expressed in the TORs for these mechanisms and that the responsibilities of each organization are clearly articulated. • Immediately include land use planning as a cross-cutting issue for Sector Working Groups either as a theme by itself, or by including this in the 'environment and climate change' theme. 	<p>MINECOFIN, MINIRENA, MININFRA</p>	<p>ST</p>

Enhancement area 1: Strengthen the institutional framework and coordination mechanisms

Main focus	Measures / outline steps	Who	Timescale
	<ul style="list-style-type: none"> Require regular (bi-annual or annual) reporting of issues arising from discussions on land use planning at these coordination mechanisms. Include this reporting requirement in performance contracts for chairs of steering mechanisms. Require senior level representation of coordination mechanism participants and include this in their performance contracts. 		
<p>Improved coordination</p> <p><i>(Developing a new mechanism)</i></p>	<ul style="list-style-type: none"> Develop a conceptual framework for a Land Use Planning Commission / Task Force / Steering Committee, setting out the rationale and modus operandi of such a body. Disseminate to GOR stakeholders, conduct focus group discussions, and revise the framework as necessary Adopt or reject the mechanism. If adopting, approve through GOR channels, establish and commence. 	MINIRENA / MININFRA / MINECOFIN (development)	<p>ST (for concept development)</p> <p>MT (implementation and termination)</p>

Abbreviations: ST = short-term (0 to 24 months), MT = Medium term (2 to 5 years)

5.2 Land use plan development and implementation issues

Enhancement area 2: Strengthen the land use plan development and implementation process			
Main focus	Measures / outline steps	Who	Timescale
Improved plan development and coordination	<ul style="list-style-type: none"> Ensure the development, revision and monitoring of plans (DLUPs and urban plans) is included in district and OSC staff annual performance contracts (relevant to the planning cycle).²³⁹ Develop a straightforward quality assurance mechanism for screening draft plans (DLUPs and urban plans), ensuring compliance (to higher order plans and recording collaboration and agreement (through signature) of GOR stakeholders.²⁴⁰ Pilot this mechanism (where possible) on an unapproved DLUP and/or secondary city master plan. Review and revise the mechanism. Apply the mechanism to all plan development processes. Add this requirement to the performance contracts of all relevant GOR organizations (in line with plan development schedules). At the local level ensure Joint Development Action Forums (JDAF) include land use planning matters, and these considerations are then included in district performance contracts 	MINIRENA / RNRA in collaboration with MINIFRA / RHA (screening tool)	ST (within 6 months)
		RNRA / RHA with all relevant GOR organizations (testing and finalization)	ST (for piloting), MT (for roll-out)
Improved participation	<p>Awareness-raising campaign</p> <ul style="list-style-type: none"> Develop a framework for a 2-year campaign - a concerted effort in further building awareness of land use planning amongst ordinary citizens. Ensure the framework: a) is based on the development of easy to understand materials (linked to enhancement area 4), b) uses a multi-media approach (radio, television, internet and print), c) uses existing mechanisms to disseminate (such as umuganda and cell and sector level Land 	MINIRENA / RNRA MINIFRA / RHA NGOs (specializing in	

²³⁹ Urban area = master plans for land management and urban planning, local land development plans, specific land development plans, and land subdivision plans.

²⁴⁰ The template for such a screening mechanism would identify the relevant areas for each GOR stakeholder (such as the Ministry of Gender responsibility to ensure there is adequate access to open space, MINECOFINs responsibilities for economic development, and MINAGRI's agricultural mandate). It would allow for recording any perceived anomalies in the plan. A final approved plan would require a 'no objections' certification from each GOR stakeholder.

Enhancement area 2: Strengthen the land use plan development and implementation process

Main focus	Measures / outline steps	Who	Timescale
	Committees), d) harnesses the implementation capacity of NGOs.	participatory techniques of relevance to land use planning)	
	<p>Strengthening Land Committee roles in land use planning</p> <ul style="list-style-type: none"> • Revise the scope of duties for Land Committees to include the development of plans and the promotion of land use planning. • Undertake a training needs assessment for Land Committee members in relation to land use planning (linked to enhancement area 4). • Develop: a) user-friendly guides for fulfilling the role in land use planning, b) training modules and support activities to develop the capacity of Land Committee members, and c) support for peer-to-peer learning activities for Land Committees to share experience and collaboratively problem-solve. 	MINIRENA / RNRA MIFOTRA NGOs (specializing in participatory techniques of relevance to land use planning)	ST
	<p>Development of a protocol and handbook guide for meaningful participation in plan preparation</p> <ul style="list-style-type: none"> • Design and execute a focused field survey (cell and sector) to assess existing levels and experience of participation in land use plan development. • Develop a protocol framework outline for ensuring meaningful citizen participation throughout the plan making process (from inception to approval), ensuring there is sufficient flexibility to try out new approaches. • Ensure the protocol: a) optimizes the use of existing citizen participation networks, b) identifies actions required to ensure the implementation of the protocol (for example linked to awareness raising and capacity building, c) identifies who is best placed to develop the protocol (which must optimize the experience of NGOs), d) ensures good practice is captured, documented and 	MINIRENA / RNRA MININFRA / RHA NGOs (specializing in participatory techniques of relevance to land use planning)	ST (development)

Enhancement area 2: Strengthen the land use plan development and implementation process

