

The Concept of Compensation for Expropriated Real Properties and Livelihood Restoration of the Affected Persons. A Case Study Analysis of Batsinda Resettlement in Kigali, Rwanda

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Abstract

Throughout the past two decades, Rwanda like many other African developing countries has witnessed many implementations of projects involving expropriation of land in course of its urban land rapid transformation. Previous studies on in-kind compensation to the property owners in Kigali have revealed that residents in the areas that are envisaged for expropriation in the near future doubt the advantages of this form of compensation. Thus the Government of Rwanda has recently embraced in-kind compensation mode to solve impoverishment problem which has been persistently resulting from monetary compensation in the previous projects. Therefore this paper explores the effectiveness of this newly adopted mode of compensation toward restoration of the livelihood of the affected people. It was evaluated in terms of four key aspects which are land tenure security, housing condition, employment status, and quality of the restored community assets. Structured interviews, self-administered questionnaires, field observation and document review are the methods used to collect both primary and secondary data for this study. During this study, 78% of the participants were aged from 35 years up to 45 years while 89% were male and 11% were female taking into consideration gender aspect. According to land ownership status, all the interviewed Batsinda Settlement residents were the land owners in the Settlement, which gives hope that responses received from property owners are correct enough. The findings of this study revealed that in-kind compensation mode has been effective and successful in delivering some of the desired output. On the other hand, some undesirable outcomes were realized in terms of the dissatisfying replacement house size, market facilities provided and unsuccessful employment restoration in post relocation. This failure was mainly a result of poor planning reflected in the lack of resettlement framework in Kigali, low values of the expropriated properties, poor land valuation practice and suitable resettlement space unavailability. Results also show that 250 houses were constructed on the resettlement site to host the relocated people, but among 336 households who were supposed to relocate only 123 accepted the replacement houses as in-kind compensation while others opted for monetary compensation. Based on the results presented and discussed this study concludes that through the livelihood restoration strategies associated with in-kind compensation, this mode of compensation can improve the livelihood of Project Affected People(PAP) to the extent of increasing land tenure security, improving housing condition and improving access to infrastructures in post relocation. It is therefore recommended that on-site resettlement should be considered as an alternative way of resettling Project Affected People (PAP).

Keywords: Resettlement, Compensation, Livelihood Restoration, Expropriated Real Properties.

1.0 INTRODUCTION

During the past two decades, Rwanda like many other African developing countries had many expropriation projects in course of its urban land rapid transformation (Goodfellow, 2014). Since 1995, the capital city of Rwanda, Kigali, has experienced rapid population growth (NISR, 2014), resulting from the homecoming of the 1994 Genocide refugees and the migration of a lot of low income earners from rural areas looking for job opportunities because it was considered as a site of security when many other parts of the country were still unstable (Smith & Goodfellow, 2013). Due to the stemmed increased pressure on Kigali city urban land, coupled with the lack of reliable urban planning regulations in that era, there was uncoordinated rapid urbanization (Nikuze, 2016), which hence led to the unplanned urban growth (MININFRA, 2015). Many urban poor developed informal settlements mostly on land which was considered risky and unsuitable for residential development (Manirakiza, 2014) or on prime lands in the Central Business District (CBD). These settlements were usually characterized by the high density of poor houses associated with poor sanitation; lack of infrastructures such as Roads, water supply and other basic public utilities (Mugisha, 2015). Challenged with this situation, the government of Rwanda found that urban redevelopment and planning human settlements towards planned, controlled, and well oriented urbanization was the necessary and crucial engagements for the development and general economic growth of the country which would lead to the improved living standards of people (MININFRA, 2015). As result, different policies were adopted starting in mid-2000s aiming at boosting the national economic growth and enhancing living standards through expanding urbanization rate, encouraging internal and foreign investment and developing all sectors of economy nationwide (Ikirezi, Masengo, & Anna, 2014). On course of implementing these policies, big part of urban land under residential use which actually was predominantly occupied by informal settlements were changed into commercial areas to be used for commercial purposes.

