

REPUBLIC OF RWANDA



MINISTRY OF INFRASTRUCTURE

Resettlement Policy Framework

**Development of Urban Infrastructure in six Secondary Cities of
Rubavu, Rusizi, Musanze, Muhanga, Huye and Nyagatare of Rwanda,
and the City of Kigali**

Final Report

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ACRONYMS AND DEFINITIONS

AIDS	Acquired Immune Deficiency Syndrome
CAC	Cell Adjudication Committee
CoK	City of Kigali
CSO	Civil Society Organisations
DDC	District Development Committee
DDS	District Development Strategy
DLOs	District Land Offices
EDPRS II	Second Economic Development and Poverty Reduction Strategy
EMF	Environment Management Framework
ESIA	Environment and Social Impact Assessment
ESMF	Environmental and Social Management Framework
GDP	Gross Domestic Product
GoR	Government of Rwanda
HIV	Human Immunodeficiency Virus
JADF	Joint Action Development Forums
LODA	Local Development Agency of Rwanda
M&E	Monitoring and Evaluation
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MINICOM	Ministry of Trade and Industry
MININFRA	Ministry of Infrastructure
MINIRENA	Ministry of Natural Resources
MTR	Mid Term Review
NDIS	National Decentralization Implementation Secretariat
NGO	Non-Governmental Organizations
NLC	National Land Commission
OP	Operational Policy
PAP	Project Affected Persons
PCDP	Public Consultation and Disclosure Procedures
PMU	Project Management Unit
PPP	Public Private Partnership
RAP	Resettlement Action Plan
RDB	Rwanda Development Board
REMA	Rwanda Environment Management Authority
RGAC	Rwanda Governance Advisory Council
RGB	Rwanda Governance Board
RHA	Rwanda Housing Authority
RNRA	Rwanda Natural Resources Authority
RPF	Resettlement Policy Framework
RRA	Rwanda Revenue Authority
RSTF	Rural Resettlement Task Force
RTDA	Rwanda Transport Development Agency
SIA	Social Impact Assessment
WASAC	Water and Sanitation Corporation
WB	World Bank

Definition of Terms used within the Resettlement Policy Framework (RPF) Document

Unless the context dictates otherwise, the following terms shall have the following meanings:-

1. "Affected people" refers to people who are directly affected socially and economically by World Bank-assisted investment projects caused by:
 - a. relocation or loss of shelter
 - b. loss of assets or access to assets loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
 - c. the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
2. "Associated projects" means any subprojects or activities which are directly related to the planned infrastructure development in the six secondary cities.
3. "Census" means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
4. "Environmental and Social Management Framework (ESMF)" is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the infrastructure development program and other activities associated with this project regardless of funding agency in the six secondary cities. The framework will set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument will be prepared as a separate and stand-alone document to be used in conjunction with this RPF.
5. "Compensation" means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
6. "Cut-off date" is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
7. "Project affected persons" (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their:
 - a. standard of living adversely affected, whether or not the Project Affected Person must move to another location ;
 - b. right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
 - c. access to productive assets adversely affected, temporarily or permanently; or
 - d. business, occupation, work or place of residence or habitat adversely affected.
8. "Involuntary Displacement" means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
 - a. Loss of benefits from use of such land;
 - b. relocation or loss of shelter;
 - c. loss of assets or access to assets; or
 - d. loss of income sources or means of livelihood, whether or not the project affected

person has moved to another location.

9. "Involuntary Land Acquisition" is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
10. "Land" refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
11. "Land acquisition" means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
12. "Rehabilitation Assistance" means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
13. "Resettlement and Compensation Plan", also known as a "Resettlement Action Plan (RAP)" or "Resettlement Plan" - is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
14. "Replacement cost" means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;
15. "Replacement cost for agricultural land" means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:
 - a. preparing the land to levels similar to those of the affected land;
 - b. any registration, transfer taxes and other associated fees;
16. "Replacement cost for houses and other structures" means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:
 - a. Building materials
 - b. transporting building materials to the construction site;
 - c. any labour and contractors' fees; and d) any registration costs.
17. "Resettlement Assistance" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,
18. "The Resettlement Policy Framework (RPF)" is being prepared as an instrument to be used throughout the planned infrastructure development program implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans ("RAPs") for the infrastructure development in the six secondary cities will be prepared consistent with the provisions of this RPF.
19. "Resettlement Action Plan": see Resettlement and Compensation Plan above,
20. "Vulnerable Groups" refers to:
 - a. Widows, the disabled, marginalized groups, low income households and informal sector operators;

- b. Incapacitated households – those no one fit to work and;
- c. Child-headed households and street children
- d. Including among other things, persons characterised by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

1. INTRODUCTION

1.1. Project Description

The Urban Development Project for six secondary cities and the City of Kigali (CoK) of Rwanda will include a number of infrastructure activities, such as construction of secondary urban roads, drainage, medium to small scale water and sanitation facilities, small scale solid waste management interventions, street lighting, etc. which will potentially trigger the Bank policies WB OP 4.01 – Environmental Assessment, OP 4.11 – Physical Cultural Resources and OP 4.04 – Natural Habitats. The policy on Natural Habitats may be relevant to the project, as several of the secondary cities are located in proximity to lakes, rivers and wetlands, which may require specific design and/or mitigation measures. World Bank Operation Policy on Involuntary Resettlement OP 4.12 will also be triggered as there is a risk that informal settlement upgrading in secondary cities and Kigali may result in displacement of households and expropriation of land. As part of the World Bank requirement for safeguards to ensure that the project either completely avoids or minimize such negative impacts, the Government of Rwanda (GoR) is required to prepare a Resettlement Policy Framework (RPF).

This document is a policy framework developed by Ministry of Infrastructure (MININFRA) of the GoR to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during the implementation of the Government of Rwanda and World Bank funded project for the development of urban infrastructure in six secondary cities of Rwanda including Rubavu, Rusizi, Musanze, Muhanga, Huye and Nyagatare; and in Nyarugenge District of the CoK. The RPF includes brief description of the project and project components; a description of the anticipated subproject types and their locations; the programme implementation arrangements; details of the project and project components for which land for resettlement is required; the principles and objectives governing resettlement preparation and implementation; a description of the process for preparing and approving resettlement plans; census of the population that will be affected and or displaced by the project and likely categories of affected/displaced persons, to the extent feasible; eligibility criteria for defining various categories of affected persons; gap analysis of the fit between Rwanda laws and GoR policies and regulations, and Bank policy requirements including measures proposed to bridge any gaps between them; detailed methods of valuing affected assets; organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer; a description of the implementation process, linking resettlement implementation to civil works; a description of grievance redress mechanisms; a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements; a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and arrangements for monitoring by the implementing agency and or independent monitors.

The RPF is not a resettlement plan for the project, but a framework to upstream socioeconomic considerations as per the design and implementation frameworks of the various sub-projects of the RUDP. The RPF provides an overall guidance on how to assess the social impact of for various sub-projects under RUDP, and how to manage the displacement and resettlement of the project affected persons in lieu of the anticipated involuntary displacement. The justification for this framework is from the following reasons:

- (a) Civil works under this project are many and cover seven different cities spread across Rwanda. Construction and rehabilitation works of urban infrastructures under the RUDP will certainly enhance some environmental and social negative impacts such as loss of livelihoods, disruption of traffics, disruption of established roadside markets, impact on the vulnerable persons, soil erosion, dust emissions, loss of trees, contamination of land from spillage of oils and diesels, discharge of both solid and liquid wastes.
- (b) The specific locations of civil works within the cities are not definitely defined at the moment pending the completion of the infrastructure designs at a later stage by the MININFRA. However, based from established needs and aspirations of the citizens and local authorities made clear in through the citizens engagement exercise held across the seven beneficiary cities, most of the project will be within selected sites. In this context, the implementation and indeed construction of proposed infrastructure will change and impact the social settings of project sites.

1.1.1. Background to the Project

With funding from the World Bank, the Government of Rwanda (GoR) through the Ministry of Infrastructure (MININFRA) is in the process of preparing an investment proposal to support the development of six secondary cities of Rwanda including Musanze, Rubavu, Nyagatare, Huye, Rusizi, and Muhanga; as well as development of infrastructure in Agatare areas of Nyarugenge District in the City of Kigali. The proposed investment aims to improve urban management, infrastructure services and local economic development. The key project elements components include:

- a) *Performance Based Grants to Support Infrastructure Investments for Basic Services* (including settlement upgrading) in the secondary cities of Rubavu, Rusizi, Musanze, Muhanga, Huye, and Nyagatare that have been identified in the National Urbanization Strategy to serve as poles of future urban and economic growth. The focus will be on supporting district governments in improving core infrastructure and services in the core urban centres of these six districts. Districts would be provided with grants based on their performance in critical institutional areas such as urban management (including, but not limited to, procurement, financial management, revenue collection, and planning and budgeting).
- b) *Facilitating Local Economic Development in the six secondary cities.* Linked to the infrastructure investments, support will be provided to secondary cities in promoting local economic development this could include infrastructure investments to facilitate markets, and technical assistance to district governments in enabling and partnering with the private sector (e.g., through guidance on Public Private Partnership (PPP) arrangements).
- c) *Upgrading of the Agatare Informal Settlement in Nyarugenge District of the City of Kigali.* This intervention includes planning, facilitation and implementation of the Agatare neighbourhood upgrading intervention, and is intended to serve as a pilot for testing approaches for community based urban regeneration that can subsequently be scaled up to other parts of Kigali and to secondary towns.
- d) *Technical Support for the Implementation of the National Urbanization Strategy.* Targeted capacity building support will be provided to districts and national government agencies working to enable an equitable urbanization process which also promotes economic growth. In the six secondary cities the focus will be on (a) improving urban management, spatial planning systems through use of GIS and support to the ongoing effort to revise master

plans, as well as enhancing the capacity of cities to plan, develop and execute capital investment plans in view of their long term urbanization trends, (b) supporting the development of a systematic methodology and approach on urban upgrading (e.g., land sharing for housing, community roles in housing development etc.) and for sharing its knowledge between Kigali and other districts, (c) at the national level, support could be provided to national government entities such as RHA to establish an urban observatory, including the systematic collection of data on demand and supply aspects of housing.

- e) *Project Management Support*: Support will be provided to the implementing agencies at national level and to the Districts on project management, including for the recruitment of staff as needed (e.g. engineers, financial management, procurement, Social and Environmental Safeguards specialists). The districts may also be provided with technical assistance for managing and implementing infrastructure works.

1.1.2. Project objectives and outputs

The overall objective of the proposed project is to support Rwanda's urbanization process by delivering basic services that will improve living conditions and promote local economic development. The project is guided by Rwanda's Urbanisation and Rural Settlement Sector Strategic Plan 2013-18, which appropriately recognizes and calls for the need to ensure socially equitable development and environmental integrity in all urban infrastructure developments. The Sector Strategy promotes the development of secondary cities while creating a network of urban and urbanizing centers. Additional overall urban development guiding principles to be followed in preparing this project are: (a) designs which will encourage densification of the cities, resulting in reduced urban infrastructure and services costs, (b) local economic development must also be taken into consideration in the dialogue with the cities as to investment options, and (c) the investment options must be ranked as well using social inclusive growth as a major criteria.

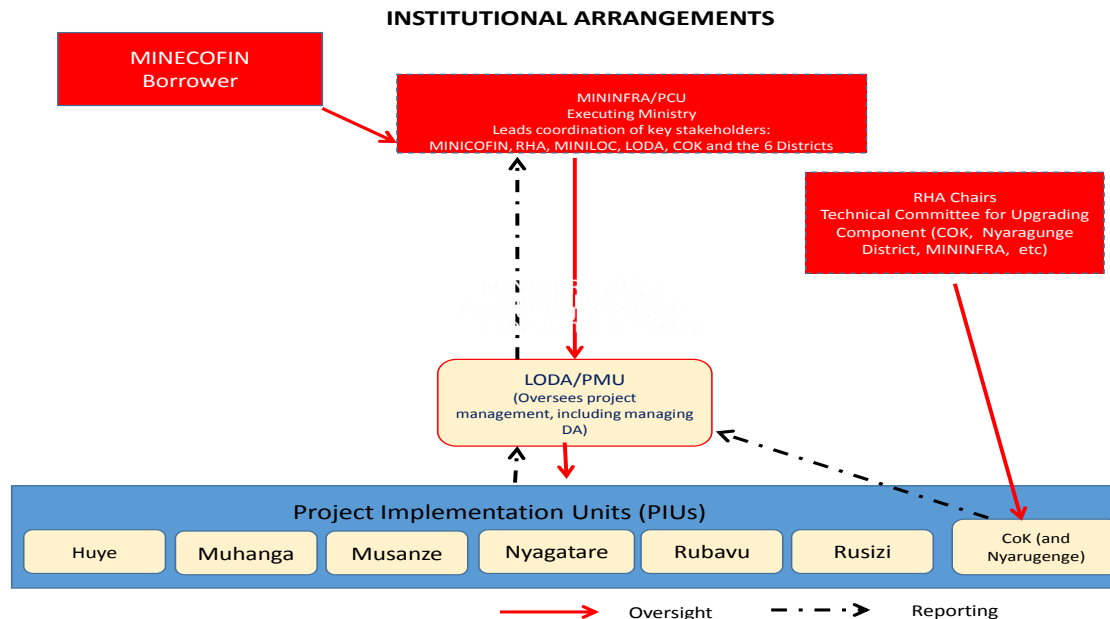
1.1.3. Anticipated subproject types and locations

The project will be executed for following six secondary cities of Rwanda that include: Rubavu, Rusizi, Musanze, Muhanga, Huye, Nyagatare. Additionally, Infrastructure up gradation studies will be carried out for Agatare, Nyarugenge District, CoK.

1.2. Infrastructure development program implementing arrangements

The Urban Development Project is about enhancing the service delivery in urban sectors of secondary cities and CoK. This project to handle challenges of the secondary cities and the project expansion requires effective coordination among key actors including LODA, RHA, RTDA, RRA, WASSAC together an effective means of citizen engagement in planning, implementation and monitoring of the planned infrastructure. Key aspect of the Urban Development Project will be learning by doing through peer learning, collaboration with private sector in service delivery and economic development, and promoting and ensuring inclusive urbanization.

1.2.1. Institutional Arrangements



The Central Government, principally MININFRA, LODA and RHA, will have an oversight role over the implementing agencies which include the Districts of the six secondary cities and Nyarugenge District of the CoK. The oversight will include coordination and monitoring of performance of implementation of the respective subprojects, risk management, implementation of RAPs and EMPs, monitoring & evaluation and disclosure of information, developing and putting in place performance agreements, and developing and implementing the communication strategy for Urban Development Project. The MININFRA will be the project executing Ministry with the key role of coordinating the implementing agencies (Districts with six secondary cities and CoK) and other key players including relevant Ministries (MINECOFIN, MINALOC, MINIRENA, MINICOM), Provincial Administrations with the concerned Districts, RGB, RHA, RTDA, LODA, WASSAC, RRA, REMA & RDB among others.