Main focus	Measures / outline steps	Who	Timescale
	<p>shared (for example through RALGA annual awards and the research activities of universities and think tanks), and e) provides practical tools and ideas for ensuring the participation of citizens in planning.</p> <ul style="list-style-type: none"> Disseminate the protocol framework outline for feedback, revise and finalize. Prepare tender information (if necessary), procure, contract and execute. Test the protocol and methods therein, and revise these on the basis of experience. On the basis of the protocol – commence the development of a handbook of approaches and ideas that can be employed to enhance participation. Develop this as a flexible portfolio approach that can be incrementally built as experience and good practice develops in Rwanda. Provide access to the handbook resources via a web-based toolbox accommodated by the National Land Use Planning Portal and RALGA websites (and other web locations as appropriate). 		
	<p>Building the capacity for participation</p> <ul style="list-style-type: none"> Design and undertake a detailed training needs assessment focused on understanding and ability to support participation (focused at the district and sector level and the capacity of elected officials and staff). Design responses to capacity gaps, including on-the-job support, formal training and continuing professional development (enhancement area 4). Ensure skills development in participatory techniques in existing and new land use planning courses and modules (enhancement area 4) 	<p>RNRA / RHA</p> <p>Districts / RALGA (support)</p> <p>NGOs (specializing in participatory techniques of relevance to land use planning)</p>	ST
	<p>'Participation and Consultation Strategy' for plan preparation</p> <ul style="list-style-type: none"> Include the requirement for the preparation and dissemination of a 'Participation and 	<p>RNRA / RHA</p> <p>Districts /</p>	ST

Enhancement area 2: Strengthen the land use plan development and implementation process

Main focus	Measures / outline steps	Who	Timescale
	<p>Consultation Strategy' at the inception stage of all plan preparation.</p> <ul style="list-style-type: none"> • Prepare an indicative outline of the strategy based on the 'development of protocol and handbook guide for enhanced participation' (discussed above). • Monitor and quality ensure the strategies, and identify model good practices that can be shared for the continued improvement of strategies and meaningful participation. 	RALGA (support)	
Improved climate change resilience in land use plans	<ul style="list-style-type: none"> • Prepare localized climate projections for districts and sub-district areas • Develop and run climate change risk and planning sensitization activities at the district level working with elected representatives, government staff and local communities (enhancement area 4) • Develop an adapted framework (based on existing international practice) for the preparation of vulnerability and adaptation assessments (VAAs) and climate change resilience strategies (CCRS), and ensuring participation at the district, sector and cell level. Ensure the adapted framework supports and complements the preparation of DLUPs and UDPs. • Pilot the framework in 2-3 districts. Revise on the basis of piloting. Finalize the framework, culminating in a straightforward tool for assessing and recording climate change risks and adaptation options, and integrating the outputs into land use plans. • Screen and revise existing DLUPs and UDPs for climate resilience based on the VAA / CCRS and/or roll-out the approach to support the revision of DLUPs in 2017/18 (in alignment to the DDP planning cycle). 	RNRA / REMA Districts	ST (development and piloting) MT (implementation)
Improved visibility of land use planning	<ul style="list-style-type: none"> • Develop a comprehensive land use planning communication strategy setting out how the visibility and comprehension of the land use planning system can be improved (integrated as appropriate with work under enhancement area 4). • Require the display of the NLUDP in all GOR offices. • Require public information displays in all district offices (One Stop Centers) and at sector levels. 	RNRA, RHA	ST

Enhancement area 2: Strengthen the land use plan development and implementation process			
Main focus	Measures / outline steps	Who	Timescale
	Include implementation and the maintenance of displays in performance contracts of district staff.		
Better development control	<p>Strengthening the development control process</p> <ul style="list-style-type: none"> • Develop citizen-friendly information guides to development control procedures (enhancement area 4). • Introduce rigorous monitoring of the building permit system: a) recording and mapping (through GIS) permits awarded, b) recording and categorizing refusals, • Provide public accessibility to building permits awarded through listing on district information boards and through district websites. • Monitor the level of satisfaction with land use planning / building permit OSC services through the installation of traffic light / emoji electronic recording systems, SMS feedback mechanisms and through the annual Citizens Report Card.²⁴¹ 	RHA, RNRA, Districts RGB	ST (design) MT (implementation)
	<p>Controlling development in all areas</p> <ul style="list-style-type: none"> • Support application of the building permit system to urban areas and grouped settlement areas (not covered by planning documents) • Develop a technical concept note for the application of development control procedures to rural areas and in conformity to the DLUP (possibly through a 'no objections' permit system). Identify all critical issues: a) administrative procedures, b) legal requirements, c) capacity issues and constraints, d) financial consequences, e) overall feasibility. • Circulate the technical concept note for review. Revise and formulate if feasible specifying detailed implementation steps (as above). Adopt a phased implementation approach, piloting in 	RHA, RNRA, Districts	ST (design and testing) MT (implementation)

²⁴¹ The Citizen Report Card (CFC) is an annual RGB publication. It provides agencies policy makers with citizen feedback on the quality of service delivery.

