



**ANALYZING THE BENEFITS OF INVOLVING EXPROPRIATED PEOPLE IN  
EXPROPRIATION PROCESS AND ITS IMPACTS ON THE LEVEL OF  
SATISFACTION IN RWANDA**

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**ABSTRACT:**

Findings of this paper is drawn from a study conducted in Rusasa sector, Gakenke district. This study was conducted in Rusasa sector where it looked at the level of participation of expropriated people and the impact it may bring to the issue of reducing complaints during expropriation projects. The participation can have an impact on the number of the landowners who do not agree with the valuation provided. To conduct this research, researchers used purposive sampling technique and sample size of 79 respondents and primary data collected through questionnaires and interviews while secondary data was collected through reading the existing material. Results from Rusasa sector suggested that there were positive and negative impacts of expropriation and it revealed that there was a great awareness of landowner's participation during expropriation as many respondents said that they have participated in the expropriation process and this reduced the number of people who complained. The research findings indicated that the public meetings attendance (52%), submission of land titles of expropriated properties (27%) and participation in valuation (21%). The research findings gathered from the expropriated persons confirmed that Gakenke district introduced to the local people in Rusasa sector about how expropriation process should be carried out. Findings revealed also the benefits gained by expropriated people during their participation in expropriation process where that 26 respondents (33%) confirmed that there was an intervention in land valuation, 22 respondents (28%) said that there was fair compensation was at 28%, 18 respondents (23%) confirmed that level of satisfaction was increased and 13 respondents (16%) said that corruption in expropriation process was reduced and these benefits changed the standard of living conditions of project affected people. The results of this research have shown that expropriated people have been involved in the whole process of expropriation as it was noticed from the attend public meetings. People were aware of what is going on and people benefited from their involvement and this increased the level of satisfaction as it was indicated by the study findings. Based on the findings, the Gakenke district was recommended to pay compensation on time and the Rusasa sector to sensitize the local people on the submission of required documents on time. People should know the impact of delayed payment of documents on the timely compensation.

**Key words:** *Expropriation, complaints, benefits, participation*

## **INTRODUCTION:**

Land expropriation is described as the compulsory acquisition of privately owned land by a government in the interest of the public (Yvonne, 2014). Ideally, a fair, transparent and participatory procedure should precede a decision to expropriate (Nicholas, 2016). It ought to be done according to the law, which provides procedures for notice to affected landowners, the determination of public interest, and valuation of land, including how to challenge valuation when a landowner does not agree with the valuation provided, and provisions for timely payment of compensation and damages if compensation not paid on time (Ndushabandi, 2017).

In China for instance, those who are using the land are not taken as landowners and all land is gotten through compulsory land resumptions which is the case where ownership of the land is held by government, not the occupants of the land (Balla, 2010). During expropriation state acquires user rights over land for several times and gets it back to the original occupants, where they have only leasehold interests in land and land use of expropriated land is taken into consideration in order to determine payable amount for compensation (Nathanson, 2012). For example, farmland is compensated based on six or ten times of its average values of production in the past three years before being acquired, where compensation for other land is determined by state or its institutions (Chan, 2014).

In Netherlands, municipalities, provinces, water boards and the national government can apply compulsory purchase, the government can initiate the procedures at the beginning of negotiation process and the landowners informed about the procedures in way of promoting the landowner's participations during expropriation in efficient and effectiveness (Ely, 2010). Where this may stimulate them to sell their land voluntarily, the state makes a compulsory purchase plan that exists on a map with a list of all properties and their corresponding entitled persons (Kusiluka, 2011).

Landowners are given a notice of the plan and may respond, after the responses have been processed, the government can demand a royal decree for compulsory purchase with the crown, at this stage state negotiate with landowners and make compensation entitled to them (Van-Straalen, 2014). Even though it is done under laws, the expropriation of land as a precious and essential asset all over the world has been reported by some researches to cause some social and financial negative impacts to the properties owners, which made it to be the source of, complains between the affected land owners, land users and the governments (Melot, 2012).