LODA will be responsible for management of the funds, and will host the Project Management Unit (PMU). LODA will also manage and oversee the implementation of the subprojects by the beneficiary Districts and CoK. The project implementing agencies will include the Districts of the six secondary cities and Nyarugenge District of the CoK. The roles of the implementing agencies will include:

- Contracting and implementing physical works, according to agreed procurement procedures
- Managing sub accounts (SOEs etc) according to agreed FM arrangements
- Providing quarterly financial reports on physical and financial progress
- Environmental and Social Safeguards Implementation
- Informing and engaging citizens
- Resolving Grievances and complaints
- Ensuring availability of district officers

Under each District the Executive Secretary will be directly responsible for effective implementation of the project. Implementing agencies will also be directly responsible for the following activities in preparation of the project:

- Review investment priorities identified by Feasibility Study Consultants
- Consult locally – CSO, private sector, communities etc

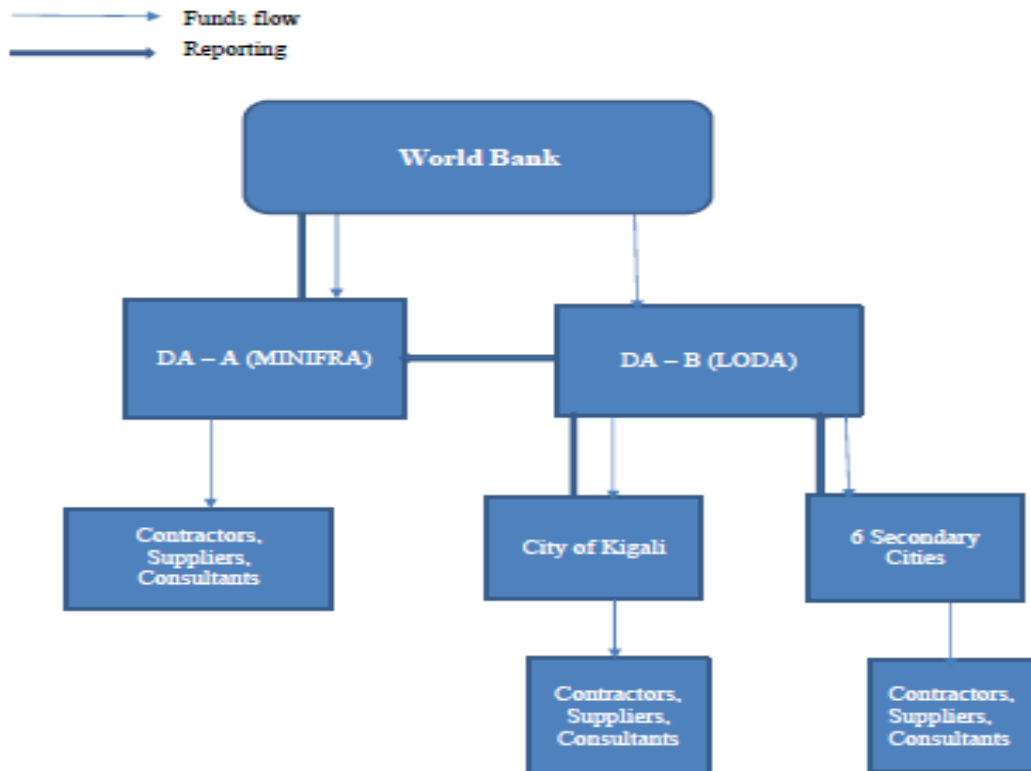
- Confirm selection of subprojects by citizens and local authorities – this exercise was undertaken through technical consultations with local authorities and citizen engagements led by local authorities in the month of October 2015.
- Collaborate closely with consultants preparing the project (FS & Safeguards consultants)
- Disclose executed budget for 2014/2015 by December 2015

1.2.2. Implementing support from LODA

- Single Project Implementation Unit (Municipal Engineer/Coordinator, Financial Management Specialist, Social and Environmental Safeguards)
- Capacity and Implementation Support Team
- Construction Supervision Consultants

1.2.3. Funding and Funds Management

Funding of the Urban Development Project for the six secondary cities and Nyarugenge District of the CoK, will be provided by the Bank and GoR. In this project, as is typical for all dealings of the Bank with GoR, the borrower will be MINECOFIN, however to support decentralization efforts the project funds will be provided to the District through LODA. MININFRA will have a project account for national coordinating activities. The Districts will be responsible for management of the expenditure of the allocated funds for the investments, and the funds for resettlement costs will be borne by the Districts. Proposed funds flow scheme is presented below:



Source: World Bank Mission

1.2.3.1. Funds allocation procedure options

Phase I allocation:

All the six Districts will receive same amount of US\$ 4million giving a total initial disbursement of US\$24million; and CoK will receive up to US\$10 million for the Nyarugenge District in respect to the Agatare area infrastructure development.

Phase II allocations:

Phase II allocation will be based and triggered by performance measurements at the Mid Term Review of the first phase with performance ward options of either fixed amount of say US\$ 5million per District of the undisbursed amount at the MTR, or using allocation of top-up grant using a formula such as phase II allocation equal to base allocation + top up.

2. PRINCIPLES AND OBJECTIVES OF THE RPF

2.1. Rationale and objectives of the Resettlement Policy Framework

2.1.1. Rationale

Although the preliminary studies and assessments recognized the positive social and economic impacts that the project is envisaged to generate, there is a concern regarding the possible social and environment risks and impact may arise and therefore need to be ascertained and their mitigation measures developed as key requirement for GoR and the Bank before approval of such projects.

The subproject activities of the proposed RUDP for the development of urban infrastructure in the six secondary cities and CoK Project would inevitably lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources for attendant communities. This will trigger the relevant laws and policies in the country and the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) and as a result there is need for resettlement planning and implementation.

The development of a Resettlement Policy Framework will guide the preparation of the Resettlement Action Plans (RAP) or Abbreviated Resettlement Plans for the respective project sites in the six secondary cities and the CoK. This RPF will thus serve as the framework within which Resettlement Action Plans will be developed when the project is certain of the locations and specific impacts of the project.

2.1.2. Objectives of the RPF

The objective for the RPF is to set out the policies and legal framework, principles, institutional arrangements, schedules and indicative budgets that will take care of anticipated resettlements and other social impacts. These arrangements are also to ensure that there is a systematic process to guide the different stages of the implementation of the measures outlined in the framework for addressing the different types of resettlement. This process shall also consider the participation of affected persons, involvement of relevant institutions and stakeholders, adherence to both World Bank and Government policies, procedures and requirements on involuntary resettlement; and shall delineate compensation for affected persons as appropriate. The specific objectives of the RPF are to:

- i. Establish the resettlement and compensation principles and implementation arrangements for the GoR and World Bank funded project for the urban infrastructure development in the six secondary cities of Muhanga, Musanze, Rubavu, Nyagatare, Rusizi and Huye; and CoK in Rwanda;
- ii. Describe the legal and institutional framework underlying *Rwandan* approaches for resettlement, compensation and rehabilitation;
- iii. Conduct gap analysis between the Rwanda laws, regulations and policies, and the policies of the Bank regarding resettlement, compensation and rehabilitation;
- iv. Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- v. Describe the citizen engagement processes and procedures and participatory approaches involving PAPs and other key stakeholders; and
- vi. Provide detailed procedures for filing grievances and resolving disputes that have been

during consulted upon through citizen engagements.

2.1.3. Key Principles of RPF

This RPF will apply to all sub projects and activities that will lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources, whether permanent or temporary. The procedures outlined in this RPF will be carried out throughout preparation and implementation of the project and subproject, and impacts of any potential resettlement will be included in Monitoring and Evaluation (M&E).

When a Resettlement Action Plan (RAP) is required it will be prepared in accordance with guidance provided in this RPF, including Property Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation (Citizen Engagements) and Disclosure Procedures (PCDP). This RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12), as described in Annex 1. This RPF seeks to ensure that any possible adverse impacts of proposed project activities to people's livelihoods are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks will be minimized by:

- Avoiding displacement of people as much as possible;
- In the event that displacement is inevitable, having a well-designed compensation and relocation process in place;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs and their well-being and restore livelihoods.

The GoR is financing the feasibility studies, designs, Social Assessment, EMF, RPF, ESIA and RAPs (for investments that have been identified) preparation for the respective subprojects under the urban infrastructure development project for six secondary cities and CoK, which if approved by GoR and the Bank will trigger approval processes for funding for implementation of the project.

2.1.4. Scope of the RPF

This RPF covers the following key areas:

- Project Description and Rationale
- Legal and Institutional Requirements
- World Bank Safeguards Policies
- Gap analysis between GoR and the Bank policies of resettlement, compensation and rehabilitation
- Basic Socio-economic Information
- Estimated Population and Categories of Affected People
- Eligibility Criteria for Categories of Affected People
- Entitlement Matrix for Resettlement and Compensation
- Methods for Valuing Affected Assets
- Organizational Arrangements and Procedures for Delivery of Entitlements
- Consultation and Participation of Affected People
- Disclosure and Notification
- Grievance Redress Mechanisms
- Implementation Schedule

- Budget and Funding Arrangements
- Monitoring Arrangements

2.2. Potential for Adverse Social Impacts

Based on the feasibility study carried out for project for the urban infrastructure development in six secondary cities and CoK, this project is an infrastructure project and therefore has potential for adverse negative social impacts that will require Environmental and Social Assessment (WB OP 4.01), land acquisition and resettlement.

The proposed project would likely have direct impacts on areas where the proposed roads and sanitation and drainage infrastructure will be constructed. Other negative impacts would be as a result of acquiring land for rock and soil disposal, construction of construction camp sites and access roads. The people occupying or using the respective lands would be permanently displaced and they will lose assets and properties and access to their social and economic livelihoods. Vulnerable people within the project demarcations will be the most affected as the project is likely to deteriorate their already vulnerable situation. As identified during the feasibility study, specifically, the urban infrastructure development project for six secondary cities and CoK could have the following impacts;

- Possible loss of land for road construction and expansion, sanitation and drainage infrastructure
- Loss of social and economic livelihoods of the PAPs
- Impact on the roadside communities during transportation of the construction equipment.
- Concerns relating to management of excess cut to spoil materials during the construction phase of the project.
- Loss of vegetation through clearances of the sites and access roads.
- Soil erosion concerns which will likely arise through loose soil materials causing sedimentation
- Noise and vibrations from equipment and the workforce
- HIV/AIDS impacts due to influx of people in search of work opportunities in the project.
- Air Quality concerns likely to arise from project works
- Possible increase in crime rate in the areas of the project.
- Impacts on socio-cultural sites
- Impacts on biodiversity areas of high conservation concerns (Important Bird Areas-IBAs, national and central forest reserves etc).

3. POLICY AND LEGAL FRAMEWORK FOR RWANDA

3.1. Introduction

This RPF will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Rwanda as well as the standards of the World Bank's OP 4.12 on Involuntary Resettlement (and, in case of any discrepancy between the two sets of standards, those most advantageous to PAPs will prevail). Rwanda's relevant legal and institutional framework is presented in four sections:

- i. Laws on Property and land rights, as defined by Rwandan law and customary practice;
- ii. Expropriation/acquisition of land and compensation of land and other assets;
- iii. Grievance Resolution Mechanism, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and,
- iv. Comparison between national legislation and World Bank OP 4.12, using equivalence and acceptability standards.

3.2. Laws on Property and Land Rights in Rwanda

3.2.1. National Land Policy, 2004

The Policy is premised in the National Development Strategy of Rwanda (Vision 2020). Its main objective is to put in place and operationalize an efficient system of land administration and land management that secures land ownership, promotes investment in land for socio-economic development and poverty reduction. The policy provides for land tenure systems, guiding principles of land management, an effective & efficient land registry, and land transactions.

According to the National Land Policy, all Rwandese enjoy the same rights of access to land, without discrimination against women or any other vulnerable persons. All land must be registered for security. The National Land Policy specifies that marshlands are a special category of public land and their use, for those earmarked for it, must be done in the form of concession. All marshlands are governed by a special legislation which must be vigorously enforced. Marshlands meant for agriculture should not be cultivated except after adequate planning and environmental impact assessment.

3.2.2. The National Gender Policy, 2010

The Vision of the National Gender Policy is to set the Rwandan society free from all forms of gender based discrimination and see both men and women participate fully and enjoy equitably from the development processes. The main mission of this policy is to contribute to the elimination of gender inequalities in all sectors of national life, in order to achieve the nation's goal for sustainable development. Resettlement activities for the urban infrastructure development project for the six cities and CoK will involve and affect both men and women in terms of loss of property and both genders are expected to be treated equally thus this policy will be relevant.

3.2.3. The Organic Land Law No 08/2005 of 14/7/2005

Article 3 of this law stipulates that land is part of the public domain of all Rwandans; ancestors,

present and future generations. With exceptions of the rights given to people, the state manages all the land in Rwanda. This is done in the public interest aimed at ensuring sustainable, economic development and social welfare, in accordance with procedures provided for by law. In that regard, it is the state that guarantees the right to own and use the land. The state also has rights to expropriation due to public interest, settlement and general land management through procedures provided by law and after appropriate compensation.

Article 4 requires that any person or association with legal personality has the right over the land and to freely exploit it as provided for by this organic law in Articles 5 and 6. Any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over the land.

Under Article 7, the rights over the land acquired from custom and the rights acquired from written law are equally protected. According to the law, all owners of customary land (persons who inherited the land from their parents), those who acquired it from competent authorities or those who acquired it through any other means recognized by law, whether purchase, gift or exchange, have right over that land.

The law categorizes land based on two criteria: (1) Land Use and (2) Land Ownership. Article 9 recognizes two categories of land use: urban land and rural land. Urban land is defined as land within the legal boundaries of towns and municipalities as well as land in suburbs and collective settlements of towns and municipalities. Any other land is rural land. Land ownership is divided into the following categories: individual owned land and State land (whether urban or rural). Individual land is comprised of land acquired through custom, written law, acquisition from competent authorities, purchase, gift, exchange and sharing (Article 11).

State owned land is further categorized into two sub-categories: public domain and private State owned land (Articles 12 and 13). State land for public domain includes land reserved for public use, for use by organs of state services or for environmental protection. Private state owned land consists of all other state owned land not considered to be part of public domain.

The Organic Land Law also provides two types of formal land tenure: full ownership/freehold and leasehold. Following the privatization of land ownership on 09/04/2007 and change from State ownership, increasingly land owners and users have acquired land titles either as freehold or under leasehold land tenure. This means that PAPs will receive compensation as individual land owners unlike in the past where land was communally owned (customary) or state owned. The Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts are being made under the Law (Article 7) to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights are being encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N°001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).

All types of land tenure must be in compliance with the designated land use and environmental protection measures as outlined in the Land Use Master Plan (Organic Land law No 08/2005 of 14/07/2005, article 6).

In addition, the Organic Land Law sets a legal framework for property law under Articles 5 and 6 which provides for full ownership of land, and requires any person that owns land (either through

custom or otherwise) to be in conformity with the provisions of this law. It is important to observe however that full ownership of land is only granted upon acquisition of a land title issued by the general land registrar authority. Once the efforts to provide proper land tenure documentation are completed, ownership of land without proper documents such as land title will not be deemed lawful and thus in the event of circumstances like expropriation, under the Organic Land law, one may not be able to benefit from a fair and just compensation package.

3.2.4. Rwandan Constitution 2003

The Constitution of Rwanda, Article 11 stipulates that all Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.

Rwandan Constitution recognizes that every person has a right to private property whether personal or owned in association with others (Article 29). The private property, whether individually or collectively owned is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.

Under Article 30, it is stipulated that private ownership of land and other rights related to land are granted by the State. The law specifies the modalities of acquisition, transfer and use of land. Exceptionally, the right to property may be overruled in the case of public interest. In these cases, circumstances and procedures are laid down in the expropriation law and subject to fair and prior compensation based on Article 29 of Rwandan Constitution.

The property of the State comprises of public and private property of the central Government as well as the public and private property of decentralized local government organs (Article 31). The public property of the State is inalienable unless there has been prior transfer thereof to the private property by the State.

3.2.5. Ministerial Order No. 001/2006 of 26/09/2006

This Order provides for the structure of land registers, the responsibilities and the functioning of land bureaus in each district (Article 1). However, this Order does not apply to land specified in articles 12, 14, 15 and 72 of the Organic Land Law n° 8/2005 of 14/07/2005 determining the use and management of Land in Rwanda (Article 2).

Article 3 of this Order stipulates the following land registers; Cadastral register, Short term lease and long term lease contracts. Chapter 2 (Article 3-4) highlights the structures of land registers while responsibilities are stipulated in Chapter 3 (Article 5-7) of this order. According to this order, the overall responsibility of implementing the land policy lies with the Land Bureau (Article 5-7). Functioning of the land Bureau is stipulated in Chapter 4 of this order.