Enhancement area 2: Strengthen the land use plan development and implementation process			
Main focus	Measures / outline steps	Who	Timescale
	4 districts (one per province), adjusting and revising as necessary, and rolling-out thereafter.		
Improved capital investment planning	<ul style="list-style-type: none"> Develop an outline framework for capital investment planning to support either/or land use plans and DDPs, and in so doing utilize international experience in developing such models.²⁴² Ensure that the framework provides for: a) the elaboration of prioritization tools that set criteria and measure the appropriateness and anticipated feasibility of investments, b) prioritization aligned with public spending and borrowing capacity, and c) integration with asset management systems (for the operation and maintenance of existing and planned investments). Disseminate the outline framework to all stakeholders. Review, revise and finalize Prepare tenders (as appropriate) for the development of the capital investment planning tool. Test in pilot districts. Review piloting and finalize the capital investment planning tool. Roll-out capital investment planning in support of DLUP revision in the 2017/18 planning cycle. 	RNRA / RHA MINALOC Districts	ST (development and piloting) MT (finalization and roll out)
Improved financing opportunities	<ul style="list-style-type: none"> Commission a detailed assessment of local government financing in support of land use planning if required, examining performance and the full suite of local government financing mechanisms Assess and review land use planning linked financial enhancement mechanisms with a particular focus on land value capture mechanisms and investor contributions to public investment needs (for example supporting the provision of basic infrastructure). If positively assessed, prepare a technical and legal implementation framework for the introduction of new financial mechanisms. Develop a concept paper detailing the opportunities of incentivizing good land use planning performance (for example in plan development, capital investment planning, implementation and enforcement activities, filing land use planning relevant OSC posts) through enhanced block grant allocations, and penalizing poor performance). 	MINALOC / MINECOFIN	ST

²⁴² It is anticipated that DLUPs and DDPs would be aligned during the 2017/18 planning cycle.

Enhancement area 2: Strengthen the land use plan development and implementation process

Main focus	Measures / outline steps	Who	Timescale
	<ul style="list-style-type: none">Develop a concept note on the establishment of a local government development facility or bank for the provision of concessional loans and grants to districts and COK, and linked to incentivized performance improvements (as above).		

Abbreviations: ST = short-term (0 to 24 months), MT = Medium term (2 to 5 years)

5.3 Land use planning capacity issues

Enhancement area 3: Systematically build the capacity of organizations and individuals in land use planning at all levels			
Main focus	Measures / outline steps	Who	Timescale
<p>Comprehensive approach to land use planning capacity development</p> <p><i>(Focus areas below can be part of a comprehensive strategy)</i></p>	<ul style="list-style-type: none"> Develop an outline framework for the development of a ‘Comprehensive Land Use Planning Capacity Building Strategy’ Ensure that the outline framework is: a) multi-level (central and local), b) multi-audience (central and local government staff and agencies, elected officials, ordinary citizens, academics and higher education bodies), c) aligned in implementation terms with the demands of the development of the planning system, and d) cognizant with the range of capacity building methods and tools. Disseminate the concept note / outline framework for feedback amongst all stakeholders. Organize a focus group discussion to finalize the scope of the strategy and a plan for its development. Prepare tender documents (where necessary) and procure services for the development of the strategy (which must include a detailed implementation strategy and financing plan). 	MINIRENA (RNRA) / MININFRA (RHA) to lead	<p>ST (outline framework development, within 6 months)</p> <p>ST (strategy development within 12 months)</p> <p>ST-MT (implementation of activities)</p>
<p>Improved staffing capacity and retention</p>	<ul style="list-style-type: none"> Support the development of a district organizational assessment (carried out by MINALOC) to carefully assess the capacity of district OSCs to deliver the land use planning mandate. Review TORs for core district personnel and confirm how these can be strengthened. Develop a job specification for an Urban Manager in secondary cities to respond to the growing and challenging needs of managing growth (which includes, but is not limited to, efficient land use planning). Confirm whether the rural organizational structure is sufficient to deliver land use planning services. If not, recommend and profile additional posts required and 	MINIRENA (RNRA) / MININFRA (RHA)	ST

Enhancement area 3: Systematically build the capacity of organizations and individuals in land use planning at all levels

Main focus	Measures / outline steps	Who	Timescale
	<p>ensure there is a position that leads on land use planning.</p> <ul style="list-style-type: none"> Assess and propose incentivization options to support the development of land use planning in the medium term and the pros and cons for doing so (such as salary enhancements to recruit and retain planners, non-cash incentives (such as holidays), performance related pay linked to 'staying put', clearer career progression opportunities). 		
Improved land use planning professional capacity	<ul style="list-style-type: none"> Design and conduct a detailed training needs assessment of core land use planning personnel at both central and local level. Identify gaps and needs, and the actions required to address these using the full range of capacity development techniques (including on-the-job support, formal training, and continuing professional development for targeted top-up development in specific areas). Review DDPs (2013-18) for any proposed land use planning targeted training activities and respond. Develop a capacity needs self assessment tool for application at the district level and in support of annual planning processes and the next DDP planning cycle. Design and develop a framework for external training opportunities of direct relevance to Rwanda (but in line with performance contracts and staff retention) and a monitoring and evaluation protocol to measure its effectiveness. Ensure both technical and competence-based training (for example negotiation, mediation, communication, report writing etc.). 	<p>MINIRENA (RNRA) / MININFRA (RHA) Districts / RALGA (support) Universities</p>	<p>ST (assessment, capacity support activities and start-up) MT (full implementation and periodic review of needs)</p>
Improved resourcing for land use planning	<ul style="list-style-type: none"> Design and undertake a rapid audit of resources available to the districts (and at the sector level) in support of land use planning (consisting of transport, GIS, GPS, computer hardware and software, printers and office space). Formulate and justify a prioritized plan and budget for responding to the resource 	<p>MINALOC / Districts</p>	<p>ST</p>

