

REPUBLIC OF RWANDA



MINISTRY OF INFRASTRUCTURE

**NATIONAL URBAN HOUSING
POLICY FOR RWANDA**



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Preface

Rwanda is a landlocked country with a high population density and faces problems that are caused by rapid urbanisation such as scarcity of land, proliferation of unplanned settlements, and environmental degradation.

Since independence, urban planning and development were not given much attention. Thus taking into account the rapid and uncontrolled development of the sector, and its potential contribution towards the socio-economic development of the country, the Rwandan Government made a decision to formulate an urban housing policy which is geared towards achieving its development goals.

This policy is based on the national objectives contained in the Vision 2020, and the Economic Development and Poverty Reduction Strategy (EDPRS), while taking into account the principles of decentralisation and good governance.

In this document, we present the National Urban Housing Policy, the result of broad consultative work, aimed at achieving sustainable urbanization of the country by better planning and rational management of land and urban areas with due regard to the environment.

The contribution of all those who were involved in the formulation and preparation of this policy is acknowledged and appreciated.

Chapter 1: Introduction

The National Urban Housing Policy includes all public interventions within the framework of the urbanisation process of Rwanda in order to constitute the urban structures at national and provincial level, to improve urban management, control development, and the spatial expansion of cities, particularly urban centres using effective planning tools.

The development and adoption of the National Urban Housing Policy aims at guiding Government objectives and priorities in line with the objectives as laid down particularly in the Vision 2020, the EDPRS, and the National Investment Strategy. According to the aims of Vision 2020, about 30% of the population will live in planned cities with access to basic infrastructure necessary to ensure sustainable development.

The implementation of this policy will support the process, and coordinate all the activities to ensure its monitoring and evaluation.

Urban development related to the process of urbanization is restricted neither to physical installations nor to the construction of houses. It depends largely on economic, political, social and institutional factors.

Urban development requires having at the local level, adapted tools for planning and regulation, to reinforce capacities at central and decentralised level, and mobilize the public and private sector. Furthermore it requires human and financial resources to develop and improve cities and other centres in order to improvement the living conditions of the entire population, particularly the poorest.

This policy proposes the establishment of a regulatory body, an Urban Development Board to manage the development of urban areas and urban housing in particular. This body will regulate the issues concerned with allocation of land, its development, standards associated with housing and construction, private and public estate development among other function. A concept note for the formation of this Board is attached (Annex 1) to this document.

1.1. Definition of the sector

Urbanization comprises the establishment of procedures and tools for urban planning (Master Plans, Urban Development Plans) zoning and re-zoning, and the upgrading of unplanned settlements with the provision of adequate social infrastructure facilities.

The urbanization is defined within the context of a Presidential Decree through a proposal from the Council of Districts and recommendations of the Minister in charge of town planning.

Planned, controlled and well oriented urbanization must be considered as an opportunity and a driving factor for the development. It is accompanied by the development of the commercial and service sectors thus contributing to the GDP and enhancing the standard of living of the people.

According to the physical and economic attributes of urban areas, each city may be developed to cater for a particular vocation (tourist, industrial, cultural, etc.) which will be taken into account in the architectural design.

1.2. Guiding principles of the policy

The object of the National Urban Housing Policy is based on the following principles:

- (a) The Rwandan Government recognizes that housing is a basic right for its citizens as stated in international declarations such as the Istanbul Declaration of June, 1996, the Millennium Development Goals (February, 2002), and the World Summit on Sustainable Development (July-August, 2002). In this context, it aims to facilitate access to decent housing and basic infrastructure facilities for its population;
- (b) It recognizes the need to ensure that people have access to potable water and adequate sanitation facilities;
- (c) The Policy recognizes that the Ministry concerned with development of urban housing, the Ministry of Infrastructure, should operate at policy formulation level. The operations and implementation of the policies should be carried out by agencies such as the Urban Development Board;
- (d) It is committed to supporting the controlled development and the sustainability of human settlements both in urban and rural areas, which is economically accessible and socially integrated, where the rights of all people are recognized, particularly the rights women, children, handicapped people, and people living in poverty, the vulnerable and disadvantaged groups;
- (e) It recognizes the need to provide affordable shelter for people of all income groups;
- (f) The process of urbanization must be accomplished with due regard to the needs of the citizens while contributing to their social development, and at the same time reducing any negative environmental impacts. The process integrates environmental aspects and will be based on rational management of land resources;
- (g) Planned settlements are the preferred and accepted form of housing development in urban areas and urban planning must be taken as a pre-condition to any form of development;
- (h) It recognizes the need to upgrade or formalize informal settlement while ensuring that social norms are respected and people are not unnecessarily displaced;
- (i) It must be recognised that ensuring access to goods, basic services and infrastructure facilities is the most important element in determining the quality of life of the population;
- (j) Urbanization is regarded as a driving force for economic development. However, the process of urbanization and urban development should be planned, controlled and well directed. Urbanisation increases the demand for food and promotes modernization and improvement of agricultural production which contributes directly to poverty reduction in Rwanda. The spatial planning of urban areas with clear demarcation of residential, industrial commercial and public utilization areas will safeguard the environment and cultural heritage of Rwanda;

- (k) Investment related to urban development should not be handled solely by Government, but must be supported by the private sector, NGO's, and local communities according to their respective capacities and capabilities. Urban development must consequently be well planned in a progressive and participatory manner according to the capacities of various players in the sector. However, emphasis should be placed on the role of women in the implementation of the National Urban Housing Policy;
- (l) Implementing the law governing the organization of districts, urban management and development comes under the prerogatives and attributes of local communities. These must nevertheless follow and respect the directives and orientations laid down within the spirit of the National Urban Housing Policy to achieve the goals fixed at national level.

1.3. Context

1.3.1 National Context

1.3.1.1 Evolution of cities in Rwanda

The population of Rwanda has more than quintupled from 1,595,500 people in 1934 to 9,344,399 in 2007, a period of less than 70 years, which testifies to a great demographic vitality. Cities are very recent in Rwanda where the rate of urbanization currently stands as 18.7% representing 1,747,403 of the population.