In Rwanda, major complaints from expropriated landowners include lack of timely notification on expropriation, delay of the compensation and lower prices. The affected landowners have consistently claimed that apart from delayed, the money paid to them does not reflect the existing market force and that declines in their monthly income, which affect their social living conditions (Gatnet, 2012). In order to increase the confidence and trust of the landowner's participation in the expropriation process, the right information should be provided, in the right format and at the right time (Ercan, 2014). The affected landowners should perceive that their interests are acknowledged and taken at heart in the entire process (Ndushabandi, 2017).

Dissatisfactions and objections are the main problems in compulsory land acquisition programs worldwide because to many such acquisitions affect the lives of citizens for good. Land is an invaluable resource to the lives of many people and their future generations (Nicholas, 2016). Major complaints from expropriated landowners include lack of timely notification on expropriation, delay of the compensation and lower prices in Rwanda. The affected landowners have consistently claimed that apart from delayed; the money paid to them does not reflect the existing market force that affect their social living conditions (Ndushabandi, 2017).

The affected people complain often that there is an issue of low level of participation of landowners during expropriation process. They claim that they are not given any explanation about the process of valuation especially in how to get fair compensation. Another issue is about the delay of compensation to the expropriated landowners. Therefore, those serious issues pushed the researcher to explore the level of involvement of the expropriated people in Rusasa sector of Gakenke district.

## **LITERATURE REVIEW:**

### **The participation of citizens during expropriation**

Even though many improvements in land expropriation have been made in many countries around the world to mitigate the adverse impact to displaced persons, the poor implementation of those policies brings them to be the source of negative impact to displaced persons in different corners of life (Balla, 2010). The land expropriation process implemented according to the laws, rules and regulations adopted by the country and the landowner's participation during expropriation depend on the expropriation law of the country.

Landowners are given a notice of the plan and may respond, after the responses have been processed, the government can demand a royal decree for compulsory purchase with the crown, at this stage state negotiate with landowners and make compensation entitled to them (Van-Straalen, 2014). Even though it is done under laws, the expropriation of land as a precious and essential asset all over the world has been reported by some researches to cause some social and financial negative impacts to the properties owners, which made it to be the source of, complains between the affected landowners, land users and the governments (Melot, 2012).

### **Rwanda's expropriation law in comparison to other countries**

The expropriation laws of other countries are also instructive in applying the standards and determining the adequacy of procedure granted in the Rwandan law (Gatnet, 2012). For example, Kenya's land law allows only the national or county government to request expropriation (Kombe, 2010). Any land to be acquired through expropriation must be done for acceptable "public purposes" or "in the public interest" and only after "just compensation" has been paid to the landowners (Ercan, 2014).

The Kenya National Land Commission takes full responsibility for determining all procedural matters related to the acquisition of private land in the public interest, and has wide discretion to determine the procedures and requirements for expropriation through administrative regulations (Kusiluka, 2011). Rwanda's law puts more of the required procedures for expropriation within the law rather than regulations, which is a positive aspect of the Rwandan procedure for increasing the participation of landowners in case of expropriation (Otubu, 2012).

Uganda's structure for expropriations is similar to Kenya's, giving broad discretion to the Minister in charge of land to determine whether the expropriation project is in fact being carried out for a public purpose (Ndjovu, 2014). In Rwanda's 2007 Expropriation Law, the relevant Land Commission and District/City Council are charged with determining if a project is in the public interest when they evaluate and approve applications for expropriation (Republic of Rwanda, 2013). The Ugandan law also requires that notice be given to anyone with an interest in the land to be expropriated, although, like the Rwandan law, it is vague regarding what effect should be given to individual comments and concerns raised through public consultations (Ndjovu, 2014).

### **Population's awareness on land expropriation**

The law of expropriation in Rwanda provides procedures for notice to affected landowners, the determination of public interest, and valuation of land, including how to challenge valuation when a landowner does not agree with the valuation provided, and provisions for timely payment of compensation and damages if compensation is not paid on time (Pottier, 2016). These are all important principles in line with international standards and best practices for expropriation and the implementation of the law, however, has caused some criticism and concern (Mohammed, 2017).

