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## **A STUDY ON EXPROPRIATIONS, ITS VALUATION AND COMPENSATION PRACTICE IN RWANDA**

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### **ABSTRACT**

This study is about the practice of expropriation. In Rwanda, as it is the case in other developing countries, affected people complaints about payment of inadequate compensation, compensation payment options and delayed payment. This study was conducted to establish the grounds of people 's claims by looking at the modes of accessing lands, valuation methodologies, compensation determination and payment modalities.

To get data for this study, the researcher used multiple case study strategies where different provinces, districts and sectors have been selected. First of all, four lecturers teaching expropriation, land administration and valuation at the University of Rwanda were the first key informants to discuss the complaints caused by expropriation. This group of respondents together with 10 directors of valuation companies and four expropriating agencies helped to get rich cases upon which results were generalized. Then afterwards registered and nonregistered valuers who practiced valuation for expropriation were given questionnaires to complete. Final group of this study is the residents that were expropriated.

The analysis of data collected shows that the expropriation projects are not the ones causing complaints. It was revealed that people quarrel due to that they are not given chance to negotiate with expropriating agencies on mode of taking their properties and to choose from available options of compensation payment. Also, the study discovered that complaints on inadequate compensation are caused by the valuation methodologies used and compensation determination which seems to be unclear to affected people. The payment of compensation is delayed causing reluctance among affected communities to vacate their lands and buildings. It was also revealed that the problem caused by expropriation projects in selected case studies are due to non-adherence of professional ethics, sentimental attachment to owned properties and non-inclusion of affected people in the whole process of expropriating their properties.

The challenges met are mainly not having enough money for compensation on time, unskilled valuers, big expectations among affected communities and modes of compensation payment.

These can be tackled well by making sure that expropriations start when adequate funds are available and use valuation method (s) leading to fair compensation. It is recommended that affected people be fully informed on compensation determination and let them choose which option of compensation payment they are comfortable with. Finally, researcher recommended that instead of adding a 5% of disruption allowance roughly for losses incurred, they may calculate each type of losses separate and show to people how they calculate them.

## 1. INTRODUCTION

Expropriation of lands, its related valuation and compensation has been widely practiced. The challenges faced by governments and expropriating agencies during expropriation projects had been extensively discussed and debated among scholars, practitioners, policy makers and the public (Tagliarino, 2017). The expropriation and its valuation and compensation practice continues receiving much attention as it touches the life of individuals, societies and even governments (Ndjovu and Manirakiza, 2013).

In Rwanda, the expropriation law describes the stakeholders in expropriation projects and the procedures to be followed in order for it to be implemented more adequately. It also describes the steps to be followed to get an approval for whether to conduct expropriation for projects. Additionally, the practices to implement expropriation projects are stated in the law by describing the steps and processes to undertake so that the determination of fair compensation is done well. But still, adequate compensation in Rwanda remains as a main issue that needs to be addressed as it is elsewhere like Malaysia (Alias and Daud, 2006). So, the recurring problem of insufficient compensation raised among affected communities and researchers begs the question of what can be done to diminish the impoverishment risks associated with expropriation and forced displacement and ensure that affected landholders are not worse off than before their land was compulsorily acquired ( Tagliarino, 2017).

A number of similar studies conducted in other countries reports that land acquisition affects negatively the livelihoods of people and rises a lot of social tensions (Kumsa, 2012). The empirical findings show that the amount of compensation granted to affected landholders is often insufficient to reconstruct their livelihoods subsequent to expropriation (Tagliarino, 2017). Van Eerd and Baneyee (2013) found that in Cambodia, Indonesia, Nigeria, Srilanka, and the Philippines, the compensation and resettlement assistance provided to affected populations was not enough to cover their losses, allow them to purchase alternative land, and sustain an adequate standard of living.

In china, a survey of 476 expropriation cases conducted by Kelian *et al* (2006) revealed that 65.5% of affected farmers were dissatisfied with the amount of compensation allotted. In another study by the World Bank (2016), it was found that affected people were in many cases not granted sufficient compensation for expropriated land. The level of compensation provided by government and private actors, following the domestic legal frameworks that base compensation on market value, has often been insufficient to cover the losses borne by affected land holders (Cernea and Mathur, 2008). Among 50 countries assessed in 2017 by Tagliarino, it is clear that there are a number of gaps in national law that put affected populations at risk of being insufficiently compensated upon expropriation (Tagliarino, 2017).

Studies carried out in Rwanda reports a diversified data on the issues of expropriation and discontents they cause between residents and government. These cover data on the challenges of implementation of expropriation law (Ikirezi *et al.*, 2014, Nsengimana, 2015),

compensation for land expropriation (Mugisha, 2015), and expropriation outcomes on the population or livelihoods (Rose *et al.*, 2016). The empirical data of this study filled this gap of the sources of those quarrels and livelihoods effect reported in previous studies. It is clear that there are unanswered questions on expropriation, valuation and compensation practice in Rwanda that necessitate an inquiry.

## 1.2. Statement of the Problem

Despite the efforts made and initiatives taken by the Government of Rwanda to deal with expropriation, valuation and compensation challenges, still the expropriation problem persists in rural, peri-urban and urban communities whose real properties have been taken. Expropriation projects are many and affected a considerable number of people. The main cause for these expropriations is that the country is moving to reach its target of being a country of middle income. This vision is connected with big and small projects that are implemented all over the country. These projects necessarily need lands for their implementation and force the government to facilitate the investment environment by taking properties where most of residents are resettled somewhere else.

In selected case studies, affected people have many complaints on the mode of expropriating their lands, valuation methodologies, compensation determination and payment options. In different provinces and districts, roads have been expanded, schools constructed, water dams built, electricity, housing projects, etc. This study looked at the persistent complaints where the investigation was conducted to see whether the valuation methodologies and compensation determination cause or not the claimed inadequate compensation while modes of access to lands, payment options and delayed compensation cause or not the complaints we hear during expropriations.

Rwanda's expropriation law is among the best in Africa (Hadley *et al.*, 2016) even though some improvements are still needed to make it a role model to other countries. But when it comes to the practice, a lot of complaints on expropriation is documented and even when moving in the areas where communities were expropriated, those communities still want to know how comes compensation for their properties are below their expectations. Even during IRPV conferences of 2016 and 2018 that invited valuation practitioners and government expropriation organizations, the expropriation, valuation and compensation raised a lot of questions among the attendees and presenters.

Studies conducted before the new Expropriation Law of August 2015 confirm the existence and recurrent complains during expropriation, valuation and compensation (Mugisha, 2015; Nkurunziza, Kumaran and Niyonsenga, 2015). Mugisha questioned the valuation methodology applied in valuation practices for compensation in Rwanda. Other researchers reported that the value assessment in their case studies are poorly estimated which leads to local residents to refuse to sign the agreement and in some cases expropriated people shout because of the staff of valuation companies (Nkurunziza, Kumaran, and Niyonsenga, 2015).

The above findings and others not mentioned are evidenced by the letter that was issued by the Prime Minister in 2014 in response to the outcries of affected communities. The letter was to remind the Ministry of Local Government and Rwanda Housing Authority to look at the needs of households targeted for expropriation and to adhere to laws relating to expropriation in the public interest (Republic of Rwanda, 2014). One year after, the Parliament passed the Expropriation Law of 2015 where some of the complaints were addressed (Republic of Rwanda, 2015). Based on the literature viewed, mentioned here and those not included, it is

clear that the complaints that expropriations caused are well known. Yet, little is documented on the grounds of submitted claims.

### **1.3. Purpose of the Study**

The main purpose of this work is to investigate the grounds of complaints of inadequate compensation, valuation methodologies, compensation payment options and delayed payment during expropriation projects in Rwanda.

### **1.4. Objectives of the Study**

This study was guided by the following objectives:

- i. To indicate different modes of accessing lands that are available and those that the Government of Rwanda used to get lands for public projects;
- ii. To describe the existing methods used in Rwanda for valuing real properties and their impacts on compensation determination;
- iii. To analyze the challenges and complaints met in Rwanda during expropriation projects and their causes.

### **1.5. Research questions**

This study work has been guided by the following questions:

- i. What main modes of access to lands for public projects are used by the Government of Rwanda?
- ii. Which valuation methods used for expropriation purpose were used by the Government of Rwanda?
- iii. Why do complaints occur during the implementation of expropriation projects in Rwanda and how these are linked with modes of accessing lands, valuation methodologies, compensation determination and payment options?
- iv. What are the challenges met during implementation of expropriation projects in Rwanda?

### **1.6. Hypotheses of the Study It**

is hypothesized that:

- a) The main mode to access to lands for public projects implementation in Rwanda is expropriation.
- b) The main valuation methods for expropriation in Rwanda are replacement cost for improvements and pre-determined land values for lands.
- c) The most frequent challenges and complaints met during expropriations are related to the mode used to access lands, under-valuation of affected real properties, compensation payment options, timing of compensation payment and sentimental attachments to the properties affected.

### **1.7. Significance of the Study**

Expropriation affects a big number of people in any area where it occurs. The findings of this research quenched the thirst of knowledge on the actual modes of accessing lands used for public projects in Rwanda, the valuation methods used and more importantly the grounds of

the complaints related thereto. Moreover, findings of this research among others, will lead to the further improvement in expropriation law and practice. This research will benefit the valuation practitioners and the decision makers who can create or revise policies based upon the findings revealed. Government officials may even decide to change laws guiding valuation profession in Rwanda and may request those valuers lacking valuation background to take short courses on valuation and expropriation matters. Research findings will also benefit the general public whose quarrels on fair compensation determination may be dealt with due attention.

### **1.8. Research Motivation**

Researcher was eager and ambitious to deeply understand and assess expropriation with its valuation and expropriation practice in Rwanda especially its procedures and practice. Rwanda experiences both small-scale and large-scale expropriation projects. Large-scale expropriation projects affect a lot of people and researcher was highly motivated to find out the practice of expropriation and find the grounds for people complaints. The researcher wanted to know how valuation for expropriation purpose is done in Rwanda and to find out the challenges that valuers face in conducting their duties in expropriation projects as valuation is one of the researcher's major field of his studies.

This research dealt with the complaints among communities affected by the expropriation projects. The recurrence of this challenge is acknowledged in the viewed literature and in IRPV conferences debating on expropriation, valuation and compensation in Rwanda. If not dealt with due attention, the quarrels during expropriation disturb the life, social cohesion and economic development of concerned individuals, societies and governments.

A study that touches the economic, sociological and psychological dimensions may come with due solution to the problematic of expropriation, valuation and compensation. The problem in hand has been tackled by different professionals and no pure real estate professionals that tackled the issue in Rwanda. What is discovered among professionals, is that each one has his way of seeing and tackling a particular issue as it is the case of expropriation where most of lawyers dealt with it on the angle of law leaving a little bit confusion on the other areas that were supposed to be dealt with a true professional in order to provide solution to the matter. The problem of expropriation, valuation and compensation in Rwanda is to be dealt with a professional valuer having practical and teaching experience in real estate industry and valuation.

### **1.9. Scope of the study**

This Section defines the boundary of this study. It is explicit with respect to sources of information, variables of concern, geographical location and period of time involved in the investigation. The study in hands covered areas where expropriation projects took real properties both in rural, peri-urban and urban areas because the degree or magnitude of their complaints are not the same. The study covered case studies where expropriations took place before the Expropriation Law of 2015 and where expropriation projects were implemented after the promulgation of the Expropriation Law of August 2015 (Republic of Rwanda, 2015). The study was limited on the investigation of expropriation, valuation and compensation challenges in Rwanda where variables were studied to get the real grounds for communities' complaints.

The research selected multiple cases where a considerable number of people were affected by the expropriation projects and their real properties owned were taken to implement public

projects. The study limited a number of cases selected because they were to meet some of the inclusion criteria. First category of cases used in this study was formed by districts and their sectors where expropriating authorities paid both compensation in kind and money or in kind only. Other cases included areas where people were given only money for their expropriated real properties.

The study focused on the source of complaints we hear in areas where expropriation projects took place as well as challenges they met. But the researcher did not dwell on the impact caused by expropriation to those affected persons because these data were documented from the visited literature review. Only, where expropriated people revealed such data to the researcher, this was taken on board and be included in the report. The research got data from government expropriating organizations, valuation companies, expropriated persons, valuation lecturers and valuation practitioners. Government officials not working in the expropriating agencies were not the concern of this study but those that the researcher judged to have needed data, were contacted to hear their views.

### **1.10. Study organization**

This study has five chapters. Chapter one provides an introduction of the study, background, statement of the problem, purpose of the study, objectives of the study, research questions, hypotheses of the study, significance of the study, justification or motivation, scope of the study and the study organization. Chapter two deals with the literature review. It starts with the definition of key concepts. This chapter provides also the literature applied to each research question. It deals generally with empirical literature where findings from other scholars are provided and acknowledged. Data from other countries are provided under this chapter as well as available information in Rwanda. Furthermore, this chapter covers the study variables, conceptual framework, theoretical framework, theories guiding the relations between independent variables and dependent variables.

Chapter three focuses on research methodology. It starts by describing the study area where the general geographic information or location is provided. This chapter describes specifically the organization or area where the study was carried out. It provides a critical part of research design which is the study population, sampling techniques and procedure. It further deals with data collection design. It provides the data collection methods, data collection techniques, instrumentation and measurement. It also discusses the procedure of data collection where it is provided how the researcher gained access to data. Finally, this chapter covers the ethical issues.

Chapter four is about the resultants or findings of the study. It is under this chapter where the researcher provides data collected from the site and their analysis. This chapter provides also the discussion of findings. Chapter five covers the conclusion and recommendations of the study. It highlights the summary of findings and provides the contribution of the study to the available body of knowledge as well as emerging issues and recommendations.

## **2. RESEARCH METHODOLOGY**

### **2.1. General geographic information or location**

The challenges of expropriation projects with valuation and compensation practice have been studied in Africa, specifically in Rwanda, which is one of the East Africa Countries. Rwanda

is known as the —Country of Thousand Hills due to that it is dominated by high mountains in the west while its central part is formed by hills or medium and small mountains, but it is having lowlands in the eastern part. It is bordered by Uganda to the north, Burundi to the south, Tanzania to the east and the Democratic Republic of the Congo to the West. Since its independence in 1962, the country faced the ethnical misunderstanding which led to the genocide in 1994.

Rwanda is divided into five regions or provinces and these are Kigali, Western Province, Northern Province, Southern Province and Eastern Province. Case studies were selected from all these provinces where districts and sectors were purposely selected. It has 30 districts, 416 sectors, 2148 cells and 14837 villages (NISR, 2019).

In Kigali city, expropriation cases were selected in Gasabo, Nyarugenge and Kicukiro districts. In Western Province, cases of expropriation were selected in Rubavu district in Pfunda sector and Rutsiro district. In Eastern Province, cases of expropriations were selected in Rwamagana and Bugesera district. In Southern Province, cases of expropriation were selected in Huye, Muhanga, Gisagara and Nyaruguru district. In Northern Province, cases of expropriation were selected in Musanze and Burera districts.