According to the results of the National Census (1978 and 1991), the urban population increased at an average rate of 5.5% per annum during the above period. Currently, the growth rate varies around 9% per annum. The urban demographic mass is concentrated in the City of Kigali which shelters approximately 800.000 inhabitants today. The urban growth in Rwanda is an inevitable and advantageous phenomenon as the cities will make possible the integrated development of rural and urban population. The cities constitute centres for job creation which must be opened to all the social categories. This employment results from the provision of services which develop rapidly in urban area including construction of infrastructure, houses etc.

The growth of cities will make possible for the reduction of demographic pressure on arable land and optimize agricultural production. Even though urbanization is required for the economic development of Rwanda, the phenomenon must be controlled and planned in order to prevent negative effects. Essentially 80% of Kigali has unplanned settlements which make it difficult to control these areas.

This uncontrolled and spontaneous urbanization leads to proliferation and degradation of the zones close to the cities centre, dispersion of sub-urban settlements and for this reason the extension and construction of infrastructure becomes very expensive.

1.3.1.2 Unbalanced urban structures

Kigali City contributed to an increase in the urban population (from 236,000 people in 1991 to 800,000 people in 2007; an average annual rate of 9%). This resulted in a concentration of the urban population in the Capital estimated at 44% of the urban population of Rwanda. This situation confirms the phenomenon of urban "*monocephalism*" and highlights the imbalance between Kigali and other urban centres. Secondary centres still remain unable to offer a solid base for employment and services to their population because of the insufficiency of public and private investments. Demographic imbalance between the Capital and other urban centres is

accompanied by an imbalance in the economic activity and the services sector which are concentrated mainly in Kigali (more than 70% of industrial activity; about 50% of the wholesale businesses and 70% of the banking services, etc). It will become necessary to promote a policy of facilitation for investment in the secondary urban centres supported by suitable incentives.

1.3.1.3 Unplanned Urban development

On the basis of the urban growth rate, the annual housing requirement in Kigali is estimated at between 8,500 and 10,000 units. The annual need for the rest of the urban centres is estimated at 15,000 units. It has been established that, in 2002 and 2003 combined, the public and private sectors contributed only 10% in terms of development of plots restricted to the middle and high incomes categories. This situation has not improved much to date. The low income group had maintained the practice of informal housing development in unplanned areas.

This situation has had the following consequences:

- The increase in the load factor in the unplanned areas;
- Increase in the extent of unplanned areas.

Due to the growing demand for housing in urban areas and the rapid development of slums (Utujagari), planning and organized settlement is becoming a complicated issue. Moreover, it appears that urbanization of principal urban centres in Rwanda resulted more from accumulation of the population often of rural origin, around the structured city and not from within, thus generating perimeters of sub-urbanized zones where the density reaches 700 people/km².

This spontaneous growth of urban centre has led to the breakdown of social functions and spatial segregation, with land wastage that blocks any attempts for sustainable development.

1.3.1.4 Weak rate of development and a extraordinary urban spread

The hilly topography which characterizes Rwanda adds mainly the scenic beauty of its landscapes. It poses a big constraint in terms of population settlement particularly the construction of infrastructure. These problems are worsened by the high frequency of rain which causes erosion and gulling of the slopes.

In this context, urban development results in the spread of the cities (particularly Kigali) over a large area and is not really densified. The increase of the distances between the new urban areas and the city centres increase the costs related to transportation and the construction of infrastructure and make it difficult to plan for basic infrastructure such as roads, and water, electricity and telecommunication services.

Urban development being unplanned, makes the level of infrastructure facilities and services particularly inadequate. The urban audits carried out on 8 former districts of Kigali City and the Cities of Butare, Ruhengeri and Rwamagana confirm this statement through indicators noted as “poor” or “nothing” with respect to the level of the services available in the urban areas and centres. In addition, this statement is corroborated by the most current estimates, according to which, the informal sector and unplanned settlements represent between 80% and 90% of common housing in the principal urban centres of Rwanda.

Moreover, according to the results of the census of housing (2002), nearly 90% of the dwellings of Kigali City are built with “impermanent” materials (boards, wood, etc). This situation is due to the limited financial resources at the disposal of the low income population. The statement

demonstrates the incapability of a sector of the population to have ownership of standard housing.

1.3.1.5 Urban population characterized by low income

According to the results of the survey on the living conditions of households (EICV) carried out between 2000 and 2001, more than three people out of five (60.29% of the national population) lives under the poverty line. Considering household, it was noted that the rate of poverty was 65.66% in rural areas, and 19.38% in urban areas respectively (Kigali City excluded); 12.27% in Kigali City. These results further indicate that poverty in Rwanda is predominant in rural areas.

According to the same investigation, taking a “household” as a basic unit, it has been confirmed that poor households are 61.68% of the population of rural areas, 17.80% in the urban areas, and 10.44% in Kigali City. In spite of a favorable percentage in urban areas, the research revealed that the annual average expenditure recorded by an adult person in urban areas is only RwF35,000 (less than RwF3,000/month) in case of the “extremely poor” category of the population, approximately RwF55,000 (about RwF4,500/month) for the category classified as “poor”, and RwF232,000 (in secondary cities) and RwF255,000 in Kigali City for the category classified as “non poor”.

These figures show that even for the category classified as “non poor”, the amount of annual expenditure remains weak (RwF20.000/month). That means that a very large majority of the urban population constitutes of low income households. This conclusion is corroborated by the fact that 60% of the urban population mobilizes only 20% of the consumer expenditure while at the same time only 10% of the population is able to mobilize above 50% of the expenditure.

1.3.2 Regional and International Context

The rate of urbanization in Rwanda is listed among the lowest in the world even for an African country. The average world urbanization rate stands at 50%, 84% in North America, 75% in Latin America and the Caribbean and 37% in Africa and Asia. However, the annual growth rate of the urban population of 9% far exceeds the average for Africa which stands at 4%.