The 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 for main purpose of improving the population's awareness during land expropriation (Ndushabandi, 2017). 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 (Chan, 2014).

In line with these international standards, the 2007 Expropriation Law clarifies the rights of individuals in the process of expropriation, including the valuation and compensation processes in order to increase the awareness of population during land expropriation, during transfer process any individual who is expropriated under the law is entitled to receive "just compensation" for the property lost (Ndushabandi, 2017). 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 (Republic of Rwanda, 2013).

The expropriated households report that “institutional roles in the expropriation process are not clearly distinct which does not enable expropriated individuals to identify the expropriating agencies” (Ercan, 2014). Expropriating entities often use local administration authorities as an interface between them and the population (Kodiaga, 2015). While this proves effective for those entities to get their messages to the population, the process gets frustrating when the affected landowners raise issues that the local administration officials cannot properly address, notably delays in disbursement of compensation (Lenhoff, 2015).

### **The benefits of the involvement of project affected persons during expropriation**

#### ***Intervention in land valuation***

From around 2009, the process of valuing property to be expropriated was based on a reference land prices set by Ministerial Orders, there is a recognition that these reference land prices were not flexible enough to reflect the land market trends and could result in significant losses for landowners. The establishment of the IRPV resulted in less reliance on the reference land prices, which were to be applied only within six months after the publication of law no. 32/2015 of 11/06/2015 relating to expropriation in the public interest.

It therefore appears that any application of the reference land prices and the aforementioned law relating to expropriation in the public interest clearly describes which items should be taken into consideration in the land valuation exercise and the clear land valuation. The role of expropriated households in deciding on the value of land (Rwanda report, 2015). The same law tasks the IRPV to yearly publish the list of land values and prices for property incorporated on the land and the property owners asked the valuers how their compensation were calculated during the valuation of their expropriated properties.

#### ***Fair compensation***

Article 36 of the expropriation law stipulates that, after approval of fair compensation by relevant authorities, the compensation shall be paid within a period not exceeding one hundred and twenty days (120). And, if fair compensation is not paid within the preceding time limit, expropriation shall become null and void unless otherwise agreed upon between the expropriator and the person to be expropriated or the payment exceed with extra-amount of 5%.

Negotiation on compensation option and participation in the calculation of the compensation value are ultimately the rights of property owners and drivers for fair compensation (Balla, 2010). The law grants independent valuers the power to undertake valuations in the presence of property owners. Yet, there is no clause endorsing the participation of property owners in processes such as checking reference prices or asking details on how compensation is calculated (Ercan, 2014). It grants property owners the right to choose among two compensation options: “in cash or in kind.” But the decision on the option or form of compensation is made by expropriating agencies, whether the expropriation is carried out for public or private interest.

#### ***Increased level of satisfaction***

The level of satisfaction increases through the process of counter-valuation which is provided in the expropriation law (Ely, 2010). People who can afford it engage the services of private valuers who carry out a counter-assessment for the value of their properties, submit the resulting report to expropriating agencies in order to appeal for just compensation (Kombe, 2010). However, the outcome of the counter-valuation may sometimes be satisfactory for some people who appeal (Chan, 2014). This happens when negotiations with expropriating agency resulted in paying all amount of money which is claimed through the counter-valuation report (Tagliarino, 2017).

#### ***Reducing corruption***

The Expropriation Law provides specific procedures for expropriation of private land, instituted to protect the rights of individuals being expropriated as well as the community to be served by the project (Allen, 2010). However, to realize these goals of protection of the community, the government’s adherence to those procedures, and whether those procedures are clear enough and accompanied by sufficient safeguards to protect individual rights, this reduces the corruption issues occurred during the carried out of land valuation process (Payne, 2011).

Corruption and embezzlement cases further plague valuation exercises, in Mageragere Sector where Kigali City’s main prison relocated, property valuers and local officials were accused of colluding to reduce the valuation of properties targeted for expropriation in public interests (Kusiluka, 2011). According to its president, the IRPV, which is mandated to rectify these challenges, is still handicapped in terms of financial capacity to

address improper behavior, provide capacity building to registered property valuers, and carry out research on market prices.