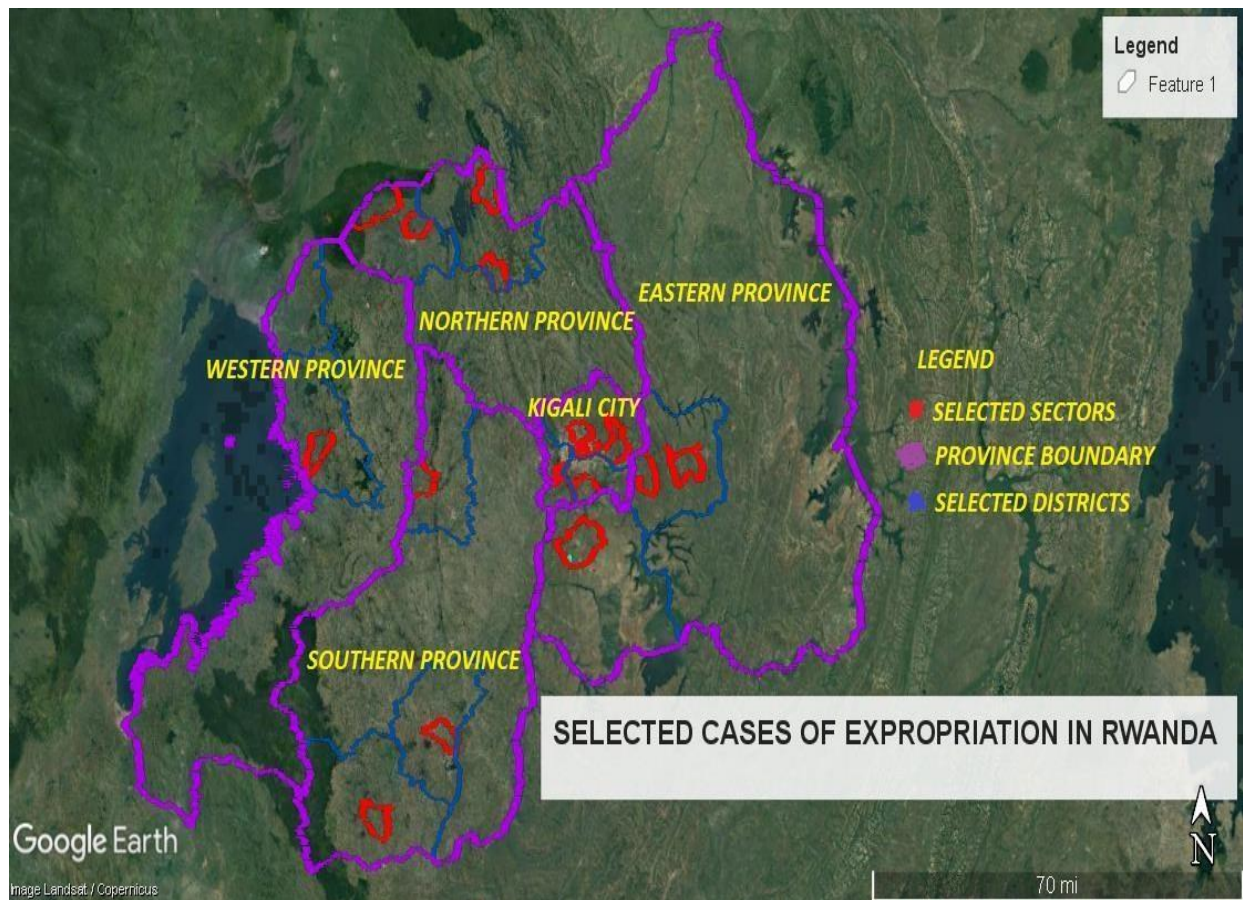
**Figure 2.1: Map of Rwanda and its 5 provinces and districts**



Source: <https://www.researchgate.net>, 2018



**Figure 2.2: Provinces, districts and sectors where cases of expropriation were selected**



**Source:** Researchers 's own construct, 2018

## 2.2. Cases selected in different provinces, districts and sectors

In Kigali city, expropriation cases were selected in Gasabo, Nyarugenge and Kicukiro districts. In Gasabo district, Batsinda cell in Kagugu (road construction), Kinyinya in Sekimondo cell, Gasanze and Gaculiro in Kinyinya sector (constructed model houses) were selected due to that people expropriated from lower Kiyovu, Ndera sector (Road nderaBumbogo), and Rugando (kimihurura/convention center), slum areas of Kibiraro I and Kangondo I in Remera sector, Nyarutarama cell. In Kicukiro District, cases were selected where people were expropriated by Stadium and electricity factory projects/Gahanga Sector, Gatenga/Nyarurama (Tourism project Kigali Cultural Center). In Nyarugenge District, case study was selected in Mageragere where people were expropriated from Mageragere prison project, and Nyamirambo (Modern Village).

In Western Province, cases of expropriation were selected in Rubavu district in Pfunda sector where people were expropriated in Rubavu- Pfunda-Rutsiro road project. Another case was selected in Karongi district, Bwishyura sector. Another case was selected in Rutsiro districts for Rwanda Mountain Tea by PETROCOM in Gihango sector, Manihira Cell.

In Eastern Province, cases of expropriations were selected in Rwamagana and Bugesera district. In Rwamagana district, expropriation projects took place in Rwamagana, Mwurire /Rubona where solar energy plant panels fields were constructed and Muyumbu/Rugende wetland. In Bugesera district, expropriated people were moved from Bugesera airport in

Nyamata sector and went where they want. Here the researchers chose the Rima sector where some of expropriated people reside.

In Southern Province, cases of expropriation were selected in Huye, Muhanga and Nyaruguru district. In Muhanga District, cases of expropriation were selected in mushishiro sector where hydropower project took place. In Nyaruguru District, case was selected in Tea Plantation projects in Munini sector. In Huye District, cases of expropriation were selected in HuyeMbazi, Gatobotobo settlements.

In Northern Province, cases of expropriation were selected in Musanze and Burera district.

In Musanze District, cases of expropriation were selected where people were expropriated in Musanze -Kinigi- Birunga National park and wildlife conservation project, Marantima Village (Cyuve). In Burera district Nemba and Butaro sector were selected.

### **2.3. Research philosophies**

The problem of any research under investigation is tackled through the design which goes with its associated philosophical assumptions or worldviews (Creswell, 2014). Among the available world views, the social constructivism and in most cases combines with interpretivism worldview is preferred for this study. The reason for choosing this worldview is that due to the nature of the expropriation practice, the researcher will need to hear from those experiencing expropriation projects and those who have been affected by their implementation. And from there, professionalism will come in to interpret field results so that decision makers can be instructed basing on how expropriation with its valuation and compensation is practiced in Rwanda.

### **2.4. Research purpose**

The intent of this study was to provide knowledge on the grounds of complaints raised from communities affected by expropriations. To understand the major caused of misunderstandings when it comes to expropriation projects, the researcher investigated the modes of accessing land to implement expropriation projects. The study went on to exploring the legal procedures for expropriation as well valuation methods used to assess compensation. Finally, the researcher analyzed available options of payment of compensation that may be among the causes of claims during expropriations.

### **2.5. Research strategies**

Data was collected through case study where one to four cases were selected in each province of Rwanda based on modes of expropriation, purpose that led to expropriation, period when expropriation took place, and compensation payment options used. Cases selected were in areas where expropriation projects reported to cause misunderstandings as they helped to have a comparative study where various views were obtained depending on the nature of compensation payment option and relocation strategy used. Some cases were selected for those areas where people were given both compensations in kind and money. Other cases comprised of areas where people were paid compensation in kind or money only for their expropriated properties.

Cagdas and Stubkjaer (2009) support the choice of using a case study strategy. They said that ten dissertations on land issues adopted case studies. Nine of them used multiple and one used single case study. The methodology of this study executed via multiple case study strategy from various actors involved in expropriation, valuation and compensation in

Rwanda. The use of case study when conducting research was also supported by Yin who believes that case study is an ideal methodology when holistic, in-depth investigation is needed, since it consists of a detailed investigation, often with data collected over a period of time, of phenomena, within their context (Yin, 2012). These were the convenient strategies to be used for this study. The justification for this is that case study strategies are used when how 'and why 'questions are posed, little or no control over the event, and the phenomenon that is explored is contemporary as the same questions will be answered by this research. Yin (1994) also stated that the best way to use case study approach is when asking exploratory questions (e.g. why and how questions).

## **2.6. Research approaches**

Owing to its nature, this study necessitated the use of qualitative designs. But as it was revealed in reviewed literature, a mixed design of both qualitative and quantitative was preferred so as to overcome the disadvantages of each of them. Combining qualitative and quantitative methodologies is a considerable way for this study since they will supplement each other. In this research, for instance, the statistical results from questionnaires or schedules will help the researcher to analyze the sources of complaints which is an important aspect in solving expropriation of lands and properties and their associated valuation for compensation debates. On the other hand, data from interview and group discussion, will help the researcher to better understand the problem of expropriation, valuation and compensation. Mainly, the quantitative research is one of methodologies to gather data that is definite, such as numerical data, so that it can be examined in as unbiased a manner as possible (McGuigan, 2011). It is deriving from natural science, as well as the most important research methodology in natural science. It grows out of a strong academic tradition that places considerable trust in numbers that represent opinions or concepts (Amaratunga *et al.* 2002). In contrast, qualitative research concentrates on words and observations to express reality and attempts to describe people in natural situation (Amaratunga *et al.*, 2002) and this is expected to add value to numbers reported from already processed documents and field. The purpose of this study is at the same time explorative, explanative and descriptive. This is supported by one source visited that states that a combination of the three instead of one is preferred because in any study, we have at the same time to explore new issues, explain some of the situation and also describe them.

## **2.7. Research methods**

Information gathered came from a range of sources through different methods. Likewise, a variety of techniques were used when gathering primary data. Basing on the research objectives of this research and related aspects under investigation and identification of the data needed, various methods have been employed. Listed below are some of the most common data collection techniques used for collecting data during this research.

### **a) Literature Review**

This method enabled the researcher to make the best use of previous work in the site/field under investigation, and hence to learn from the experiences, findings and mistakes of previous researchers who have carried out similar research project. The literature review helped in the preparation of the background to the study, forming research problem, objectives and the outputs from the study. Literature review consisted of official documents, published papers, general research reports and books related generally to expropriation,

valuation and compensation and specifically to researches and reports related to expropriation, land issues, valuation and compensation in Rwanda. Analyzing and reviewing those documents, the researcher explored theories and concepts related to the topic and examined generalizations that were applied to the issues under investigation. This method was used also to get some information related to the expropriation laws, valuation methods in use and compensation determination controversies in Rwanda. Literature review helped to be aware of the existing information which was used to match with the collected data on the grounds of the complaints we hear during expropriations in Rwanda.

#### **b) Questionnaires**

Both structured and unstructured questionnaires were distributed to the affected people and real property valuers with the aim of getting information regarding to the methods that have been used for expropriation to find out the impact of them in determining the compensation. This method was very important especially to busy people like valuers who responded questions during their free time at home. This method is cost and time saving as it saved the transportation costs, meal on daily bases for searching data on the part of the researcher and also problem of the time to travel all the way to collect the data was taken away which made the researcher to save the time of travelling and walking every day.

#### **c) Interviews**

Both close and open interview were used to real property valuers, valuation lecturers and expropriating agencies in selected areas. Researcher preferred this method because it made easy to collect data in large number of people, and enabled interactions with respondents which helped the researcher to learn behavior of respondents, provided in-depth information. The method was flexible as it helped the researcher to drive the respondents in the way he could catch all related information from the respondents. This method helped to acquire information for the specified objectives of this study.

#### **d) Site Visit (Observation)**

In addition to obtaining information on the affected people in different districts, sectors and cells, site visit was conducted across selected areas where the project was supposed to be held. This involved the general site view and it allows the dynamics for both research and affected people in order to be familiar to the site, introduction to the local authorities and citizen who have been affected by the expropriation projects in order to identify overview of the area and to get additional information about the effect of unfair compensation. Through this method of data collection, the required information was obtained through observing issues in relation to the objectives of this research. This was undertaken in order to increase the knowledge and familiarity to the areas.

### **2.8. Sampling**

#### **2.8.1. Study Population**

The study population, also known as the research population is the population to which a researcher wants to generalize the results of the study (Mugenda and Mugenda, 1999). In this study, research respondents met at least one of the three basic criteria mentioned below:

- i) People whose real properties have been expropriated i.e. rural, peri-urban and urban communities whose properties have been or are on the process of being expropriated. This

group of communities affected by the expropriation projects, included peasants, businessmen or leaders who were of great interest since they were the ones experiencing the expropriations and were touched by their effects. This category of respondents provided experienced information such as implementation procedures of the expropriation, expropriation modes, and perceptions on valuation of their real properties, compensation determination, options of payment of compensation and challenges faced which were identified through strategic questions.

ii) Officials working at ministries (expropriating agencies), City of Kigali and districts were selected so as to get first hand general information on the administrative procedures to approve projects whose implementations lead to expropriation of real properties. They are the ones having views on the challenges they face when expropriating rural, peri-urban and urban real properties in Rwanda. Officials from local authorities (ten cell leaders) were also included in the targeted population because these were used to get the needed respondents scattered in their localities. These officials were the ones having some past and present expropriation, valuation and compensation records which helped to ensure the credibility of the findings. The discussions to be held with these officials provided information on administrative procedures for project approval, valuation methods and basis, compensation modes as well as economic, sociological and psychological causes of complaints during the expropriation projects which hinder the effective implementation of planned projects and were major source of tensions and misunderstandings between involved parties.

iii) Valuation companies, lecturers and practitioners were selected because they are the ones involved in valuation during expropriation projects. Valuation lecturers are of great importance because they are the ones teaching valuation methods and they do practice the valuation for expropriation purpose. Basing on their experience, it was revealed that valuation companies, lecturers and practitioners provided solution to the problematic of expropriation, valuation and compensation of rural, peri-urban and urban properties in Rwanda.

### 2.8.2. Determination of the Sample size

The size of a research sample depends on what one wants to find out, why one wants to find it out, how the findings will be used and what resources (including time) one has for the study (Patton, 1990). In addition to this, a sample size of this study depended on the availability of targeted respondents. The study therefore included three groups of targeted population as per criteria discussed above. The targeted population of this study included people whose real properties have been expropriated, officials working at ministries (expropriating agencies), City of Kigali, districts, sectors and cells selected as well as valuation companies, lecturers and practitioners as shown in the Table 6.1. Officials, valuation companies, districts, sectors and cells were purposely selected. But valuation lecturers were all selected because they provided first orientation of the study through discussions. Valuation practitioners were selected based on the formula of Phrasisombath (2009) who determined the formula to use when the target population to use is known. Here, districts with certified valuers and districts are known.

$$n = \frac{(N * Z^2 * p * q)}{(e^2 * (N - 1)) + Z^2 * p * q}$$

Where: N= population size; n= sample size; p= Sample population estimated to characteristics being measured. Assume a **95%** confidence level of the target population; q=1-p; e= acceptable error =**0.05**, since the estimate should be 5% of the true value; Z= the standard normal deviation at the required confidence level. Kumar (2011) provides the table to determine Z = t0.05 = value of t at 95 per cent confidence level.

*T-value* can be noted from the following table:

Level	0.02	0.10	0.05	0.02	0.01	0.001
<i>T-value</i> =Z	1.282	1.645	1.960	23.26	2576	3.291

Source: Kumar, 2011

Therefore, for finite universe, sample size is as follows:

- i) Districts selected were based on the 30 total districts of Rwanda and after identifying the required number of districts using the formula, those selected are purposely chosen: under this category we have 30 districts. The sample should be:

$$n = \frac{30 \times 1.96^2 \times 0.95 (1-0.95)}{0.05^2 \times (30-1) + 1.96^2 \times 0.95 \times (1-0.95)}$$

$$n = 21.46978539 = 21 \text{ districts}$$

The sample size to be used in this study is 21 districts among 30 districts. But due to that the researcher wanted to deeply study cases of expropriation, the number of districts were reduced to 13 districts of those required as per formula. So this research used 13 districts selected purposely and cases of expropriation were those rich-information cases.

- ii) Valuation practitioners certified by Institute of Real Property Valuers up to 23<sup>rd</sup> March 2018: under this category we have 152 certified valuers. The sample should be:

$$n = \frac{152 \times 1.96^2 \times 0.95 (1-0.95)}{0.05^2 \times (152-1) + 1.96^2 \times 0.95 \times (1-0.95)}$$

$$n = 49.53132277 = 50 \text{ certified valuers}$$

Due to that all included valuation lecturers are certified valuers, among 50 valuers as per formula, only 36 were selected plus 3 valuers teaching at University of Rwanda, president of IRPV and 10 directors of valuation companies.

- iii) Sampling of respondents who experienced expropriation projects: The following proximate random sampling formula was used to determine the minimum number of surveyed informants affected by the expropriations. The sample should be:



$$n = \frac{NZ^2 + p.q}{d^2(N-1) + Z^2 + p.q} = \frac{Z^2 + p.q}{d^2} * Deff$$

$$n = \frac{1.96^2 * 0.5 * 0.5 * 1.17}{0.05^2}$$

$$n = 449.4672 = 449 \text{ households affected by expropriation}$$

**Table 2.1:** Estimated list of respondents and their characteristics

Characteristics of respondents	Number
Rwanda Housing Authority (RHA)	1
Rwanda Transport and Development Authority (RTDA)	1
Rwanda Land Management and Use Authority (RLMUA)	1
Kigali city official	1
District officials ( corresponding to 13 districts selected)	13
Sectors officials (corresponding to 21 sectors selected)	21
President of Rwanda Institute of Real Property Valuation (IRPV)	1
Directors of valuation companies	10
Valuation lecturers at University of Rwanda	3
Valuers in private companies	36
Expropriated persons	449
<b>Total</b>	<b>537</b>

**Source:** Researcher's own construct (August, 2018)

Table 2.1 shows 537 respondents. As explained above, the first category of officials is formed by 1 respondents working at RHA, RTDA, RLMUA, Kigali city officials and IRPV as well as 13 district officials (corresponding to 13 districts selected) and 21 sectors officials (corresponding to 21 sectors selected). While the second category of valuation practitioners is formed by 10 directors of valuation companies, 3 lecturers of valuation, 1 IRPV president and 36 valuers in valuation companies. The third category is formed by 449 victims of expropriation projects.

### 2.8.3. Sampling techniques and procedure

Cases of expropriation projects, expropriation authorities, valuation companies and valuers were selected purposely because they had to meet some criteria. On the other hand, researcher used convenient method to choose what would be the population of the study and this was used also to choose the first respondents among those expropriated persons scattered in different areas. These choices were due to access reasons. After choosing the population and the first respondents, the researcher used the snowball sampling method to select the remaining sample. This was accomplished through the local leaders or the first respondent (s).