Chapter 2 - General Orientation

2.1 Vision 2020

It has been forecasted that the urban population will reach 30% of the national population by 2020; however, urban development should not contribute towards pollution of surrounding zones (sub-urban and rural areas). In 2010, each city will have an Urban Master Plan and Land Use Management Plans. Basic infrastructure will be constructed in the urban centres and in other development areas in order to relieve rural areas from the effects of overpopulation in favor of the urbanization programme.

2.2 Economic Development and Poverty Reduction Strategy (EDPRS)

Adopted in September, 2007, EDPRS specifies the priorities to be achieved during the five-year period 2008-2012. It specifically emphasizes planning and development of urban and rural human settlement in conformity with the criteria of environmental viability through the reorganization of national space. Urban areas must develop through the creation of market opportunities for rural economies so as to ensure sustainability and progress. To this end, the development of the urban environment must be based on strategies which stimulate economic growth (GDP), the provision of services, and employment creation so that the vulnerable and the poorest of the poor people may be integrated.

Finally, publicly-owned establishments will be sheltered in comfortable buildings in conformity with the need for fast and quality services.

2.3 National Investment Strategy

The National Investment Strategy particularly places emphasis on the support of the private sector in infrastructure development. The consolidation of efforts between Government and various development partners will ensure realization of the programs of the sector. The development of the Urban Master Plans and the construction of basic infrastructure on allotted sites will enable investors to orient their investments (industrial parks, tourist zones, commercial areas, etc.).

2.4 Government Programmes

In relation to the sector, the Government of Rwanda plans to develop and update the legislative and regulatory framework; it envisages the development of master plans for all the towns and cities of the country. This policy recommends the elaboration of particular plans for urban development and other tools of urban planning (such as the Simplified Plans of Urbanization-SPU) and management adapted to the immediate needs of the respective Districts.

2.5 Objectives of international development (MDGs, NEPAD, etc....)

2.5.1 MDGs

The Millennium Development Goals (MDGs) plan to “Ensure favorable conditions” and reduce by half the percentage of the population without access to potable water by 2015. It aims “to improve the lives of at least 100 millions people living in slums by 2020”. In this context, the National Urban Housing Policy aims at upgrading unplanned settlements and developing urban areas within the framework of sustainable socio-economic development.

2.5.2 NEPAD

NEPAD recommends sustainable urbanization under social, environmental, economic, and political frameworks. The local players, particularly local authorities must be supported by improving their capacities for planning and urban management.

The policy places particular emphasis on planning and the development of the earmarked areas to allow sustainable urbanization. The strengthening of the institutional and financial capacities of local communities will enable them to execute their duties in urban planning and development.

Chapter 3 - Presentation of the sub-sector

3.3 Major constraints of the sub-sector

The major constraints of the sub-sector are related essentially to the insufficiency of human and financial resources, a high rate of the unplanned residential areas, and the absence of adequate tools for urban planning.

3.1.1. Lack of adequate land and basic infrastructure

The demand for serviced plots far exceed their availability and Kigali and secondary cities have not looked at the low income group. The ongoing and planned programmes are mainly directed at high and middle income group. Vast agricultural zones located within the limits of urban areas are thus affected with middle and high income housing is only partially occupied whereas the main part of the housing needs relate to low income housing.

Consequently, the deficit in the availability of plots is reflected by the already insufficient level of general services in the urban centres. Although the demand for low income housing is in fact important, the demand for land within the various categories has proved difficult to quantify.

3.1.2 Lack of basic urban data

None of the cities or urban centres in Rwanda have any databases available to aid in decision making. This is a reality particularly in terms of acquisition of public land, land registration, status of the real estate market, land requirements for housing and economic activities, estimated costs of expropriation/land compensation, etc. Furthermore, specialized data relating to the functions and activities of cities are not available, with respect to their economic potential, their location in national and regional context and their relationship with the urban network vis-à-vis urban and rural areas.

3.1.3 Standards and standards town planning construction misfits

Rwanda recognizes that planned housing is required as opposed to spontaneous or dispersed settlements. The National Housing Policy of 2004 points out that the existence of a development plan is a pre-condition to any form of development. Housing is governed by urban and construction standards which cannot be adapted to many households due to their limited access to long-term credit facilities and adequate financial resources.

3.1.4 Small percentage of registered land owners

The registration of land ownership poses a constraint in that most families find it difficult to meet the selection criteria of planned programmes which emphasize the construction of structures to meet established standards. The only recourse for these families is to settle in unplanned areas. These informal, unregistered or illegal plots would then be obtained by irregular means without taking into consideration any standards of urban planning. In the entire country, the percentage of people with registered land ownership is still small. In many urban areas, a great number of households live below the poverty line and as such the access to land ownership becomes difficult. However, recent legislation recommends the systematic registration of all occupants of the land.

3.1.5 Lack of financial resources for resettlement of expropriated people

Cities do not have adequate land resources to resettle people who have to be moved from unplanned areas in order for planned development to take place. Wherever any sites are identified, the expenses related to their development and allocation are much higher than what is paid to the expropriated households. Some consensus have to be arrived at between local authorities and the informal settlers in order to solve this problem.

3.1.6 Lack of planning and management tools

Currently, only two cities in Rwanda have completed Master Plans: Kibuye which was developed in 2003 and Cyangugu in 2005. The Master Plan for Kigali and Rwamagana are being developed, while other cities do not have urban development or management plans, the absence of which pose a challenge to spatial planning. The development of Master Plans for all the urban areas is a challenge due to the time factor and their high cost.

3.1.7 Lack of adequate financial resources for the local communities

Districts lack sufficient financial resources as their revenue from rates and taxes are modest, whereas Cities which have adequate land, lack the financial resources to develop and allocate them.

3.1.8 Lack of human and material resources

The lack of human resources in the field of urban planning and development constitute a major problem for the local communities. In spite of the efforts made recently within the framework of territorial administrative reform which made it possible to provide districts with qualified personnel, Rwanda suffers from a lack of professionals qualified in the field of urban development. In practice most district officials lack administrative and technical knowledge of procedures of urban management, planning and development, necessary to meet modern challenges.