Enhancement area 3: Systematically build the capacity of organizations and individuals in land use planning at all levels

Main focus	Measures / outline steps	Who	Timescale
	gaps and constraints and integrate these into the annual planning process.		
Improved capacity of elected representatives	<ul style="list-style-type: none"> Design and conduct a detailed training needs assessment of elected officials at district and sector level focused on all officials. Design a response that involves the development of land use planning practitioner ('for elected officials') materials (simple, accessible, user-friendly guide to planning for all elected officials and officials with direct roles in land use planning), awareness raising and briefing materials, and focused training modules (recognizing the limitations of officials in attending training including available time and the location of training provision). Introduce routine training / awareness-raising in land use planning for all elected officials to be conducted within 4 months of election. Design and develop a framework for external training opportunities of direct relevance to Rwanda (but in line with performance contracts and staff retention). Design and develop a framework for external exposure and networking opportunities of direct relevance to Rwanda and a monitoring and evaluation protocol to measure its effectiveness. 	MINALOC / RALGA Districts	ST (needs assessment, design and start-up) MT (roll-out and rolling delivery)
Supported horizontal learning	<ul style="list-style-type: none"> Design and develop a land use planning peer-to-peer (a district-to-district and city-to-city) learning framework comprising exposure visits, seminars and workshops for elected officials, planning professionals and community representatives. Design a simple strategy and programme of activities in the short-term (2 years). Scope and design a systematic approach for capturing and disseminating good land use planning practice in Rwanda. Identify and use existing facilities and resources (such as RALGA) to store, promote and encourage accessibility to this good practice. Support the development of awards and other systems of good practice recognition 	RALGA Supported by MINIRENA, MININFRA and MINALOC Institute of Planners	ST (development of ideas and approaches) ST-MT (start-up and development of good practice resources)

Enhancement area 3: Systematically build the capacity of organizations and individuals in land use planning at all levels			
Main focus	Measures / outline steps	Who	Timescale
	<p>for organizations, communities and individuals to support the development and promotion of the land use planning system.</p> <ul style="list-style-type: none"> • Scope and design a land use planning dashboard to compare district performance in the development and implementation of land use plans and planning. 		
Improved land use planning education	<ul style="list-style-type: none"> • Review and assess the availability of land use planning education in Rwanda (and courses and modules that are of potential relevance to land use planning) in the context of the projected needs in the development of the land use planning system. • Develop a strategy identifying whether and how the current supply of courses can be increased and/or enhanced embracing both new course development and new module development, and ensuring the broad-based interpretation of planning (for example including climate change resilience, participatory techniques, implementation and capital investment planning, urban renewal and up-grading, and urban management). • Ensure courses and modules provide both technical and competence-based education and skills development (for example negotiation, mediation, communication etc.). • Support the development of the land use planning system through the design of practice (field) based student assignments that practically respond to planning challenges. • Ensure a system of placements supports the transition of students into the planning profession. • Support and encourage the development of research portfolios (for academic staff and post-graduate study) addressing pressing land use planning issues. 	Universities RALGA	ST (assessment and strategy development) MT (course and module development and delivery)
Active planning profession institute	<ul style="list-style-type: none"> • Support development of the Institute of Urban Planners (as an urban and rural planning institute); for example, through business plan development, set-up costs 	MININFRA / MINIRENA	ST (for set-up and organization)

Enhancement area 3: Systematically build the capacity of organizations and individuals in land use planning at all levels

Main focus	Measures / outline steps	Who	Timescale
	<p>(office, equipment, administrative systems, web-site development), facilitated peer support from planning institutes elsewhere, development of professional accreditation systems and criteria, and supporting membership to the Commonwealth Association of Planners.</p> <ul style="list-style-type: none"> • Support the development of an Institute initiated continuing professional development protocols and opportunities to support members and non-members in targeted training (such as half-day through face-to-face and web-based delivery) on particular aspects of land use planning practice. • Develop a concept framework and strategy of how the Institute and its members can support the development of land use planning practice in Rwanda. • Develop an Institute resource base (e-based library) and exchange and network facility that links to land use planning opportunities and networks within and outside Rwanda (for example the e-institute for development offers a range of web-based courses and webinars on a range of planning related issues). 	<p>RALGA Institute of Planners</p>	<p>development) MT (development)</p>

Abbreviations: ST = short-term (0 to 24 months), MT = Medium term (2 to 5 years)

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7. ANNEXES

Annex 1 Terms of Reference

Scope of work: assessment of processes for development of land use plans and of the institutional framework for implementing and enforcing land use plans

BACKGROUND

The Government of Rwanda (GOR), through long-term development instruments like the Economic Development and Poverty Reduction Strategy, has prioritized optimal, rational and sustainable utilization of land. Specifically, the National Land Policy of 2004 and the Organic Land Law of 2005 require establishment of a National Land Use and Development Master Plan to guide spatial development in the country.

In 2007, the GOR initiated preparation of the National Land Use Development Master Plan (NLUDMP), which was completed and approved by the Cabinet on January 19, 2011. The legal framework guiding land use planning was instituted in 2012 with Law No. 24/2012 relating to the planning of land use and development in Rwanda.