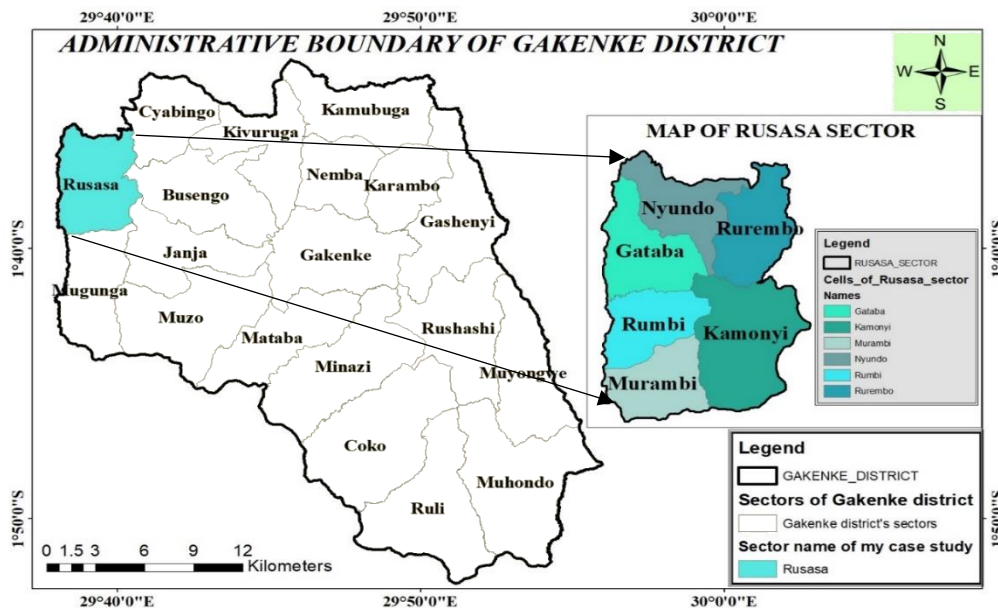
***Improving business facilities***

The landowners give the great advices on the projects being implemented on the public interests through in public meetings of expropriation process, electricity and water projects should be carried out in rural areas (Detienne, 2014). Other project types requiring large amounts of land, such as dams, public service buildings, airports and stadiums happened predominantly in rural areas (Kodiaga, 2015). Business facilities and improved planned housing areas are among the more common types of projects that occur in urban and sub-urban areas. Households in rural settings, villages and urban areas are similar in the share of land they lose due to expropriation (Mohammed, 2017).

**METHODS AND MATERIALS**

**Description of the study area**

This research was conducted in Rusasa sector located in Gakenke district, Northern Province. It is bordered with Busengo sector at its Eastern side, at North-East there is Kivuruga sector and Cyabingo sector at its North, at its west there is Rugera sector in Nyabihu district, at the south there are Mugunga and Janja sectors of Gakenke district. This sector is divided into 6 administrative cells that are Nyundo, Rurembo, Gataba, Rumbi, Murambi and Kamonyi cells, 30 Villages (Imidugudu) and 4,213 Households. The sector has a surface area of 30.258061 Km<sup>2</sup> and a total population of 19, 316 people.



**Figure 1: Administrative boundary of Rusasa sector, Gakenke district**

This means that 100 people’s heads out of 5,370 were the sample size of the respondents from Mukarange sector. A sample size was 100 respondents (77) local peoples and (33) local leaders (sector land manager) were determined from Mukarange sector. Data analysis is a process of inspecting, cleansing, transforming, and modeling data with the goal of discovering useful information, informing conclusions, and supporting decision-making. Data analysis involves actions and methods of presenting results of respondent for each question in the case of achieving objectives and testing hypotheses.

### **Data collection instruments**

Data collection instrument is the way to take the data by using different instrument on field, in collecting data need in this research, questionnaire and interview methods used for the primary data had collected and documentary review for the secondary had collected.