3.2.6. Law N°55/2011 of 14/12/2011 Governing Roads in Rwanda

Article 1 states the purpose of this Law. This Law regulates the road network in Rwanda and determines its reserves, classification and management.

The management and maintenance of the National Roads shall be under the jurisdiction of the Rwanda Transport Development Agency as stated in article 6. Works meant for national roads maintenance and development shall be funded by the Government. The District or the City of Kigali has the responsibilities as regards to the routine maintenance of the part of the national road passing over it and its surroundings.

Article 15 states the width of national roads, Districts, and City of Kigali roads and those of other urban areas - Class One

The minimum viable widths of the lane of a roadway shall be three metres and a half (3.5 m) not including the drainage ditches and embankments.

Article 16 of the law states the width of national roads, Districts and City of Kigali roads and those of other urban areas - Class 2. The minimum width of the roadway in Districts and City of Kigali roads and other urban areas - Class 2, not including drainage ditches and embankments shall be six (6) metres.

In suburbs and at the entrances of towns, grouped settlements and agglomeration, the width of a road may be increased when it is deemed necessary. In addition to such width, each road must have a large piece of land for drainage ditches, embankments, dumps and sidewalks on all integral parts of the road.

National roads which do not conform to the above-mentioned width requirements for their respective class at the entry into force of this Law shall be gradually widened as required in article 17 within the existing resources of the country. The widening of a road shall be done after expropriation of the people near the road in accordance with the law to secure the land needed.

The road reserve for national roads as stated in article 22, Districts and City of Kigali roads and those of other urban areas -Class One shall be demarcated by two parallel lines at twenty two (22m) meters on both sides of the road from the median line. The road reserve for Districts and City of Kigali roads and those of other urban areas -Class 2, shall be delimited by two parallel lines at twelve (12) meters on both sides of the road from the median line.

The authority responsible for roads depending on the class of the concerned road may give a written notice to whoever violates the provisions of Articles 29 and 30 of this Law ordering him/her to remove within a prescribed time limit, a structure that has been erected without authorization.

3.2.7. Law N° 43/2013 of 16/06/2013 Governing Land in Rwanda

Article 1 states clearly the purpose of this Law. This Law determines modalities of allocating, acquisition, transfer, use and management of land in Rwanda. It also establishes the principles applicable to rights recognized over all lands situated on Rwanda's national territory and all rights united or incorporated with land, whether naturally or artificially. Article 3 recognizes land as part of the common heritage of all the Rwandan people: the ancestors, present and future generations. For that reason it states that, only the State has the supreme power of management of all land situated on the national territory, which it exercises in the general interest of all with a view to ensuring rational economic and social development as defined by law. Therefore, the State is the sole authority to accord rights of occupation and use of land. It also has the right to order expropriation in the public interest.

The land law clearly categorizes land in the public domain of local Government under article 13 as 1° land reserved for public activities and infrastructures of local authorities;

- 2° Districts and City of Kigali roads and that of other urban areas linking different Sectors headquarters within the same District, or those roads that are used within the same Sector with their boundaries;
- 3° arterial roads that connect Districts roads to rural community centres that are inhabited as an agglomeration with their boundaries;
- 4° land reserved for public cemeteries.

For state land in the public domain, article 14 states that land in the private domain land consist of all the land that is not included in State land reserved for public activities or infrastructures and land that does not belong to public institutions or local authorities or individuals.

3.2.8. Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest

The Expropriation Law provides for public dissemination on the importance of the project to be established and the need for expropriation. Article 12 of the Expropriation Law stipulates that the relevant Land Committee, after receiving the request for expropriation, shall examine the basis of that project proposal. In case it approves the basis of the project proposal, the relevant Land Committee shall request, in writing, the District authorities concerned to convene a consultative meeting of the population where the land is located, at least within a period of thirty (30) days after receipt of the application for expropriation, and indicating the date, time and the venue where the meeting is to be held. The relevant Land Committee shall take a decision within a period of at least fifteen (15) days after the consultative meeting with the population.

This Law determines procedures relating to expropriation in the public interest. Expropriation is the taking of private property in the public interest aimed at development, social welfare, security and/or territorial integrity for public good or State interest. An expropriator is a government organ with responsibilities and powers conferred by law to carry out expropriation in public interest. An Act of public interest is defined as an Act of Government, public institution, non-governmental organization, legally accepted associations operating in Rwanda or an individual with a public interest aim. According to Article 5, acts of public interest include roads and railway lines; water pipes and public reservoirs; water sewage and treatment plants; water dams; rainwater pipes built alongside the roads; waste treatment sites; electric lines; gas and oil pipelines and tanks; communication lines; airports and airfields; motor car parks, train stations and ports; biodiversity, cultural and historical reserved areas; facilities meant for security and national sovereignty; hospitals, health centres, dispensaries and other public health related buildings; schools and other related buildings; Government administrative buildings and those of public institutions; public entertainment playgrounds, gardens and buildings; markets; cemeteries; genocide memorial sites; activities to implement land use and development master plans; minerals and other natural resources in the public domain; any other that is determined by an Order of the Minister in charge of lands, on the Minister's own initiative or upon request by relevant public institution.

Article 3 stipulates that it is only the Government that shall order expropriation in the public interest, and must be done with prior and fair compensation. The law also bars anybody from interfering of stopping expropriation "on pretext of self-centred interests". Accordingly Article 3 provides for any underground or surface activity carried out with in public interest on any land but with due and fair compensation to the land owner.

Article 4 requires that any project, at any level, which intends to carry out acts of expropriation in the public interest, must budget and provide funding for valuation of the property of the person to be expropriated and for fair compensation.

The expropriation law under article 5 lists all activities of public interest including roads and others that include the following:

- 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;

The application for expropriation in the public interest as stated in article 10 contains the following information:

- 1° the nature of the project;
 - 2° the indication that the project aims at the public interest;
 - 3° the master plan of land where the project will be carried out;
 - 4° the document indicating that the project has no detrimental effect on the environment;
 - 5° the document confirming the availability of funds for fair compensation;
 - 6° the explanatory note detailing that such land or place suits the project;
 - 7° the minutes indicating that the concerned population was sensitized about the project and its importance; study indicating consequences on living conditions of persons to be expropriated.
- However, the master plan referred to in item 3° of Paragraph One of this Article particularly indicate the following:

- 1° the plan or maps indicating the demarcations of the land where activities shall be carried out;
- 2° the nature of assets on that land;
- 3° the list indicating holders of rights registered on the land titles;
- 4° the list of authorized beneficiaries of property incorporated on that land.

Article 17 states that, after the publication of the decision on expropriation in the public interest and the list of holders of rights registered on land titles and property incorporated on land, the land owner shall not develop any other long-term activities on the land. Otherwise, such activities shall not be compensable during expropriation.

Article 10 provides for the process for initiating the request for expropriation in the public interest; and lays out the content of the application for expropriation as follows; information on the nature of the project; the indication that the project aims at the public interest; the master plan of land where the project will be carried out; the document indicating that the project has no detrimental effect on the environment; the document confirming the availability of funds for fair compensation; the explanatory note detailing that such land or place suits the project; the minutes indicating that the concerned population was sensitized about the project and its importance; a study indicating consequences on living conditions of persons to be expropriated.

In addition, the master plan referred to in item subsection 3° of Article 10 is particularly required to indicate the following: the plan or maps indicating the demarcations of the land where activities

shall be carried out; the nature of assets on that land; the list indicating holders of rights registered on the land titles; and, the list of authorized beneficiaries of property incorporated on that land.

Article 11 provides for citizen engagement as to the relevance of the project. It requires that members of the committee in charge of monitoring projects of expropriation in the public interest at the District consider the relevance of the project within a period not exceeding thirty (30) days after receiving the request for expropriation based on public consultation with the population living where the land is located concerning the relevance of the project of expropriation in the public interest. The committee is required to publicize and inform the affected community about the date, time and venue of the consultative meeting; and that the minutes of the meeting shall be signed by present all members of the monitoring committee.

Article 15 provides for the approval of the expropriation. That based on the decision of the monitoring committee in charge of monitoring projects for expropriation, the competent authority as provided for under Article 9 of this Law is required to approve the expropriation within fifteen (15) days of receiving the decision of the monitoring committee.

Article 17 provides for informing of persons to be expropriated at the beginning of the process of the land survey and the inventory of the properties thereon. Land survey and inventory activities shall be carried out in presence of the beneficiary or representatives, as well the representatives of the local administrative entities. The owner of the land is not allowed to carry out any activities after the land survey and the inventory of the properties thereon and coming to terms with the beneficiaries. In case he or she carries out any activities, they shall not be valued in the process of expropriation. In case the owner of the activity who was informed through procedures provided by this law does not appear, a report shall be made and signed by the representatives of the local administrative entities as well as those who conducted the survey and the inventory.

Article 18, 19 & 20 provides for rights of persons to be expropriated and rights for the expropriator; and stipulate the process for redress of problems with expropriation decision by the affected persons, and similarly the process for counter appeal by the expropriator. Article 18 guarantees the right for appeal and provides for the mechanism for appeal for any person affected by the decision on expropriation in the public interest. Such person shall have the right to request for review of the decision before the organ directly higher than the one having taken the decision. The appeal must be made within thirty (30) days from the day of the publication of the expropriation decision. Article 19 stipulates the process for review of the decision revoking the expropriation. Article 20 stipulates the process for application for review of the list for persons to be expropriated.

Under Article 18, the appeal for redress of a problem with the expropriation decision has to be in writing and must state the grounds for his or her appeal is based addressed to the competent authority. The decision on the appeal must be made and the appellant informed in writing in within thirty (30) days of receiving the request for review of the decision on expropriation.

Article 21 provides for the process for approval of the list of the persons to be expropriated; and this list then serves as the basis for drawing up an inventory of the property to be expropriated. The approval has to be done with seven (7) working days after taking the expropriation. According to Article 20, the District or CoK Mayor or the relevant Minister is responsible for approving the list of the persons to be expropriated.

Chapter IV of the law including Article 22 to Article 39 stipulates the valuation of land and property incorporated thereon and payment of fair compensation following the expropriation decision.

Article 22 requires that the values of the land and prices of the property incorporated to expropriation must be based on market rates as established by the Institute of Real Property Valuers in Rwanda; and which list of values of land and prices of property under Article 22 must be reviewed each year by the regulatory Council for the real property valuation in Rwanda by publishing in the Official Gazette of the Republic of Rwanda before it becomes effective.

Article 23 provides for appointment of the valuer by the expropriator. According to the law the valuation of land and property incorporated thereon must be conducted by valuers certified by the Institute of Real Property Valuers in Rwanda.

Article 24 requires that the concerned District or CoK administration or the relevant Ministry informs the persons to be expropriated of the expected start date of measurement of land and inventory of property incorporated thereon, through an announcement posted on the office of the Cell of the place designated for the implementation of the project and through at least one radio station with a wide audience in Rwanda and a minimum of one of the Rwanda-based newspapers with a wide readership for the relevant parties.

Article 25 requires that the land owner and the owner of property incorporated thereon or their lawful representatives and representatives of local administrative entities must be present during the valuation. After the valuation of land and the property incorporated thereon, the Village administration is required to write the minutes indicating persons present and absent for approval by the Executive Secretary of the Cell of the place where the valuation was conducted.

Article 26 stipulates requirement to provide the proof of rights to the land and property incorporated thereon. The law requires that the owner of land designated for expropriation provides land titles and documentary evidence showing proof of ownership; and that such persons must also provide a civil status certificate and a document evidencing of their chosen matrimonial regime in case of a married person.

The law prohibits consideration of any person dispossessed of land or unlawfully occupying land or having developed activities on land on which such activities are prohibited after the enactment of relevant laws for compensation for such land or property.

Article 27 provides the categories of properties subject to valuation for compensation, and these include **land**; activities carried out on land for its efficient management or rational use; disruptions caused by expropriation.

Article 28, stipulates the basis for calculating the value of land and property incorporated thereon to be expropriated as size of land and properties, nature and location of land and properties, and the prevailing market rates. The compensation for disruption caused by expropriation to be paid to the expropriated person is fixed at the equivalent of five percent (5%) of the total value of the property expropriated.

According to Article 29 the valuation of land and property incorporated thereon for expropriation, must be carried out within thirty (30) days. **Article 29 also provides for extension of the period by a** maximum of fifteen (15) days upon request by the applicant for expropriation and after approval by the organ that approves expropriation in the public interest.

Article 30 provides to submission of the valuation report by the valuers to the District or CoK Mayor or the relevant Minister; the report must contain the list of persons to be expropriated, the size of

land and the value of property incorporated thereon belonging to each person to be expropriated, and the fair compensation to be paid to any person whose property is expropriated in the public interest.

Article 31 directs that the expropriator takes a decision on the valuation report and publishes and disseminates to the concerned parties in writing, with a copy thereof posted on the office of the Cell of the place in which the land is located, within fifteen (15) days after receiving the valuation report from the valuer.

The communication of the valuation report is complete, accessible and useable must be made to the relevant parties, and the such a communication must also be made through at least one of radio stations with a wide audience in Rwanda and one of Rwanda-based newspapers with a wide readership, and if necessary any other means for purposes of informing the relevant parties.

Article 32 provides for endorsing of the valuation by the expropriated person. Upon satisfaction with the valuation, the expropriated person is required to sign or fingerprint the approved fair compensation reports, in not less than seven (7) days and not more than 21 days following the publication of the report.

Article 33 stipulates the process for contesting the valuation, and provides that any person who is not satisfied with valuation of his/her land and property thereon must indicate in writing the grounds for dissatisfaction with the valuation within seven (7) days after the approval of the valuation report by the expropriator. According to the law the dissatisfied person is permitted to engage the services of an alternative valuer or valuation firm recognized by the Institute of Real Property Valuers in Rwanda to carry out a counter-assessment of the value BUT at his/her own expense. The counter-assessment report must be available within ten (10) days from the application for counter valuation by the person to be expropriated.

Article 34 provides for the timeframe and process for confirming or rejecting of the counter assessment of the valuation. The expropriator has to make a decision on counter assessment within five (5) days; and if accepts the valuation as suggested, counter assessment report replaces the original one. A joint meeting between expropriator, the person to be expropriated and valuers of both parties will be held to approve the report with a record of minutes made. In event the counter assessment is not accepted by the expropriator, the dissatisfied person has a right to sue in court within fifteen (15) days. If the dissatisfied person chooses to go to court the value acceptable to the expropriator as determined by his valuer shall be paid as they await the court outcome. This is done to avoid suspension of the expropriation process.

Article 35 provides the system and conditions for implementing the compensation. It is statutory requirement that the expropriated person be compensated fully before relocating. Article 35 also recognizes both monetary compensation in Rwandan currency and or any other form that is mutually agreed upon by the expropriator and the person to be expropriated.

Article 36 requires that the compensation is made within one-hundred twenty (120) days, failure of which the PAPs cannot be expected to relocate within 120 days of receiving compensation; and or prevented from planting new crops on the expropriated land or property.

Article 37 requires that if the expropriator retracts the project for which expropriation had been sought, then the expropriator is required to pay the affected persons five percent (5%) of the fair compensation value of the expropriation.

3.2.9. Law Establishing and Organising the Real Property Valuation Profession in Rwanda, Law No.17/2010 of 12/05/2010

This law aids the law on expropriation in terms of undertaking valuation. Valuation of real property can only be done by a person certified as a Valuer under this law (Article 26). A Valuer may use one or more of the valuation methods mentioned in order to determine the value of real property. The Valuer shall select the best valuation method to determine the fair market value of the real property (Article 27). The methods used shall be clearly explained in the valuation report. Upon approval by the Council for the Regulation of Real Property Valuation in Rwanda (established under this law) a Valuer may use any other relevant worldwide methods not provided in this Law in order to carry out the assigned work.