3.2. Constraints and opportunities

3.2.1. Constraints

The principal constraints consists of: Lack of effective planning tools; weak household incomes and lack of adequate financial resources.

3.3.2 Opportunities

Notwithstanding the constraints as presented above, opportunities do exist: socio-economic changes are at hand and urban centres, if well managed, constitute a framework offering a better quality of life; prospects for improvement of income from local communities: an improvement of receipts within the framework of tax decentralization, particularly through rates and rent receipts on the land.

Tax decentralization aims at reinforcing the tax potential of the local communities through a number of provisions whose key components are: enabling local authorities to fix rates of taxation and royalties and to charge service fees; handing-over of the tax on land to the local communities; the establishment of a development fund for local communities; reinforcement of

the system of accountability and audit; the establishment of a budgetary structure containing programmes for local communities.

A certain number of national entities are capable in meeting the requirements for capacity building e.g. National University of Rwanda (NUR), Kigali Institute of Science and Technology (KIST), etc and certain planning tools are already available or will be made available in due course; such as aerial photographs of Butare, Nyanza, Ruhengeri and Kabuga; schematic diagrams for Kigali and Cyangugu have been finalized and their adoption by the council of ministers is what remains; allocation of plots have been carried out in certain urban centres of the country; study on the regional economic development and trade centres; Master Plans of Nyagatare and Rwamagana are being developed; while the decentralization process has introduced new dynamics in the development process in terms of a transfer of responsibilities coupled with a participatory approach.

3.3. Mission of the sector

To contribute towards the realization of the objective of economic development and poverty reduction.

3.4. Objective of sector

3.4.1 Main objective

The main objective of the “Urban Housing Development Policy” is to contribute towards improving the conditions of living of the urban population through controlled and harmonized development of urban areas.

3.4.2 Specific objectives

The specific objectives are presented as follows:

- To control and direct the urbanization process of the country;
- To meet the needs of the urban population as a whole in term of land and services, and to prevent the formation of new unplanned settlements;
- To facilitate access to shelter in a planned and organized process leading to housing development especially for the low and medium income groups;
- To improve the living conditions of the populations living in existing informal settlements especially by creating employment;
- To encourage private sector participation in the development of housing estates;
- To reinforce the institutional and financial capacities at central and decentralized level for local communities.

Chapter 4 – Policy Actions

Under the Urban Housing Policy, the government aims to execute the following policy actions:

4.1 Urban Housing

- (a). Develop programmes aimed at providing urban housing for a cross-section of the population;
- (b). Establish minimum standards in the construction of housing with respect to construction codes and provision of adequate basic facilities such as water and sanitation, access to reliable power sources, and basic social amenities within easy reach of residential areas;
- (c). Provide the legal and regulatory framework to encourage private sector participation in the development of urban housing vis-à-vis the development of housing estates;
- (d). Facilitate the development of housing stock in order to cater for increase demand for ownership and short term occupation;
- (e). Establish “owner-occupier” housing under affordable mortgage schemes guaranteed by employers, both public and private;
- (f). Develop and establish tax incentive schemes to encourage people to obtain housing loans;
- (g). Facilitate the access to housing finance for low and middle income people;
- (h). Establish guidelines on the upgrading of informal settlements and put in place legal and regulatory measures to ensure that expropriations if required are carried out in line with internationally acceptable norms;
- (i). Decentralise the registration of land titles to ease the acquisition of land plots;

4.2 Urbanisation

- (a). Prepare Master plans and establish regulatory measures to ensure the planned and controlled development of urban areas;
- (b). Establish procedures to ensure that urbanization is controlled and carried out in line with environmental guidelines;
- (c). Promote private sector participation in the development of industrial, commercial, residential and recreational areas under the respective master plans;

4.2 General Actions

- (a) Formulate legal and regulatory frameworks for urban development vis-à-vis facilitation in the formulation of by-laws, property transfer rules, taxation etc;

- (b) Put in place urban development bureaus to scrutinize, approve and monitor building construction works and related infrastructure;
- (c) Establish regulations on the fixation of rates and property rentals for harmonization and reduction of unfair practices;
- (d) Promote the development of urban development standards in conjunction with key players in the field such as town and country planners, architects, engineering associations, construction companies, civil society and other stakeholders;
- (e) Improve efficiency in the collection of rates and ground rent;
- (f) Promote the development of the building construction sector by offering incentives to small contractors, and providing facilitation in technology based training programmes;
- (g) Promote the development of Technical and Vocation skills to enhance the human resource capacities in skilled and semi-skilled categories of the construction sector;
- (h) Ensure adherence to developed standards for building materials, and construction methods and techniques;
- (i) Promote the utilization of local building materials which have been tested for quality, and adherence to specifications, and the use of appropriate construction methods in housing development;
- (j) Ensure that the promotion of grouped housing under the urban context shall be undertaken in a manner which allows for single buildings to allow a maximum of 20 family flat units in sub-urban areas;
- (k) Similarly, to promote the development of urban housing in city centres in a manner that maximum allowable height restrictions of buildings are respected according to the respective town and country planning regulations. However, there shall be no limit on the number of family flat units on any single standing building, provided that, adequate sewerage and wastewater treatment facilities are provided and solid waste disposal regulations are met;
- (l) Ensure that any housing development in the urban and sub-urban context takes cognizance of the traditions and cultural heritage of the Rwandan people vis-à-vis the social and extended family structures and traditional values;
- (m) Source and attract funds for urban development from private internal and external sources.

Chapter 5 - Strategies of the sector

The following strategies are adopted for harmonized and sustained urbanization of the country:

- (a) Promotion of economic and social development of secondary urban centres to receive the rural population, which normally converge mainly towards Kigali;
- (b) The allocation of affordable housing plots, which are priced within the reach of the targeted population;
- (c) Upgrading and provision of services to informal settlements;
- (d) Systematic registration of all the properties to ensure land security and land tenure in the informal settlements;
- (e) Sensitization, training, and strengthening of institutional capacities of the various players concerned and involved in urban planning and management, particularly local communities.