The execution of these changes have resulted into projects which mainly consist of construction of multi-storey buildings for offices and commercial uses and provision of public infrastructures especially on the prime lands in the inner-city where the informal settlements have proliferated in the past years. Consequently, many informal dwellers' land had to be acquired through expropriation in order to allocate that land to the potential developers and investors (Uwayezu & Walter, 2019). People affected by expropriation projects (PAPs) in Kigali are entitled to compensation as provided by the expropriation law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest which governs the compulsory land acquisition in Rwanda. This law also provides that compensation to the expropriated people can be paid either in monetary form or in-kind. However, as part of expropriation practice history in Kigali, monetary compensation has been a common mode used to compensate people affected by such projects (Uwayezu & Walter, 2019) but it has been leading to misunderstandings between expropriated people and expropriators (Mugisha, 2015). According to Ikirezi et al. (2014), the main source of those misunderstandings is the valuation of the properties of the affected households which is conducted in contradiction with the legal provisions as reflected in the use of the outdated land prices, due to the desire of the government to minimize the land cost in order to attract more investors. Because of that, expropriated people consider the monetary compensation given to them as inadequate and unfair because they fail to acquire replacement assets with it after their displacement, which lead many to homelessness, joblessness and landless (Rose et al., 2016). Trying to find a better way to compensate affected people, the government of Rwanda has adopted the in-kind compensation mode for expropriated properties, by resettling owners in the replacement houses constructed in the planned urban neighborhoods, as a way of minimizing the problems associated with in-cash compensation (Uwayezu & Walter, 2019). While resettlement which is in our case referred to as an in-kind compensation, is usually considered as a development opportunity to the resettled, different studies have found out that if it lacks the appropriate planning and implementation, it may result into negative effects on PAPs' livelihood and leave them in a worse condition (Nikuze, 2016; Mugisha, 2015; Aboda, Frank, Patrick, & Goretti, 2019; Cernea, 2002; Perera, Amarasena, & Chamindra, 2016).

It was noted by Nikuze et al. (2019) that Kigali residents in the areas that are envisaged for expropriation in the near future doubt the advantages of this form of compensation. The objective of this

study is to learn from the outcomes of in-kind compensation practice in Rwanda with regard to the PAPs' livelihood assets restoration and analyses the successes and challenges associated with that practice to propose areas that need improvement. The study is based on the already completed resettlement project of Batsinda in the city of Kigali where in-kind compensation was applied in 2008. The rationale for choosing this specific project was that it was the only resettlement project implemented in line with in-kind compensation mode for land expropriation in Rwanda that were fully completed when the study was being conducted. Also, this project was the first attempt to use in-kind compensation mode hence it was considered as a pilot project. Being a pilot project it can potentially inform the stakeholder's involved in the future similar projects on the changes/improvements required to make in-kind compensation mode more effective.

2.0 METHODOLOGY

2.1 Description of the Study Area

This study was carried out in Batsinda village which is located in Kigali the capital city of Rwanda. Rwanda is a small country with 26,338 km² located in the great lakes region in the East Africa and share borders with Uganda, Tanzania, Burundi and Congo in a right-handed direction from north (Augustine, 2016). The main economic activities for Rwandans is agriculture as it employs two third of the whole population but due to the hilly topography of the country, 80% of the farmers do just a subsistence one (World Bank, 2016). Kigali is the capital and largest city of Rwanda with the biggest part of the urban population due to the historical reasons which include return of 1994 genocide refugees and migration of people from rural areas mainly seeking employment opportunities and jobs (Nduwayezu et al., 2016). Kigali city is placed between 29°43'0''E and 29°44'0''E of Longitude and 2°35'0''S and 2°37'0''S of Latitude (REMA, 2013).