There has been establishment of an Institute of Real Property Valuers of Rwanda as a body corporate with autonomy. In order to be recognized as a real property valuer in Rwanda, a person must be a member of the Institute. A Council for the Regulation of the Real Property Valuation Professionals in Rwanda is established as a regulatory agency. The Institute proposes regulations, guidelines and standards for valuation while the function of approval lies with the Council. A register of real property Valuers is maintained by the Council who can enter or remove a real property Valuer from the register of certified Valuers. The Chairperson of the Council approves valuation and is equivalent to the Chief Government Valuer in other jurisdictions. A person dissatisfied with a real property valuation shall refer the matter to the Council for determination. The Council shall select other certified Valuers who shall decide other valuation methods to be used. If the dispute remains unsettled, it shall be submitted to a court of law for adjudication.

3.3. Grievance Resolution Mechanism

3.3.1. Ministerial Order No. 002/2008 of 2008 Determining Modalities of Land Registration

Annex 3 of the Ministerial order provides for dispute resolutions procedures and makes provisions related to the Cell Adjudication Committee (CAC). Articles 17, 20, 22, and 23 provide the process for resolving disputes. Article 17 grants parties with a dispute, the right to take that dispute to the mediation committee. That article also provides that when a dispute arises during demarcation and adjudication, the affected parties with assistance of the CAC work to resolve the dispute, and the parties are bound by the outcome or agreement of that process. Article 20 provides for the procedures for the CAC for hearing disputes, including the requirement for announcing eight days in advance a public hearing if were needed, among other requirements. Articles 22 and 23 govern the lodging and processing of objections and corrections during a 60-day period.

The CAC is comprised of all five members of the cell land committee and five members of the particular Umudugudu where demarcation and adjudication is taking place. The cell Executive Secretary acts as the CAC secretary, although he or she has no voting rights. This order can be used to resolve resettlement conflict in the project area.

The **Expropriation Law** Articles 33 and 34 stipulate the process and procedures for complaints for persons dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied

person has a period of 30 days after the project approval decision has been taken to appeal (Article 19).

The first step of redress is to inform those to be expropriated of their rights during the expropriation process. Articles 17-20 of the Expropriation Law obliges the representative government authority (that which is implementing the project requiring expropriation) to inform affected people of their rights at each stage of the process.

4. WORLD BANK SAFEGUARD POLICIES

4.1. Introduction

The World Bank policy on involuntary resettlement (OP 4.12) emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not feasible, it should compensate for lost assets at full replacement cost, and assist the displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include:

- a) WB OP 4.12.(6a) demands that the resettlement plan includes measures to ensure that displaced persons are (i) informed about their options and rights, (ii) consulted on, offered choices among others and provided with technically and economically feasible resettlement alternatives, and (iii) provided prompt and effective compensation at full replacement costs.
- b) WB OP 4.12 (8) requires that particular attention should be paid to the needs of vulnerable groups among those displaced such as those below the poverty line, landless, elderly; women and children and indigenous peoples and ethnic minorities.
- c) WB OP4.12 (12a) states that for households depending on land for their livelihoods preference should be given to land based solutions; however, payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.
- d) WB OP4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided with assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site.
- e) WB.OP 4.12 (13 a) stipulates that any displaced persons and their communities and any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement. In addition displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.
- f) WB OP4.12 Para 13 (a) requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising.

4.2. Comparison between National Legislation and WB OP 4.12

This section compares differences between the laws of Rwanda related to expropriation and the World Bank's safeguards on Involuntary Resettlement. In this project, where the Rwanda law differs with the Bank's OP 4.12' the latter will apply or take precedence. The promulgation of the new Expropriation Law introduces a legal framework within which expropriation activities must be conducted, and above all, attempts to bring Rwandan legislation more in line with international best practice requirements.

Despite this, there are still some gaps between the national Rwandan legislation and the World Bank Policy OP 4.12. These relate to the general principles for resettlement, eligibility criteria, the notification period for expropriation and resettlement, and the procedures required throughout the resettlement process. The key differences are as follows.

- a) **Avoid Resettlement:** While OP 4.12 stipulates that projects should first avoid involuntary resettlement as much as possible, there are no similar provisions in Rwandan national legislation, which states that 'expropriation of land will be done when deemed necessary for public purposes.' Secondly, the notification period under national legislation requires that property must be handed over 120 days after financial compensation has been paid, while OP 4.12 requires that displacement must not occur until all necessary measures for resettlement are in place including assisting the PAPs with relocation.
- b) **Meaningful and participative consultation:** OP 4.12 requires that persons to be expropriated should be meaningfully consulted and that the PAPs should have the opportunity to participate in planning and design of resettlement programs. The Rwandan Expropriation Law only stipulates that affected peoples be fully informed of expropriation issues and that the public interest will always override any individual interest. Indeed the law prohibits anyone to hinder the expropriation process based solely on "self-centred" reasons.
- c) **Eligibility determination:** According to the Bank policy (OP 4.12) eligibility determination of the PAPs entitles those who have formal rights, those with claims to land, and those with no recognizable legal right to compensation; but under the Rwanda Expropriation law compensation is limited only those land titles and or recognizable customary or written evidence of land ownership, persons recognized as legal occupants and owners of the expropriated land and property thereon. The World Bank OP4.12 policy is much broader and includes both legal and illegal occupants of the land.
- d) **Notification period required:** The Rwandan new expropriation law requires that property must be handed over 120 days after financial compensation has been paid, while OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in place, not only compensation.
- e) **Fair and just compensation:** The Expropriation Law provides for fair and just compensation to expropriated peoples eligible for compensation, the definition of 'fair and just' is not clearly defined, and therefore there is a risk that Project Affected People's livelihoods may not be restored or improved after compensation and resettlement.

Art. 28: *Without prejudice to other laws, the value of land and property incorporated thereon to be expropriated in the public interest shall be calculated on the basis of their size, nature and location and the prevailing market rates.*

The compensation for disruption caused by expropriation to be paid to the expropriated person shall be equivalent to five percent (5%) of the total value of his/her property expropriated.

The practice as provided by the law does not guarantee the ordinary, uneducated and poor person the principle of fair compensation

Art.33: *Within seven (7) days after the approval of the valuation report by the expropriator, any person to be expropriated who is not satisfied with the assessed value of his/her land and property incorporated thereon shall indicate in writing grounds for his/her dissatisfaction with the valuation report. Any person contesting the assessed value shall, at his/her own expense, engage the services of a valuer or a valuation firm recognized by the Institute of Real Property Valuers in Rwanda to carry out a counter-assessment of the value.*

- f) **Monitoring:** Whilst monitoring measures are provided for in Rwandan legislation, the focus is to ensure that contracted compensation has been provided in full and before any relocation. It

does not require assessment as to whether the compensation provided was appropriate, and whether the PAPs livelihoods have been restored or improved as stipulated by OP 4.12. Rwanda law does also not necessarily provide for follow up of the relocated persons, while the Bank requires that a after relocation monitoring be put in place.

- g) **Supporting displaced persons:** Whereas the OP 4.12 provides for measures to support displaced or relocated people by for example measures to ensure that the displaced persons are provided assistance (such as moving allowances) during relocation; and provided with residential housing, etc., together with measures to ensure that displaced people are offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures, such as land preparation, credit facilities, training, or job opportunities, expropriation law in Rwanda does not go beyond providing compensation.

Table I: Comparison of Rwandan and World Bank Policies on Resettlement and Compensation

Category of PAPs/ Type of Lost Assets	Rwandan Law	World Bank OP4.12	Comment
Land Owners (loss of land)	<p>According to the National Land Policy, all Rwandese enjoy the same rights of access to land, implying no discrimination against women. All land should be registered for security. The title is tradable, but not if it fragments plots below 1 hectare.</p> <p>Compensation for non-transferable property based upon market value.</p> <p>Land owners, under Rwandese Law, received cash compensation based upon market value.</p>	<p>Identification of PAPs is done through census and socio-economic surveys of the affected population,</p> <p>PAPs with title as well as PAPs who do not have a formal title but have customary and traditional right recognized under Rwandan law or who have a recognized claim to the land at time the census begins – are entitled to compensation for land that they lose (besides other assistance)</p> <p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost</p>	<p>The Constitution provides for land-based resettlement. Although its provisions could be interpreted as implying a preference for land based strategies for displaced persons whose livelihoods are land-based, there is no specific legislative or regulatory provision made for this preference.</p>
Land Squatters (i.e. those who have no recognizable legal right of	Rwandan legislations entitles only those who are "landholders" with legal possession of property	Must be compensated for houses and other structures whatever the legal recognition of their occupancy (see below).	Consider all forms of tenancy based on formal or informal rights/ agreements between

<p>claim to the land that they are occupying</p>	<p>Land tenants, under Rwandese Law, are entitled to compensation based upon the amount of rights they hold upon land under relevant laws.</p> <p>The Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts are being made under the Law (Article 7) to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights are being encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).</p>	<p>Entitled to compensation for loss of crops, and assistance for relocation, as the case may be, and assistance for restoration of livelihoods (see below)</p>	<p>the land owner and tenants as well as those not legally recognized as long as they assist – will be compensated as per the principles of OP4.12.</p>
<p>Land Users/ Land Sharecroppers / Tenants</p> <p>(These include family members, and/or tenants or any other persons using the land to grow crops).</p>	<p>Land users, in some cases, have some form of secured tenure extended to them under new laws. In other cases land users are not entitled to compensation for land, entitled to compensation for crops and any other economic assets.</p> <p>Land users are entitled to compensation for crops and any other economic assets.</p>	<p>No specific provisions to land compensation.</p> <p>Entitled to compensation for crops, entitled to relocation assistance as the case may be and income must be restored to at least pre-project levels (see below).</p>	<p>Will be compensated for their movable properties and activities present on the expropriated land or property</p>
<p>Owners of non-permanent</p>	<p>Owners of “non-permanent” buildings are entitled to cash</p>	<p>Recommends in-kind compensation or cash</p>	<p>Families should be consulted on and</p>

buildings	compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.	compensation at full replacement cost including labor. Recommends resettlement assistance	offered options to choose from.
Owners of permanent buildings	Owners of "permanent" buildings are entitled to cash compensation based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	
Perennial and annual Crops	Perennial crops are compensated with cash based upon rate calculated as an average net agricultural income.	Market value for lost crops. Income restoration assistance (such as land preparation, credit facilities, training etc). Land for land compensation allows people to re-establish annual crops immediately.	
Seasonal crops		Market value for lost crops when arrangements cannot be made to harvest.	
Livelihood restoration and development assistance	There are no explicit provisions on livelihood restoration.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better offer support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living (for ex. land preparation, jobs, credits facilities);	Follow OP 4.12 guidelines and principles
Timing of compensation	Resettlement must take place only when PAPs have been fully	Implement all relevant resettlement plans before	Follow the OP. 4.12 guidelines and

payments	and fairly compensated, and compensation has to be completed within 120 days after the valuation report is submitted and decision taken by the expropriator.	project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	principles
Consultation and disclosure	The Expropriation Law governs the specifics of land acquisition. The law provides for public dissemination on the importance of the project to be established and the need for expropriation. In addition to dissemination, the Expropriation Law requires prior consultative meetings and examination of the project proposal involving expropriation, with a view to avoid eventual prejudice on the person or entity subject to expropriation. Normally, a consultative meeting is held within 30 days after receipt of the application for expropriation. Based on these consultations, the relevant Land Commission or Committee (from the Cell level to the National level) takes a decision to approve the project within a period of 15 days.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	Follow the OP. 4.12 guidelines and principles
Relocation assistance and resettlement assistance	The person to be expropriated is defined to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be legally entitled to payment of compensation.	Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior	Resettlement facilitation and support to follow WB policies

		to the beginning of project implementation, whichever is higher. Moving allowances	
Grievance mechanism and dispute resolution	The Expropriation Law Article 233&34 stipulate the process and procedures for contesting the valuation by individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19).	Establish appropriate and accessible grievance mechanisms	Detailed GRM for different project processes and activities under RUDP is provided for in the RPF (see Chapter 11 of this RPF).
Displacement	The notification period under national legislation requires that property must be handed over 120 days after financial compensation has been paid	Requires that displacement must not occur until all necessary measures for resettlement are in place	Rwandan law and WB operational policies require that project affected persons must be compensated and facilitated to resettle before displacement

In a number of cases, as shown in Table I above, the WB requirements are more favourable to PAPs than the provisions of the Rwandan Law. All in all, in the event of divergence between the two, the policy which will be considered to be of a comparatively higher standard shall apply.

5. POPULATION, DISPLACEMENT AND CATEGORIES OF AFFECTED PEOPLE

5.1. Socio-economic Information on Urban Development Project

5.1.1. Social Characterization

5.1.1.1. The City of Muhanga in Muhanga District

The total Population of Muhanga city is 80,721 with an annual population growth rate of 2.6%. Nyamabuye Sector, one of the sectors of Muhanga City, accounts for 57.6% of the resident population, while Shyogwe and Cyeza Sectors account for 40.4% and 1.9 % respectively. Muhanga City population represents 25.3% of the total of population in Muhanga District (319,141 as per the 2012 National Census).

In the City of Muhanga, 53.6% of the population is considered poor with nearly half (46.4%) of the population considered as non-poor. 26.2% of the population are considered as extremely poor and 27.4% are considered as poor. In Muhanga City, the unemployment rate is at 0.3%, inactivity at 13.4 %, farm wage employment at 3.8% and non-farm wage is at 12.8%, independent farm is at 74.5% and non-independent farm at 7.8%, Public services at 8.4%, Parastatal at 2.3%, Private Formal is at 17.4% and finally private informal is at 71.9%.

In Muhanga City, the cultivated area covers 931.50 ha for cassava production, 1,905 ha for potatoes; and 1,905 ha for sorghum and peas production. Rice production is undertaken in the marshland of Rugeramigozi as follows 110 ha in Nyamabuye Sector and 114 ha within Shyogwe. In addition to crops, livestock is another important source of income and food for agricultural households with 77% of households owning various types of livestock. Cattle is raised by 64.4% of the households, 43.3% raise pigs and goats, while 43.3% and 38% raise poultry and rabbits respectively. Sheep is raised by only 14.5%. Muhanga district is ranked the seventh with 85% of individuals aged six and above having at some point attended school.

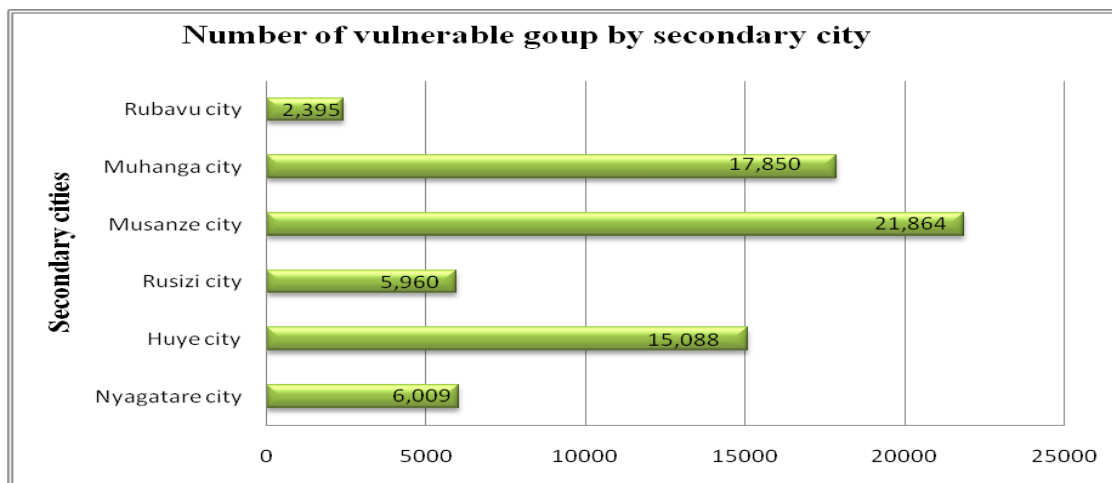
5.1.1.2. Huye City in the District of Huye

Huye City has over 54,000 people and an estimate growth rate of 1.9%. The urban poor account for over 47%. According to the Rwanda Establishment Census 2014, about 8,000 urban workers in Huye city. The percentage of formal businesses in Huye is 8.8 %. Among the six secondary cities, there is a mixed performance on creation of new businesses (district level), Huye, Nyagatare and Muhanga being above the average while Musanze is stagnant. In the City of Huye the poverty incidence is put at about 46.6% with the extreme poverty incidence put at 25.2% (EICV3, 2010/2011). In Huye, 32% of the households are engaged in agricultural as their main livelihood with a the mean cultivated land size is 0.41 ha while 69.3% of the households are engaged in livestock farming.