## **2.9. Data collection methods and techniques**

Primary data was obtained from surveys either through direct communication with respondents in one form or another or through personal interviews. Secondary information was searched from various documents.

To apply the interview method, there was a use of non-structured personal interview of key respondents where interview guide was designed to allow a deep discussion with them. These included expropriating authorities like Rwanda Housing Authority (RHA), Rwanda Transport and Development Authority (RTDA), Rwanda Land Management and Use Authority (RLMUA), Kigali city officials, and district officials. Interview will be conducted to various valuation practitioners like Rwanda Institute of Real Property Valuation (IRPV) and valuation companies who got tenders to assess compensation as well as the valuation lecturers at University of Rwanda. One to one interview was conducted with these key respondents where the interview took a form of non-directive approach because the respondents were given change to talk about the topic under discussion with a bare minimum of direct questioning.

Other valuers who were involved in expropriation, valuation and compensation projects were contacted through use of researcher self-administered questionnaires known as schedules where questionnaires or schedules guide were used either by the researcher himself and recruited enumerators. Expropriated persons were contacted using similar guide used to valuers. In addition to personal interview, the researcher got contacts for busy respondents so that interview can be conducted through telephone even though this strategy is not recommended for data collection. Telephone interview was used to get further information when the investigator left the field.

Group discussion was conducted with the valuation lecturers at the University of Rwanda because they are the ones teaching valuation for various purposes including valuation for compensation which is the concern of this study. They first participated individually to the interview and then later they were invited for discussion where more issues with regards to valuation and expropriation were dealt with and they provided suggestions to what can be done to stop or reduce challenges during expropriations.

Secondary data were obtained from already processed information from various researchers. Valuation and expropriation laws were used as a secondary data to lay foundation to the data from individuals and expropriating agencies. Reports from expropriating agencies and valuation companies helped to get a detailed data on expropriation, valuation and compensation determination issues in Rwanda. Any other documents reporting on expropriation and valuation in Rwanda as well in other countries were of importance to be aware of the expropriation and compensation best practices.

## **2.10. Instrumentation and measurement**

As discussed above, interview guide, questionnaires or schedules and group discussion guide were used to get data for this research. Interview guide and group discussion guide were designed generally based on objectives where the first question was how expropriation is conducted in Rwanda and why we hear many complaints. The questionnaires or schedules were designed basing on objectives but they have a mixture of open and closed questions so that both qualitative and quantitative data can be corrected. For closed questions, people were given list to select from where measurement was in form of ordinal because the analysis was based on order of choices. But open ended questions were measured in form of nominal. The



researcher had to have the detailed instrument to be used to know what nature of the data to be gathered by measurement question as it happened for this study.

## **2.11. Data accessibility and credibility of findings**

### **2.11.1. Access to data**

Data for this study was obtained first from the researcher 's fellow staff who gave him rich-information cases that raised a lot of claims during expropriations. Lecturers gave me also link and contacts of valuation companies who won valuation for compensation where the researcher had also to select respondents among certified valuers. Researcher 's fellow staff linked him to different expropriating agencies through former students who work there. In addition to cases of expropriation provided by lecturers, also expropriating agencies provided further information on where to get expropriated people and cases that gave them headache. Generally, access to data was smooth but the researcher faced some limitations in field data collection. The central constraint that came across during field data collection was that subjects looked bored because most of them have experienced expropriation problems for a long time without solution, and it seemed to some of them that the study outcome was not to provide solutions to their problems. The investigator encountered some gate-keeping incidents due to that people are worry of political diplomacies henceforth they do not easily trust anybody. Although, the researcher had introduction letter from the university and showed them the Student Identity Card, it was somehow difficult to believe. This was observed in some interviews where most of respondents deviated from the main debate in order to trick the researcher on political concern. As it was not easy to get data from those people, but the researcher tried to explain the intent of the study and how data will be treated with confidentiality without disclosing their names. Slowly expropriated people understood and were happy to provide data because I told them that academic research can be submitted to the government and be based on findings to solve communities 'complaints.

### **2.11.2. Credibility of Data and Findings**

Data collected for this study and its findings were credible. The validation of findings for this study was ensured from the start of this study and the researcher continued ensuring it through data collection techniques and other means as discussed in this section. Creswell (2014) ascertains that validity does not carry the same connotations in qualitative research as it does in quantitative research; nor is it a companion of reliability (examining stability) or generalizability (the external validity of applying results to new settings, people, or samples; both). Validity in qualitative research refers to checking for the accuracy of the findings by employing certain procedures, while qualitative reliability indicates that the researcher's approach is consistent across different researchers and different projects. Validity is one of the strengths of qualitative research and is based on determining whether the findings are accurate from the standpoint of the researcher, the participant, or the readers of an account sometimes referring to trustworthiness, authenticity, and credibility. So in achieving validity, the researcher used multiple approaches, and these enhanced the researcher's ability to assess the accuracy of findings as explains below.

**Use of triangulation approach:** Under this approach, there was a use of different data sources of information by examining evidence from the sources and using it to build a coherent justification for themes. If themes are established based on converging several sources of data or perspectives from participants, then this process can be claimed as adding to the validity of the study. Triangulation or multiple methods of data collection and analysis

was used, which strengthened reliability as well as internal validity (Merriam, 1989). Data was collected through multiple sources to include interviews, observations and document analysis as mentioned in the data collection procedures hence helping to variation in responses from informants.

**Use of checking approach by informants:** This is difficult to achieve since going back to the site is boring but the researcher tried the best he can to determine the accuracy of the findings through taking the final report or specific descriptions or themes back to some participants and determine whether these participants feel that they are accurate. This was done by taking back parts of the polished or semi-polished product, such as the major findings, the themes, the case analysis, the grounded theory, the cultural description, and so forth. For those respondents that were very far, the researcher discussed with the major themes through phone so as to give them an opportunity to comment on the findings. An ongoing dialogue through phone calls regarding my interpretations of the informant's reality and meanings ensured the validity of the data.

**Use of a rich and thick description approach:** This approach helped to convey the findings because it can transport readers to the setting and give the discussion an element of shared experiences. It is said in research methodology books that when researcher provides detailed descriptions of the setting by offering many perspectives about a theme, the results become more realistic and richer. The primary strategy utilized in this project to ensure external validity was the provision of rich, thick, detailed descriptions so that anyone interested in transferability will have a solid framework for comparison. This procedure was added to the validity of the findings.

**Use an external auditor approach:** The researcher hired an independent investigator who helped to read the whole report and make auditing where possible and he was allowed to make suggestions on what he sees in different way. I used researcher with valuation professionalism and see how his professional thinking can add value by looking over many aspects of the research like the accuracy of transcription, the relationship between the research questions and the data, the level of data analysis from the raw data through interpretation. Data collection and analysis strategies were reported in detail in order to provide a clear and accurate picture of the methods used in this study. All phases of this project were subjected to scrutiny by an external auditor who is experienced in qualitative research methods hence enhancing the overall validity of the study. Those phases of the study which were subject to scrutiny are elaborated below.

## **2.12. Procedure of Data Collection**

The information for this study was collected first from the already processed documents and this process continued up to the writing up of the report. Then, the researcher first conducted a discussion with valuation lecturers so as to be familiar of various case study that are rich information case. The researcher had a deep interview with valuers individually (mostly the valuation companies' directors and lecturers) and then a group discussion with valuation lecturers and some of valuers deemed to have information that can motivate such a debate. After this group discussion, the researcher moved on to individual interview with the expropriating agencies like RHA, RTDA, City of Kigali, districts officials, sector officials and RLMUA. The information from valuation companies and valuation lecturers as well as the one for expropriating agencies helped to have case studies that their data may be generalized to the whole country. After these interviews, the researcher moved on to the identified case studies where expropriated persons and local readers were interviewed through schedules known as researcher's self-administered questionnaires. The data from

interview and discussions with valuation practitioners and expropriating agencies were compiled with data from affected communities and local readers so as to have convincing information on the problematic of expropriation, valuation and compensation of rural, periurban and urban real properties in Rwanda. Then, the field data was comparatively discussed with the available data in the literature review while at the same time hypotheses were verified and finally reach a final conclusion.

### **2.13. Ethical considerations**

Conducting research that may violate the rights and welfare of research participants is neither the intent nor the major interest of social scientists. The sole objective of research is to contribute to the development of systematic, verifiable knowledge and each of the stages of the research process may involve ethical, in addition to purely scientific considerations (Nachmias and Nachmias, 1992). Therefore, several ethical issues were taken into account when the investigator met with people affected by expropriations who were psychologically not comfortable:

#### **a. Confidentiality and professionalism**

Quantitative data responses were coded using a unique alpha-numeric identifier so that no personal identifiers are entered into the database. Raw data were stored in password protected files on a password-protected computer. Any records linking names to unique identifiers were stored in a locked office. They were confidential. The study conformed to international standards in terms of research governance, quality assurance and research ethics. The researcher took overall responsibilities for quality assuring the work of the enumerators and they were warned on whom could be catch producing work of low quality.

#### **b. Voluntary Participation**

Prior to carrying out the research, the purpose of the research was explained and interviews were conducted following interviewees' consent. This meant that interviewees were informed about the benefits and risks associated with the research. No one was forced to participate even though it was difficult to comply with it all the time. All key informants' interviewees and respondents to the questionnaires and guide interview were asked to give informed consent for their participation in the study. No individual was named in the report and the report was written in such a way that no individual was identified, except for the possible naming of posts of respondents from agencies where essential to do so.

#### **c. Confidentiality and Anonymity**

In addition to confidentiality aspects discussed above, anonymous records enhanced this ethical consideration. Information collected was recorded in a notebook or on questionnaires. Since the researcher administered questionnaires himself, he ensured that all these questionnaires were completed anonymously. Only the position of each respondent was recorded. Confidentiality in reporting was achieved by ensuring that names and other information that could lead to revealing the identity of the interviewees were avoided and sometimes —forged names were used and true names were not published. All the information given has been used for the purposes of this research only.

#### **d. Absence of harm to participants**

The researcher ensured that subjects of the study are not harmed physically, sociologically, psychologically or morally. No disclosure of personal information on compensation paid or any other information that could have embarrassed them or endangered their homes, life, friendships or jobs were revealed, only one person provided document showing compensation paid to him. Any information that was likely to make participants feel uncomfortable was avoided or concealed.

#### e. Plagiarism and Authenticity

Plagiarism was avoided in order to make this study credible and the researcher ensured that the findings in this work are beneficial to all the stakeholders. f. Personal political orientation

Babbie (1990) argues that ethics of social research deals more with the methods employed while political issues are more concerned with the substance and use of research. In this respect, researcher's personal political orientation did not interfere with nor influence the study outcomes and if he did then this is unintended and regrettable. As provided above, some ethical issues emerged at the beginning when the researcher formulated the research questions and basic methodology. Other issues were raised while the research and evaluation were actually being conducted. More others emerged at the conclusion of the research and evaluation, in relation to data analysis and the reporting of results (Reamer, 2001).

### 3. RESULTS

The previous chapter on literature review speaks mostly about cases and situations abroad as well as some studies conducted in Rwanda which proved the magnitude of the problem of this study. Primary data have been collected among experts such as government officials, valuation lecturers, certified valuers and the expropriated landowners, as explained in chapter three of research methodology. While the secondary data were collected from different laws related to expropriations.

Findings presented in this Chapter depict most assuredly the situation in selected cases of expropriation. The answers to the different questions from the interview are put together and analyzed per question to determine the similarities and differences. The sub research questions are also structured into main themes such as the expropriation modes in use, valuation methods that are used to determine compensation for expropriations, different options for payment of compensation and the possible solution in order to explore the best approaches that can be used in expropriations.

The concepts derived from the interviews are categorized according to the research problem conceptual model as mentioned in chapter two of literature review. The main concern of this Chapter is to analyze data collected from real property valuers/experts on the expropriation modes, valuation methods/approaches that can be used for expropriation purpose, options for payment of compensation and their relationship on compensation claims we hear during expropriation projects.

#### 3.1. Sample distribution of respondents

This study used a total of 537 respondents selected from 13 districts and 21 sectors distributed into various categories (Tab.4.1). The districts and sectors were selected based on the formula of Phrasisombath. Also affected people and valuers were sampled basing on Phrasisombath formula as shown in chapter three of research methodology. The majority of respondents are members of the community affected by expropriations (83.6% of 449 respondents) followed by certified valuers from private valuation companies (6.7% of 36 valuers).

Other respondents were selected purposely basing on their ability to provide needed data.

Among them, 3.9% of respondents from sectors' officials (represent 21 persons), 2.4% of respondents are part of districts' officials (represent 13 respondents), 1.8% of respondents made of directors of valuation companies (represent 10 directors), and 0.6% of respondents from valuation lecturers (represent 3 lecturers).

The final small number in proportion was selected from expropriating agencies and IRPV as follows: 0.2 % of respondents from RHA (represent 1 person), 0.2% of respondents from RTDA (represent 1 person), and 0.2% of respondents from RLMUA, 0.2% of respondents from office of Kigali city (1 person), and 0.2% of respondents from IRPV (1 person). Categorization of respondents basing on age and sex did not taken into account as they could not help to understand the issue of expropriations and complaints which constituted the objectives of this study.

**Table 3. 1: Total sample distribution in each type of respondents**

Category of respondents	Frequency	Percentage
Rwanda Housing Authority (RHA)	1	0.2%
Rwanda Transport and Development Authority (RTDA)	1	0.2%
Rwanda Land Management and Use Authority (RLMUA)	1	0.2%
Kigali city official	1	0.2%
District officials ( corresponding to 13 districts selected)	13	2.4%
Sectors officials (corresponding to 21 sectors selected)	21	3.9%
Rwanda Institute of Real Property Valuation (IRPV)	1	0.2%
Directors of valuation companies	10	1.8%
Valuation lecturers at University of Rwanda	3	0.6%
Valuers in private companies	36	6.7%
Expropriated persons	449	83.6%
<b>Total</b>	<b>537</b>	<b>100%</b>

Source: Researcher's own construct (August, 2018)

### 3.2. Legal framework of accessing lands in Rwanda

#### a) Powers to order expropriation in the public interest in Rwanda

According to Article 3 of the Expropriation Law of 2015 (Republic of Rwanda, 2015), only the Government has the power to order expropriation in the public interest with prior and fair compensation. This Article is clear that no person can hinder the implementation of the program of expropriation in the public interest on pretext of self-centered interests. It is mentioned also that no person shall oppose any underground or surface activity carried out on his/her land with an aim of public interest. In case it causes any loss to him/her, he/she shall receive fair compensation for it.

#### b) Legal Framework for Expropriation in Rwanda

Article 29 of the 2003 Constitution of the Republic of Rwanda (2003) recognizes the individual's right to private property ownership, noting that, —private property, whether

individually or collectively owned, is inviolable.¶ International legal instruments also support this right to private property ownership.

The African Charter of Human and Peoples' Rights, the Universal Declaration of Human Rights, and other international instruments also affirm this right. Moreover, Article 29 of the Constitution of the Republic of Rwanda (2003) does provide an exception to the inviolability of private property—when —public interest¶ requires, subject to fair and prior compensation. The two most important implementing laws relating to property rights and expropriation in Rwanda are the 2013 Land Law and the 2015 Expropriation Law.

Article 5 of the Land Law confirms the right to private ownership of land both for land originally acquired through customary practices or by official title. Article 34 of the law protects private ownership rights, stipulating that —the State recognizes the right to freely own land and shall protect the land owner from being dispossessed of the land whether totally or partially, except in case of expropriation due to public interest.¶ In this regard, the 2015 Expropriation Law, Article 5 defines the permissible acts of public interest giving rise to the State's right of expropriation:

- 1° roads and railway lines;
- 2° water pipes and public reservoirs;
- 3° water sewage and treatment plants;
- 4° water dams;
- 5° rainwater pipes built alongside the roads;
- 6° waste treatment sites;
- 7° electric lines;
- 8° gas and oil pipelines and tanks;
- 9° communication lines;
- 10° airports and airfields;
- 11° motor car parks, train stations and ports;
- 12° biodiversity, cultural and historical reserved areas;
- 13° facilities meant for security and national sovereignty;
- 14° hospitals, health centres, dispensaries and other public health related buildings;
- 15° schools and other related buildings;
- 16° Government administrative buildings and those of public institutions;
- 17° public entertainment playgrounds, gardens and buildings;
- 18° markets;
- 19° cemeteries;
- 20° genocide memorial sites;
- 21° activities to implement land use and development master plans; ➤ 22° minerals and other natural resources in the public domain.
- An Order of the Minister in charge of lands, on the Minister's own initiative or upon request by relevant public institution, determines any other activity of public interest.

Further, article 6 provides important information on activities to implement land use and development master plans. This article states that the initiator of such act first negotiate with owners of assets that are affected by the project. In case, negotiations fail, formalities related to expropriation in the public interest follows and interests of the person to be expropriated are taken into account and be paid by the initiator of the project before any commencement of activities.