Development of the NLUDMP was led by the Ministry in charge of Lands, through the National Land Centre, and assisted by consultants from Swede Survey AB, a subsidiary of the Swedish Government's Planning and Mapping agency. It began with an analysis of existing land uses in Rwanda, involving use of high resolution aerial photography for 96% of the country satellite imagery for the remaining 4%. Analysis of the existing situation in all sectors, such as health, forestry, education, environment, infrastructure, was also undertaken to identify the pertinent planning issues to be addressed by the Master plan while taking into account existing policies and sectoral plans. The final stage involved devising spatial strategies to address the identified issues and to enable the country to meet its development objectives.

The Kigali City Master Plan (KCMP) was likewise initiated in 2007 with assistance from the Oz Architecture Team. It was adopted by the Rwandan Parliament in 2008. The KCMP presents a broad vision and guidelines for land use in the three districts that make up Kigali City (Nyarugenge, Gasabo and Kicukiro), serving as the basis for more specific planning at the district, central business district and sub-area levels.

Today, Rwanda is in the process of finalizing district-level land use plans (DLUPs). These were initiated in 2012 and were supposed to have been validated by March 2015. The process for validation and approval involves presentation of a draft DLUP to the District Economic Commission. Once approved by the Commission, it is then presented to the District Council for final approval. As of March 2015, 16 districts (apart from the three Kigali City districts) have DLUPs that received final approval. Six districts had their DLUPs approved by the District Economic Commission and were awaiting final approval by the District Council. Three DLUPs were presented to their respective Economic Commissions and were being revised in response to comments. The remaining six districts have yet to have their DLUPs presented to their Economic Commissions.

OBJECTIVES OF THE ASSESSMENT

The primary objectives of the consultancy are to: 1) investigate the institutions, criteria and processes employed in creating different levels of land use plans, 2) examine the extent of citizen participation, institutional coordination and efficiency, and attention to climate change adaptation priorities employed in the land use planning process and decision-making. In particular the review process shall be designed to:

- Examine the engagement of ordinary citizens in the land use planning process, including solicitation of citizen input to inform land use designations and involvement of citizens in the review of draft plans and validation of proposed final plans. To what extent do ordinary citizens occupy a decision-making role versus simply a consultation role in the process? How meaningful is their voice in the process?
- Investigate the skills and capacity of professionals coordinating DLUPs to assess technical competencies and implications for producing quality DLUPs in a timely manner. Also, review the availability and appropriateness of tools used to prepare land use plans and the capacity of technicians to use them. How many districts and District Land Professionals have DLUPs in their performance contracts versus those who do not?
- Investigate criteria used to develop land use plans. What criteria guide determination of particular land uses to particular places? Are these criteria consistent and applied uniformly? Are climate risks and prediction of future climate change impacts taken into consideration and climate change mitigation and adaptation strategies integrated into land use planning? Do decision-makers have the qualifications, information and capacity to make technically sound land use planning decisions?
- Identify and assess the effectiveness of inter-institutional coordination and implementation of plans and systems to promote compliance and accountability. Which institutions lead and exercise decision-making power over the land use planning process? Which institutions have input into the process? Are roles and responsibilities clearly spelled out and communicated? Are institutions comfortable with their roles, or are their inter-institutional rivalries? What is the impact of inter-institutional roles, responsibilities and relationships on the effective implementation of land use plans? On compliance with land use plans by government institutions and ordinary citizens?
- Identify any other challenges or problems encountered in relation to the land use planning framework and process in Rwanda.
- Taking into account the challenges/problems identified, produce a set of recommendations and practical solutions for establishing more effective land use planning, noting proposed roles and responsibilities for implementing them. Identify which of these potential solutions LAND Project could potentially support in Year 3 or 4 of the project, depending on their size, complexity and anticipated cost.

METHODOLOGY

The methodology employed by the Consultant(s) for the assessment will combine: 1) a review of the processes, criteria and procedures that surround land use planning in

Rwanda at different levels, both urban and rural and 2) a review of the institutional framework and relations behind the land use planning process, both officially and in practice. In doing do, the Consultant(s) will begin by conducting background research on the legal framework governing land use planning, institutional roles and responsibilities for land use planning, and experiences, achievements and lessons learned by Rwanda in land use planning, through review of secondary sources. Based on this review, the Consultant(s) will proceed to identify a list of potential key informants and prepare a key informant interview guide (and potentially also focus group discussion guides) to gain information that responds to the research objectives and questions listed above. Once approved by the project Chief of Party, these instruments will be used by the Consultant(s) to carry out key informant interviews and possibly also focus group discussions. Rigorous qualitative methods will be used to analyze the primary and secondary information to gain and draw findings and conclusions. Finally, the Consultant(s) will propose a practical set of recommendations that can be employed by the Government of Rwanda, civil society organizations, the LAND Project and other stakeholders to strengthen the effectiveness of the land use planning process. This includes proposing measures to ensure land use planning is genuinely participatory and informed by ordinary citizens, and that it is institutionally coherent and streamlined, that it takes into account current and future climate risks and is responsive to those.

The Consultant(s) shall prepare a draft report of the assessment findings and recommendations present them to MINIRENA, RNRA and LAND Project counterparts and elicit inputs to further inform the final recommendations. Thereafter, the Consultants) shall produce a final report, which the LAND Project will disseminate to all relevant stakeholders.