5.1.1.3. Musanze City in the District of Musanze

The Population of Musanze city is 92,406 having and annual growth rate of the population estimated to 1.8%. The Sector of Muhoza has 55.1% of the city's population, Cyuve 49.2%, Kimonyi 7.6% and Musanze 11.8%. According to the Rwanda Establishment Census 2014, there were about 85,000 urban workers in the Musanze secondary cities in 2014. The percentage of formal businesses in Musanze secondary city is Musanze 5.3% and 94.7% of businesses are informal. In the City of Musanze the poverty incidence is put at 20.1% while the extreme poverty incidence is put at 5.9%.

The figure below shows the extent of vulnerabilities in the respective cities. The figure below shows that Musanze city has the highest number of vulnerable groups, followed by Muhanga city. Rubavu city has the lowest number of vulnerable groups in comparison to other secondary cities.



Source: GWC Field data collection, 2015

5.1.1.4. Rubavu City in District of Rubavu

Rubavu City is found in Rubavu District Rwanda's Western Province. It is contiguous with Goma, the city across the border in the Democratic Republic of Congo. The population of the city is about 106,335 and a density of 9,700/km² according to the 2012 Census, with 5% growth rate and 36% urban poor. It covers an area of 11,000 ha. According to the Rwanda Establishment Census 2014, there were about 10,000 urban workers in Rubavu secondary city in 2014. The percentage of formal businesses in Rubavu secondary city is 6.3%, 93.7% of businesses are informal. In Rubavu City 36% of the population is considered poor with 64% considered non poor, with the extreme poor estimated at about 13%. In Rubavu city 50% of the households depend on agriculture with a mean cultivated land size of 0.26 ha, and with 47.7% of the households engaged in livestock farming.

5.1.1.5. Rusizi City in the District of Rubavu

The Population of the City of Rusizi is 67,963 with the Sector of Gihundwe comprising 44.8 %, Kamembe 34.5 % and Mururu 20.5 %. According to the Rwanda Establishment Census 2014, there were about 6,000 urban workers in Rusizi secondary city in 2014. The percentage of formal businesses in Rusizi secondary city is Rusizi 6.6%, with 93.4% of businesses are informal. Rusizi City is largely dependent on primary agricultural activity. According to the latest NISR EICV3 (2013), the crops produced in Rusizi City include cassava, banana, sorghum, and peas. In addition to the above mentioned crops, Rusizi grows French beans and avocados with 42.5% and 42.8% of households engaged in the production of these two items. This shows that the agricultural export potential for the district's economic development is real. The main constraint in agricultural production is the limited land with the average land holding of 0.77 ha. Overall, 89.3% of households own less than 2 ha each. In addition to crops, livestock is another important source of income and food for agricultural households with 62.8 % of households owning at least some livestock. In Rusizi City, more than half the population (55%) of Rusizi City is identified as non-poor and 45% as poor with 20.5 % considered as extremely poor and 24.5 % as poor (NISR, 2014).

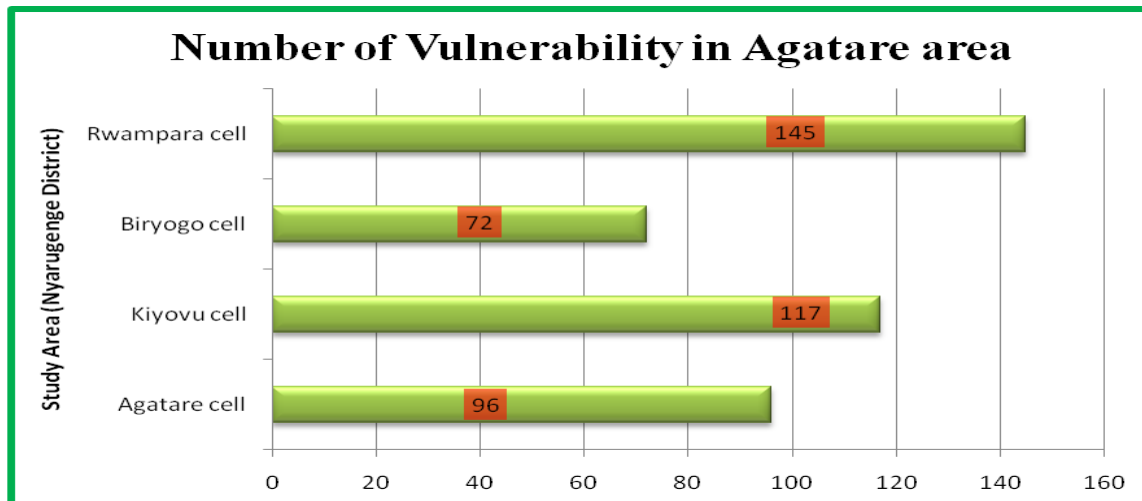
5.1.1.6. Nyagatare City in the District of Nyagatare

According to Nyagatare District data, the City of Nyagatare is made up of only Nyagatare Sector with a total population of 52,125 and 3,789 households with an average of 3.8 inhabitants per household. It covers an area of 9,315 ha. According to the Rwanda Establishment Census 2014, there were about 4,000 urban workers in Nyagatare secondary city in 2014. The percentage of formal businesses in Nyagatare secondary city is 5.4%, of which 94.6% of businesses are informal. In the City of Nyagatare the Poverty levels stand at 37.8% with the extreme poverty incidence estimated at 19.1% (EICV3, 2010/2011). According to EICV3, only 11% of the households of Nyagatare are connected to the national electric power. In Nyagatare the mean cultivated land is 0.77 ha with 67% of the households are engaged in extensive agriculture and 64% are engaged in livestock farming.

5.1.1.7. Nyarugenge Sector of the City of Kigali (CoK)

The population of Nyarugenge Sector as per the National Census of 2012 was 21,302 persons; 11,477 males and 9,825 females. This translates to 7.5% of the total population while the population density of the sector was registered to be 4,605/km². Nyarugenge sector is one of the most densely populated sectors in the whole country. 84.3% of residents of Nyarugenge Sector live in the project area and the population density of this area is 4.5 times higher than that of the entire sector. Upgrading of the study area is therefore justified because the benefits will reach a bigger population in the sector. Whereas the national census gives the ratio of females to males in Rwanda as 93 males for every 100 females, in Nyarugenge Sector the males are much higher than the females with 54% of the residents as males and 46% as females – a ratio in line with that of the CoK was established at 106:100 (males to females) as per national census of 2012 (NISR, 2012). In Agatare Area 97.2% of the residents in Nyarugenge Sector have access to improved water. This correlates very closely with the findings from the study area whereby 77.2% of the residents are connected to WASAC water pipe and 15.7% use public kiosks. Other sources of water for domestic include water vendors, neighbour's water tap, borehole and river. In Agatare Area, school-going children attend classes in nine different primary schools within or near the neighbourhood. These are: Rwampara, Camp Kigali, Intwari, Gitega, EPA, Rugunga, Le Berscel, CETAI and Mburabuturo. The majority of children walk distances of between 400-500 m to reach their schools. There were also four nursery, four primary and five secondary schools in Agatare area. Spatial analysis of accessibility indicates that the majority of the residents travel distances less than 500 m to reach the schools. This is within the universal standards of planning concerning accessibility of social facilities. Of concern in the upgrading program will be the condition of these facilities and amenities used by the pupils/students and the footpaths for accessing them).

In Nyarugenge Sector of CoK, the number of vulnerability is high in Rwampara Cell, followed by Kiyovu cell and relatively lower in Biryogo cell as indicated in the figure below.



Source: GWC Field data collection, 2015

5.1.2. Land tenure systems

Generally there are two types of formal land tenure: full ownership/ Freehold and long term leasehold. However following the privatization 09/04/2007 of State owned lands, efforts are being made to formalize all types of tenure by facilitating titling of the land.

5.1.3. Social capital and Mechanisms of Social Cohesion and Social Structure

After the genocide war of the 1990s, several mechanisms have been put in place by both the government and the local people for purposes of social cohesion. One of the mechanisms put in place by the Government of Rwanda to enable the local people create social capital, nurture citizenship and build a strong civil society is the process of 'Ubudehe'. This process helps citizens to engage in local problem-solving using their own locally designed institutions, in voluntary association.

The Ubudehe Program was launched in 2001 as part of partnership between the Ministry of Finance and Economic Planning and the Ministry of Local Government in a bid to draft the Poverty Reduction Strategy Paper, PRSP. This process was named UBUDEHE with reference to the Rwandan culture of mutual assistance and conviviality whereby people would come together to address problems facing them as facing them so as to work for their development.

5.1.4. Possibility of conflict

The major conflicts reported in relation to natural resources are land conflicts. These come as a result of land boundaries between neighbours and family members. The mechanisms for solving these conflicts has been presented under Chapter 11 on GRM and include local family members, at village level, city government and the land arbitration commissions. The court is always the last resort. The GRM put in place will ensure that all matters are addressed outside court.

5.2. Approach for identifying Project Affected Persons

After the citizens and authorities agreeing on the subprojects and their specific locations, a review of the feasibility reports of the respective subprojects will be undertaken together with a ground truthing by the land surveyor to demarcate the required project land and determine the area to cover during census of project affected persons will be undertaken. The PAPs shall be classified into three groups namely;

- a) Those who have formal legal rights to the land they occupy;
- b) Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or
- c) Those who have no recognizable legal right or claim to the land they occupy.

The following categories of PAPs will be used in identifying groups of PAPs for the purpose of determining impacts.

- i. Project affected persons (PAPs): Individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or who may lose access to economic resources as a result of activities related to sub-project(s), whether permanently or temporarily.
- ii. Project affected households: Groups of PAPs in one household and where one or more of its members are directly affected by the Urban Infrastructure Development Project¹. These include members like the head of household, male, and female members, dependent relatives, tenants, and others.
- iii. Vulnerable groups of people. From these households, the Urban Infrastructure Development Projects will separately identify the vulnerable PAPs , such as those who are old or ill; children; those stricken with HIV/AIDS; women; unemployed youth (if they are PAPs) ; etc. Households headed by women that depend on sons, brothers, and others for support will also be identified. Similarly, households with elderly or seriously ill or disabled persons will be identified. Vulnerable people and households will be eligible for additional support in relocation and restoration of lost income.

5.3. Determining the number and categories of Project Affected Persons

Experts conducting the RAP will review both the prefeasibility and feasibility reports as well as other documents about the communities, their land and properties and socioeconomic and cultural activities thereon to inform and guide the processes for assessing the populations and categories of PAPs in the respective sites for the different subprojects for the Urban Infrastructure Development project. However, the exact number of persons that will be affected by the project will be determined through an elaborate census when preparing the Resettlement Action Plans for the respective subprojects.

5.4. Creation of Baseline Information on Project Affected Persons

Before implementation of the Urban Infrastructure Development Project, a screening assessment will be carried out by Green World Consult Limited on behalf of MININFRA to identify the areas or sites with expected resettlement impacts due to land acquisition or restriction of access to resources. Guided by World Bank OP 4.12, separate stand-alone Resettlement Action Plans (RAPs) will be

¹ Includes all subprojects in the respective six secondary cities and CoK earmarked under this project. Please see section 1.1 for a description of the project.

prepared for each subproject consistent with the guidelines provided in this RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed. All potential PAPs should be identified (through a census exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);

- i. PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and
- ii. PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.

5.5. Screening of PAPs

Each subproject will be screened to determine whether land needs to be taken. This screening process is expected to take place soon after the citizens and authorities agree on the respective subprojects. This process will lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) that sub-projects will construct that may potentially involve resettlement issues, as well as any common/public lands or parks to which access may be restricted. This list will be presented to affected communities using a sensitization and citizen engagement processes applicable both to GoR and the Bank. These consultations will be documented for each site or sub-project including the number and type of participants, record of issues raised and how they have been agreed upon including the timeframe for resolving any contentious issues, photographic evidence of participation, and signed minutes or record of the participation.

5.6. RAP Preparation.

Following the completion of the compilation, production and approval of the list of subprojects the six secondary cities and CoK in consultation with other relevant Ministries and the World Bank, a consultative and participatory process for preparing a RAP will be started, as follows:

- i. The socio-economic assessment will be conducted on the project affected communities, including demographic, income and poverty index data of the affected households/persons, land size owned, vulnerability, access to social services (education, health, water, and credit facility etc.), preferred options for compensation, length of residence in the area, livelihoods and income etc. The baseline information gathered on each affected person or household shall be used when monitoring and evaluating the project impacts.
- ii. An environmental and socio-economic assessment of the subproject impacted areas will be carried out to determine scope and nature of resettlement impacts.
- iii. Assessment will be carried out to ascertain and monitor the impact of resettlement on the PAPs.

Annex 2 describes the requirements for the RAP in detail. In general, the RAP contains the following information: Census PAPs and their land and property thereon; Social and Economic Baseline Assessment; Valuation of the land and property thereon; Specific Compensation Rates and Standards; Entitlements matrix related to different impacts; Site Description; Programs to Improve or Restore Livelihoods and Standards of Living; Detailed cost estimates and Implementation Schedule. The RAP will be submitted to MININFRA and shared with World Bank for review.

5.6.1. Census of the PAPs

At the next stage of the RAP, a census of the affected populations will be undertaken and a socioeconomic economic profile of each PAP will be kept for measuring the magnitude of the impacts and for future monitoring of the PAPs.

6. ELIGIBILITY CRITERIA FOR CATEGORIES OF AFFECTED PEOPLE

6.1. Introduction

The eligibility criteria for compensation and resettlement that will be followed for the different categories of the Urban Development project affected persons will follow the Bank policies as they were found to be in more support of the PAPs compared to the local policies and legislation. However, the valuation and payment of compensation will follow the Rwanda Expropriation laws and GoR policies. The involuntary taking of land, results in relocation or loss of shelter and loss of assets or access to assets or natural resources or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. The WB OP 4.12 Para 15 (a, b, & c) categorizes those eligible for compensation and resettlement in three groups as shown below.

- i. Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- ii. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement action plan (itinerant farmers or sharecroppers) and;
- iii. Those who have no recognizable legal right or claim to the land they are occupying.

PAPs covered under a) and b) above are to be provided compensation for land and property expropriated, disturbance costs and any other assistance required to be resettled and to pick up their social and economic livelihoods again. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date will not be entitled to compensation or any other form of resettlement assistance. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land if they occupied the land before the entitlement cut-off date.

All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the cut-off date. Persons who occupy the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

The entitlement cut-off date refers to the time when the valuation assessments of the land and assets/developments on the land and a census of all the affected people are complete. The date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after valuation. All stakeholders including PAPs will be informed of the cut-off date and its implications. Information about the cut-off date will be disseminated mainly through public meetings, notices in local newspapers, radio announcements and through local authorities.

6.2. Eligibility for resettlement/relocation

Eligibility for compensation and/or resettlement will consider the following categories of PAPs:

- All those affected households whose family land and/or assets, business, services and buildings are located within the identified subproject sites or in any other sub-project area that has to be expropriated for effective implementation of the Urban Development Project.
- Households who are occupying land that will be acquired by the project and the remaining piece is considered economically unviable.

6.3. Eligibility for Community Compensation

Eligibility may also be claimed collectively, for example by a community or religious group, when the assets lost are of communal property or use. Groups which own communal land and properties thereon, if expropriated and/or access to assets and or resources under statutory or customary rights will be blocked by the project, such groups and or organizations will be eligible for compensation. The rationale for this is to ensure that the pre- project socio-economic status of communities adversely impacted is also restored. The local government will play a crucial role in identifying communal assets.