In addition to acts of public interest, the Expropriation Law also determines the specific procedures for expropriation, including the processes of property valuation and paying of compensation, and identifies the organs competent to approve and carry out expropriation. The law also indicates the rights of expropriated persons and expropriating entities. Other related legal instruments, such as Ministerial Orders relating to reference land prices, expansion of roads, and land leases also influence the expropriation process in the country. The Expropriation Law in Rwanda aligns with international law and best practices, which essentially hold that: 1) —fair<sup>ll</sup> or —just<sup>ll</sup> compensation must be paid to both nationals and nonnationals who are expropriated; and 2) States must establish and follow clear and transparent procedures that apply equally to all expropriated individuals. Those procedures should regulate the process of the valuation of land, and also create dispute resolution mechanisms to address complaints over valuation and compensation.

In line with these international standards, the 2015 Expropriation Law clarifies the rights of individuals in the process of expropriation, including the valuation and compensation processes. Any individual who is expropriated under the law is entitled to receive —just compensation<sup>ll</sup> for the property lost. The law dictates that the amount of compensation should be established based on —market prices<sup>ll</sup> of the property. Funding for the compensation and for other related costs must be available before taking any steps in the expropriation process and every project must provide in its budget funds to ensure fair compensation of property, including a full inventory of assets of each person to be expropriated.

### **c) Institutional Framework for Expropriation in Rwanda**

The law permits Executive Committees at the level of the District or City of Kigali are competent to initiate expropriation proposals within their jurisdiction, and a Ministry may initiate larger scale projects. Land Committees at the District or national level are responsible for evaluating the applications for expropriation, in order to verify that the proposals fulfill the necessary legal requirements. After the approval of the application for expropriation, the District Council or Kigali. City Council shall approve the actual expropriation of persons. In larger-scale projects, the Minister of environment or the Prime Minister approves the expropriation. Within 30 days of the approval of an application for expropriation, that District authorities must convene a consultative meeting with the affected population.

According to the breakdown of institutional roles provided by the law, a number of different types of entities that participate in the expropriation process can be categorized. Expropriating entities are government entities or quasi-state entities that carry out expropriation projects. They are identified as follows:

- Rwanda Social Security Board (RSSB);
- Rwanda Transportation Development Authority (RTDA);
- Rwanda Housing Authority (RHA);

- Rwanda Energy Group (REG) (formerly known as EWSA); ➤ Rwanda Civil Aviation Authority (RCAA).

—Coordinating entities<sup>ll</sup> are government entities that may or may not expropriate directly, but have a role in liaising with expropriating entities, whether through oversight, coordination, or by giving advice. They are primarily the following entities:

- Ministry of Infrastructure (MININFRA);
- Ministry of Natural Resources (MINIRENA);
- Ministry of Local Government (MINALOC);
- Rwanda Environment Management Authority (REMA);
- Rwanda Development Board (RDB);
- Ministry of Finance (MINECOFIN).

—Government entities<sup>ll</sup> are other government organs that are concerned with the expropriation process but do not directly participate in the expropriation of households. They include the following:

- Office of the Ombudsman;
- Rwanda Land Management and Use Authority (RNRA);
- Office of the Prime Minister; ➤ Rwanda Governance Board (RGB); ➤ Ministry of Justice (MINIJUST).

—Local authorities<sup>ll</sup> are the decentralized authorities that either expropriate directly or liaise with local populations regarding the expropriation process when it affects their areas. They include the following:

- City of Kigali
- Other District or Sector authorities.

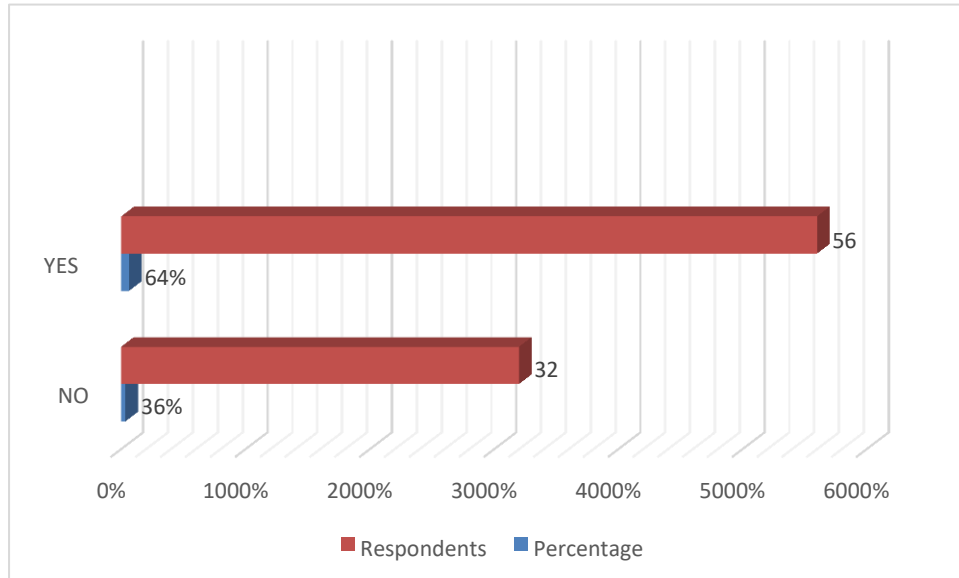
#### **d) Modes of access to lands in Rwanda**

All the cases of expropriation used for this study, expropriation was used as the way of accessing or getting land to implementation public interest projects in Rwanda. The case of KIMIHURURA Sector in RUGANDO cell where convention center is constructed, negotiation was used instead of expropriation. As per corrected data, first the government came and assessed the values of properties that were affected by convention center construction project but later people were called for negotiations because the investor who was the Bill Gate found that the assessed values could not help affected communities to reconstruct their livelihoods after expropriation. Interviews with expropriation agencies and other government officials made it clear that expropriation is opted instead of other modes of accessing lands because people may not be willing to offer their properties at whatever prices or amount and this can stop the investor to get required land for approved project. So, the government helps the investor by ordering the compulsory purchase. Respondents of this research were asked whether there are other ways of getting land or accessing land other than expropriation. In response, as indicated on figure 4.1, most of them said that no other ways of getting the land without expropriation. The answer was to say —YES<sup>ll</sup> or —NO<sup>ll</sup>, so 63.6% of respondents (56 people) from government officials, valuation lecturers and valuation



companies responded that there are no other ways of getting land to implement public projects other than ordering expropriation. The other part representing 36.4% (32 people) answered —YES— and they provided other possible ways of getting land without expropriating people from their lands: Government can Purchase land through negotiations; donation from people and government add improvements on site; forming partnership with land owners and give them incentives to improve their living conditions; land banking; and land confiscation.

**Figure 3.1: Whether there are other ways of getting land other than expropriation**



**Source:** Field Survey, October 2018

### 3.3. Methods of valuation for expropriation purpose used in Rwanda

3.3.1. Valuation Methods for expropriation specified by the Expropriation Law in Rwanda  
Government officials and valuation practitioners were asked to provide the methods of valuation for expropriation purpose specified by the Expropriation Law of 2015. Based on the field answers from respondents and based on the new law regulating the expropriation in Rwanda published in August 2015, it was noted that there are no specific valuation methods to use in conducting the valuation for expropriation purpose and no formal practices to follow established by the new Expropriation Law of 2015.

This new new law shows that valuers who are certified by IRPV they are the only ones to assess properties affected by expropriation projects based on market rates of:

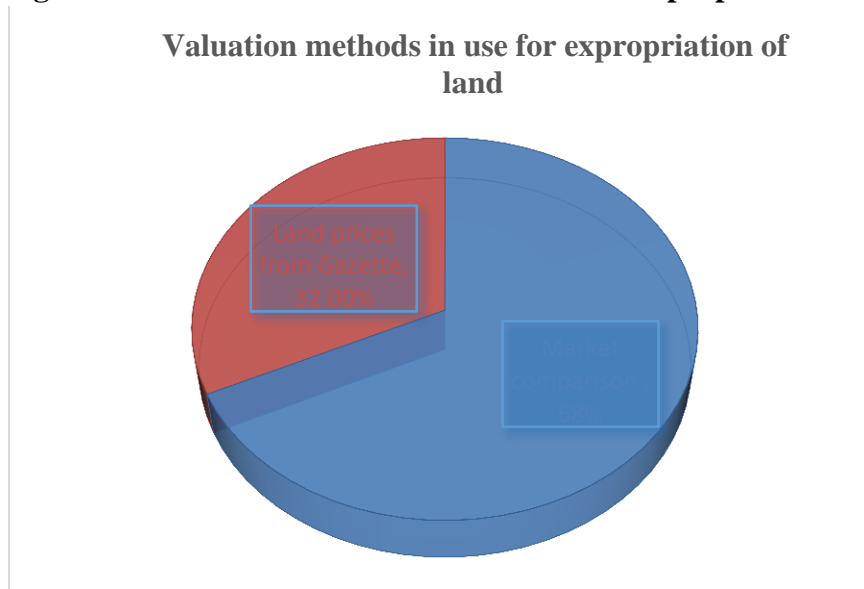
- i) Land;
- ii) Activities carried out on land for its efficient management or rational use;
- iii) Compensation for disruption caused by expropriation (Expropriation Law of 2015, Article 22 and 27).

### 3.3.2. Valuation methods in use by valuers in the expropriation projects in Rwanda

Even though the Expropriation Law of 2015 does not provide valuation methods for expropriation purpose, field information revealed various methods in use for land and building expropriations.

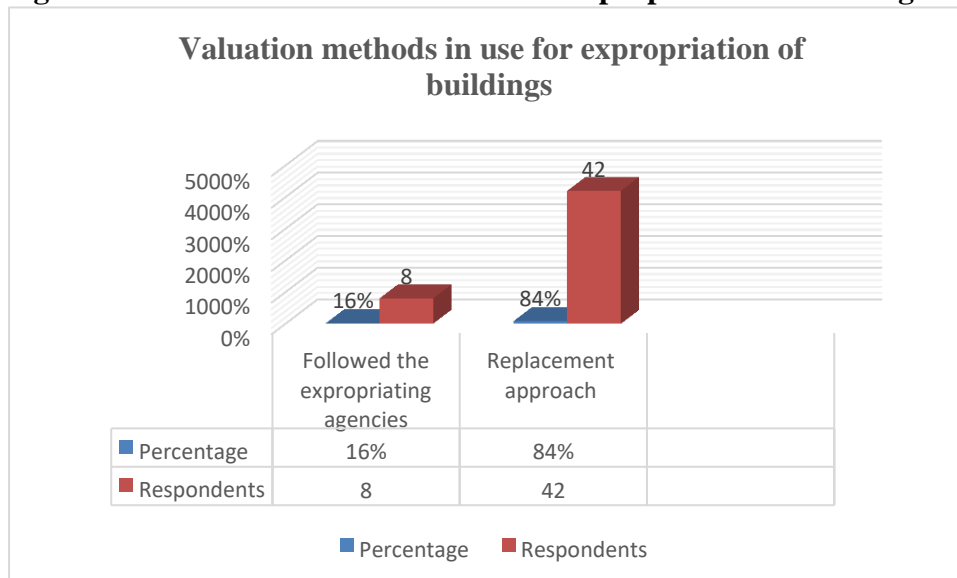
The results for valuation methods in use for expropriation of land show that 34 out of the 50 certified valuers (68%) of the respondents who have involved in land valuation for expropriation said that they used Market comparison approach in giving value of the land and their development like crops while 16 out of 50 certified valuers (30.8%) of the respondents used/followed the prices that are given by the government/Expropriator (Fig. 4.2).

**Figure 3.2: Valuation Methods in use for land expropriation**



*Source: Field Survey, October 2018*

Results for the methods of valuation in use for expropriation to assess buildings show that that a total of 50 certified valuers who participated in expropriation for buildings, 42 out of 50 used replacement approach and only 8 out of 50 said that there is no uniform method that they used as they followed the government instructions (Fig. 3.3). Findings show that 84 % of the respondents who have involved in expropriations used replacement approach in valuating of the buildings and the other related developments, 16% said that there is no specific approach they used while giving the value of building, they followed the government instructions and the prices they were given without any analysis (Fig.3.3).

**Figure 3.3: Valuation Methods in use for expropriation of buildings**

*Source: Field Survey, October 2018*

### 3.3.3. Valuation methods that can be the best to be used for expropriation purpose

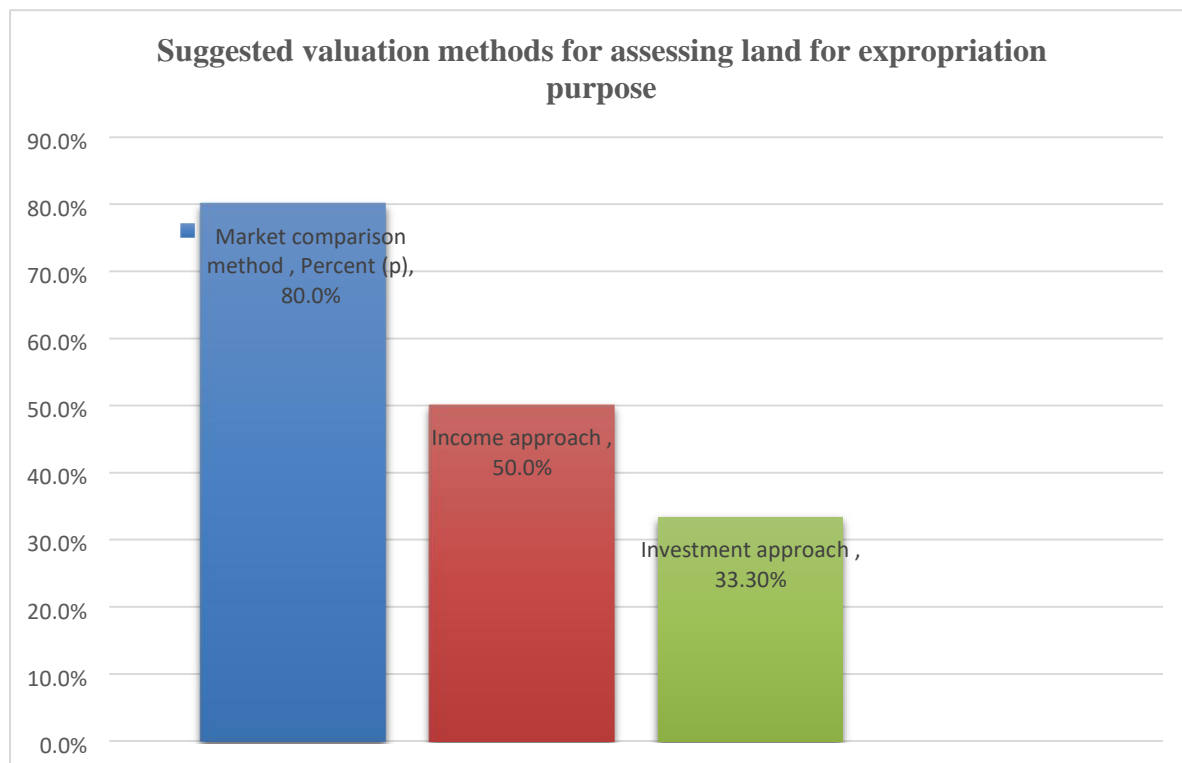
Below, there are the methods/approaches that the valuation practitioners have suggested for both the land and building. Based on their knowledge and experience, familiarity with the local market and practices, they mention the best approaches that can be used in order to carry out the land valuation for expropriation purpose. Here land is considered with its improvements. But they clarified what method/approach that can be used for land and for building (Tab.3.2, Fig.3.4).

**Table 3. 2: The valuation methods suggested to assess land values during expropriation**

Valuation methods to be used for land subject to expropriation	Responses		Percentage of cases (PC)
	N	Percent (p)	
Market comparison	24	49%	80%
Income approach	15	30.6%	50%
Investment approach	10	20.4%	33.3%
Total	49	100%	166.3%

*Source: Field Survey, October 2018*

**Figure 3. 4: The valuation methods that have been suggested for land during expropriation**



**Source:** Field Survey, October 2018

Table 3.2 and Figure 3.4 indicate that the best approach for land valuation during the expropriation is the —market comparison method (described in Chapter 2 above) as the 80% who are the experts agreed that it is the best approach followed by income approach (50%) and investment approach (33.3%).

Table 3.2 shows that 80% of the respondents agreed that the Market Comparison approach can be better for valuing the land and it leads to fair amount amount/fair compensation as it is based on the market value by producing the value based on the comparable in the neighborhood and reflect the true value, 50% of the respondents said that income approach can be the best method as it could reflect the fair amount by basing on what the land could generate in open market, and 33.3% of these respondents said that investment approach can be the best approach for land valuation as it could reflect the investment value based on what land can earn when it is used as an investment. Based on the reason they gave why it can be appropriate for land valuation as shown in the following table, as 63.3% said that we do not have the databank that can help the Valuer to determine the compensation, this approach can be the appropriate for the land which does not generate income as it reflect the fair value of the land at 83.3% (Table 4.3).