In line with the above principles some actions that have been initiated or completed, while others are yet to be carried out are as follows:

- (i). Elaboration of Master Plans have been completed for some cities including Rusizi, Rwamagana, Nyagatare, Karongi, Musanze Districts and Kigali City;
- (ii). A plot distribution plan is currently ongoing for the allocation of residential plots in Kigali City;
- (iii). The development of Town Planning and building codes have been completed;
- (iv). A national Public Works quality assurance and certification programme has been completed;
- (v). The construction of some Public Water supply and sewerage treatments works are currently ongoing, while others have been completed;
- (vi). Elaboration of Master Plans for other districts will eventually be done;
- (vii). The establishment of urban development boards will be carried out in line with the regulatory actions elaborated under this policy.

Chapter 6: Programmes of the Sector

6.1 Support city planning

This program will aim at the establishment of city planning within the scope of national regional planning and take into account the harmonious balance which must exist between Kigali city and other secondary cities, as well as the economic requirements of development of urban centres. It will particularly allow the formulation of master plans for urban development and other planning tools (e.g. simplified urban development plans – as presented in appendix) and management adapted to the immediate requirements of the districts.

6.2 Urban basic data gathering

This will aim at gathering basic urban data, where the data so collected will be centralized and input into a web-based database created under MININFRA and accessible to the various players; police headquarters, local communities, engineering and design departments and others.

6.3 Development of tools and adapted mechanisms for urban land management

This program will aim at the improvement and the rationalization of urban land management by:

- the most precise possible evaluation of land requirements;
- the exhaustive inventory of public land reserves;
- the systematic survey and the monitoring of allocated plots which have not been developed within the time period and their subsequent re-allocation;
- The strict observation of ground rent and servicing of plots while penalizing assignees who default.

This program will also aim at ensuring security of land tenure by the systematic registration of the plots allocated in urban areas in relation to the Organic Law No 08/2005 of 14th July, 2005 determining the use and management of land in Rwanda and the Law on the code of urban planning and building in Rwanda.

It will also act as a framework for development and implementation of simple tools and mechanisms for urban management, adapted to the needs for urban areas.

6.4 Promotion of “Grouped Settlements”

Through this program, local communities will be encouraged to come together to form grouped settlements so as to make it possible to interact among primary zones with connection between neighbourhoods.

Secondary development within these grouped settlements will be assigned to private or semi-private players within the Sector, namely: private (or semi-private) land developers, private operators (enterprises, banks, insurance companies, etc.), associations and groups (grassroots community groups, housing cooperatives, and others).

During their conception, the operations carried out will be based on the following principles:

- Simplified development of the sites, adapted to the ability by the beneficiary households to contribute financially;
- Social cross-section of households;

- Integration of land reserves for the provision and installation of services ;
- Integration and inclusion of people already present on the site;
- Programming of specific and integrated operations for vulnerable groups (widows, women and children, heads of single households, handicapped people and other vulnerable groups);
- As far as possible, to use the labour based works;
- To increase the possibility of access to housing through long-term credit and research into affordable building materials to enable access for the majority of the population.

6.5 Upgrading of Informal Settlements

The process of upgrading and provision of services for urban areas will be carried out upon taking into account the income levels of households as well as infrastructure and services to be established. The upgrading is not synonymous with razing an entire neighbourhood; instead, it means rational redevelopment in order to improve the living conditions of the population. Nevertheless, if the option to rebuild an entire zone is taken into consideration, the people so relocated must be assisted to obtain alternative accommodation and facilities. The upgrading of the old site will have to take into account the income levels of neighbouring households.

Sanitation should be given careful consideration and be adapted to existing site conditions including stormwater drainage, and where possible the construction of bulk sanitation systems are recommended.

The allotment plans will take particular consideration of existing buildings (houses) and their integration into single grouped plots in order to limit compensation and demolition. Pilot schemes will be formulated and tested in order to determine the best way forward. The successful schemes will be replicated while taking into consideration lessons learnt from the pilot operations.

6.6 Revision of urbanisation, construction and housing standards, and legal requirements

This program will aim at:

- Elaboration and adoption of rules and regulations concerning the resettlement of expropriated households;
- Elaboration and adoption of the Organic Law determining the use and management of land in urban areas;
- Revision of urban development standards (sites, plots sizes, setting out etc.).

6.7 Support and assist local communities in mobilization of financial resources

In particular, this program will aim at:

- Increasing resources of the local communities through the improvement of their tax base;
- Improvement of the capacity of local resource management through training schemes aimed at improvement of accounting and financial management.

6.8 Strengthening of technical capabilities

The program of capacity building will be used to commence the implementation of the policy and will be a useful of milestone vis-à-vis the establishment and development of the human settlement policy in the country.

This program will concern various players involved in the urban planning issues at central and decentralized level. It will aim at:

- Making the broad outline of the Urban Housing Policy operational;
- The creation and reinforcement of the structures in charge of management and operations of housing in urban area;
- The implementation and integrated urban programs in the national economic structure;
- Improving the system of urban management by setting up financial and institutional mechanisms adapted to the needs of the local communities;
- The development of training schemes intended for staff at the national and local level;
- The acquisition of the required materials and equipment particularly through support programmes with development partners.

Chapter 7: - Institutional framework for implementation of the policy

The institutional arrangements for implementation of this policy are at national, provincial and district level.

The Ministry concerned with urbanization will be the focal point of this policy and will work in collaboration with the other government departments which have similar mandates to implement this policy.

The Ministry in charge of economic planning will play a key role in determining and approving investments to be carried out in the country. It will make decisions in the management of the territorial boundaries and fix priorities for investment in infrastructure development to be realized at national level, especially by integrating them in the public investment plan. It will control the pace of disbursements and decide on the availability of the financial resources, in its capacity as budget controller.

The implementation of this policy will be carried out in consultation with the Ministry of Local Government who will play a key role in the decision making process, particularly through territorial management as the authority at decentralized level, in the Districts, as well as urban areas.