DELIVERABLES

1. Preliminary draft report on the process framing the land use planning process and institutional framework governing land use planning in Rwanda – drawn entirely from secondary source research. The report will also assess the extent to which climate change adaptation considerations inform land use plans and the degree to which citizens are engaged in the process and their perspectives meaningfully influence land use planning decisions. Due June 19, 2015.
2. Draft guide for interviewing key informants together with list of proposed key informants to interview. Due June 19, 2015.
3. Notes collected from key informant interviews. Due July 2, 2015.
4. Presentation of assessment findings to MINIRENA, RNRA, LAND Project and any other counterparts deemed appropriate by RNRA and MINIRENA (internal consultation). Due: July 3, 2015.
5. Draft report on assessment findings and recommendations that draws on information gained from both primary and secondary sources. Due: July 10, 2015.
6. Presentation of assessment findings at multi-stakeholder forum comprised of representatives of the GOR, civil society organizations, academia, private sector, and international community to elicit their input on the findings and recommendations. Due August 7, 2015.
7. Final report on the assessment findings and the proposed plan that reports on and takes into account feedback received from MINIRENA, RNRA, LAND Project and other stakeholders. Due August 12, 2015.

TIMEFRAME AND LOE

The consultancy shall begin on or around May 11, 2015 for a period of not more than 2.5 months and 30 working days.

Annex 2 Schedule of meetings

Date / time	Organization	Name	Position	Contact details (email / tel.)
Tuesday 23 June, 2015				
09:00 – 09:50	Rwanda LAND Project	Anna Knox	Chief of Party	
10:00 – 11:00	Rwanda Natural Resources Authority (RNRA)	D.G. Sagashya Leonard Kayonga	Director General Director of Land Use Management and Spatial Planning Unit	didier.giscard@yahoo.fr leonard.Kayonga@rnra.rw
15:00 – 15:45	Rwanda Initiative for Sustainable Development (RISD)	Anne Kayiraba	Executive Director	0788302452 kairabaa@risdrwanda.org
16:00 – 17:00	Department for International Development (DFID)	Sarah Love	Climate Change and Low Carbon Advisor	S-Love@dfid.gov.uk
Wednesday 24 June, 2015				
09:00 – 10:00	Gasabo District, City of Kigali	Stephen Rwamulangwa / Raymond Mberabahizi	Mayor / Vice Mayor	srangwa@yahoo.com / mberaychre@yahoo.com
15:00 – 16:30	Institute of Urban Planners	Fred Kalema	Chair Institute of Professional Planners Consultant	0788418002 Kalema77@yahoo.co.uk
16:00 – 17:00	IMBARAGA	Joseph Gafaranga Juvenal Musine	Coordinator Secretary General	Jouve2010@yahoo.fr
Thursday 25 June, 2015				
08:30 – 10:30	Search for Common Ground	Narcisse Kalisa Jean-Paul Ntezimana	National Program Director	nkalisa@sfcg.org
11:00 – 12:00	Rwanda Governance Board (RGB)	Dr. Felicien Usengumukiza	Director General	fusengumukiza@rgb.rw
15:00 – 16:30	Institute of Policy Analysis and Research	Dr. Alfred Bizoza	Director of Research	a.bizoza@ipar-rwanda.org
Friday 26 June, 2015				
09:00 – 10:30	Ministry of Natural Resources (MINIRENA)	Seth Muhawenimana	Land Use and Administration Specialist	muhaweseth@gmail.com , 0783490989
Monday 29 June, 2015				
09:00 – 10:00	Ministry of Agriculture	Serge		
11:00 – 12:00	Rwanda Natural	Leonard Kayonga	Director of Land Use	leonard.kayonga

Date / time	Organization	Name	Position	Contact details (email / tel.)
	Resources Authority		Management and Spatial Planning Unit	@rnra.rw
15:00 – 17:00	Musanze (Secondary City)		District Land Officer	
Tuesday 30 June, 2015				
09:00 – 10:30	Ngoma Rural District	George Mupenzi Michel Nsanzuwera	Vice Mayor District Land Officer	Mpwgeorge2020@yahoo.com 0788552242
14:00 – 15:30	Nyagatare (Secondary City)	Stanley Victor	Vice Mayor District Land Officer	
Thursday 2 July, 2015				
09:00 – 10:20	City of Kigali	Patrick Arinawe	Urban Planner / Master Plan Implementation	arinawepatrick@yahoo.com 786383613
Friday 3 July, 2015				
07:15 – 07:40	Rwanda Revenue Authority (RRA)			
07:45 – 08:45	Gasabo District		Head of the One Stop Centre	
09:00 – 09:45	Rwanda Housing Authority (RHA)	Eddie Kyazze		eddyunited@yahoo.com
10:00 – 11:00	Rwanda Association of Local Government (RALGA)	Oscar	Capacity Building TL	
Tuesday 4 August, 2015				
15:00 – 16:00	Ministry of Finance and Economic Planning	Godfery Kabera Ariane Zingiro Patrick	Director General Productive Sector Policies & Programme Expert	Godfrey.kabera@minecofin.gov.rw 788 478 597 ariane.zingiro 788 861 397
Wednesday 5 August, 2015				
09:30 – 10:30	Ministry of Infrastructure	Antje Ilberg	Urban Planning and Housing Expert	Antje.ilberg@minifra.gov.rw 787 671 052
11:00 – 12:00	Ministry of Local Government	Vincent Munyeshyaka	Permanent Secretary	vincent.munyeshyaka@minaloc.gov.rw 788 848529
15:00 – 15:45	Institute of Real Property Valuers in Rwanda	Gatsirombo Egide	Chair, Board of Directors	Gegide77@hotmail.com 788 308 071
Thursday 6 August, 2015				