**Table 3. 3: Reasons why they suggested the market comparison approach for land**

Reasons for suggested valuation methods	Responses		Percentage of cases (PC)
	N	Percent (p)	
<b>Reflect fair amount (FMV)</b>	25	53.2%	83.3%
<b>Reduces claims</b>	10	17.5%	33.3%
<b>Reflect future benefits</b>	3	5.3%	10.0%
<b>No databank to use</b>	19	33.4%	63.3%
<b>Total</b>	57	100.0%	190.0%

**Source:** Field Survey, October 2018

The first reason, as the displayed results in table 3.3, is that the approach reflects the fair amount (FMV). 83.3% of the respondents agreed that those approaches are the best one that can contribute to fair compensation and this reduces the claims and other effects caused by the unfair compensation. The second reason is that, because in Rwanda, there is a problem of databank, those approaches could be chosen as they lead to fair compensation. Market comparison is based on the current market value, the valuers will analyze well the recent sales and come out with the fair prices of the land value. The researcher can extract from the findings that the best approach for land valuation is the market comparison approach as it reflects the fair compensation that is received by land owners and help them to relocate and get the similar land in neighborhood or other area with at least the same characteristics. This approach is based on the current situation of the market, thus it could reflect the fair value of the land and this will reduce the claims for unfair compensation.

Findings show also the valuation methods suggested by respondents that can be suitable for assessment of buildings during expropriation as follows.

**Table 3.4: The valuation methods suggested for building expropriation**

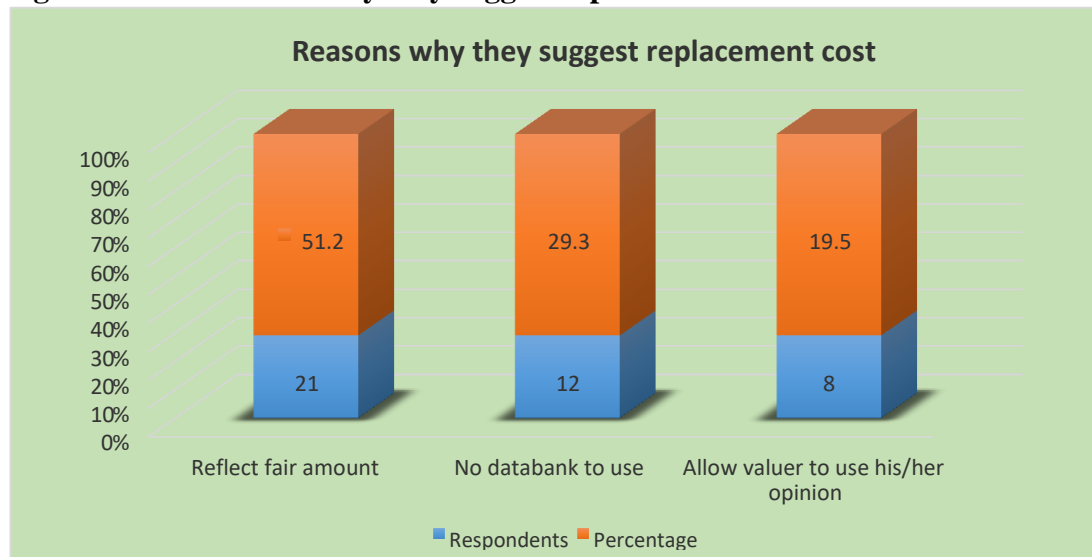
Valuation methods that can be used for buildings	Responses		Percentage of cases (PC)
	N	Percent (p)	
<b>Market comparison</b>	10	19.2%	35.7%
<b>Income approach</b>	8	15.4%	28.6%
<b>Replacement cost</b>	25	48.1%	89.3%
<b>Investment approach</b>	9	17.3%	32.1%
<b>Total</b>	52	100.0%	185.7%

**Source:** Field Survey, October 2018

Table 3.4 illustrates that 35.7% of the respondents who are the valuation practitioner said that they suggest market comparison approach for valuing the building and other related developments made on the land which are fixed on it. The 28.6% of respondents suggested income approach as it could cover all the interests and income that the property is generating which help the owner to get the fair comparison. The 89.3% of the respondents suggested the replacement cost approach to be used for the building and other related development in conducting the expropriation because it include the cost of replacing the property in the other area plus the replacement interest that the owner has in that property which reflect the fair compensation he is entitled to receive in open market. The 32.1% of these respondents suggested that the investment approach as it could help the owner to get what he/she invested in the property, for them, they consider what the owner spent to that property.

Basing on that all the respondents who have been asked are the Real estate Valuers who are qualified and most of them are familiar with the expropriation, we can extract that the best approaches that we would suggest for expropriation of building is the replacement approach by taking into account the replacement interest. There are more reasons those respondents chosen the replacement approach (Fig. 3.5).

**Figure 3.5: The reason why they suggest replacement cost**

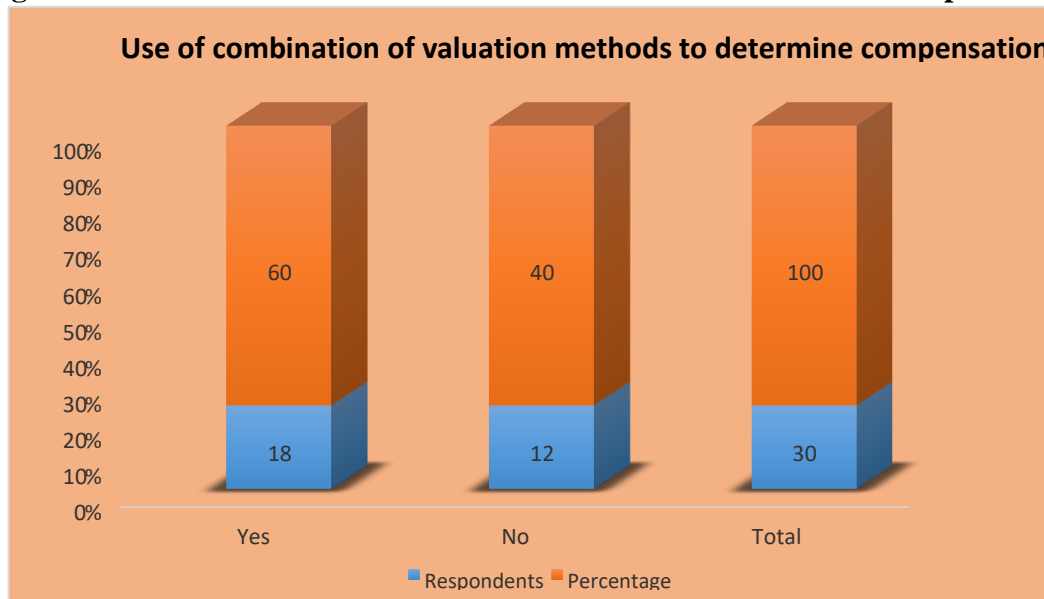


**Source:** Field Survey, October 2018

Figure 3.5 shows well why the experts suggested the replacement cost approached. The first reason is that this approach reflect the fair amount (FMV). The replacement cost approach determines the value of the expropriated assets by defining the replacement or reproduction cost of developments, minus depreciation. This mainly helps to value houses as well as utilities, but not the land itself. It is particularly considered as one of the better valuation approaches for assessing a utility's fair market value as 51.2% (21 repondents) of the respondents who are the experts agreed that this approaches is the best one that can contribute to fair compensation and this reduces the claims and other effects caused by the unfair compensation. The second reason is that, because in Rwanda, there is a problem of databank as 29.3% (12 repondents) of these respondents said, this approach could be chosen as it leads to fair compensation.4.3.4. Use of a combination of valuation methods to determine the compensation payable for land and buildings during expropriation

Figure 3.6 shows that 60% of the respondents who have been involved in land expropriation have used the combination of approaches in giving value of the land with its improvements

**Figure 3.6: Use of combination of valuation methods to determine compensation**



**Source:** Field Survey, October 2018

### 3.3.5. Sources of data used in the valuation methods in use

This study revealed that valuers who participated in expropriation used different sources of data. Table 4.5 illustrates the different sources of prices that the valuers used when they were conducting the task to produce the value of different properties in land expropriation. Some of them are extracted from the analysis of recent sales (40%) and come out with the true value, the market situation (70%) also is analyzed well in order to get the fair value of the property, other prices are given by RTDA (50%) and District land offices (70%). Different experts used one or two sources among those mentioned in Table 3.5.

**Table 3.5: Distribution of the sources that assisted the valuers to give the value**

Other sources of data that assisted valuers during expropriations	Responses		Percentage of cases (PC)
	N	Percent (p)	
Analysis of recent sales	12	13.6%	40.0%
Market situation in that area	21	23.9%	70.0%
RTDA with field analysis	15	17.00%	50.0%
Experts and district land officers	21	23.9%	70.0%
District land officers	19	21.6%	63.3%
<b>Total</b>	<b>88</b>	<b>100.0%</b>	<b>293.3%</b>

**Source:** Field Survey, October 2018

RLMUA Valuer provided other sources of data which are different from those provided by other valuers. Those sources are:

- ❖ RAB: They provide the prices of the developments made on the land like crops (Trees).
- ❖ IRPV: They are responsible to provide the prices of the buildings and other related developments made on the land but the problem is that they are not still establishing those prices.
- ❖ Sales transactions made at sectorial level also are used as the sources in determining the value of the land and its improvements using land information system (LIS). But the problem is that in LIS they said only land without taking into account to the improvements made on it.

### 3.3.6. Fairness of the valuation approaches used during expropriation in leading to fair compensation

This study went further to collect information on the fairness of those valuation methods suggested in leading to fair compensation as shown in Table 4.5. Table 4.6 shows that 73.3% of the respondents said that the methods are ok but they are based on outdated prices which reflect the unfair compensation, 67.7% of these respondents said that the methods reflect the fair amount (FMV), 43.3% of the valuers who were asked said that these methods give clear understanding to both valuers and affected people, 43.3% of the valuers who were asked said that sometime there is a lack of comparable which they can refer on while doing the expropriation, 56.7% of these respondents said that the methods are approximately fair, this means that they have some level of fair but it is not enough and 26.7% of the valuers who were asked said that these methods are fair but not enough as they do not consider the interest of the owner and what the property is generating.

**Table 3.6: Fairness of those methods/approaches in leading to fair compensation**

Fairness of suggested valuation methods during expropriations	Responses		Percentage of cases (PC)
	N	Percent (p)	
Methods are Ok but prices are outdated	22	23.7%	73.3%
Reflected fair amount (FMV)	20	21.0%	66.7%
Give clear compensation determination to both valuer and affected people	13	14.00%	43.3%
Lack of comparables	13	14.0%	43.3%
Approximately fair	17	18.3%	56.7%
Fair but not enough	8	8.6%	26.7%
Total	93	100.0%	310.0%

Source: Field Survey, October 2018

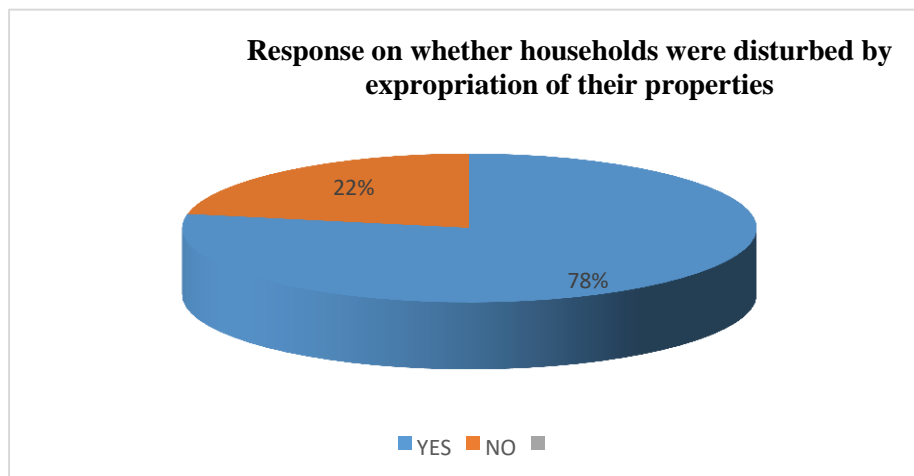


### 3.4. Analysis of different causes of complaints during expropriation projects in Rwanda

#### 3.4.1. Perception of Communities affected by expropriations

Most of the people who were expropriated claimed that the compensation is not enough compared to what they could get in open market. Households expropriated in the case study areas were asked to provide their perception on how they see the situation of expropriations in their respective areas. The majority, 350 households (78%) of the 449 households said that expropriations cause a lot of disturbance and that their livelihoods are affected in different ways while other 99 households (22%) said that they were comfortable with expropriations that took their properties (Fig. 3. 7).

**Figure 3.7: Response on whether households were disturbed by expropriation of their properties**

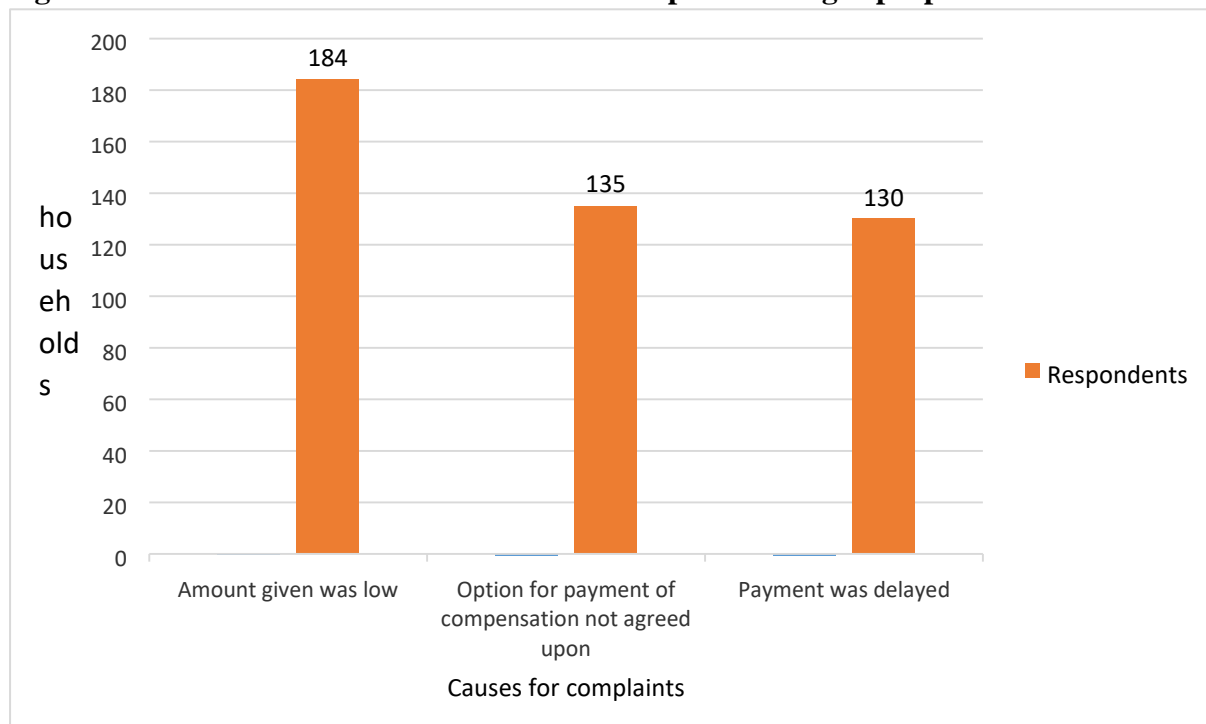


**Source:** Field Survey, October 2018

The researcher wanted to know if they complained when they saw their properties underassessed, their answers were that many of them made complaints but they did not appeal because they cannot oppose the government development. As shown by Figure 4.7, all those who said that expropriation projects disturbed them, they also said that they had complaints even though they did not appeal to higher level. The causes of their complaints differ as shown by Figure 4.8.

Three issues were mentioned as the main causes for complaints of surveyed households affected by the expropriations. Among 449 households, 184 households expropriated (41%) said that their complains were due to the amount given to them being very low comparing to their expectations while 135 households (30%) had claims on the nature of compensation being in kind rather than cash; they were aggrieved by the proposed option by expropriating entities of paying them in kind while they need money. Other people (29% representing 130 households) claimed because payment of their compensation were delayed (Fig. 4.8).

**Figure 3.8: Issues that caused households to complain during expropriations**



**Source:** Field Survey, October 2018

### 3.4.2. Perception of valuation practitioners on issues that could make the affected people claim for the unfair compensation they receive

Table 3.7 shows that 7.1% of the respondents who are the professionals said that there is a low level of unfair approaches that are used in expropriation which can reflect the unfair compensation that is given to landowners, 96.4% of the respondents have met with the problem of the databank which can help them to get the updated prices that reflect the market value because even those recently provided by IRPV in 2018, inputs of their preparations were collected in 2016 and this shows that they also are outdated. This make the government to rely on outdated prices while they are setting the cost of land and building and other developments made on the land. For this reason, they reflect the unfair compensation and make the people always to claim for unfair compensation, 28.6% of these respondents said that sometime there is a problem of poor data analysis, experts neglect to analyze well the data due to the pressure of the expropriator or having no enough time to work on the task which can reflect the unfair compensation, the 50% of the respondents who are the professionals said/agreed that there is a problem of lack of professionalism in conducting the expropriation.