#### **Questionnaire**

According to Gagnon (2010), questionnaire is written or printed from used in gathering information consisting of a list of question to be submitted to one or more persons. The formulation or questionnaire items based on the nature of the problem to be solved and respondents briefed on the objectives of the study. Questionnaires formulated in English and explained in Kinyarwanda and care took to ensure that questions are not subjective and it used to gather information from local people who were expropriated in Rusasa sector and local leaders of Gakenke district as respondents of this study.

#### **Interview**

Interview conduct in way where the research interviewed the responds face to face and record answers into questionnaire form (Bourque, 2011). The behavioral manners of responds during the interviews observed to validate the answers, the purpose of using this method supplemented the questionnaire method of data collection to obtain the qualitative data that can be collected using questionnaire (Kothari, 2015). This research project used interview method in order to obtain real information related to the study where local leaders and local people living in Rusasa sector, Gakenke district were interviewed.

#### **Documentation**

Document is defined as materials, which contain information about a phenomenon that researchers wishes to study. This method was able to obtain secondary data for the study by reviewing the existing information contained in different reports, textbooks, journals and some thesis. The research project used some land expropriation reports stored in Rusasa sector and Gakenke district offices. In addition, the research project used some textbooks, journals, thesis, published and unpublished works for obtaining more information that were used in this research project.

#### **Study population**

The study population is a group of individuals selected because of inclusion and exclusion criteria, which relate to the variables being, studied (Mann, 2015). In this research ,79 landowners were used and these were expropriated in Rusasa sector of Gakenke district and those landowners were selected purposively.

## **RESULTS AND DISCUSSIONS:**

### **Characteristics of respondents by gender**

Table 1 shows the characteristics of respondents by gender according to how they were involved in this research project in order to gather quality data to be used in this research project. Therefore, both male and female were given equal rights of participating in this research project.

**Table 1: Distribution of respondents by gender**

<b>Gender</b>	<b>frequency</b>	<b>%</b>
Male	45	57%
Female	34	43%
Total	79	100%

The table 1 described characteristics of respondents by gender; this research survey was used purposive sampling technique among the expropriated landowners who living in Rususa sector, Gakenke sector. Therefore, 45 respondents which made 57 were men while 34 respondents which made 43% were women. Based on major findings from the field, research found that number of men was higher than women because men were chief of family who were able to know more information related to the expropriation process rather than women. The big

number of men have explained clearly how land expropriation was conducted in their sector while the number of women was very lower because they don't able to explain how land expropriation was carried out in their area.

**Characteristics of respondents by marital status**

The following table 2 indicated the trends in marital status according to how they were participated in this research project survey.

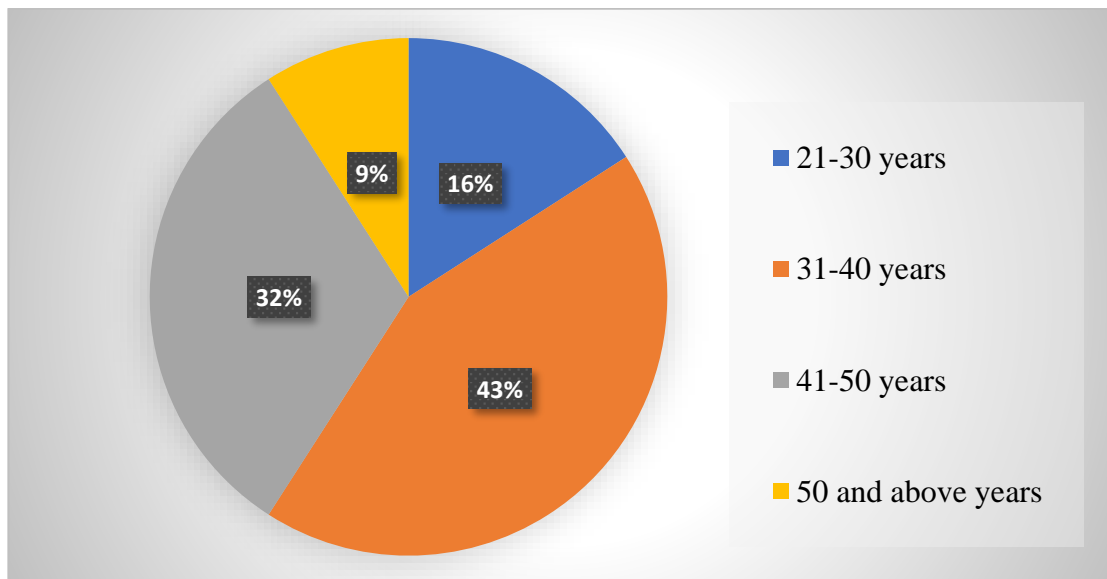
**Table 2:** Distribution of respondents by marital status