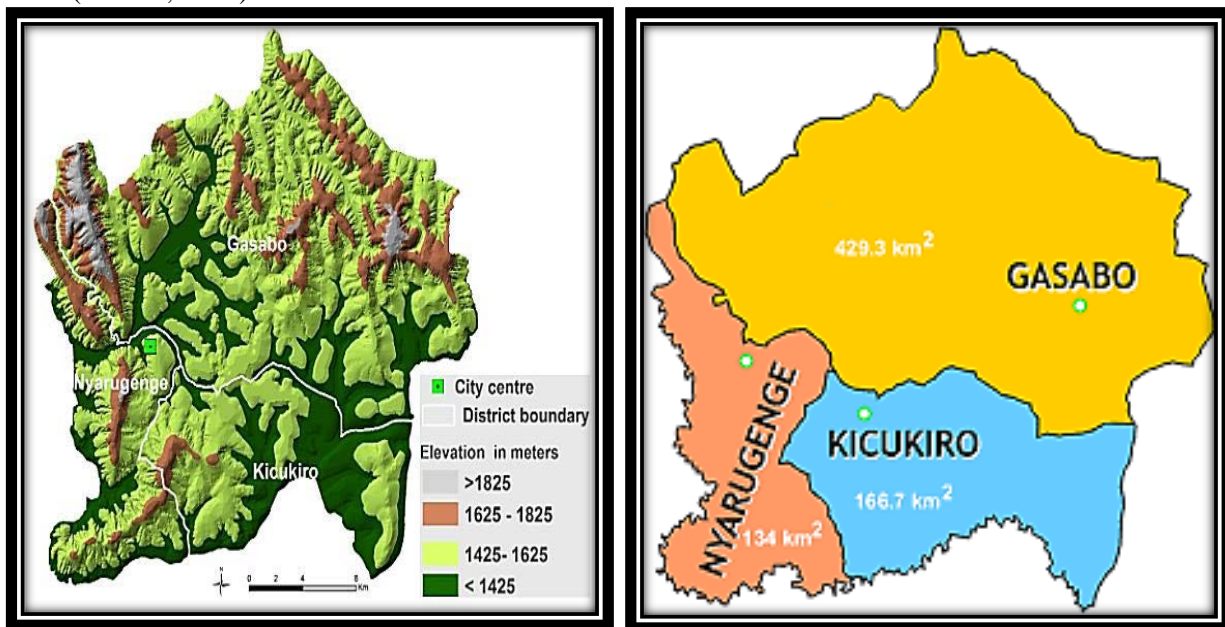


Fig 1: Administrative map and Topography of Kigali city
Source: Kigalicity.gov.rw, 2020 and Nduwayezu et al. (2016)

This city is formed on rough landscape spreading across four edges, separated from each other by huge valleys in between. Kigali is one of five provinces that compose the country of Rwanda and it is divided into 3 administrative districts namely Gasabo, Kicukiro and Nyarugenge. Its lower elevation is roughly 1400 m and thus the highest is 1845 m above the sea level (Nduwayezu et al., 2016). The slopes of the city's hills vary in gradient from inclines of up to 50%, to less than 2% for the wetland areas in the valley. The angles of slopes in Kicukiro District somewhat are less steep compared to those among other districts (UR, 2018). Where housing is formed on steep, sandy slopes, the soil is subject to serious erosion and there

is the danger of landslides throughout the time of year. Land use categorization of Kigali city is sorted into urban and rural clusters and its morphology is characterized by 3 classes of neighborhoods, particularly planned, informal and mixed neighborhoods (UR, 2018; Baffoe et al., 2020). Until 2013, the whole space occupied by urban areas was only 88.40 km² and therefore the remaining portion of 642. 6 km² was rural. Different land use types like mixed use, commercial, industries, infrastructures, public facilities, residential and governmental areas make a total of the built up area of Kigali city (Nduwayezu et al., 2016).

2.2 Data Collection- A Selection of Respondents

Structured interviews, self-administered questionnaires, field observation and document review are the methods used to collect both primary and secondary data for this study. In order to effectively investigate the PAPs' livelihood restoration phenomenon in the context of in-kind compensation practice in Rwanda, one case study was purposively chosen. The case study is Batsinda resettlement in Kigali city. This project consisted of 250 houses construction to receive 336 households expropriated from Ubumwe cell known as Kiyovu cy'abakene which was one of the biggest slums located in the inner Kigali city and had to be cleared in the process of Kigali conceptual master plan implementation. In this project, only 123 households accepted to resettle in the replacement houses offered. Using the total sampling technique, all these households' heads were purposively included in this study's sample size but 120 of them consented to participate. Kigali city one stop center, Rwanda Social Security Board (RSSB), Ministry of Local Governance (MINALOC) and Rwanda Housing Authority (RHA) on the other hand are the main governmental institutions that were directly involved in the implementation of that project hence they were also purposively selected as key informants for this study. Structured interviews, self-administered questionnaires, field observation and document review are the methods used to collect both primary and secondary data for this study.