This happens for both the expropriator and the experts who conduct the process as some of them they are not qualified, others neglect to work ethically and others do not have any related knowledge about expropriation and decide to follow instructions of government, 39.3% of the respondents agreed that there is an interference of expropriator in conducting the expropriation due to the reason that the expropriator wants to reduce the amount in order to meet the planned budget.

This causes the compensation to be less compared to what people could get in open market, 32.1% of the respondents who have been participated in land valuation for expropriation met

with the problem of lack of transparency while they were conducting with the task. They said that the expropriator do not want to follow what are established in the law but they follow their own ideas contrary with the expropriation law.

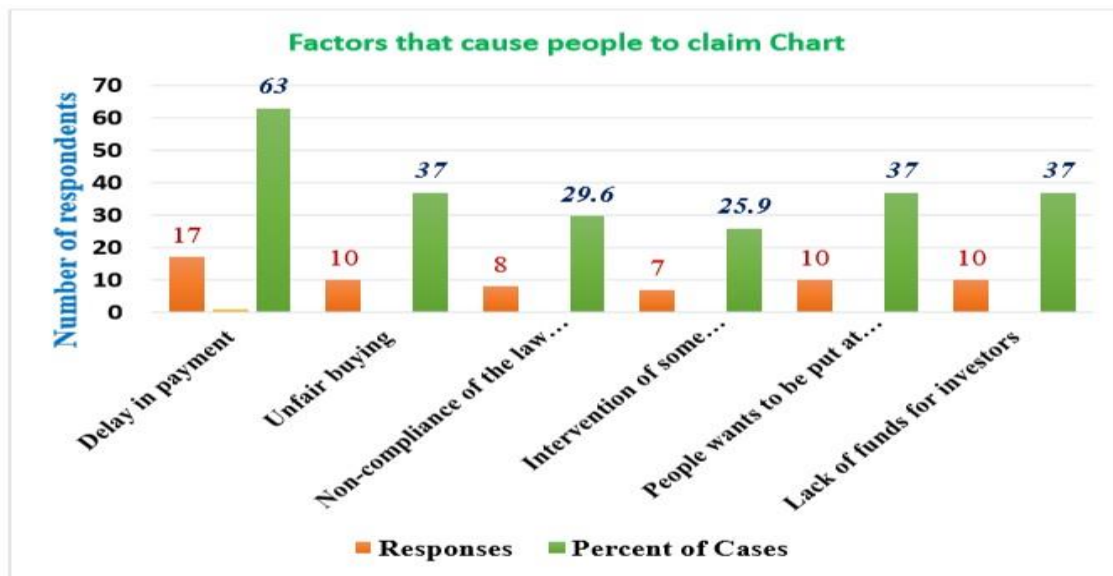
**Table 3.7: Suggested issues that could make the affected people to claim for the unfair compensation they receive**

Causes of complaints	Responses		Percentage of cases (PC)
	N	Percent (p)	
Unfair valuation methods	2	2.8%	7.1%
Lack of updated databank	27	38.0%	96.4%
Poor data analysis of sale evidences	8	11.30%	28.6%
lack of professionalism	14	19.7%	50.0%
Expropriator interference	11	15.5%	39.3%
Lack of transparency	9	12.7%	32.1%
<b>Total</b>	<b>71</b>	<b>100.0%</b>	<b>253.6%</b>

**Source:** Field Survey, October 2018

Table 3.7 indicates what the researcher found that the most reason that could lead to unfair compensation is the lack of updated databank in our country (96.4%). This is a big issue that could be an origin of the claims as there are no where an expert can find the updated value and this make him to determine the compensation based on the outdated prices and come out with the unfair compensation but this issue soon will be overcame because IRPV is working on IRPV APP that will facilitate to connect valuation information with those uploaded in the land center database.

Besides, there is another issue which is the lack of professionalism of both valuers and expropriator (50%). The company that is assigned to conduct the expropriation employs unqualified technicians to conduct the work which creates the lack of professionalism. Those above reasons can be the origin of the unfair compensation and make the people to claim, but they are not always the only ones because there are other factors that could make them to claims as shown in figure 4.9.

**Figure 3. 9: Other factors mentioned that cause people claim during expropriations**

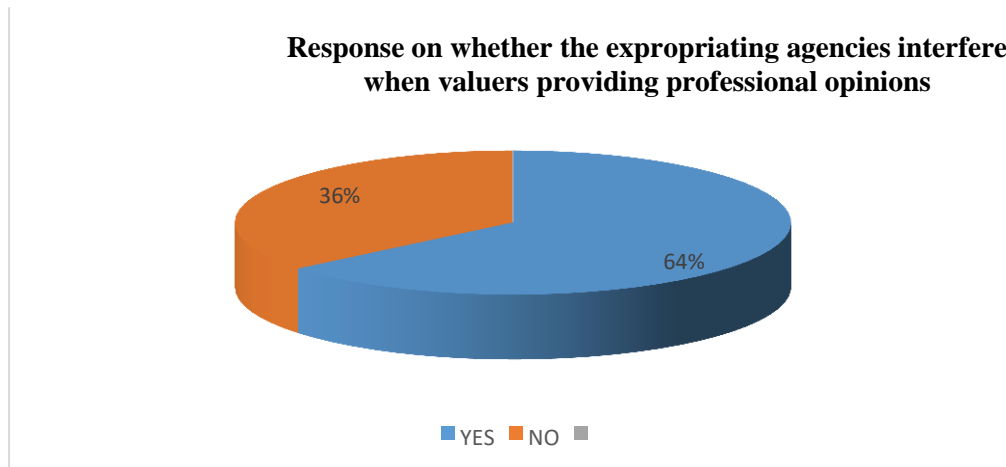
Source: Field Survey, October 2018

Figure 3.9 shows that there are other factors that could lead to unfair compensation, 63% of the respondents said that there is a problem of delay in payment as the expropriator took longtime to pay the affected people (based on the time value of money (TVM). They were paid too late which reflect the compensation to become unfair on the date of receiving compensation, 37% said that there is a lack of transparency in construction process which reflect the building to be costly during construction compared to the market value of the building and this make people to claim as they receive less compensation compared to what they spent in construction, 29.6% of the respondents said that there is a non-compliance with the law, they do what contrary to the law and they make a wrong figure, 25.9% of the respondents said that there is an intervention of some authorities of local administration, people wants to be put at better position and lack of funds for investors each has 37% in leading to unfair compensation that is received by landowners. They said that when people heard that there is a project to which expropriation is going to take place, they began to expect more funds than the true amount, once they do not get what they expect they started claiming.

Lastly, most of the time, the investor has no enough fund to expropriate the affected people, this make the investor to rely on his budget and give few amount compared to what they could get in open market.

Field data showed also that expropriation agencies interfere when valuers provide professional opinions where 64% of the respondents said that there is an inference of government in providing the professional opinion about how much the property is worth on the market. The government enforces the experts to behave unethically and approve the unfair results about the compensation which make the people to claim (Figure 4.10).

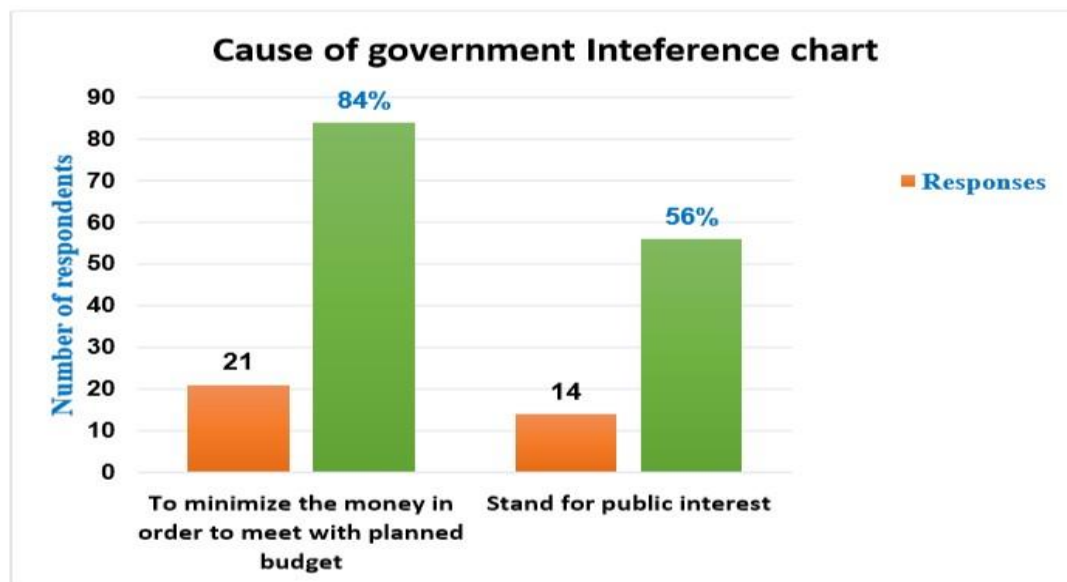
**Figure 3.10: Expropriation agencies interference when valuers providing professional opinions**



Source: Field Survey, October 2018

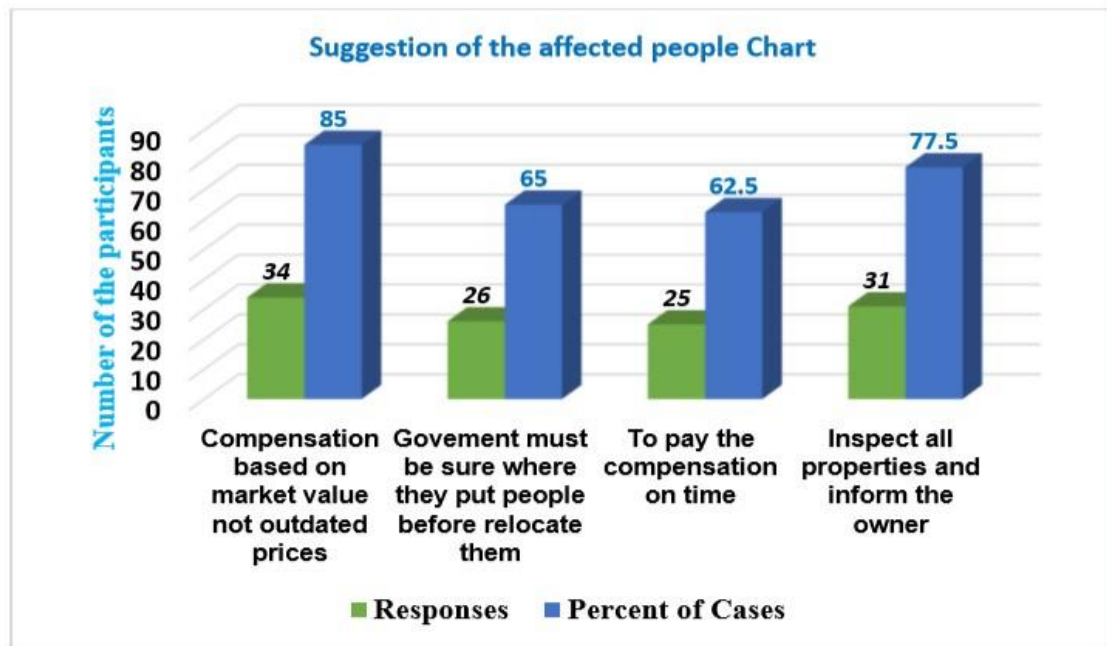
When respondents were asked why expropriation agencies interfere the assessment of properties affected by expropriations, figure 4.11 shows that 84% of the respondents agreed that one of the cause of government interference is that the government wants to minimize the money in order to meet with planned budget of the project to be undertaken and 56% said that the cause of government interference is that government wants to stand for public interest and it does not want to spend more because the project has the interest for those people.

**Figure 4. 11: Cause of government interference**



Source: Field Survey, October 2018

**Figure 3.12: The distribution of the suggestions that were given by the valuers and landowners to reduce the complaints caused by expropriation projects**



Source: Field Survey, October 2018

Figure 3.12 indicates that 85% of the respondents said that the expropriation must be based on the current market value not outdated prices, because they can reflect the fair amount and make people to be comfort and reduces the effects said later on this thesis, 65% said that the government/expropriator must be sure where they put those affected people before relocate them because it can help both government and the expropriatees as it prevent the poverty that can be caused by unfair compensation and eliminate the informal settlement. 62.5% of the respondents said that better to be paid on time as it will reduce the delay in relocation and help them to install in new area too early which reduces some disturbances and keep the value of money (TVM) because 1 Rwandan Franc (RWF) of today is more than 1 Rwandan Franc (RWF) of tomorrow. More than three quarters (77.5%) of these respondents said that the expropriator must inspect all the properties and developments and inform the owner to be present at the time of inspection because some of the respondents said that they did not participate in assessment of their properties which make some of their development to be neglected.

### 3.4.3. Cause of unfair compensation

According the RLMUA as an institution responsible to the expropriation done in Rwanda, there are different causes that can make the compensation to be unfair. The following ones are some of the majors:

- i) Lack of updated prices: Rwanda experiences a problem of lack of databank; updated values about the land and its developments cannot be found.
- ii) Lack of professionalism: Also there is a lack of professionalism in conducting the expropriation for both the experts and governments.

iii) Expropriator interference: The other most of the cause of unfair compensation is the expropriator interference. As I said later in this interview, the expropriation is a political issue rather than the technical consideration as the expropriator wants to minimize the amount of the compensation in order to meet the planned budget.

RLMUA recommended the following to be done:

- i) There must be a certified Valuer/Expert to do the study of the area where the project is going to be held before the implementation of it.
- ii) There must be the valuer at local administrative for both district and sector level ii) New expropriation law published in 2015 should be implemented as it is by focus on: Using the certified valuer in Expropriation as said in Article 23 of that law; having the databank that would help the IRPV to update the prices of land as specified by that in Article 22 of the said Expropriation Law (Republic of Rwanda, 2015).

#### **3.4.4. Sources of injustices in compensation assessment and payment**

The respondents said that there were injustices in compensation assessment and payment. i)

##### **For affected people:**

- ❖ Ignoring some crops and other costs incurred.
- ❖ Their land was degraded due to the project works.
- ❖ Valuers used inadequate prices that led to inadequate compensation
- ❖ Not being allowed to claim on compensation assigned by valuers and short time for claiming
- ❖ Valuers presented interest of expropriator.
- ❖ Forcing people to accept and sign the assessed values/compensation.
- ❖ Assessing values of properties without the presence of their owners ❖ Some were not allowed to harvest their crops.

##### **ii) For Valuers:**

- ❖ —Conflicts of interest and collusion (Property Valuers, local authorities and project owners need the land)l.
- ❖ —Corruption for valuation exercises some of unqualified property Valuers and local authoritiesl.
- ❖ Too high intervention of expropriator and Expropriator influenced Valuers.
- ❖ Insufficient budget for expropriation project. According to information we got from Rwanda Housing Authority —The compensation only considers financial value of the expropriated other social benefits are not given value yet they sometimes stand to be the most importantl.

##### **iii) Criteria Suggested by Valuers to qualify compensation as fair and adequate**

Including the criteria for qualifying compensation as fair and adequate in the expropriation law. —Updating Valuation Law in Rwanda as putting the criteria for conducting Valuation Limiting skills among those valuation professionl and —To improve management and capacity of IRPVl.

iv) The following are the effective measures suggested by respondents to deal with challenges identified to avoid the negative socio economic consequences occasioned by government projects on expropriated persons;

❖ From affected people:

- ✓ To encourage Resettlement in a safe place and consider the life of expropriated people after being expropriated.
- ✓ To increase disturbance percentage from 5% to higher rate than this. □

Consider human rights so as to ensure tenure security.

- ✓ Improve the methodologies that are used in assessing fair and just compensation.
- ✓ Allow independent and very competent Valuers to do assessment not the one appointed by expropriator.
- ✓ Improve people's participation in decision making.
- ✓ Private sector participation in expropriation process and implementation of expropriation projects.
- ✓ Considering all costs incurred by affected people and considers all crops /plants in assessing values.
- ✓ Allow people to harvest their crops before relocation.
- ✓ Updating the list of prices that are used in assessing the properties and crops values.
- ✓ Help people to know and understand expropriation law and ensure that the expropriation law and processes are well followed.
- ✓ Updating the list of prices that are used in assessing the properties and crops values.
- ✓ Transparency in compensation assessment and timely payment of compensation.
- ✓ Consider future values of properties and crops/plants not their present values.