6.4. Loss of Income and Livelihood

Persons who will lose their income due to the project, and workers who will lose their employment and or economic livelihoods in the process of expropriation will be entitled to transitional income support. Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled to transitional assistance, which will include moving expenses, support for acquisition/making of temporary residences (if necessary), and employment on the project. The local administration shall be instrumental in judging eligibility for compensation.

Livelihood restoration strategies will be put in place and implemented during the construction of the project. Monitoring of the strategies will commence about 3 months after their implementation and will continue after the construction phase for a period of about 2 years.

6.5. Assistance to Vulnerable Groups

The compensation implementation will entail taking special measures and assistance for vulnerable affected persons, such as female headed households, disabled persons and the poor. PAPs will be entitled to compensation and resettlement assistance that will help in the restoration of their livelihoods to at least, pre-project standards.

7. ENTITLEMENT MATRIX FOR PROPOSED RESETTLEMENT AND COMPENSATION POLICY

The entitlement matrix is given in Table II below and will form the basis for (resettlement planning through the preparation of RAPs and) compensation of project affected people in case of involuntary displacement under the project.

Table II: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Cash compensation for affected land equivalent to market value Less than 20% of land holding affected Land remains economically viable.	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
		Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value
	Greater than 20% of land holding lost Land does remains economically unviable.	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Relocation assistance
		Tenant/Lease holder	Cash compensation at market value Relocation assistance
Commercial Land	Land used for business partially affected, limited loss Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/ business owner	Cash compensation for affected land Opportunity cost compensation
		Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Relocation assistance
	Land used for business partially affected, limited loss	Title holder/ business owner	Cash compensation for affected land Opportunity cost compensation
		Business person is lease holder	Opportunity cost compensation Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re-establish the business.
Residential Land	Land used for residence	Title holder	Cash compensation for affected land
		Rental/lease holder	Cash compensation equivalent to 10% of lease/

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	partially affected, limited loss Remaining land viable for present use.		rental fee for the remaining period of rental/ lease agreement (written or verbal)
	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal Cash compensation equivalent to 3 months of lease/ rental fee Assistance in rental/ lease of alternative land/ property Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures are partially affected Remaining structures viable for continued use	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/lease holder	Cash compensation for affected assets Relocation assistance Rehabilitation assistance if required (assistance with job placement, skills training)
		Squatter/informal dweller	Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation Relocation assistance to an area where they can live and work legally Rehabilitation assistance if required assistance with job placement, skills training)
		Street vendor	Opportunity cost compensation equivalent to 2

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		(informal without title or lease to the stall or shop)	months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business.
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	Owner/tenant/squatter	Cash compensation
Trees	Trees lost	Title holder	Cash compensation
Temporary Acquisition	Temporary acquisition	Owner/tenant/squatter	Cash compensation for any assets affected
Community property			In kind replacement or compensation at replacement cost for land and structures

8. METHODS FOR VALUING AFFECTED ASSETS

8.1. Introduction

This section describes the methods to be used in valuing assets that will be eligible for compensation consistent with both Rwandan laws and the World Bank policies on involuntary resettlement (OP 4.12).

8.2. District Compensation Rates / Valuation Tables

Compensation will be based on market rates for the different assets. The role of the Institute of Real Property Valuation and Council for Regulation of Real Property Valuation, as outlined in the Land Valuation law No. 17/2010 of 12/05/2010, will be to provide independent 'fair and just' valuation of land and affected assets in the event of expropriation. A property valuer certified by the Council Regulation of Real Property Valuation will be responsible for assessing all affected property and attaching compensation costs to each property. According to the Expropriation Law, the valuation will be based on prevailing market rates whose benchmark rates are supposed to be set up and gazetted each year by the Institute of Real Property Valuers.

8.3. Comparison of Land/Property Values Countrywide

In case there are no compensation rates, the Valuer shall compare prices by referring to the prices recently assigned to a real property that is similar or comparable to the real property subject to valuation. Where comparable prices are not available for land in a particular area, the Valuer may use comparable prices of similarly classified land from other areas of the country, as per benchmark rates published by the Institute of Real Property Valuers.

8.4. Replacement Cost

Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. Replacement cost will be used when valuing all improvements on land.

8.5. Method for Taking Inventory of Assets and PAPs

In order to prepare for compensation and other resettlement benefits, it will be imperative that a comprehensive asset and affected persons inventory in the designated areas for the different subprojects is undertaken. The inventory will specify the different assets, properties affected in each plot of land and their owners. The certified Real Property Valuer, who will be responsible for undertaking valuation of assets, will be responsible for the valuation exercise working together with the land and property owners and the local leaders of the area.

8.5.1. Valuation Procedure

At each of the land/plot to be expropriated, the Valuer will take detailed count of all crops and trees. In addition, the Valuer will count and measure all the affected buildings / structures in the presence of the affected person and a local leader. A Compensation Assessment Form will be filled to record all the properties affected. The licensees or sharecroppers crops will also be noted and recorded on a separate Compensation Form bearing the names of the licensee or sharecropper. The property of the sharecropper/licensee will be recorded in the presence of the landowner, the

licensee/sharecropper and the area leader. All the participating parties will verify the contents of the Compensation Assessment Form and will thereafter append their signatures to this form. The affected persons will take a copy of the Compensation Assessment while the original will be retained by the Valuer.

8.5.2. Land Survey

A Land Surveyor will demarcate the boundary of the project land required for acquisition. He will then demarcate individual affected property so as to determine the different land areas/sizes acquired from each PAP. The surveyor will work hand in hand with the affected persons, other community members and the Local authorities Cell Executive Secretary and village (omudugudu) leader. This is mainly for purposes of transparency and confirming land boundaries and ownership of the affected property. In cases where the land owners will be absent, family members, caretakers or spouses will be encouraged to be present and represent the household. The land inventory will specify the different customary tenures under which the different affected plots of land fall (e.g. customary, leasehold, freehold etc.).

8.5.3. Socioeconomic Profile of Each PAP

A comprehensive structured questionnaire (Annex 4) will be used to establish the socioeconomic status of each and everyone PAP so as to guide in effective compensation, resettlement and monitoring of the PAPs after expropriation and resettlement. Special attention will be paid to the needs of vulnerable people among the PAPs especially households with incomes below the national poverty line, including the landless, elderly, disabled, women, children, and other disadvantaged groups. For these reasons, the project sponsor should bear in mind that resettlement may provide opportunities to an affected community to improve housing, public infrastructure and services and to engage in land use planning that contributes to the long term development objectives.

8.6. Computation of Compensation Packages

Valuation and Calculation of the affected property will be based on the following:

- Land: Valuation will be based upon market value
- Crops and Trees: Valuation will be based upon prevailing market values
- Structures: Valuation will be based upon full replacement cost. Replacement cost will be based upon sizes of structures, materials used and their prices, transportation costs of delivery of these materials.
- Community asset/resource: These will be provided in kind. The alternative community asset will be at least of the same standard as or better standard than the affected asset.
- Loss of Business income: Compensation will be paid for the lost income and production during the transition period (the time between losing the business and full re-establishment of livelihood). This will be estimated based on the daily or monthly income of the affected parties.
- Inflation Tendencies: The fact that normally the period between valuation and compensation of assets is long, inflation allowances shall be considered when computing compensation costs.

8.7. Forms of Compensation

Individual and household compensation will be made in cash, in kind, and/or through any other form

agreed to between the expropriator and PAP, and with the knowledge and presence of both man and wife and adult children where applicable. The type of compensation will be an individual choice. For payment of compensation in-kind, the timing and alternative locations will have to be decided and agreed upon by each recipient, in consultation and agreement with the expropriator. Compensation shall be done in the following forms:

- Cash Payment - Compensation will be calculated at new replacement (i.e. un-depreciated) value, and paid in Rwandan Francs. Rates will be adjusted for inflation.
- In-kind compensation - Compensation may include items such as land, houses other buildings, of equal or better value. If building materials are provided transport and labor costs must also be provided.
- Additional assistance - Resettlement assistance will comprise of disturbance allowance valued at 5% of the value of the land and property thereon.
- Economic Rehabilitation Assistance may include training, capacity building as well as provision of assistance to facilitate reestablishment of livelihood activities such as provision of seedlings, agricultural inputs and financial credits for equipment

8.8. Citizens engagement in the RAP processes

For all stages of the RAP all the relevant stakeholders including the PAPs will be consulted and sensitized. This will be done through a series of individual and public meetings. All types of compensation and valuation principles to be followed as well as the Grievance Redress Mechanisms will clearly be explained to the individuals or households involved. A participatory approach will be adopted for all meetings. Stakeholders and PAPs will be given a chance to freely participate in the meetings and to raise any queries, concerns or questions. All concerns raised will be taken into consideration when preparing the Resettlement Action Plans. **Annex 4** contains a summary report of the citizen's engagement during the preparation of the RPF.

8.9. Disclosure and Notification

All eligible PAPs will be informed about the Urban Development Project and the RAP process. Disclosure and notification of entitlements will be carried out by the expropriator responsible for implementing the respective RAPs to enable the dissemination of the results of the land and property compensation assessment process. The individual household database will be updated after individual consultation disclosure, and will be displayed at the cell. Notification about the intended disclosure will be done through media announcements and formal notification (written and verbal) and through local leaders.

8.10. Documentation and Verification of Land and Other Assets

The inventory of all assets and persons shall be compiled in a Valuation Report and a strip map which shall be submitted to the implementing agency and to the Ministry of Finance for approval. A Resettlement Action Plan Report shall also be prepared and submitted to the World Bank, and MININFRA as the financier of the preparation of the project (feasibility study, detailed design, ESIA and RAP) and other relevant agencies involved with the approval of the project. The RAP report will contain all the necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts.

The verification of ownership of land and other assets shall be done with the help of local

authorities, neighbours, clan members, family members and documents like land titles and land sale agreements. A form (Consent Form) detailing the quantities of the affected properties and the total compensation shall be signed by each PAP and witnessed by a spouse, or child above 18 years or any other person as chosen by the PAP. In addition, the respective village leaders, the implementing agency's representative and representatives of the Sector and Cell will also append their signatures to the consent form.

The implementing agency will keep all copies of the documentation of the whole process. The documents will be referred to during monitoring and evaluation of the resettlement activities. The RAP implementing team shall consider several aspects for proof of eligibility and these will include among others the following: 1) Written evidence indicating that the person purchased the land, received it as a donation or as a legacy or a successor; 2) a document or statement of local administrative entities indicating rights of the expropriated person on the land; 3) a document or testimony of the neighbours confirming the ownership of the land; or 4) a court certificate. Consultations with and witnesses like local authorities (Sector/Cell Land Committees and Community leaders, neighbours, family members, elders and the general community will also be undertaken. Photographs of the eligible PAPs will be attached to each PAPs file. This will ensure that the right beneficiaries of the project are compensated.

8.11. Individual / Household Compensation

Individual and household compensation will be made in cash, in kind, and/or through any assistance as agreed to between the expropriator and the PAP. The type of compensation will be an individual choice. However, PAPs will be advised on the importance of accepting in-kind compensation especially when more than 20% of the land has been affected as stated in OP4.12. All in kind compensation will be handed over to the PAP in the presence of the local leaders (Sector, Cell and village/Omudugudu), district representatives and representatives of the implementing agency.

8.12. Community Payments

Although most sub-projects do not normally take land and other assets belonging to a community, such as a community centres, schools, health facilities or sacred site, if this occurs in a sub-project, the community (as a whole) will have to be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least to the same standard or equivalent or better standard required by local planning regulation.

8.13. Procedures for Delivery of Compensation

It is recommended that compensation be made through reputable local banks. This will ensure security of the PAPs money especially for those receiving large sums. Forms acknowledging receipt of the compensation packages shall be signed by each PAP.

9. INSTITUTIONAL ASSESSMENT, ORGANIZATIONAL ARRANGEMENTS AND PROCEDURES FOR DELIVERY OF ENTITLEMENTS

9.1. Introduction

The preparation and implementation of the resettlement strategies will involve the participation of several institutions at different levels. Coordination of the participating institutions will be critical to a successful resettlement program. It is therefore important have the institutional arrangements clearly mapped out and understood by all those involved early into the project cycle, so that all participating parties are made aware of each other's responsibilities, lines of reporting, communication channels, expectations and authority limits.

9.2. Institutional Role in Implementation of RAP

Institution	Role
Local Administrative Entities Development Agency (LODA)	LODA as the immediate overseer of the Urban Development Project implementing agencies and having the Project Management Unit will be responsible for overall technical and fiduciary oversight for the Urban Development Project, which will include the preparation of the feasibility study, detailed designs, EIA, SIA and RAPs for the infrastructure development subprojects in respective secondary cities. LODA Project Management Unit will also ensure close coordination with other on-going urban infrastructure development projects in the respective cities, to ensure information exchange and complementarities.
Ministry of Infrastructure (MININFRA)	MININFRA will also take the lead in project preparation and in the planning and implementation of the project working in concert with LODA. The ministry will also ensure that all laws, policies and Social Safeguards are adhered to, in collaboration with the RDB and REMA.
Ministry of Finance and Economic Planning (MINECOFIN)	MINECOFIN will be responsible for timely disbursing of the compensation funds to the respective commercial banks. In the case that PAPs own commercial bank accounts, the money will be transferred directly to individual bank accounts but if PAPs have accounts with SACCOs then the commercial banks will transfer to the SACCO accounts.
Ministry of Natural Resources (MINIRENA)	MINIRENA will be responsible for developing institutional and human resources capacities in the sector of environment and natural resources and sub-sectors during the implementation and governing resettlement arrangements through the Land Bureaus.
Rwanda Natural Resources Authority (RNRA)	RNRA key responsibility is registering land, issuing and keeping land authentic deeds and any other information relating to land. RNRA will ensure that PAPs have timely access to their land documents to enable them receive their compensation packages.
National Land Commission	the main responsibilities of the National Land Commission are monitoring the implementation of land administration and land use management procedures and guidelines, one of its specific roles is to monitor and approve expropriation of land repossessed in public interest to accommodate activities with a national character. There are also land

	Commissions and land Committees at Kigali City, District, Sector and Cell levels. The National Land Commission will also play a key role in grievance resolution. These committees will be directly responsible for expropriation of land and property thereon, and will receive and handle any grievances arising from expropriation and resettlement processes.
Council for Regulation of the Real Property Valuation	The valuation during the RAP processes will be carried out by locally certified valuers. In order to be recognized as a real property valuer in Rwanda, a person must be a member of the Institute. A Council for the Regulation of the Real Property Valuation Professionals in Rwanda is established as a regulatory agency. The Institute proposes regulations, guidelines and standards for valuation while the function of approval lies with the Council. A register of real property Valuers is maintained by the Council who can enter or remove a real property Valuer from the register of certified Valuers. The Chairperson of the Council approves valuation and is equivalent to the Chief Government Valuer in other jurisdictions.
Department of Lands and Mapping	The Department of Lands and Mapping is under RNRA and its overall objective is to put in place and operationalize an efficient system of land administration and land management that secure land ownership, promote investment in land for socio-economic development and poverty. The main role that the Department of Lands and Mapping will play on the project is to contribute to the resolution of any land related grievances.
Ministry of Local Government (MINALOC)	MINALOC through the Rural Resettlement Task Force (RSTF) is responsible for the resettlement of historically marginalized people in grouped settlements in rural areas. In case there are historically marginalized people, MINALOC will be responsible for their resettlement. MINALOC will be a key institution in the implementation of the RAP by playing a supervisory role over the various decentralized administrative structures at the district, sector and cell levels.
Rwanda Governance Board (RGB)	RGB provides the following platforms: Joint Action Forum, Citizens engagement and Monitoring of the RAP processes.
District Land Offices (DLOs)	The DLOs will be responsible for ensuring activities undertaken comply with the National and District level Land Use Master Plans. They will assess the validity of land tenure rights of affected persons and eventually provide the land use permit for the new activity proposed by the project. In addition they will be responsible for ensuring that effective and independent grievance mechanisms are in place. They will also be used during the preparation of the RAP so as to ensure that grievances are reduced at an early stage. The District Land Offices' activities will be monitored by the District authority.
District Executive Committees	As per the expropriation law, at the District level, expropriation shall be carried out by the District Executive Committees after considering the decision of the Land Commission at the District level. As such it's the District Executive Committee that will approve expropriation of the persons identified during the RAP process.
District Development Committee (DDC)	District Development Committee is comprised of departmental heads of government at the District level (including District Land Bureau). The DDC is mandated to develop a District Development Strategy (DDS) thus play critical roles to ensure that all activities are fully aligned with this strategy.
Rural Resettlement	Relocation and resettlement will be the main task for the RSTF and will

Task Force (RSTF)	ensure that the displaced persons resettle in approved planned sites. The RSTF will further be responsible for the monitoring of the displaced persons.
Local Councils	The Local Councils will play the following roles: Mobilize the general community and project Affected Persons; Witness the process of land survey, census of affected property and persons; Verify Project Affected Persons; Grievance resolution and Monitoring of RAP activities.
Non-Governmental Organizations and Civil Society Organisations	Will be involved in the implementation process of the Resettlement Action Plan. Activities they can be involved in may include witnessing the RAP process, overseeing of livelihood restoration programs, monitoring and evaluation of the RAP activities etc.
Local people / Project Affected Persons	Local communities / Project Affected will play a role of community policing to ensure that the rightful owners of the property are the ones compensated.