The Rwandese Association of Local Government Authorities (RALGA) which constitutes a framework of dialogue of cities will be involved in the approval of urban housing development programs, coordinate their implementation, and ensure their monitoring and evaluation.

The Ministry concerned with land management will deal with the policies and strategies of land management as well as monitoring and evaluation.

The Districts will be in charge of implementation of the policy while carrying out delimitation of urban circumscription and their management.

The national Commission of urban planning and territory management (CNUAT) will be effectively established. This commission will include representatives of MININFRA, MINAGRI, MINECOFIN, MINALOC, MINISANTE, MINEDUC, etc; will be responsible for proposing the policies, the draft regulations and making follow-ups on the implementation of the policy at national level.

Provincial commissions will be responsible for coordination and supervising the operations carried out in districts and cities, ensuring coherency in regional development, facilitating complementarities in the investments and strengthening capacities of cities.

Representation at Urban Development Board level by each district will ensure the coordination of activities related to urban planning and works, as the technical body of the district committee which, under the authority of the law conferred to them will approve urban development plans.

The private sector will participate in the implementation of the National Urban Housing Policy. Private real estate development companies, in association with districts will play a key role in the demarcation of plots, the construction of houses and the production of building materials. In addition to the institutional framework, the policy will also set a legal and legal framework of intervention.

The legislation for town planning, urban development and settlement goes back to several years. The main reference texts are as follows:

- The ministerial decree of 1943 on the sale and the lease of land;
- The decree of 29th January, 1981 relating to urban development and the territory;
- The presidential decree on the authorization to allot and construct;
- The ministerial decree on the communal land conservation.

These texts are characterized by many insufficiencies and must be re-examined in order to provide and adapt a legal and regulatory framework capable of allowing the various players concerned to meet the challenges of urban development.

Moreover, the legal and regulatory framework for implementation this policy has been amended with the addition of new legal clauses and in particular the Organic Law governing Land Use Planning and management in Rwanda, while the Law governing expropriations will have to be taken into account as well.

The implementation of this policy requires the setting up and adoption of the required legal instruments in the short term.

This process will in particular comprise:

- Updating and amending of existing legislation regarding urban planning in order to adopt it to the current context;
- Development of a simple and pragmatic code of urban planning;
- Development and adoption of new standards for urban planning and construction;
- Definition of a legal framework for organization of various professional bodies concerned with: town planners, architects, engineers and other technicians;
- Definition of the responsibilities for public and private companies as well as for independent real estate developers.

Chapter 8: - Conclusion

The process of urbanization is a driving force of economic development where it can yield tangible results as long as it is controlled, planned and directed in line with accepted standards and norms.

It must be implemented within the framework of sustainable development while meeting the needs of the people and contributing to their social and economic development with due regard to environmental sustainability.

The implementation of a National Urban Housing Policy depend on the increase of tax revenue from the communities, the transfer of government resources and the capacity of cities to conceive and implement development strategies. It is important to emphasize on resource mobilization in order to produce the necessary planning tools and ensure their utilization.

The priority must be given to the development and/or the updating of legislation with respect to urban planning in order to allow coherent and functional urban development.

The development of strategies to implement each policy action should be undertaken as the implementation process of this policy. These strategies should be developed as a programmed and well planned manner in order to achieve success in their implementation. The involvement of the private sector in urban development and indeed the development of housing is a key policy strategy which should be elaborated and modalities worked out.

ANNEX 1
CONCEPT NOTE

ESTABLISHMENT OF AN URBAN DEVELOPMENT REGULATORY BODY FOR
RWANDA

THE
RWANDA URBAN DEVELOPMENT BUREAU (BOARD)
(RUDEB)

August, 2007

1.0. Introduction

Many cities in developing countries face the problem of the existence of unplanned structures which have been constructed without any consideration for future developments in and around their vicinity. Furthermore, these structures may not have been built in conformity with accepted standards and environmental guidelines.

In order to ensure that future developments are regulated, and constructed according to acceptable norms and regulations, a regulatory body has to be established.

This document provides an outline for discussion purposes for the formation of such a body; the establishment of a proposed Urban Planning and Development Bureau.

2.0. Mandate

The mandate of this institution in general would be to ensure that all future developments conform to acceptable building standards, norms and regulations that are in force. This is to ensure that cities are planned and developed in a systematic and planned manner in order to allow for future development.

2.1. Specific Mandate

To regulate urban development in Rwanda to ensure planned and systematic construction of buildings and structures in accordance with standards and norms of building regulations that are in force and in full conformity with environmental guidelines.

3.0. Operation of the Bureau

The Bureau will operate as a regulatory and approval entity tasked with scrutinizing applications for development authority pertaining to the following:

1. Estate Development – Large scale development both Public and Private
2. Allocation of land for various types of development vis-à-vis residential, commercial, industrial and recreational/leisure.
3. Residential Development – Individual
4. Commercial Development – Multi-storey buildings, Shopping Centres etc.
5. Re-zoning - from residential to commercial, residential to hospitality, residential to educational, commercial to Industrial etc.
6. Industrial Development – Industrial Parks, Manufacturing, Processing etc.
7. Tourism and Leisure – Resorts, Play Grounds, Parks, Night Clubs, Bars and Restaurants etc.
8. Hospitality – Hotels, motels, lodges, guest houses etc.
9. Health – (Private and Public) Hospitals, Clinics, Diagnostic Centres etc
10. Education – (Private and Public) Schools, Institutions of Higher Learning

3.1. Requirements prior to seeking approval

Prior to submission of an application some minimum criteria should be laid down as part of the application process such as:

-
- Title deed or ownership status
 - Proposed Purpose of the Development
 - Proposed Schematic Plan
 - Proposed development Plan if large scale Estate Development
 - Proposed wastewater disposal, sewerage reticulation, domestic water reticulation, and electricity reticulation, etc.
 - Environmental Impact Assessment (EIA) if necessary (for Industrial, Commercial and Leisure development)
 - Proposed accommodation of traffic (for Commercial and Leisure development)
 - Prescribed application fee based on the type of development and/or estimated cost of development.