Marital status	Frequency	%
Single	15	19%
Married	57	72%
Divorced	7	9%
Total	79	100%

The table 2 described the characteristics of respondents by marital status where 57 respondents were married which made 72%, single equal to 15 respondents which made 19%, and divorced equal to 7 respondents which made 9%. The married respondents had a big number because they know clearly all information related on how land expropriation process conducted in Rusasa sector rather than other status that reason why they had a big number of percentage more than other respondents. The research project found that the married persons had a lot of land parcels expropriated during land expropriation process in Rusasa sector, Gakenke district.

**Characteristics of respondents by age**

The following figure 2 shows the characteristics of respondents by age and they grouped in age intervals.



**Figure 2:** Distribution of respondents by age

Figure 2 described that many respondents were in age intervals from 31 up-to 40 years, which made 43% of the total number of respondents and lowest percentage was the age group of respondents who were among 50 and above years which made 9%. Another range of age was among 21 up-to 30 years which made 16%, and the last range was among 41-50 years which made 32%. The major findings indicated that highest percentage of age intervals were the respondents with the age ranging from 31 up-to 40 years which made 43% of whole total number of respondents because a great number of respondents were in that stage. Therefore, the respondents of this range were able to explain very well the level of landowner's participation during expropriation conducted in Rusasa sector.

### Characteristics of respondents by education level

The table 3 described the contribution of the respondents based on their education levels.

**Table 3:** Distribution of respondents based on education level

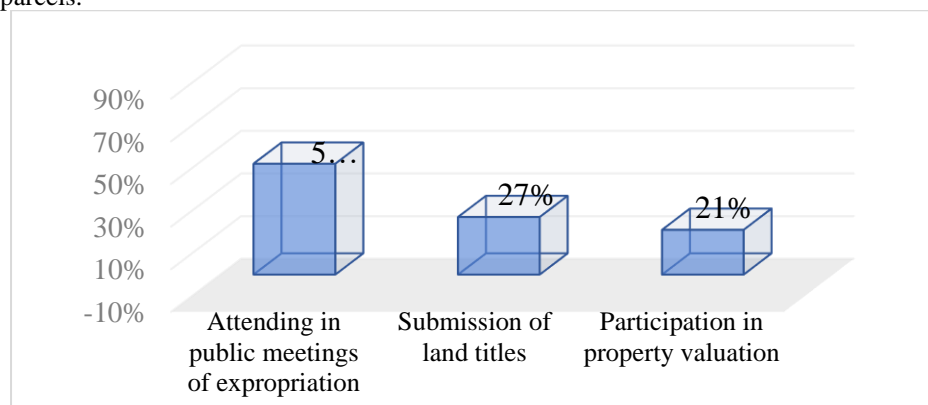
Education level	Frequency	%
Illiterate	17	22%
Primary school	43	54%
Secondary school	16	20%
University level	3	4%
Total	79	100%

Table 3 indicated that the illiterate respondents were equal to 17 respondents which made 22%, at primary school level respondents were equal to 45 which made 54%, at secondary school level respondents were equal to 16 which made 20%, and at the university level equal to 3 respondents which made 4%. Based on research findings, educated people were able to answer clearly all research questions based on their skills and knowledge having on how land expropriation process carried out in Rusasa sector, Gakenke district.