Date / time	Organization	Name	Position	Contact details (email / tel.)
10.00 – 13:00	Presentation and discussion (with MINIRENA and RNRA)	Leonard Kayonga Emmanuel Uwizeyimana	Director of Land Use Management and Spatial Planning Unit Director of Land Management / Acting Permanent Secretary	leonard.kayonga@mra.rw uwamanou@gmail.com

Annex 3 Interview guide

Introduction

This guide provides a long list of questions that will be tailored to the individual one-to-one interviews. The questions will be used as: a) a guide with supplementary questions / areas of enquiry followed up, and modified, as appropriate in the course of discussions, b) tailored to the amount of time available with interviewees. The questions are divided into five blocks reflecting the objective and scope of the assignment (below). The blocks are:

A Institutional and organization issues: coordination and efficiency

B Plan development, implementation and enforcement

- B.1 How effective is land use plan development
- B.2 How effective is land use planning implementation and enforcement
- B.3 How well is climate change resilience integrated in land use plans

C Inclusivity / participation in land use planning

- C.1 How is participation achieved in the land use planning process?
- C.2 What 'vehicles' exist to facilitate participation in land use planning?
- C.3 Does the institutional framework support participation in land use planning?

D Capacity (organizations and individuals) for land use planning

E Other challenges and problems in relation to land use planning

- E.1 How is local government financing reflected in land use planning?
- E.2 How is capital investment planning integrated in, and coordinated with, land use planning?

A Institutional and organization issues: coordination and efficiency

Identify and assess the effectiveness of inter-institutional coordination and implementation of plans and systems to promote compliance and accountability. Which institutions lead and exercise decision-making power over the land use planning process? Which institutions have input into the process? Are roles and responsibilities clearly spelled out and communicated? Are institutions comfortable with their roles, or are their inter-institutional rivalries? What is the impact of inter-institutional roles, responsibilities and relationships on the effective implementation of land use plans? On compliance with land use plans by government institutions and ordinary citizens? (TOR Scope of Work)

What is the specific role and responsibility of your agency in the land use planning system? Is the scope of this responsibility as mandated in policy and law well understood?

How well do you consider the specific roles and responsibilities of other government agencies are established in the legal and policy framework? Where is further clarification required?

Does your agency consider that the assigned roles and responsibilities in land use planning are appropriate (or are too great, or too limited – please specify)? If not, what roles and responsibilities should be passed to / disbursed from your agency?

Has your agency sufficient capacity (organization structure and human resources) to fulfill the assigned roles and responsibilities? If not, what are the gaps and how could these be filled?

What are the main mechanisms for facilitating the coordination and cooperation between agencies with a mandate in land use planning? How effective do you consider cooperation and coordination to be? How can this be improved?

How are the views of government agencies integrated into the land use plan and planning system?

B Plan development, implementation and enforcement

Investigate criteria used to develop land use plans. What criteria guide determination of particular land uses to particular places? Are these criteria consistent and applied uniformly? Are climate risks and prediction of future climate change impacts taken into consideration and climate change mitigation and adaptation strategies integrated into land use planning? (TOR Scope of Work)

B.1 How effective is land use plan development?

Are you aware of and understand the planning laws and regulations (for developing and implementing plans)?

Do districts feel that they ‘own’ the plan making (and plan implementation) process? Who was responsible for developing the plan?

Is there information of sufficiently high quality and quantity to develop effective land use plans (such as demographic data, infrastructure assets and needs, development (economic, social, environmental) trends)?

What criteria have been used in allocating land use and developing land use plans?

Are these criteria applied uniformly?

Do land use plans cater for all land use allocation needs (for example in addition to usual allocations, also including allocations such as rights-of-way (for new infrastructure, open/public space, waste management facilities)?

Are the rules and regulations for amending or adapting zoning in land use plans understood?

How well are land use plans developed in coordination with, and integrating, sector (including infrastructure) development plans?

Does the plan adequately reflect the capacity of local government to implement it? If not, why not? How could this be rectified?

Are there sufficient tools (guidance in land use planning) and equipment (GPS, land survey instruments, GIS, vehicles) to manage and enforce the land use planning system?

B.2 How effective is land use planning implementation and enforcement?

What are the procedures for implementing land use plans? Are these fully understood by decision-makers and citizens?

How are decisions made – on development – against the plan? Who is involved in this process?

How are plans monitored and updated?

How are development decisions recorded (paper, database, GIS)? Are these publically accessible and transparent? If not, why not?

How are planning decisions monitored and enforced?

How could compliance (to the land use plan) be improved?

How are infrastructure investments reflected in the plan? How are they identified and prioritized? What methods are used for prioritization? Are these effective? How are stakeholders and citizens involved in this process?

In your view is the system working effectively? Can it be improved? How?

B.3 How well is climate change resilience integrated in land use plans?

How is resilience defined and built into the land use planning process?

How are climate change issues (adaptation and mitigation) reflected and integrated into land use plans? Can you provide some concrete examples?