Specific requirements have to be developed for each type of development so that all aspects of urban development are covered under these regulatory criteria.

4.0. Composition of the Bureau

The Bureau should be a lean structure composed of the following Units:

- Board of Approval – Composed of members drawn from within the Bureau and representatives from the respective Town or City Councils.
- Administrative & Financial Unit – Tasked with Administrative and General management functions of the Bureau.
- Inspections and Operations Unit – Tasked with conducting field inspections to verify the authenticity of applications as well as monitoring of ongoing projects.
- Technical Unit – Tasked with scrutinising applications to ensure adherence to accepted standards and prevailing development regulations e.g. environmental, building codes etc. and liaison with other statutory and government bodies.
- Urban Planning & Development Unit – Tasked with formulation of urban development plans for the country, recommendations for formulating, updating and reviewing of urban development policies and development of strategies. This unit will also take care of zoning and re-zoning functions of urban areas.
- Legal Affairs and Advisory Unit – Advise on building regulations, land expropriation regulations, prosecution of defaulters and imposing punitive actions.

The Board of Approval should be composed of an odd number of people ideally between 5 – 7 members and should be headed by a chairman elected from within its members for a specified duration, say 1 year.

All applications should be subjected to discussion by the Board of Approval which should meet to discuss applications on a regular basis (say 1 – 2 times per week). Approvals/disapprovals should be made based on recommendations provided by the Inspections/Operations and Technical Units respectively. Should there be a need for further consideration of selected applications, this should be referred back to the respective units for further scrutiny. A proposed organization structure for the board is attached as Annex 1 to this report.

The Board will co-ordinate its activities with decentralized entities in respective districts so that there is some coherence between the development strategies of the country with those of districts. The District Development Programmes will receive guidance from the Bureau based on set norms and regulations.

5.0. Authority and Autonomy

The Bureau should be granted some authority by way of an Act of Parliament so that it has the power to regulate and/or enforce government policies, and rules and regulations pertaining to Urban Development.

It should also have a certain degree of autonomy in order to carry out its functions in an independent manner.

6.0. Code of Conduct

A code of conduct should be developed for the Bureau to govern the conduct of its members. This is to safeguard applicants and the state from possible corrupt practices in the approval of applications by board members.

7.0. Funding of the Bureau

The Bureau can either operate as a self-funding entity completely run by way of a revolving fund mechanism where the application fees maybe used for remunerations and operational costs of the institution.

Alternatively the funding maybe shared between government and the entity themselves while application fees can be paid directly to Rwanda Revenue Authority.

8.0. Public Obligations

Private Involvement in the operation of the Bureau should be minimal unless a development project requires the input of specific expertise. Individuals of “good standing” in civil society and/or business circles, maybe called upon to provide specific views on their area of expertise. These individuals maybe remunerated with a “sitting-in” allowance just for the duration of the session. Rates for such instances should be included under the operational guidelines of the Bureau.

Similarly where there is an entire community involved, public hearings may be conducted by the Board Members to obtain the views of the public on the proposed development. A particular case in this regard would be the damming of a water system for irrigation or leisure activity where people downstream of the dam could be severely affected.

The Bureau should also be involved in disseminating information to the public on rules and regulations of building construction, estate development etc. This can be either through public awareness campaigns, information booklets, news media and website.

Furthermore, there should be some co-ordination or liaison between the Bureau and other government institutions with respect to particular development issues e.g. education, agriculture, etc.

9.0. Development Certification

The following certificates will be issued by the Bureau once applications have been scrutinized, prior to, during, and after completion of the development:

Certificate of Consent to Develop Granted upon satisfactory compliance with initial application requirements prior to commencement of actual development (Development Permission)

Inspection Certificates Granted after inspections have been carried out as per frequencies as prescribed within the operational framework of the Inspectorate. Criteria for issuance should be based on the type of development.

Certificate of Compliance This certificate is issued upon completion of the development but prior to beneficial occupation and/or usage.

The certificate of compliance should clearly indicate that its issuance is based on the owner of the development assuming all liabilities on the usage and operation of the development. It should in no way hold or transfer risks to the state. It would be a certificate that indicates that development and planning guidelines have been followed in full and should not in anyway be construed as an acceptance of guarantee or warrantee.