### Findings on the involvement of expropriated people in the case study

#### *The population's awareness on land expropriation in Rusasa*

Based on major findings of this research project, it was confirmed that during land expropriation in Rusasa sector landowners have participated in all activities done during land expropriation process. Respondents said that they have attended the public meeting of land expropriation process in their sector because Gakenke district was in charge of building the power lines in Bumura village of Rusasa sector. Therefore, research findings have indicated that there was a great population's awareness during land expropriation in Rusasa sector and transfer process was done between the expropriated landowners and the government of Rwanda based on the land titles of expropriated land parcels.



**Figure 3:** Population's awareness on land expropriation process in Rusasa sector

The above figure 6 described the population's awareness on land expropriation and transfer process in Rusasa sector, Gakenke district. The research findings indicated that the expropriated landowners attended the public meetings of land expropriation at 52%, submission of land titles of expropriated properties was submitted at 27% and expropriated landowners participated in valuation of expropriated properties at 21%. The research findings gathered from the expropriated landowners confirmed that Gakenke district was introduced for the local people living in Rusasa sector about how expropriation process should be carried out for the public interests among the residents of Gakenke district especially for local people living in Rusasa sector. According to the review of literature



indicates that the acts of public interest and the expropriation law 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 for main purpose of improving the population's awareness during land expropriation (Ely, 2010). The law also indicates the rights of expropriated persons and expropriating entities and other related legal instruments, such as Ministerial Orders relating to reference land prices, expansion of roads, and land leases also influence the expropriation process (Ndushabandi, 2017).

**Benefits of involving expropriated people during expropriation in the case study**

Table 4 indicated benefits obtained during the participation of landowners in the process of expropriation carried out in Rusasa sector, Gakenke district where most of respondents have shown that they got benefits as follows.

**Table 4:** Benefits of involving affected people during expropriation in Rusasa sector

<b>Involvement of landowner in expropriation</b>	<b>Respondents</b>	<b>%</b>
Intervention in land valuation	26	33%
Fair compensation	22	28%
Increased level of satisfaction	18	23%
Reduction of corruption	13	16%
Total	79	100%

The above table 3 described the benefits gained by landowners during their participation in expropriation process carried out in Rusasa sector, Gakenke district. Research findings gathered from the respondents of this research project was indicated that 26 respondents confirmed the intervention in land valuation was at 33%, 22 respondents have shown that the fair compensation was at 28%, 18 respondents confirmed that level of satisfaction was increased at 23% as and 13 respondents said that corruption in expropriation process was reduced at 16%. The research findings have shown that the mentioned above benefits changed the standard living conditions of expropriated landowners during expropriation conducted in Rusasa sector of Gakenke district.

The literature reviews show that the process of valuing property to be expropriated was based on a reference land prices set by Ministerial Orders article 36 of the expropriation law stipulates that, after approval of fair compensation by relevant authorities, the compensation shall be paid within a period not exceeding one hundred and twenty days (120). The level of satisfaction increases through the process of counter-valuation which is provided in the expropriation law (Ely, 2010). The Expropriation Law provides specific procedures for expropriation of private land, instituted to protect the rights of individuals being expropriated as well as the community to be served by the project (Detienne, 2014).

**CONCLUSION AND RECOMMENDATIONS**

This research was intended for exploring the level of participation of expropriated people during expropriation in the case study Rusasa sector. From the findings, it is clear that expropriated persons have participated in all activities done during land expropriation process in Rusasa sector, Gakenke district as it was evidenced by the attended public meeting which made them aware of what was to happen in their area. The study results concluded that that there are some benefits of participation of landowners during expropriation process in Rusasa sector which improved the intervention of expropriated landowners in land valuation process, fair compensation, increasing level of satisfaction and reduction of corruption. Based on the situation in the case study, even though expropriated people were involved in the expropriation process, it was noticed some delay in compensation and the district was recommended to pay the expropriated landowners on regular time in order to reduce the issues or negative impacts of expropriated for the expropriated landowners caused by delaying of compensation. The Rusasa sector was recommended to inform the landowners to submit required documents on time in order to resolve the issues of getting their compensation untimely. Local people were recommended to clear submission of all required documents on time during the valuation process of their expropriated properties because this helps the expropriated landowners to get their compensation on time.

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