Has a vulnerability assessment been carried out in the development of plans? What did these consist of? Who was responsible for their development? Did citizens participate in their development?

What climate change projections have been used in preparing land use plan inputs, and which body supplies this information?

Are the climate projections sufficiently downscaled/localized to effectively plan for climate resilience at the local urban and rural scale?

If downscaling was not possible at the time of developing the plan, are you aware of any local universities or research institutions that have the capacities to do such work?

Do local officials and land use planning professionals regard climate change as a significant issue? Are they trained in climate change issues as they relate to land use planning?

How do you think the integration of climate change in land use planning could be improved?

C Inclusivity / participation

Examine the engagement of ordinary citizens in the land use planning process, including solicitation of citizen input to inform land use designations and involvement of citizens in the review of draft plans and validation of proposed final plans. To what extent do ordinary citizens occupy a decision-making role versus simply a consultation role in the process? How meaningful is their voice in the process? (TOR Scope of Work)

C.1 How is participation achieved in the land use planning process?

In your view is there sufficient participation in the land use planning system? Could it be improved and how?

What formal processes of participation and consultation exist? Are these effective? Do they embrace everyone? How?

What are citizens asked to participate in and to what extent?

Land use designations?

Validation of designations?

Validation of the overall plan?

Implementation of the plan?

Enforcement of the plan?

Other planning related matters?

In the plan making process and adoption what are the main steps of consultation?

Are the aims of participation clearly set out and understood (by local government, by citizens?)

What methods are used? Have these evolved over time? Are these judged effective? Can you provide some concrete examples?

What barriers are there to effective participation in land use planning?

Have these barriers been addressed and eliminated?

How is participation in land use planning recorded? How are citizens' inputs recorded and reflected in land use plans, and made transparent?

How is participation monitored and evaluated for effectiveness?

C.2 What 'vehicles' exist to facilitate participation in land use planning?

How do citizen's 'interface' with local government (for example through established mechanisms / committees) in general, and in the context of land use planning?

Do citizens – the 'community' - have sufficient capacity and organization to effectively interface with local government on land use planning? If not, how do you think this could be improved?

C.3 Does the institutional framework support participation in land use planning?

Is there political commitment and leadership in participation in land use planning?

In your view is the legal and policy framework adequate to encourage and ensure effective participation in land use planning? If not, how do you think it could be improved?

Is there recourse for citizens to challenge a proposed plan?

How much notice and time is allowed for citizen's inputs into plans?

Who decides on how this input will be reflected in plans?

Are locally elected officials trained in participation and land use planning issues and responsibilities? If so, what does this consist of? Is it considered effective?

Is (senior) management committed to, and trained in participation? Is there leadership in participation? Can you provide some concrete examples of what goes well – and not so well?

Is there sufficient local government capacity to ensure effective participation in land use planning? In terms of staff assigned and trained/skilled, effective structures, appropriate attitudes and commitment to participation)?

D Capacity (organizations and individuals)

Investigate the skills and capacity of professionals coordinating DLUPs to assess technical competencies and implications for producing quality DLUPs in a timely manner. Also, review the availability and appropriateness of tools used to prepare land use plans and the capacity of technicians to use them. How many districts and District Land Professionals have DLUPs in their performance contracts versus those who do not? Do decision-makers have the qualifications, information and capacity to make technically sound land use planning decisions? (TOR Scope of Work)

In your view is there sufficient capacity (numbers and experience of staff, the structure of organizations and their mandates) to operate the land use planning system efficiently?

Do elected officials and senior management understand their roles and responsibilities in land use planning? If not, why not? How can this be rectified?

How many staff positions are there directly related to land use planning and how many of these positions are filled?

Is this considered adequate to service the planning system? If not, what further staff resources are needed?

Are the retention rates of land use planners known (i.e. how long they stay in post)? Are there sufficient career progression possibilities in land use planning?

What level of qualifications and experience are held by technical and senior staff?

How are training / continuing professional development needs assessed? How often does this happen and what method is used?

How are these needs addressed (types of capacity building support, on-the job training, training courses, overseas courses)?

How is performance measured (are there performance management systems)? Is good performance incentivized?

How many districts and District Land Professionals have DLUPs in their performance contracts versus those who do not?

How are land use planning staff recruited?

In your view, where is additional capacity development required? What do you think this should consist of?

Where do land use planning professionals receive their education / training? Are the courses on offer adequate to meet the needs of Rwanda's planning system? If not, can these be adapted to current needs?

Are there sufficient public or private sector training providers to respond to training needs?

E Other challenges and problems in relation to land use planning

Identify any other challenges or problems encountered in relation to the land use planning framework and process in Rwanda. (TOR Scope of Work)

E.1 How is local government financing reflected in land use planning

How healthy are local government finances?

How efficient is the collection of local taxes (tax based, tax demand, tax collected)?
Can this be improved?

Are local financial resources allocated to land use planning matters?

How is financial capacity reflected / integrated in land use plans

E.2 How is capital investment planning integrated in, and coordinated with, land use planning?

How do you identify and prioritize your infrastructure needs? How often is this done?

How well are these infrastructure needs reflected / integrated in land use plans

Is a financial assessment of local financial resources carried out at the same time?

How is infrastructure funded?

If a financial assessment is not carried out, how is financial viability of infrastructure affordability calculated?

How do you plan, budget and implement O&M?