9.3. Capacity Assessment and Capacity building

Overall project management will be the responsibility of the Local Development Entities Agency (LODA). This is a major task covering technical, procurement, social and environmental safeguards, local economic development, financial management and accounting aspects of the Project. It will also ensure LODA's planning and budgeting procedures are carried out at appropriate times and that Annual Work Plans are prepared and project investments included in the budget and subsequently approved by the Investment Committee.

A Single Project Implementation Unit (SPIU) will be established in LODA and strengthened through capacity building to be able to manage the tasks mentioned above and other tasks as listed below:

- Providing overall supervision of the physical investments in the 6 District (secondary cities)
- Assisting Districts in managing procurement activities
- Providing support to Districts in implementing works
- Managing the Second Designated Account for all physical works in the secondary cities and COK and consultancy contracts
- Releasing funds to the districts and COK and overseeing financial management at district level.
- Managing the selection and contracting process, in accordance with World Bank Guidelines, of the Mobile Implementation and Capacity Support Team (MISCT) of consultants to be engaged to support Districts in implementing their respective projects
- Providing oversight and coordination of the MICST in supporting the Districts in engineering, financial management, procurement, social and environmental safeguards and local economic development activities and capacity building activities
- Consolidating semi-annual progress reports of the 6 secondary cities and submit to MININFRA

- Managing the selection and contracting process, in accordance with World Bank Guidelines, of consultants to carry out the Updating of the Feasibility Study, the Preliminary Engineering and Detailed Engineering for Phase 2 of the Project
- Managing the selection process, in accordance with World Bank Guidelines, of consultants to carry out Construction Supervision Consultants (CSC) in each of the 6 Districts for Phase 2 of the Project
- Reviewing and updating as necessary social and environmental safeguards outputs from safeguards consultants

The SPIU in LODA is to manage another World Bank project about to commence, the Great Lakes Project. The SPIU staff would not be required full-time and would thus spend for 50% of their time on the Project and 50% on the Great Lakes Project. Funding for the SPIU staff would come from both Projects in the same proportions (50%/50%). Table 1 below lists the proposed staffing, current engagement status and funding source for the RUDP SPIU.

SPIU Key Staff for RUDP

Nr	Staff Discipline	Status	Funding Source
1	Coordinator/Municipal Engineer	To be engaged	100% funded by RUDP
2	Financial Management Specialist	To be engaged	50% by RUDP & 50% GLP
3	Procurement Specialist	To be engaged	50% by RUDP & 50% GLP
4	Social Safeguards Specialist	To be engaged	50% by RUDP & 50% GLP
5	Environmental Specialist	To be engaged	50% by RUDP & 50% GLP
6	Local Economic Dev. Specialist	In place	Funded by LODA
7	MIS Specialist	In Place	Funded by LODA
8	M&E Specialist	In Place	Funded by LODA

Notes:

1. RUDP- Rwanda Urban Development Project
2. GLP- Great Lakes Project

Draft Job Descriptions for the staff for managing the RUDP have been prepared by LODA. They will be updated by LODA before Pre-appraisal of the Project.

Mobile Implementation and Capacity Support Team (MICST)

A Mobile Implementation and Capacity Support Team (MICST) would be engaged through a Consulting Firm to support the SPIU in RUDP activities but would primarily be responsible for supporting each of the six Districts in implementation of their respective RUDP programs. The

responsibilities of the MICST would include, but not be limited to, assisting the SPIU and the respective Districts in the following tasks:

- Periodic oversight of Design Consultants engaged for Phase 2 and Construction Supervision Consultants engaged for Phase 1 and 2
- Assisting with, and monitoring of, procurement activities for civil works packages in each of the Districts and CoK
- Periodic oversight and general assistance to the SPIU, Districts and CoK in implementation of the sub-project contract packages for the physical investments
- Assisting with the management of the Second Designated Account for all physical works in the secondary cities and CoK and consultancy contracts
- Assisting District, CoK and SPIU staff in preparation of, and processing, SOEs required for disbursement
- Assisting the Districts and CoK in release of funds and oversee financial management at District level.
- Advising SPIU, Districts and CoK on World Bank Guidelines for selection of consultants and procurement of contractors for civil works, provide oversight, coordinate and support the districts in engineering, financial management, procurement, social and environmental safeguards and local economic development activities
- Assisting SPIU in the consolidation of semi-annual progress reports of the 6 secondary cities and CoK and submit to MININFRA
- Assisting Districts and CoK in preparing quarterly financial reports required by the World Bank
- Advising and assisting, as may be necessary, on the procurement processes carried out by the respective Districts and the CoK for all civil works packages
- Reviewing and updating as necessary social and environmental safeguards outputs from safeguards consultants for the 6 Districts and CoK
- On the job training of SPIU staff and staff of the respective Districts and CoK engaged on Project activities to build capacity in the fields of engineering design, contract management, construction supervision, financial management, accounting, auditing, revenue generation, social safeguards, environmental safeguards, private sector participation, management and other aspects of implementation as may be identified

The MICST would be managed by the LODA SPIU. Table 2 sets out the likely make up of the Team. Draft Terms of Reference have been prepared for this Team. It is suggested that LODA updates and finalizes the Terms of Reference by Pre-appraisal of the Project.

MICST Key Staff

Nr	Staff Discipline	Input (preliminary estimates)
1	Municipal Engineer	Full Time for 60 months
2	Financial Management Specialist	Full Time for 60 months
3	Procurement Specialist	Part Time for 30 months over 5 years
4	Social Safeguards Specialist	Part Time for 30 months over 5 years
5	Environmental Safeguards Specialist	Part Time for 30 months over 5 years
6	Capacity Support (PFM)	Various inputs to be determined

Rural Resettlement Task Force Key Staff

No.	Post	Name	Contact
01	Chairman/RSTF	Augustin Kampayana	Email: augustin.kampayana@minaloc.gov.rw Tel: +250788303411
2	GIS Expert & Mapping	Bernard Hakizimana	Email: bernard.hakizimana@minaloc.gov.rw Tel: +250788416444
3	GIS Expert & Mapping	Esdras Rwayitare	Email: esdras.rwayitare@minaloc.gov.rw Tel: +250788540763
4	GIS Expert & Mapping	Jean Marrie Vianney Kuradusenge	Email: jmv.kuradusenge@minaloc.gov.rw Tel: +250788692375
5.	Civil Engineer Expert	William Ngabonziza	Email: willy.ngabonziza@minaloc.gov.rw Tel: +250788750787
6.	Communications & Community Mobilization Expert	Emmanuel Mugabo	Email: emmanuel.mugabo@minaloc.gov.rw Tel: +50788649933
7.	Monitoring & Evaluation	Frank Kagame	Email: frank.kagame@minaloc.gov.rw Tel: +250786108317
8.	Administrative Assistance/RSTF	Nuru Nukiya	nuru.rukiya@minaloc.gov.rw Tel: + 250788467217

In addition, the EIA, SIA and RAP preparation process shall include an analysis of performance of implementation of past RAPs in Rwanda, with lessons, challenges and recommendations (on management, implementation, monitoring and reporting, as well as practical challenges of financial commitments) on effective implementation of this RPF/RAP.

10. METHODS FOR CITIZENS ENGAGEMENT

10.1. Introduction

Citizen engagement (consultation and participation of affected and concerned people) involves public consultations in relation to project identification, preparation, planning, implementing and monitoring and evaluation. It is however especially critical for the Resettlement Action Plan for directly affected by the proposed project development. This RPF provides under this section a system for engagement of the citizens at all the all stages, starting with inception and planning when the potential lands and alternative sites are being considered. Using the established local mechanisms through the Joint Action Development Forums (JADF) organized by the Rwanda Governance Board (RGB) for engaging citizens in development of the country, this participatory approach working with implementing agencies and RGB shall be adopted as an on-going strategy throughout the entire project cycle.

Public participation and consultations take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAPs will be consulted in the survey process; public notices where explanations of the sub-project are made; RAP implementation of activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important in the citizen engagement while minimizing or limiting any situation which may limit the citizens expressing themselves freely. The RAP team shall ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. The RAP team will as a minimum comprise of a Sociologist, a Land Surveyor and Property Valuer. A partial list of consultations on the project held to date are included in Annex 7. Future consultations related to the RAP are included in this section. All citizen engagements throughout the project preparation, planning and RAP development processes will be recorded in terms of attendance and participation; views aired by citizens, CBOs, opinion leaders, NGOs as well as responses received from authorizes, consultants or technical managers and political leaders; photographic record; and follow up of any issues that are not resolved at anyone particular meeting.

10.2. Data Collecting Phase

Consultations during preparation, in particular, the collection of background information, and the social assessment, are critical for completion of the preparation of the projects and as a basis for monitoring of the performance and outcome of the projects. The levels of consultation will vary from households to community groups, based on the particular context of the sub-projects. The RAP team will validate the information from the households, organizations, and institutions its effectiveness through feedback through focus group meetings with women, farmers' associations, individuals who own farms, etc. as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

10.3. Implementation Phase

During implementation, PAPs will be informed about their rights and options through citizen

engagement forums during the Joint Action Forums organized by the implementing agencies and RGB. The grievance mechanism will continue to operate and all grievances will be recorded. The participation of local leaders and PAs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAs in decision making about livelihood and community development programs.

10.4. Monitoring and Evaluation Phase

PAs representatives will participate in the sub-project workshops at the launch, mid-term and at the end of RAP implementation. To the extent possible, the RAP will include social accountability tools such as the citizen cards to assess the quality of the RAP, its implementation, and in some cases, assist the RAP team in tracking expenditures. The latter will be significant in helping PAs with money management and restoring their livelihoods. PAs will be able to suggest corrective measures, as needed, to improve RAP implementation in the sub-project(s). Prior to closing the RAP, PAs will participate in a feedback survey as part of the RAP's independent impact evaluation exercise.

11. GRIEVANCE REDRESS MECHANISMS

11.1. Introduction

During the implementation of the project activities it is likely that disputes/disagreements between the project implementers and the affected persons will occur especially in terms of boundaries, ownership of crops or land or use of land/ properties, compensation values, delay in disbursement of the compensation packages. It will therefore be necessary to establish channels through which aggrieved people could file their complaints so as to ensure successful project development and implementation. The sub project RAP team (comprised of Sociologist, a Land Surveyor and Valuation Experts) will establish grievance redress mechanisms in accordance to the guidelines outlined herein the RPF. The grievance redress procedures will have to provide opportunity for PAPs to settle their complaints and grievances amicably. The procedure to be adopted will allow PAPs not to lose time and resources from going through lengthy administrative and legal procedures. This may be set up through Local Authorities, including a Resettlement Committee and through community leaders. The grievance mechanisms should include the following:

- Provide an effective avenue for expressing concerns and achieving remedies for communities
- Promote a mutually constructive relationship between the project and the community or PAPs.
- Prevent and address community concerns

11.2. Grievance Mechanisms

The following levels of grievance resolution are provided for by Law:

- a) Resettlement and Compensation Committee

A District Committee to handle issues of compensation, resettlement and monitoring of resettlement and compensation processes will be instituted at district level as stipulated in the Expropriation Law. The Committee will comprise of the following members: District Representative (1), Implementing Agency Representative (1), Sector Representative (1 per affected Sector), Cell Representative (1 per affected Cell), O mudugudu Leader (1 per affected village), Customary Leader (1), Project Affected Person Representative (3) including 1 Woman, 1 Elder and 1 Youth Representative. This Resettlement and Compensation committee is provided for in the amended new Expropriation Law that came into being only in August, 2015. It is therefore critical for the RUDP implementation that the beneficiary Districts approach the concerned Minister to seek permission to set up such committees in place as an interim measure pending the Minister's statutory order.

The Chairperson of the District Executive Committee will be responsible for resettlement and compensation matters, and will be the main coordinator for the grievance resolution activities at the district level - and he/she will work as the Project Management at District level. The Sociologist from MININFRA will act as the overall Project Liaison Officer for the RAP activities. According to established Expropriation Law, in the event that the PAP is not satisfied with the compensation value, he or she can contest the valuation, and is allowed by law to bring in another certified valuer at his/her own cost for another valuation besides efforts of the expropriator to provide explicit and detailed explanation of the valuation.

The expropriator together with dissatisfied PAP and the two valuers have to review the counter valuation, and in case it is found acceptable it must replace the previous one with minutes and records of the proceedings of this decision take, positive or negative for that matter. In case the expropriator is not agreeable to the outcome of the counter valuation, the dissatisfied person has a right at this point to sue in court for redress within 15 days after the decision on the counter valuation. The Expropriation Law, however, requires that payment be made even to the dissatisfied person he/she awaits the court outcome so as not to hinder the progress of the public works, and calls for all parties involved to strive to reach an amicable solution before turning to the Courts of Law.

b) Role of District Executive Committee, CoK and or MININFRA in resolution of contestations to the expropriation list and valuation for compensation and resettlement

Any affected person dissatisfied by the list of persons to be expropriated has the right to request for review of the decision on the list before the organ directly higher than the one having taken the decision (District Councils). Since the Urban Development Project involves more than one District, and does not have more than one District within CoK, the expropriator will be the relevant Ministry – MININFRA; and will be responsible for receiving and handling any appeal against list. The appeal has to be made with 30 days from time of publication of the expropriation decision, stating in writing the grounds for appeal. The authority (MININFRA), has up to 30 days of receiving the request for review of the decision on expropriation in the public interest to make decision. Likewise implementing agencies (Districts in the six secondary cities and Nyarugenge in the CoK) has a right to appeal against revoking of decision against expropriation to MININFRA within seven (7) days following the decision against expropriation.