Table 1: Category and number of respondents

Source: Author's own construct, 2020

Category	Sampled respondents	Consented respondents
Officials in Kigali city one stop Centre	1	1
Officials in RSSB	1	1
Officials in MINALOC	1	1
Officials in RHA	1	1
Heads of the Resettled households	123	120
Total	127	124

2.3 Data Analysis

2.3.1 Socio-demographic characteristics of the respondents

To get a full picture of the general situation of the PAPs who were surveyed, the researchers asked questions about personal information like their current age, gender, former land ownership status and former source of income. In Batsinda project, 250 houses were constructed on this site to host the expropriated households from Ubumwe cell, but 123 among 336 which were expropriated accepted to resettle in those houses all these households' heads were considered by the researcher for this study but only 120 consented to participate. These people explained that prior to the relocation all of them were living in their own houses however most of them owned them informally as only 38% of them are the ones who had at least one document that could serve as a proof of their land ownership. It was also revealed that prior to relocation, except some few families (21%) who had the extra houses which could serve as source of rental income, the majority of people (54%) were involved in casual works like selling different stuffs but not on a regular basis or fixed place, washing or cleaning for their neighbors, currying luggage, and any other kind of informal jobs to support their daily life. The remaining 10% were the contractual workers employed in private or public entities, 29% were self-employed conducting their own small businesses or other professional works like plumbers, electricians, carpenters or masons and 7% were unemployed mainly because of either chronic diseases or old age. This kind of employment is mostly associated with low and unpredictable income.

Table 2: PAPS' Profile
Source: Field survey, 2020

Age in Number of Years	Frequency	Percentage
35-45	94	78%
45-55	15	13%
>55	11	9%
Total	120	100%
Gender		
Female	13	11%
Male	107	89%
Total	120	100%
Employment/Job Type	Frequency	Percentage
Casual	65	54%
Contractual	12	10%
Self employed	35	29%
Not employed	8	7%
Total	120	100%
Land/Home Ownership	Frequency	Percentage
Tenant	0	0%
Owner	120	100%
Total	120	100
Had Ownership Documents	Frequency	Percentage
Yes	46	38
Not	74	62
Total	120	100%
Rental Income	Frequency	Percentage
Yes	25	21%
Not	95	79%
Total	120	100%

2.3.2 Characteristics of PAPs and their residential area prior to relocation

Prior to relocation, Batsinda resettlers were residing in Ubumwe cell, known as Kiyovu cy'abakene which is located in the city of Kigali, district of Nyarugenge, sector of Muhima, and it was close to the Kigali CBD, which was about 15 to 30 minutes of walk or three to five minutes by motorcycle. It was the first place whose residents were relocated in line with ongoing Kigali urban redevelopment project aiming at the implementation of the Kigali master plan because it was located on the prime land of the inner city and were occupied with informal settlers.

2.3.3 Batsinda current residential location of PAPs

This research based on the case of Batsinda site where the first housing project was implemented, for the purpose of accommodating the relocated people from unplanned settlements to the planned formal housing provided in form of replacement houses and given as an in-kind compensation. Batsinda housing project was implemented in 2008, one year after the endorsement of the expropriation law of 2007 and prior to the enactment of the valuation law in 2010. This project consisted of 250 houses that were constructed to receive 336 households expropriated from Ubumwe cell as replacement houses in form of in-kind compensation but only 123 households accepted to be resettled there. Therefore, a house of two bedrooms, living room, bath room, toilet and a small kitchen outside constructed with hydraform blocks was given to each expropriated household. The value for this house was estimated to be 8 million Rwandan francs but it was subsidized up to the price of 3.5 million Rwandan francs to make them more affordable to the PAPs. Prior to the implementation of the project, this area was almost vacant. Except some few residential houses that were there, the other land was agricultural, cultivated by local residents.