❖ The Valuers suggested the following;

- ✓ To allow independent and very competent Valuers to do assessment not the one appointed by expropriator and to consider all costs incurred by affected people.
- ✓ —To avoid corruption and fraud cases further plague valuation practices.
- ✓ —Improve planning and coordination among institutions involved in expropriation compliance with the proper procedures.
- ✓ —Updating the valuation profession in Rwanda-limited skills among those in the valuation profession, putting clearly the criteria for conduction Valuation. There is also IRPV setting/updating annual land survey prices related to current land market prices.
- ✓ —A person to be expropriated must be informed clearly all process and procedure of expropriation and the benefit on that.
- ✓ —Making improvements in transparency and accountability in the expropriation process.



## **4. DISCUSSIONS OF FINDINGS**

### **4.1. Legal Framework for Expropriation in Rwanda**

Article 29 of the 2003 Constitution of the Republic of Rwanda recognizes the individual's right to private property ownership, noting that, —private property, whether individually or collectively owned, is inviolable.‖ (Republic of Rwanda, 2003) International legal instruments also support this right to private property ownership.

The African Charter of Human and Peoples' Rights, the Universal Declaration of Human Rights, and other international instruments also affirm this right. However, Article 29 of the Constitution (Republic of Rwanda, 2003) does provide an exception to the inviolability of private property—when —public interest‖ requires, subject to fair and prior compensation. The Expropriation Law in Rwanda (Republic of Rwanda, 2015) aligns with international law and best practices, which essentially hold that: 1) —fair‖ or —just‖ compensation must be paid to both nationals and non-nationals who are expropriated; and 2) States must establish and follow clear and transparent procedures that apply equally to all expropriated individuals. Those procedures should regulate the process of the valuation of land, and also create dispute resolution mechanisms to address complaints over valuation and compensation.

In line with these international standards, the 2015 Expropriation Law clarifies the rights of individuals in the process of expropriation, including the valuation and compensation processes. Any individual who is expropriated under the law is entitled to receive —just compensation‖ for the property lost. The law unambiguously dictates that the amount of compensation should be established based on —market prices‖ of the property. Funding for the compensation and for other related costs must be available before taking any steps in the expropriation process and every project must provide in its budget funds to ensure fair compensation of property, including a full inventory of assets of each person to be expropriated. Expropriation Law of 2015 improved the situation of compensation determination where it moves from just compensation to fair compensation. Under this law, new compensable item added is disruption allowance estimated at 5%. This shows that Rwanda is working towards satisfying property owners even though still there is a long way to go because the 5% of disturbance is roughly taken and is not justifiable because losses cannot be based on the estimated values of existing properties, it more than that. This needs to be changed and itemize into different losses like allowance for loss of income, allowance for disturbance, allowance for transport costs, allowance for accommodation and other losses as deemed necessary.

### **4.2. Modes of accessing land in Rwanda**

All the cases of expropriation used for this study, expropriation was used as the way of accessing or getting land to implementation public interest projects in Rwanda. For the case of KIMIHURURA Sector in RUGANDO Cell where the famous Kigali Convention Center is constructed, negotiation was used instead of expropriation. Respondents of this research were asked whether they are other ways of getting land or accessing land other than expropriation, where the majority said that no other ways of getting the land other than expropriation. Those who said that the only expropriation can be used to get land from public interest, have the same reason as the one provided by Omar and Ismail (2005) who said that land assembly through land acquisition is a way out to solve problems with land ownership and land owners' reluctance to offer their land for development.

The other part of respondents answered —YES‖ and they provided other possible ways of getting land without expropriating people from their lands. For example, Government can

purchase land through negotiations; donation from people and government add improvements on site; Forming partnership with land owners and give them incentives to improve their living conditions; land banking; and land confiscation. These findings match with the findings of Kombe (2010) who provided three most common instruments which the government has and can apply to access land. These ways suggested include negotiations and persuasion, legalized force and compulsory acquisition. The case of convention center construction project match with the three options that can be used when the government ordered expropriation in a particular area as provided by the Australia Department of Local Government (2006).

#### **4.3. Best valuation methods that could fit for the land and the reason**

Based on the results displayed later in this chapter, in Rwanda there is a lack of databank as it is said by 63.3% of the respondents and they suggested the market comparison approach for the valuation of the land during the expropriation. According to collected data, the respondents said that the market comparison could lead to fair amount (FMV) at 83.3% and this will reduce the claims of unfair as the valuer will use the current situation/market as basis in determining the value of the land.

#### **4.4. Best valuation methods that could fit for the buildings**

Still the most difficult is the problem of updated prices due to the lack of databank as said by 40% of the respondents, nowhere the experts can find the updated prices of the buildings that can help them to determine the value of the buildings and other related developments, the replacement cost approach would be the best to determine the value of the buildings and reflect the value of the building which is equal to the replacement value of that building taking into consideration the replacement interest of the expropriated people plus allowance of disruption caused by expropriation to be paid to the expropriated person as it is equivalent to five percent (5%) of the total value of his/her property expropriated as specified by the article 28 of the New Expropriation law of 2015 (Republic of Rwanda, 2015). This approach will lead to the fair compensation.

Refer to the information given by the experts of RLMUA about the expropriation as an institution responsible for recording and regulating the expropriation all over the country, they said that there is no databank to help the valuers to get the updated prices about the land and building, also due to the expropriation is somehow political issue rather than technical issue, they suggested that the Market comparison approach would serve as the best approach for determining the land value and replacement cost approach will be the best one for the building while there is no published databank here in Rwanda.

Based on the literature review of this research and also based on the results/data gathered by the researcher during this study, due to the experience, skills, knowledge and practices of the respondents who are the certified valuers, also based of the knowledge and analysis of the researcher as someone who conducted this research, the researcher can extract two approaches that could lead to fair compensation and those approaches are: Market comparison and Replacement coast approach as they reflect the fair amount. These approaches would serve as the basis for the determining the fair compensation received by the landowners and once applied well, this will eliminate the claims of those affected people and they will have good condition of life as they get approximately what they lost during the expropriation while there is no databank, those approaches will be served as the best ones.

The market comparison approach is based on the current market value, the valuers will analyze well the recent sales and come out with the fair prices of the land value, and the replacement cost approach will be an appropriate approach as it considers the replacement value based on the cost of construction. This is done through taking into account the cost to reinstall the building in the other area together with the replacement interest the owner has in his own properties will reflect the fair value for the building. Thus, those two approaches together will reflect the current value of both land and buildings plus the development like crops etc.

#### **4.5. Causes of complaints during expropriation projects in Rwanda**

Valuation for the land and property to be expropriated is needed to come up with fair compensation. The determination of fair compensation is also needed to take into consideration the property and tenure security for the people to be affected by expropriation project. To come up with a fair compensation require the professionals to carry out the valuation practices. Expropriation law in Rwanda states that —The valuation of land and property incorporated thereon shall be conducted by valuers certified by the Institute of Real Property Valuers in Rwanda (Official Gazette N° 35 of 31/08/2015, Article 23).

The determinations of land prices to be used in property valuation were set by considering location (Cell) and proximity to road. Not only that but also the reasons to ignore other factors were not explained (Mugisha, 2015). Additionally, —valuation of property has also incited controversy, particularly following a ministerial order which set reference prices for valuing land in the City of Kigali, prices which are considerably below market values for property (Ikirezi *et al.* 2014), even later, the land prices published in 2018 were collected in 2016, hence still outdated information continue worsening the situation of expropriation in Rwanda. Only, this will be overcoming when the IRPV APP starts working and this is taking time because it was planned to start at the end of 2018 or early in January 2019 but still they are not yet implemented.

These studies show that valuation for compensation in Rwanda is not adequately carried out due to improper way of setting the land prices. The valuation malpractices in Rwanda came from corruption and failure to follow ethical codes of conduct; limited skills among those in the valuation profession; and inadequate management and capacity of the Institute of Real Property Valuers (IRPV) which is comprised of 152 certified property valuer only. Even these certified valuers, most of them lack background of real estate and valuation skills and that is why cost approach is mostly used because many of them are engineers, architects and quantity surveyors.

However, valuation for compensation involves the challenges through practices of determining a fair compensation, these include; pressure exerted on the independent valuers from some expropriating entities which seems to have led some valuers to match the prices with the wishes of the expropriating entity in order to meet the budget allocated to the expropriation project (Hadley *et al.*, 2016). Based on the challenges faced by valuers, low level of coordination among the institution involve in expropriation project and lack of consultation and making the citizens aware of expropriation procedures toward its implementation is main key to unfair compensation.

#### **4.6. Theory or Construct or model generated by the study**

As per findings, Rwanda needs to continue moving forward from fair to full compensation where forgot losses may be added. Based on Expropriation Law of 2015 and experience of

best practices from other countries, moving from fair compensation to full compensation will require to do the following:

- ❖ Matching market value of affected properties with those located where people will be relocated so that they can be able to restore their livelihoods. This can be done also by taking into account the highest and best use of the expropriated land as if vacant and as if improved.
- ❖ Create a databank that will help valuers to use all available valuation methods to determine market value of affected properties.
- ❖ Instead of calculating disruption allowance basing on a rough percentage, it should be clear on what to be included and calculated them separately. We borrow the idea on how losses are calculated in Tanzania where each loss is calculated and each owner receive losses he or she suffered.
- ❖ Compensation entitlement to be called fair or full compensation should include the following compensable items:
  - ✓ (i) Market value of land, crops, buildings or such other unexhausted improvement on land;
  - ✓ (ii) Disturbance allowance (disruption allowance) which is to be calculated by multiplying value of the land by an average percentage rate of interest offered by commercial banks of fixed deposits for twelve months;
  - ✓ (iii) Transport allowance which is the actual cost of transporting twelve tons (12 T) of luggage by rail or road within twenty kilometres (20 Km) from the point of displacement;
  - ✓ (iv) Accommodation allowance computed on the basis of passing monthly rent of the building to be compensated multiplied by thirty-six months;
  - ✓ (v) Loss of profit which is the net monthly profit of the business carried out on the land, and evidenced by audited accounts, multiplied by thirty-six months;
  - ✓ (vi) Cost of acquiring or getting the subject land;
  - ✓ (vii) Interest on delayed compensation payment- an individual will be entitled to interest payment for compensation that has been delayed for six months or more computed at an average rate of interest offered by commercial banks on fixed deposits.

## **5. CONCLUSIONS AND RECOMMENDATIONS**

### **5.1. Conclusion based on hypotheses**

This study used a total of 537 respondents selected from, all provinces, 13 districts, 21 sectors, expropriation entities, valuation companies, valuation lecturers and certified valuers as well as affected communities.

The first hypothesis was that the main mode to access to lands for public projects implementation in Rwanda is expropriation. This hypothesis was proved to be true because the study revealed that in almost all cases of expropriation selected, taking their properties through expropriation disturbed affected people psychologically and economically.

For the second hypothesis which presumed that the main valuation methods for expropriations in Rwanda are replacement cost for improvements and pre-determined land values for lands was also proved to be true because the applicable methods cannot allow people to restore their livelihoods where to be relocated. The results from the research were that there were no specific valuation methods provided by the Expropriation Law. Different valuers used different approaches, some of them used the replacement cost approach for building and follow the government prices established in the official gazette about the land and the others followed the prices which are in the official gazette while they were

determining the compensation payable to landowners. This becomes a big issue as there is no standard approach to be used.

Even though there are no specific approaches, the big problem in determining the compensation for land expropriation is not that one only, but also the lack of updated databank which can be referred on as the basis in order to produce the true value of the subject property and the expropriator interference who wants to minimize the cost in order to meet with planned budget come on the top of the factors that make the determination of compensation to be unfair. The concern of this study is to assess the approaches that are used during the compensation and its impact on compensation. The majority of respondents who are the valuation practitioners said that the approaches were ok but the prices/values they are based on are outdated which make the compensation to be unfair and make affected people to claim.

Analysis from this study that concerns on the assessment of valuation methods/approaches that are used during the expropriation and its impact on compensation, it varies according to the situation of the expropriated area and the purpose or nature of the expropriation practice. The definition of expropriation, the concept of just compensation and the valuation approaches are described in the legislations acts. The possible valuation approaches that could be used after examining the nature of expropriation act and will of the affected people are: Market comparison approach, replacement cost approach and probably income approach when the properties being expropriated is the commercial/business activities. The big issue revealed is that those valuation approaches are not clearly defined in the law regarding to the situation and the nature of the expropriation act. The provision of the practice does not give full responsibility the Valuer the chance of more alternative possible approaches he could apply. Refer to the cases selected and due to the empirical research conducted and the observation of the researcher, this research shows that most of the respondents participated in the study revealed that there are no specific approaches in determining the compensation and also no formal practices of conducting the expropriation.

The third hypothesis stated that the most frequent challenges and complaints met during expropriations are related to the mode used to access lands, under-valuation of affected real properties, compensation payment options, timing of compensation payment and sentimental attachments to affected properties. This hypothesis was also found to be true because complains were many some caused by unfair compensation and compensation payment options used. As the purposes of this study was to explore the approaches that are used and to find out the factors that could lead to unfair compensation. The problem of databank comes in the top of those factors. Hence, there is the most important need to adopt conventional valuation methods/approaches based on prevailing land market values during the expropriation and the consideration of taking into account of the professionalism among the valuers, non-interference of the expropriator and creation of land sales databank would serve the best sources of comparable sales for both comparison and replacement cost approaches to valuation for land expropriation.

## **5.2. Contribution**

This study navigated various sources of documented information on expropriation with its valuation and compensation controversies. By doing this, the researcher wanted to be clear on the grounds of complains for people affected by expropriations. It was found that there are other means of accessing land by government to implement public projects without using expropriation.

For the available data in Rwanda there was no document showing other ways of getting land for public projects. Now, decision makers can see if the provided means of accessing land can help to reduce complains during expropriations. Another input from this study is that

now valuation methods that can be used to determine market value is presented to practitioners.

With these findings, the causes for people's complaints are known from real estate and valuation profession point of view because the available knowledge was confined to the angle or perspectives of lawyers. Also, compensable items for fair or even full compensation is not provided. If the results of this study are applied, complains can be reduced up to 80%. The way of applying these finds is to first amend the expropriation law of 2015 by inserting all those proposed solutions. Resultants can be generalized and relied on because care was taken during data collection and collection of rich-information cases.

### **5.3. Emerging issues and suggestions for future research**

The recommendations that were raised after conducting this research are differentiated according to the general observation of the researcher and the responsibilities. When conducting this research, some issues emerged which needs very serious attention as per the following recommendations.

6.3.1. Recommendations for the Government and expropriating agencies in Rwanda After conducting this research and review the Rwandan legislations on expropriation and compensation, the researcher recommends:

- a) The amendment of the law n° 31/2015 of 05/06/2015 relating to expropriation in the public interest in Rwanda by adding the definition of each valuation method being used to determine the compensation and provide all necessary losses that affected communities suffer and which are currently not compensated.
- b) To provide the databank which will help to update the land prices and building cost and even make them match with the land market value in Rwanda. This means that at least they have to update the databank annually. The law also must be implemented as it is especially in conducting the expropriation in article 23 of that law where it says that the expropriation must be conducted by the valuers who are certified and add valuers with valuation background.
- c) There must be a certified Valuer/Expert to do the study of the area where the project is going to be held before the implementation of it in order to analyze the area and to advise the budget that can be spent in expropriation without assuming the budget with no evidences and appoint at least one valuer at local administrative for both district and sector level.
- d) The involvement of the owner during the inspection of the properties being expropriated must be a must to eliminate the problem of claims due to the fact that there are some development neglected during the inspection.
- e) Governments should ensure that expropriated persons should be compensated for their losses at full replacement cost prior to the actual move; assisted with the move and supported during the transition period in the resettlement site; and assisted in their efforts to improve their former living standards, income earning capacity, and production levels, or at least to restore them.
- f) The government must ensure the expropriated people are given their compensation at time as specified by the law, any delay must be included in the total compensation during payment.
- g) Government must ensure the free responsibility of the valuers to produce their own opinion without any interference
- h) The mobilization of people and local authorities before conducting the expropriation projects.

- i) Considering both financial value and social benefits in assessing compensation because sometimes social benefits stand to be the most important.
- j) To deploy land banking and use of the confiscated lands or negotiations as other means of getting land instead of expropriating people where possible.
- k) Updating the valuation profession in Rwanda-limited skills among those in the valuation profession, putting clearly the criteria for conducting Valuation.
- l) A person to be expropriated must be informed clearly all processes and procedures of expropriation and the benefit on that.

### **5.3.2. Recommendations for valuation practitioners**

- i) Valuation practitioners should be advising the government on the best approaches to be undertaken and best practice regarding how to determine the compensation for expropriation by comparing to the international/worldwide best practices and situation about the expropriation.
- ii) To participate ethically during the expropriation process with taking into accounts the right of the community for their properties.
- iii) Regulations should be specific enough to provide clear valuation guidelines, but flexible enough to allow the valuers to determine equivalent compensation in all situations.
- iv) The valuation methods should be based on the updated prices not the outdated prices and the Valuer should arrange her/himself and get the updated prices through analysis of market sales.
- vii) If market value forms the basis of determining the compensation, laws must clearly state how market value will be assessed and determined.