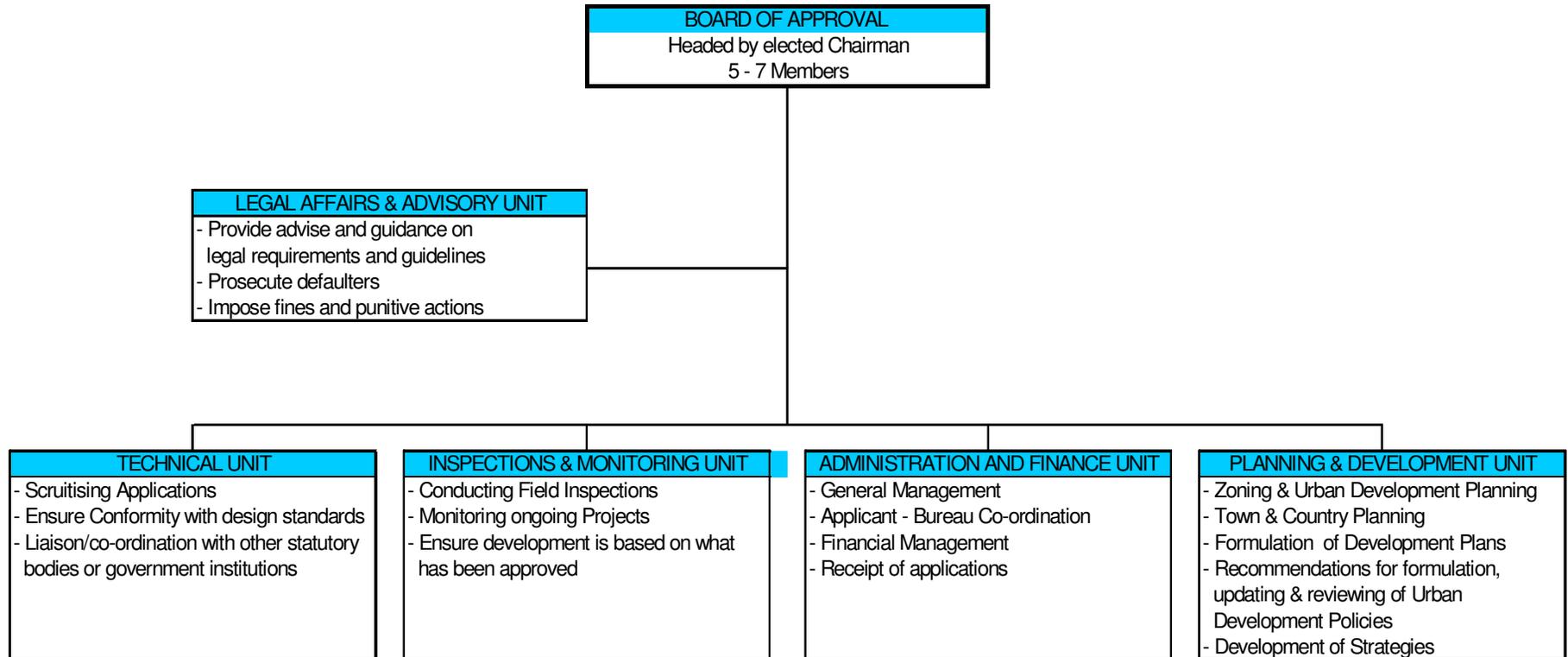
10. Policy Formulation

The Bureau will be tasked with the duties of advising the line Ministries on issues of Policy updates and reviews based on the experience and views of the public that come in direct contact with the Bureau during the execution of their duties.

The Bureau would be the “Eye’s and Ears” of government and would advise on which policies are effective and which require updating or review.

The actual function of formulation, reviewing and updating of policies would lie with the respective line Ministries which the Bureau would be answerable to.

PROPOSED STRUCTURE OF URBAN PLANNING & DEVELOPMENT BUREAU



ANNEX 2

Glossary of terms used

Common services: buildings open to the public for use by the community. These include schools, health facilities, markets, sport infrastructure, etc.

Human settlement area: area occupied by human activity.

Housing: this term means the grouping of human settlements into various modes which vary in size and nature particularly by specific human activities being carried out. Distribution is made of rural and urban housing.

Land allotment: operation to subdivide land found in one single land title into plots.

Local management plan: is a plan used in urbanization to cover an urban sector or limited quarters

Local management plan: is a plan used in urbanization to cover an urban sector or limited quarters.

Simplified urban plan: see note hereafter.

Spontaneous quarters: any urban area in which people settled in uncontrolled and illegal and often disorderly manner, against any urban plan.

Quarters' restructuring: action to manage urban quarters where people settled in uncontrolled and disorderly manner which is aimed at improving their services. These actions go together, in generally with regularization of land title.

Rural Areas: Areas that are not built-up or urban in nature and has less man made infrastructure where the main occupation of the inhabitants are agricultural based. The issue of a population density of less than 400 persons per square kilometre may also be considered as a collective criterion to designate a rural area.

Urban Areas: These are built-up areas with a considerable amount of man-made infrastructure and a population that is mainly dependent on service based income rather than in agricultural based occupations. The population density of urban areas is generally higher than 400 persons per square kilometre.

Urban Governance: Governance is not the same as government. This concept of governance implies the existence of power both inside and outside official Government institutions and their authority. Governance involves three main actors, namely public authorities, the private sector and the civil society. Governance underlines the decision making process as far as each decision results from complex relations between several players concerned with various priorities. By reconciling these priorities, one comes at the heart of what governance is all about. All social groups including women should be associated to this process. Each local organisation defines what good governance is in view of its own experience. The world campaign on urban governance is advancing the following principles: equity (fairness), viability, power delegation,

efficiency, transparency and accountability, civic commitment and security. These principles are independent and strengthen each other.

ANNEX 3

Simplified Urban Plans (SUP's)

Extract from study “Definition of elements for a national policy on urbanization” - MININFRA - PIGU - Urbaplan – November, 2004 - IDA Financed.

“The simplified urban plans (SUP's) are connected to urban plan of reference (PURE) implemented under several urban programmes of the World Bank.

These simplified plans must be easily and quickly elaborated and regularly updated. Their objectives and contents are simple and realistic, but must be explicitly understood and respected by all the players concerned with building of cities.

The simplified urban plans should be regarded as internal documents to aid in the decision-making process for the municipalities concerned. They should not be regarded as a simplified form of master plans because they are not elaborated according to the same national procedures' of consultation, and thus do not have any legal authenticity.

On the other hand the recommendations suggested in the SUP's should be able to be taken into account in the formulation of future master plans for cities/districts. The SUP's of secondary cities and Districts will be used as teaching aids and used in the sensitization of elected district officials, local leaders, and other stakeholders in charge of urban development as principles guiding the provision of services.

These simplified urban plans may use part of the information collected while the CSA from the European Commission (2001) is preparing town management surveys. Also the contents of the (2004) PDC and the (2004) urban audits could also be used.

Some efforts will be required at each secondary town/district level to collect basic data needed for decision making and, in particular, to assess the housing needs by various income brackets (immediate, mid-term and long term needs)”.

“The regulations and orientation of these documents are limited to defining principles of spatial planning:

- zoning (future areas of urbanisation, protection of arable land, other activities and areas reserved for non-building purposes);
- services (infrastructure and social)
- infrastructure (creation of a main and feeder road network, water and electricity supply network, network for drainage and sewage systems);
- Management (large management operations for urban extension or urban renovation, territories to be reserved for subsequent management operations...);
- Environment (conservation of natural fragile sites, protection of agricultural areas, safeguarding groundwater)”.