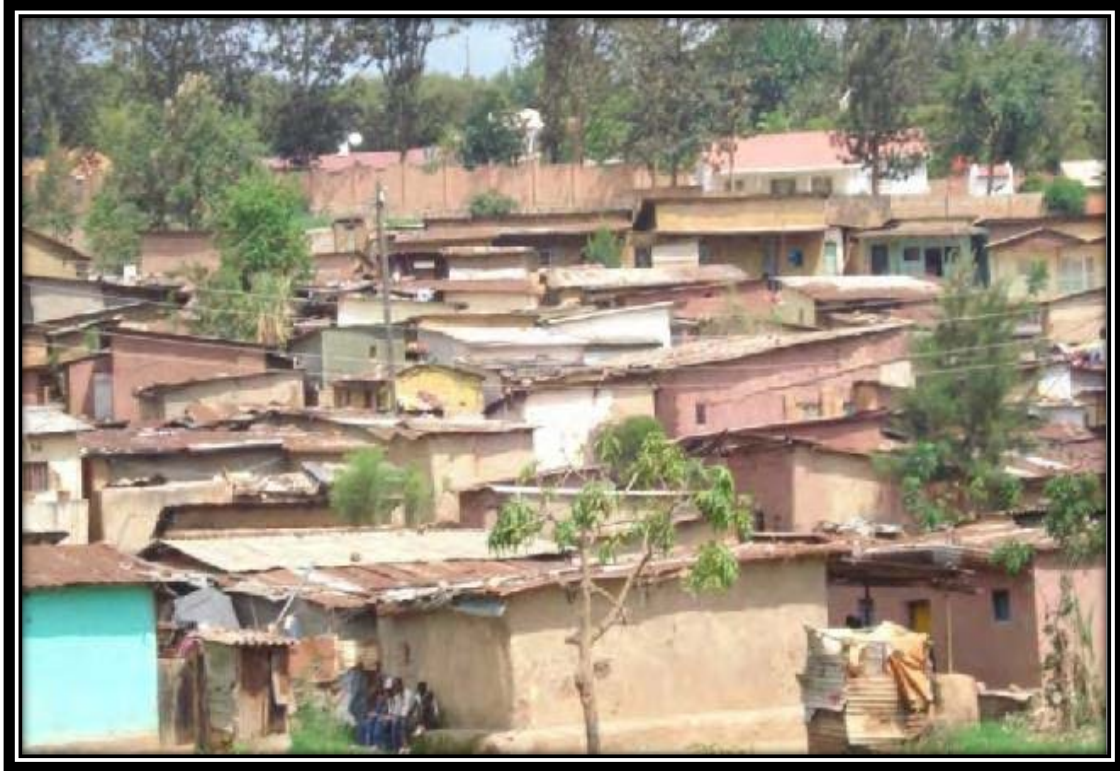


Fig 2: Typical PAPs' former houses in Ubumwe prior to relocation
Source: Bizimana et al., 2012 (the picture was taken in 2009).



Figure 3: Batsinda case study area prior (2006) and after (2020) resettlement of PAPs
Source: Retrieved from Google Earth 2006 and 2020.

This map shows Batsinda resettlement site where the former Ubumwe cell's residents were resettled after expropriation. This site which was almost non-developed in 2006 as shown by the first map, was a bit later turned into a residential area with single residential houses constructed in an organized layout and serviced with main facilities as shown by the above map. This site is located in Kigali city, in one of its district called Gasabo, in Kinyinya sector, Kagugu cell and Batsinda village. The case study area covers a part of Batsinda village which is located in approximately 15 km from the CBD. Based on the information from the local administrative entities development agency (LODA), Kagire (2020) wrote that Kagugu cell where Batsinda is located, is a place which has access to the public facilities including schools, health centers and police station and its population size is 49, 288 distributed in 13,080 households which makes it one of the high densely populated cell in Kigali, and with a low crime rate of an average of 20 cases in a month. Regarding land ownership, generally in Rwanda as provided by the law no 43/2013 of 16/06/2013 governing land in Rwanda, land is accessed by all citizens through emphyteutic leases of up to 99 years for agricultural land and 20 years for residential .This applies for the residents of Batsinda resettlement site.