### **5.3.3. Recommendations for local citizens concerned by Expropriation**

- a) The researcher recommends the population to be aware of expropriation law and participate in the expropriation process themselves and know what the law says about the expropriation. This will make them aware of which compensation item is included and not included in the compensation determination.
- b) The researcher recommends the local community to know their rights, limitations and to suggest the possible tools that can be used to implement the Master Plan and not to interfere the experts but ask them what they do not understand.

### **5.3.4. Recommendations for further researches**

- a) This research was celebrated and validated using data from a sample of 537 respondents. Further research is recommended on assessment of valuation approaches that are used for expropriation and how they can be affected by the lack of updated databank in determining the compensation where all expropriated cases in Rwanda will be surveyed. Further research should consider all valuers who participated in expropriations because in most of cases those certified valuers do not go to the site.
- b) This research was validated using data from sample of 449 affected people during expropriation projects. Further research should be conducted on assessment of how and what are the best criteria of qualifying compensation as fair and adequate and their contribution in ensuring property right and tenure security. The researchers should, at least, deploy data from large sample of lawyers, real estate valuers and the law makers and the people towards broadening the findings produced by this research which has enlightened on complaints during expropriations in Rwanda and provided significant knowledge on the role played by the mode of accessing lands, valuation methods and compensation determination.

## REFERENCES

- Alias, A and Daud, MD. N. (2006), Payment of Adequate Compensation for Land Acquisition in Malaysia. *Pacific Rim Property Research Journal*, Vol 12, no.3, 326-349.
- Amaratunga, D, Baldry, D, Sarshar, D & Newton, R., (2002), Quantitative and Qualitative Research in the Built Environment: Application of —Mixed Research Approach. *Work Study*, Vol. 51, No.1, pg. 17-31. Retrieved from Emeraldinsight.com
- Ambaye, D. W. (2009), Land Valuation for Expropriation in Ethiopia: Valuation Methods and Adequacy of Compensation. PhD thesis. Vietnam: Hanoi.
- Arvanitis, A., Sismanidis, A. and Tsigarda, A. (2008), —Modeling the Expropriation Procedures using UML —The case of Greece, *Nordic Journal of Surveying and Real Estate Research, Special Series*, Vol. 3
- Ataguba, J. O. (2014), Towards a disturbance integrated compensation methods for land expropriation: A case study of Rwanda. Master's Thesis. The Netherlands: Enschede.
- Bartlett. (2002), Urban Children and the Physical Environment. Children and the City Conference, Vol.11-13.
- Belachew, Y. A. (2012), Expropriation, Valuation and Compensation Practice in Amhara National Regional State (ANRS) – The Case of Two Cities (Bahir-Dar and Gondar). *Institute of Land Administration*, Bahir-Dar, Ethiopia: Bahir-Dar University
- Ben. (2013), Expropriation Law. Montebello: Soloway Wright LLP.
- Bjerkén, T. (1990), Expropriation in Sweden. In *Erasmus, G.M. (Ed.). Compensation For Expropriation: a Comparative Study. Vol. I. St. Edmund Hall: University of Oxford.*
- Brown, D., (1991), Land Acquisition, 3rd Edition, Butterworths: Sydney.
- Bui, P.A. (2009), Behind Successful land acquisition-A case study of Van Quan new urban area project in Hanoi, Vietnam, Master dissertation, Massachusetts Institute of Technology, Department of Urban studies and Planning, Master in City Planning
- Cagdas, V. and Stubkjaer, E., (2009), Doctoral research on cadastral development. *Land Use Policy*, Volume: 26, Issue: 4, Pg. 869-889. Published October 2009.
- Cernea, M.M., Mathur, H.M. (2008), Can Compensation Prevent Impoverishment? Reforming Resettlement through Investments and Benefit-Sharing; Oxford University Press: New Delhi, India.
- Creswell, J. W. (2013), Qualitative Inquiry and Research Design: Choosing Among Five Approaches (3rd Ed.). Thousand Oaks, CA: Sage.



Creswell, J. W. (2014), *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 4th ed., ISBN 978-1-4522-2609-5, SAGE Publications, Inc.

Healey, P. (1997), *Collaborative Planning: Shaping Places in Fragmented Societies*, London: Macmillan

Daniel, A. (2009), *Land Valuation for Expropriation in Ethiopia: Valuation Methods and Adequacy of Compensation*. Hanoi, Vietnam, 7th FIG Regional. Hanoi, Vietnam.

Daud and Nasir, Anuar alias and MD. (2008), Payment of Adequate compensation for Land Acquisition in Malaysia. *Pacific Rim Property Research Journal*, Vol 12, No 3.

Davidson *et al.* (1993), *Relocation and Resettlement Manual: A Guide to Managing and Planning Relocation*. Rotterdam: Geneva: Institute for Housing and Urban Development Studies.

Dennison. (2006), *Cripps on Compulsory Acquisition of Land*. London: Steven & Sons Ltd.

Dennison M.S. (2006), Landowner's Evidence of Market Value in Eminent Domain Proceeding. *American Jurisprudence Trials*. Vol 60.

Dennison, M. (2006), Landowner's Evidence of Market Value in Eminent Domain Proceeding. *American Jurisprudence Trials*. Vol 60. pp.447

Denyer-Green, B. (1998), *Compulsory Purchase and Compensation*. Fifth Edition. Estates Gazette. London. 413 p.

FAO (2008), "Compulsory acquisition of land and compensation", FAO Land Tenure Studies 10, Rome, available at [http://www.fao.org/nr/lt/en/lt\\_en.htm](http://www.fao.org/nr/lt/en/lt_en.htm), viewed on 27<sup>th</sup> November, 2011

Geltner, D. M., Miller, N. G., Clayton, J. and Eichholtz, P. (2005), *Commercial Real Estate: Analysis & Investment* (2nd ed.). Cambridge: J. W. Calhoun.

Getachew. (1975), *Expropriation: Law and Practice*. Addis Ababa: Addis Ababa University: Unpublished Senior Thesis at the Faculty of Law.

Hadley, R., *et al.* (2016), The implementation of Rwanda's expropriation law and its outcomes on the population. 2016 World Bank conference on land and poverty. The World Bank. Washington DC. March 14-18, 2016. retrieved from [https://www.landlinks.org/wpcontent/uploads/2016/09/USAID\\_Land\\_Tenure\\_World\\_Bank\\_2016\\_Rwanda\\_Expropriation\\_Law.pdf](https://www.landlinks.org/wpcontent/uploads/2016/09/USAID_Land_Tenure_World_Bank_2016_Rwanda_Expropriation_Law.pdf).

Healey, P. (1998), —Building Institutional Capacity through Collaborative, Approaches to Urban Planning, *Environment and Planning*, vol. 30(5): pp.1531–56

Ikirezi M., Masengo, F. and Knox, A (2014), Implementation of Expropriation Law in Rwanda: Challenges and Ways Forward, *LAND Project Policy Research Brief No.2*, Kigali,

Rwanda: USAID LAND Project. Available at: [https://www.land-links.org/wpcontent/uploads/2016/09/USAID\\_Land\\_Tenure\\_Rwanda\\_Policy\\_Research\\_Brief\\_No-2.pdf](https://www.land-links.org/wpcontent/uploads/2016/09/USAID_Land_Tenure_Rwanda_Policy_Research_Brief_No-2.pdf) Institut Supérieur de Technologies (IST) (n.d): Advanced Research Methods. IST Burkina Faso. Research Methodology Lecture notes.

Kagire, E. (2014), Will Gahanga stadium be ready by 2016? Rwanda Today newspaper.

Kalbro, T. (2001), Compulsory Purchase and Restrictions on Land use. Principles of Compensation in Swedish Law. Royal Institute of Technology, Real Estate and Construction Management, Real Estate Planning and Land Law, Stockholm.

Kauko & Ibimina. (2009), Global Concerns in Compulsory Purchase and Compensation Processes. Finland: International Federation of Surveyors.

Keith, S. *et al.* (2008), Compulsory Acquisition of Land and Compensation. In: Land Tenure Studies. Rome: FAO.

Keliang, Z.; Prosterman, R.; Jianping, Y.; Ping, L.; Riedinger, J.; Yiwen, O. (2006), The Rural Land Question in China: Analysis and Recommendations Based on a Seventeen Province Survey. *Intl. Law Politics*, v38, 761–839.

Knox, A. (May 2014), Implementation of Expropriation Law in Rwanda: Challenges and Ways Forward. Nyarutarama, Kigali: *Policy Research Brief NO. 2*.

Korhonen. (1997), Expropriation of Real Property. General Laws On Expropriation In Finland, Sweden, Norway And England, Publication B81 Of Real Estate Studies And Law. Helsinki University of Technology, Departement of Surveying, Institute Of Law, Espoo.p137.

Komu, F.J. (2014), Conceptualizing Fair, Full and Prompt Compensation – the Tanzanian Context of Sustaining Livelihood in Expropriation Projects. *Journal of Land Administration in Eastern Africa*, Vol. 2 Issue 2, page 252-267

Kumsa, G.K. (2012), Issues of expropriation: The Law and Practice in Oromia. Master's thesis. Addis Ababa University, School of law. Available at: <https://chilot.me/wpcontent/uploads/2013/04/issues-of-expropriation-the-law-and-the-practice-in-oromia.pdf> Larbi, W. O. (2008), —Compulsory Land Acquisition and Compensation in Ghana: Searching for Alternative Policies and Strategies, Session 4 –

LeCompte, M.D. and Goetz, J.P. (1982), —Problems of Reliability and Validity in Ethnographic Research, *Journal of Educational research*, S.2, 31-36

Lei, Y. (2010), Developing On-line Participation Model (OPM) for Land expropriation in china, Master Thesis, International Institute for Geo-Information Science and Earth Observation, Enschede, the Netherlands

Manirakiza, R. (2013), Post War Compulsory Land Acquisition Practice in Burundi: 2000 – 2012. A dissertation, Master of Science (Real Estate) of Ardhi University.

McGuigan. B., (2011), What Is the Differences Between Quantitative and Qualitative Research? Wise GEEK. Available at: <http://www.wisegeek.com/what-is-the-differencebetween-quantitative-and-qualitative-research.htm>

Merriam, S. B. (1998), *Qualitative research and case study applications in education*. San Francisco: Jossey-Bass.

Mugenda M & Mugenda O (1999), *Research Methods: Quantitative and Qualitative Approaches*, ACTS Press Kenya

Mugisha, J. (2015), Compensation for Land Expropriation in Rwanda: The Need for Conventional Approaches to Valuation. *Journal of Land Administration in Eastern Africa*, JLAEA Vol. 3 Issue 1, pg. 296-306, Ardhi University. Retrieved from Journal of Land Administration in Eastern Africa database. NISR (2019), District Baseline Survey. Rwanda. <http://www.statistics.gov.rw/survey/districts-baseline-survey>

Accessed on 10<sup>th</sup> January 2018

Ndjovu, C. and Manirakiza, R. (2013), Compulsory Land Acquisition in Post War SubSaharan Africa: Some Lessons from Burundi. *Journal of Land Administration in Eastern Africa*. JLAEA Vol. 1/1 Issue, Pg. 64-74, ISSN 1821-7575

Nigel Almond & Frances Plimmer (1997), —An investigation into the use of compulsory acquisitions by agreement. *Journal of Property Management*, Vol.

15 No 1 1997

Nkurunziza, D., Kumaran, G.S. & Niyonsenga, D. (2015), Land Value Effects on Kigali Master Plan Implementation, University of Rwanda, College of Science and Technology, GeoTechRwanda 2015 – Kigali, 18-20 November 2015 Kigali, Rwanda, Ministry of Infrastructure, Kigali, Rwanda. Available at

NKURUNZIZA.pdf, accessed on 20 January 2018. Nsengimana, T. (2015), There are loopholes in the implementation of expropriation law, available at <http://www.newtimes.co.rw/section/article/2015-08-03/191215/>, accessed on 10<sup>th</sup> January 2018

Omar & Ismail (2005), Discrepancies in Defining Adequate Compensation in Land Acquisition: A Case Study in Malaysia, 1st REER Conference and General Meeting, UTM City Campus, K.Lumpur, 6-7 September 2005.

Pagourtzi, E., Assimakopoulus, V., Hatzichristos, T. and French, N. (2003), Practice Briefing: Real Estate Appraisal: A Review of Valuation Methods. *Journal of Property Investment and Finance*, 21(4), 383-401.

Patton, M. Q. (1990), Qualitative Evaluation and Research Methods, 2nd ed., Sage Publications Inc., United States of America

Person, M. (2015), Compensation Practices in the Ethiopian Expropriation Process: A Case Study from Amhara National Regional State, Ethiopia.Lund.

Republic of Rwanda (2015), New Expropriation Law & Constitution Revision Commission: Law. Official Gazette n° 35 of 31/08/2015.2015. Kigali.

Republic of Rwanda (2003), Constitution of the Republic of Rwanda. Kigali.

Rose, H., Mugisha F., Kananga, A. & Clay, D. (2016), The Implementation of Rwanda's Expropriation Law and Its Outcomes on the Population. Legal Aid Forum, Paper prepared for presentation at the —2016 WORLD BANK CONFERENCE ON LAND AND POVERTY” The World Bank - Washington DC, March 14-18, 2016. Retrieved from

[https://www.landlinks.org/wpcontent/uploads/2016/09/USAID\\_Land\\_Tenure\\_World\\_Bank\\_2016\\_Rwanda\\_Expropriation\\_Law.pdf](https://www.landlinks.org/wpcontent/uploads/2016/09/USAID_Land_Tenure_World_Bank_2016_Rwanda_Expropriation_Law.pdf).

Sayce, S., Smith, J., Cooper, R. & Venmore-Rowland, P. (2006), Real Estate Appraisal: From Value to Worth. 1st ed. Oxford: Blackwell Publishing Ltd.

Shapiro, E., Mackmin, D., & Sams, G. (2013), Modern Methods of Valuation (11th Ed.). New York: Routledge.

Shrestha, R. (2009), Assessing Transparency in Land Acquisition for Road Development: Case of Outer Ring Road in Kathmandu Valley, Master Thesis, International Institute for Geo-Information Science and Earth Observation, Enschede, the Netherlands

Tagliarino, N.K. (2017), The Status on National Legal Frameworks for Valuing Compensation for Expropriated Land: An Analysis of Whether National Laws in 50 countries

Tumusiime, F. (2012), The Right to Own Property: Towards a Just and Fair Compensation in Uganda's Oil Sector. Governance of Africa's Resources Programme: African perspectives: Global insights.

Van der Walt, A.J. (1999), Compensation for excessive or unfair regulation: A comparative overview of constitutional practice relating to regulatory takings. *South African Public Law* (SAPL) 273-331.

Van Eerd, M. & Banerjee, B. (2013), Working Paper I: Evictions, Acquisition, Expropriation and Compensation: Practices and Selected Case Studies; United Nations Human Settlements Programme: Nairobi, Kenya.

Viitanen, K., Falkenbach, H., & K., Nuuja (2010a), —Compulsory Purchase and Compensation Recommendations for Good Practice. *Proceedings of International Federation of Surveyors (FIG)*, Copenhagen, Denmark, ISBN 978-87-90907-89-1

Viitanen, K., Hung VO, D., Plimmer, F. & J. Wallace (2010b), —Hanoi Declaration Land Acquisition in Emerging Economies, *the International Federation of Surveyors (FIG)* Copenhagen V, DENMARK, ISBN 978-87-90907-82-2

Viitanen, K. (2002), —Just Compensation in Expropriation? JS26 Education of Valuers – Collecting the Substance for Virtual Academy, FIG XXII International Congress, Washington, D.C. USA

Wallace, J. (2010), —Land Acquisition in Developing Economies, International Federation of Surveyors, the University of Melbourne, Australia, available at Web site: <http://www.geom.unimelb.edu.au/people/jwallace.html>, accessed on 11<sup>th</sup> May 2012 World Bank. Land Governance Assessment Framework: Country Reports; World Bank: Washington, DC, USA, 2016.

Wyatt, P. (2007), Property Valuation in an Economic Context. Oxford: Blackwell Publishing Ltd.

Yin, R. (1994), Case Study Research. Design and Methods. Applied Social Research Method Series. Volume 5. Sage Publications. Beverly Hills

Yin, R. (2012), Applications of case study research (3rd Ed.). Thousand Oaks, CA: Sage.

Zhang X.Y & Lu H.Y, (2011), Compensation for Compulsory Land Acquisition in China: To

rebuild expropriated farmers' long-term livelihoods. The institution for research on labor and employment, UC Los Angeles

Zhou, M. (2012), Has Farmers' Livelihood Improved? Case Studies of the Impacts of Compulsory Land Acquisition on farmers' Livelihood in China. Master's thesis, Swedish University of Agricultural Sciences, Uppsala. Retrieved from <http://epsilon.slu>.