2.3.4 Community assets restoration

In order to measure the community assets restoration in Batsinda project, the researchers evaluated the quality of different public facilities available on the resettlement site including of roads, transport facilities, sanitation facilities, schools, hospitals, markets and electricity and water services in post-relocation. The following results were found:

Table 3: Ranking results on the community assets restoration measurement variables

Source: Field survey, 2020

Measurement variables (quality of)	RII	Ranking
transport facilities	0.98	1
electricity/water services	0.95	2
sanitary facilities	0.87	3
Roads	0.73	4
Schools	0.67	5
Hospitals	0.61	6

The table 3 shows the high level of improvement in transport facilities, electricity/water services and sanitary facilities in post relocation as reflected by their corresponding RII of 0.98, 0.95 and 0.87 respectively. On the other hand, the RII of 0.73, 0.67, and 0.61 scored by the others variables namely quality of the roads, school and hospitals facilities respectively, indicate that many PAPs did not realize any change in the current quality of those facilities as compared to the former location which means that to them the former situation was restored in the resettlement site.



Fig 4: Roads in Batsinda resettlement site.
Source: Field survey (December, 2020)

However, the lower RII (0.33) scored by the quality of the markets in post relocation indicates the high PAPs' dissatisfaction with market facilities provided on the resettlement site.

2.3.5 Benefits gained from in-kind compensation mode in Batsinda project

Both Batsinda PAPs and key informants revealed that they have observed a number of benefits from the use of in-kind compensation mode in Batsinda project. Firstly, this mode of compensation helped the PAPs to safely resettle their family without any trouble of looking for temporary shelter. On this note, it is important to note that settling in temporary shelter after relocation is one of the main factors associated with monetary compensation which has been leading many expropriated people in Kigali to the chronic homelessness. This mode has also protected the PAPs from the urban exclusion because due to the low values of their expropriated properties coupled with the poor land valuation practices, they could not find another land to buy within the city with that little money. Furthermore, due to the beautiful and more durable replacement house given to PAPs as in-kind compensation, this compensation mode was found more beneficial especially to the PAPs (74%) who had very poor housing condition prior to relocation. PAPs have also revealed that in-kind compensation saved them from the complicated land transactions and construction process which require a lot of capital especially in Kigali where land is very expensive. Unlike monetary compensation, PAPs revealed that in-kind compensation helps them also to maximize the use of their compensation because the temptations and other management problems that are associated with liquid money compensation are avoided.

The information from the consulted key informants which are the governmental institutions have also emphasized that in-kind compensation mode is so much advantageous compared to the monetary compensation which was the most common in previous projects. Through the interview with the researcher, they revealed that this compensation mode supports the provision of the improved and affordable housing to the informal urban settlers which is one of the main goals of the national urban housing policy. It makes the urban redevelopment possible without excluding the PAPs from the city or creating of new informal settlements. It also provides affected people with the improved access to different infrastructures that they didn't have in their former location. Moreover, in-kind compensation mode supports the implementation of the current ongoing Kigali master plan 2020-2050 as the resettlement sites are selected in the planned areas and developed accordingly.

2.3.6 Key challenges encountered in Batsinda resettlement

As previously discussed in the previous chapters, Batsinda resettlement project was adopted as a way of protecting PAPs from the negative effects of relocation and it was adopted, with the main idea being to provide the more modern homes in a planned area within the city with necessary infrastructures, which protects them from urban exclusion and associated deprivations, hence help them to easily sustain their lives in the new location. Therefore, a house of two bedrooms, living room, bath room, toilet and a small kitchen outside constructed with hydraform blocks was given. The value for this house was estimated to be 8 million Rwandan francs but it was subsidized up to the price of 3.5 million Rwandan francs to make them more affordable to the PAPs. Therefore their expropriated properties were valued and if the value assigned is higher than the value of the replacement house given, the balance was given. If the value of the expropriated property was lower, the PAPs had to pay the remaining debt after relocation.

Despite all the benefits gained from this mode of compensation in Batsinda project as discussed in previous section, there are still the encountered challenges that seem to prevent it from achieving the livelihood restoration ideal outcomes. Learning from the previous section, such challenges mainly include the small size of the replacement house given, dissatisfying markets facilities provided on resettlement site and unsuccessful performance of the adopted employment restoration strategies. Furthermore, through the assessment of data from both questionnaires and interviews, various issues were identified in Batsinda project implementation process to be the source of those inefficiencies and they were themed into the aggregated following issues: Poor planning and lack of PAPs participation, Suitable resettlement land unavailability.

3.0 DISCUSSION

Previous studies on in-kind compensation to the property owners in Kigali have shown that residents in the areas that are envisaged for expropriation in the near future doubt the advantages of this form of compensation. Thus the Government of Rwanda has recently embraced in-kind compensation mode to solve impoverishment problem which has been persistently resulting from monetary compensation in the previous projects. This was affirmed by Shobhita and Madhu (2006) who said that compensating people through resettling them in replacement properties may be one of the strategies to mitigate the risks associated with physical and economic displacement resulting from expropriation projects but more further initiatives are required to assist them restore their assets other than house so as to continue their lives as if no relocation has happened.

This study's findings have revealed that the livelihood assets restoration strategies adopted by expropriators are consistent with the IRR model suggestion and other international guidelines for an effective resettlement. While previous pre-resettlement studies on in-kind compensation mode in Kigali reported that PAPs were doubting the advantages associated with this mode as reflected by their unwillingness to move (Nikuze, 2016; Esmail & Corburn, 2019), this study findings revealed that Batsinda PAPs realized many Benefits from it. Firstly, it helped them to safely resettle their family without any trouble of looking for temporary shelter and protected them from urban exclusion or going back to slums as it happened to their fellows who were compensated in-cash. This mode of compensation was also found more beneficial especially to vulnerable households who had very poor housing condition prior to relocation. PAPs revealed that in-kind compensation saved them from the complicated land transactions and construction process which require a lot of capital especially in Kigali where land is very expensive. On the other hand, this study confirmed some undesirable outcomes associated with in-kind compensation mode including smaller replacement house size and loss of employment opportunities related to the remoteness of resettlement site and associated long travelled distances to reach their former jobs, that were predicted by a recent pre-resettlement study (Uwayezu & Walter, 2020). While these researchers linked those deficiencies mainly to the lack of affected people's participation in the resettlement process, this study findings fatherly related them to the poor planning associated with lack of legal guidelines to in-kind compensation practice in Rwanda, low values of the expropriated properties which do not balance with the construction cost of the replacement house given and the unavailability of suitable resettlement land due to the lack of vacant plot in the areas that can suit best as comparable to the land taken.

The unsuccessful components of the adopted strategies seem to obstruct in-kind compensation to successfully fulfil its livelihood restoration obligations. Consequently, these challenges bring up an opportunity for the resettlement projects proponents to draw on these unsuccessful components and improve their approaches in the future. There is a need to consider on-site resettlement as an alternative approach to off-site resettlement. Clear guidelines need to be established for in-kind compensation as an acceptable compensation option as the existing expropriation law does not explicitly provide procedures for this mode of compensation. Valuation practices also should follow the market value principle as suggested by the law, consider the income losses and disturbance allowance, and use the updated reference prices approved by the Ministry in charge to avoid the subjectivity in pricing the PAPs' property which is detrimental to their livelihood and lead to dissatisfaction associated grievances.

4.0 CONCLUSION AND RECOMMENDATION

4.1 Conclusion

Based on the results presented and discussed this study concludes that through the livelihood restoration strategies associated with in-kind compensation, this mode of compensation can improve the livelihood of Project Affected People (PAP) to the extent of increasing land tenure security, improving housing condition and improving access to infrastructures in post relocation. However effort is required to improve the employment restoration strategy used.

4.2 Recommendation

The unsuccessful components of the adopted strategies seem to obstruct in-kind compensation to successfully fulfil its livelihood restoration obligations. Consequently, these challenges bring up an opportunity for the resettlement projects proponents to draw on these unsuccessful components and improve their approaches in the future. Based on this research's findings, the researchers give the following recommendations for improving the in-kind compensation practice so as to ensure the successful PAPs' livelihood assets restoration in the future similar projects:

In order to successfully mitigate the problem of increased joblessness in post relocation which results from the lack of suitable resettlement sites and the remoteness of the chosen sites from the PAPs' former jobs location, the resettlement on site should be considered as an in-kind compensation alternative option for the relocated people.

A resettlement policy needs to be developed on a national level to serve as a guide for the development of resettlement actions plans and livelihood restoration frameworks for the future urban development projects which are likely to affect people's livelihood. These plans should include the PAPs' opinions obtained through the healthy and regular consultations.

Evaluation and monitoring activities are required in post relocation to see how the livelihood of PAPs are progressing and give additional support if necessary. Additionally, there is a need to allocate more financial resources for livelihood restoration activities in order to improve the standard of the replacement houses given and market facilities provided.

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