Following valuation, Article 33, gives any dissatisfied person the right to contest the valuation within seven (7) days after approval of the valuation by the expropriator, and such a person contesting the assessed value will, at his/her own expense, engage the services of a valuer or a valuation firm recognized by the Institute of Real Property Valuers in Rwanda to carry out a counter-assessment of the value. If accepted the counter valuation report shall replace the previous one. When the counter-assessment report is not accepted by the expropriator, minutes shall also be taken thereof indicating the points of disagreement. Such minutes shall be jointly signed by the representative of the expropriator, the person to be expropriated and valuers of both parties. If still not satisfied the concerned person to be expropriated, he/she can refer the matter to the competent Courts of Law within fifteen (15) days from the day he/she appends his/her signature to the minutes indicating points of disagreement.

c) Approval and timeframe for payment of compensation

According to Article 36, once MININFRA approves the compensation, given that the Urban Development Project involves more than one District, and in case of CoK it does not cover more than one District, the approved amount has to be paid within one hundred and twenty (120) days from the day of its approval by the relevant Ministry. If the compensation is not paid within 120 days, such valuation will become null and void unless when agreed to between the expropriator and PAPs.

d) Retraction of expropriation

According to Article 37, if the expropriator retracts the project for expropriation after the valuation of the property of the persons to be expropriated or fails to pay fair compensation within the period

provided by Law, the expropriator shall be bound to pay compensation of five per cent (5%) of fair compensation that had to be paid to the person to be expropriated. When the expropriator and the person to be expropriated agree to pursue expropriation, the expropriator shall be bound to pay compensation as valued prior to pursuing expropriation provided it is within one year. When the expropriator retracts his/her project despite having mutually agreed with the person to be expropriated, the expropriator shall pay the person to be expropriated an additional compensation of five per cent (5%).

e) Cell Adjudication Committee (CAC)

The Cell Adjudication Committee shall also participate in the resolution of grievances. Annex 3 of Ministerial Order No. 002/2008 of 2008 Determining Modalities of Land Registration, provides for Cell Adjudication Committees (CAC) for resolving disputes. Article 17 grants parties with a dispute, the right to take that dispute to the mediation committee. The CAC normally comprises of five members of the cell land committee and five members of the particular umudugudu where demarcation and adjudication is taking place. The Cell Executive Secretary acts as the CAC secretary, although he or she has no voting rights. The Cell Adjudication Committee (CAC) will play a key role in resolving cases of land ownership, land demarcations, absentee landlords, widows, orphans, minors, persons with disabilities and non-legally married women. The case will be referred to the Cell Adjudication Committee by the Resettlement and Compensation Committee.

f) High Court

In case the expropriated person is not satisfied with the decision of the expropriator appealed to, he or she shall file the case with a competent Court. The value approved by the expropriator at the immediate superior level shall be given to the expropriated person in order not to stop the activities while waiting for the court decision. It should however, be noted that the High Court will be used as a last resort after all avenues have been exhausted.

11.3. Grievance Resolution Process

PAPs will be consulted about the different approaches to resolving grievances. Through citizen engagement meetings the PAPs will be informed of the different grievance mechanisms in place for them to lodge their complaints and dissatisfactions. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will be channelled via the Grievance Resolution Committees. Complaints will be filled in a Grievance Resolution Form (Annex 3.). After registration of the complaint, an investigation will be carried out by the committee members to verify its authenticity. Thereafter a resolution approach will be selected based on the findings. The decisions of the action to be taken or taken will be communicated to all involved parties mainly in written form. All measures will be undertaken to ensure that the grievance is solved amicably between the concerned parties and the courts will be the last resort. Efficiency in solving of the grievances will be of paramount importance.

11.3.1. Monitoring Complaints

In addition to the Grievance Resolution Form, a Grievance Log will be kept by the project implementers indicating the date the complaint was lodged, actions to be taken and personnel or team responsible for the complaint. The Sociologist from MININFRA and RAP assigned officers from the respective Districts and the CoK for each sub project will monitor and document the progress of

all complaints through monthly grievance resolution reports.

12. BUDGET AND FUNDING ARRANGEMENTS

12.1. Estimated Budget

An itemized budget will be prepared for the implementation of resettlement activities including compensation. Thus the specific RAPs prepared for the subprojects for each of the six secondary cities and the CoK must provide a budget as this will be crucial for planning and implementation purposes. Since the specific locations of the sub-projects are not yet determined, the number of PAPs not yet determined and the technical designs have not been completed, it is not possible to provide an estimated budget for the total costs of resettlement that will be associated with the implementation of the Urban Development Projects. Thus this RPF only provides the contents of the expected budget for each RAP that will be prepared.

The budgets will give itemized budgets for the different categories of compensation packages, income restoration strategies, provision for inflation, administrative costs, estimated implementing costs, inflation and any contingencies. Once the budgets for the respective projects are finalized, they will be subject to approval by the World Bank, if the World Bank is to finance any of the project implementation. **Error! Reference source not found.** shows an indicative outline of a RAP budget.

Table III: Indicative Outline of a RAP Budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			
Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

12.2. Source of Funding

The resettlement budget will be borne by the District governments and has been included in the annual budget cycle for the fiscal year 2017(??) .

13. IMPLEMENTATION SCHEDULE

13.1. Time Schedule for the Implementation of the RAPs

Upon review and approval of a RAP by all stakeholders, the implementing agencies (Districts of six secondary cities and the District of Nyarugenge in the CoK) will embark on the process of RAP implementation. This process will be conducted prior to the commencement of the construction activities. PAPs will be allowed sufficient time for relocation or handover of land. PAPs will only be required to move after receipt of their total compensation packages including replacement land and structures whenever applicable. However, the processing of registration documents for new pieces of land is sometimes lengthy and highly bureaucratic. Therefore, these may be distributed long after or deep into the construction phase but not beyond commissioning. The detailed activity schedule for the resettlement activities will be finalized during the preparation of the RAP.

13.2. Linking Resettlement Implementation to Civil Works

For each sub-project, the resettlement schedules will be coordinated with construction schedules. Before any project civil works activity is implemented, PAPs will have to be compensated in accordance with the Rwandan and World Bank resettlement laws, regulations and guidelines as set in this RPF. In other words, no individual or affected household should be displaced due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected.

The land acquisition (for both construction and relocation) and demolition of houses should be completed within the preparatory stage of the engineering construction and before the beginning of relevant engineering works. The schedule is thus expected to ensure that all PAPs, prior to their physical relocation will:

- have been adequately consulted about the project, its impacts and compensation entitlements;
- have received compensation entitlements in a timely manner;
- have been provided with means to establishing livelihoods.

14. MONITORING ARRANGEMENTS

14.1. Introduction

The RAP team will develop and put in place a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. In order to measure these impacts, the RAP will identify the specific indicators to be monitored; define how they will be measured on a regular basis; and identify key monitoring milestones (e.g. at mid-point of the RAP implementation process).

14.2. Arrangements for Monitoring by Implementing Agency

The WB's safeguard policy (OP 4.12) states that the project sponsor is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution. The Project Management Unit (PMU) based in LODA will establish a reporting system for the sub-projects RAPs that will:

- a) Provide timely information to the project about all resettlement and compensation issues arising as a result of RAP related activities;
- b) Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels (e.g. by the PMU);
- c) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses;
- d) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have better living conditions and livelihoods; and
- e) Identify mitigation measures, as necessity, when there are significant changes in the indicators that may require strategic interventions (e.g. vulnerable groups are not receiving sufficient support from the sub-project).

14.3. Internal and External Monitoring

There will be need to carry out both internal and external monitoring to ensure complete and objective information and to avoid biasness.

14.3.1. Internal Monitoring

For internal monitoring, the resettlement offices of the executing agency, in partnership with the paying agency or consultant will take full responsibility for conducting regular internal monitoring of the implementation of the project. This will be done hand in hand with key Districts' (implementing agencies) staff, the PAPs representatives and will be done on quarterly basis (every three months). Post resettlement monitoring will be undertaken internally like every three months. The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

- i. Number of sub-projects requiring preparation of a RAP;

- ii. Number of households and individuals physically or economically displaced by each sub-project;
- iii. Length of time from sub-project identification to payment of compensation to PAPs;
- iv. Timing of compensation in relation to commencement of physical works;
- v. Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- vi. Number of people raising grievances in relation to each sub-project;
- vii. Number of unresolved grievances.

The PMU will review the collected statistical data to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PMU, to determine the final cost of RAP implementation.

14.3.1.1. Internal Monitoring Indicators

The following indicators (in

Table IV) can be used for internal monitoring of implementation of the RAP.

Table IV: Indicators of RAP Impacts

Monitoring (of Issues)	Evaluation (of Impacts)
Number of compensation (and valuation) not completed	Changes (+/-) in PAPs conditions during transition process
Number of sub-projects unable to settle compensation after two years	Changes (+/-) in PAPs income and livelihood conditions
Number of grievances filed	Nature of grievances or disputes resolved
Number of livelihood restoration programs completed	Changes (+/-) in affected households income levels
Pre project production versus present production levels (crops for crops, land for land)	Equal or improved production per affected household/homestead

14.3.2. External Monitoring

External monitoring will be undertaken by an independent agency or Consultant. These will have extensive experience in social surveys and resettlement monitoring. External monitoring will be done at least 2 years after completion of the construction phase. Journalists and Civil Society Organizations may be involved in this exercise. External monitoring will include an independent impact evaluation that will determine the following:

- If compensation payments have been completed in a satisfactory manner; and
- If there are improvements in livelihoods and well-being of PAPs.

14.3.2.1. External Monitoring Indicators

Several indicators will be used to measure these impacts. These will include, among others: A comparison of income levels before-and-after; Access to livelihoods and employment; Changes in standards of housing and living conditions; and improvements in level of participation in sub-project activities.

Specific indicators may include the following:

- Yield / produce quantity/quality from farming
- Access/ distance/ quality of agricultural plots
- Quality of, and access to, water
- Source of income
- Number of households engaged in fish farming
- Number of households with access to electricity
- Number of tourists
- Number of children in-school
- Changes in health standards;
- Changes in access to markets or roads – all of which may reflect overall improvements in standards of living.
- Number of 'vulnerable' people
- Yield/ produce quantity/quality from livestock
- Number of PAPs employed by the project
- Number of people with agricultural plots
- General relations between the project and local communities

14.4. Methods for Measuring Impacts

The following methods will be used for measuring impacts:

- i. Questionnaires with data stored in a database for comparative analysis (before-after and with-without);
- ii. Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
- iii. Relocation/resettlement and Compensation Reports.
- iv. Consultations

The PMU will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PMU, to determine the final cost of RAP implementation. The indicators (in Table IV) can be used to monitor implementation of the RAP.

14.5. Annual Audit

The annual audit of resettlement implementation, and as applicable RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines as provided in this RPF.

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP sub-project activities. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country.

Finally, the audit will ascertain whether the resettlement entitlements were appropriate as defined in the RPF guidelines. If the implementation Urban Infrastructure Development project is eventually funded by the World Bank, annual audit reports will be submitted for scrutiny to the World Bank. To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the completion of financial commitments to the programme. This will allow for flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

14.6. Socio-Economic Assessment

The purpose of socio-economic assessment, which is part of the evaluation process, is to ensure that PAPs livelihood and wellbeing have improved, and have not worsened as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihoods, and provision of sufficient community development activities. Monitoring of living standards will continue after resettlement. Additionally a reasonable period (usually two years) must be established for monitoring post-resettlement impacts. A number of indicators (discussed above) will be used for measuring status of affected people.

The socio-economic assessments will use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment will be made for each sub-project. Additionally, since a baseline household survey will have been completed during RAP preparation, the end-RAP assessment will measure changes from this baseline.

14.7. Storage of PAPs Details

LODA and MININFRA as executing agencies will be the custodian of all documents related to the Project and the Project Affected Households or Persons.

LIST OF ANNEXES:

ANNEX 1: World Bank Resettlement Policy Framework

[Excerpt from the World Bank OP4.12 Involuntary Resettlement, Revised April 2004]

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by OP/ BP 6.00, Bank Financing - that is, those in countries with [approved country financing parameters](#). Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects.

Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.

Resettlement Policy Framework

For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see [Annex A](#), paragraphs 23-25). The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs.

For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see [Annex A](#), paragraphs 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects (See [Annex A](#), paragraph [26](#)) that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see [Annex A](#), paragraphs 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal. For each subproject included in a project described in paragraphs 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

For projects described in paragraphs 26-28 above, the Bank may agree, in writing, that sub-project resettlement plans may be approved by the project implementing agency or a responsible

government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

ANNEX 2: Annotated Outline for Preparing a Resettlement Action Plan

This template is extracted from World Bank OP 4.12 Annex A. Its full description can be found in the World Bank external website [web.worldbank.org].

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context. A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

Description of the sub-project: General description of the sub-project and identification of sub-project area or areas.

Potential Impacts: Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program as these apply to the sub-projects.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

- i. Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- ii. Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- iii. Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- iv. Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- v. Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

- i. Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;

- ii. Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- iii. Public infrastructure and social services that will be affected; and
- iv. Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The analysis of the legal and institutional framework should cover the following:

- i. Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- ii. Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- iii. Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;
- iv. Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- v. Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- vi. Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

- i. Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- ii. Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- iii. Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

Eligibility: Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of and compensation for losses: The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

Resettlement Measures: A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of OP 4.12. Aside from

compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

Site selection, site preparation, and relocation: Alternative relocation sites should be described and cover the following:

- i. Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- ii. Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- iii. Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- iv. Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

Housing, infrastructure, and social services: Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

Environmental protection and management. A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community Participation: Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

- i. Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- ii. Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
- iii. Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- iv. Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

- i. Consultations with host communities and local governments;

- ii. Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- iii. Conflict resolution involving PAPs and host communities; and
- iv. Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

Grievance procedures: The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

RAP implementation responsibilities: The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

Implementation Schedule: An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule should indicate how the RAP activities are linked to the implementation of the overall project.

Costs and budget: The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

Monitoring and evaluation: Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.

ANNEX 3: Sample Grievance and Resolution Form

Name (Filer of Complaint): _____
ID Number: _____ (PAPs ID number)
Contact Information : _____ (Village ; mobile phone)
Nature of Grievance or Complaint:

Date **Individuals Contacted** **Summary of Discussion**

Signature _____ Date: _____

Signed (Filer of Complaint): _____
Name of Person Filing Complaint : _____ (if different from Filer)
Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____
Was Filer Present? : Yes No
Was field verification of complaint conducted? Yes No
Findings of field investigation:

Summary of Conciliation Session Discussion:

Issues _____ -

Was agreement reached on the issues? Yes No
If agreement was reached, detail the agreement below:
If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____
 Independent Observer

Date: _____

ANNEX 4: Summary of Citizen Engagement in the preparation of the RPF

The table below presents a summary from selected subprojects during citizen’s engagement in Huye, Muhanga, Rusizi, Nyagatare, Musanze, Rubavu and Nyarugenge (Agatare). A separate citizen engagement report has been submitted separately.

Secondary City & CoK	Implication in terms of RAP preparation	Observation
1. Muhanga	ARAP to be prepared (approx. 3 house fences will be affected by the selected roads to be constructed)	The actual number of partially and fully affected persons in the 6 secondary cities plus CoK will be confirmed after receiving the draft FS report and field survey by our expert in November
2. Huye	ARAP to be prepared (approx. 2house fences will be affected by the selected roads to be constructed)	
3. Rusizi	ARAP to be prepared (approx. 1 house fences will be affected by the selected roads to be constructed)	
4. Musanze	ARAP to be prepared (approx. 4 house fences will be affected by the selected roads to be constructed)	
5. Nyagatare	No RAP or ARAP to be prepared since the selected roads to be rehabilitated are wide enough and no land acquisition so far	
6. Rubavu	ARAP to be prepared (approx. 3 house will be fully affected by the selected roads and drainage to be constructed)	
7. Agatare (CoK)	ARAP to be prepared (approx. 47 houses are fully affected and approximately 60 houses fences will be partially affected by the selected roads and drainage to be constructed)	

ANNEX 5: Sample Table of Contents for Consultation Reports

1.0 Introduction.

- 1.1 Project Description
- 1.2 Applicable Laws, Regulations, and Policies to Public Engagement
- 1.3 Project Lenders

2.0 Stakeholder Analysis

- 2.1 Areas of Influence/Stakeholders
- 2.2 Description of Stakeholders

3.0 Stakeholder Engagement

- 3.1 Previous Consultation Activities
- 3.2 Implemented Community Engagement Activities
- 3.3 Project Sponsor’s Community Engagement Plan
 - 3.3.1 Phase 1 – Initial Stakeholder Consultation
 - 3.3.2 Phase 2 – Release of the SEA Terms of Reference and Draft Citizens Engagements
 - 3.3.3 Phase 3 – Release of SEA Consultation Summary Report

4.0 Summary of Key Issues

5.0 Future Consultation Events

- 5.1 Phase 4 – Release of the SEA Report and Action Plans
- 5.2 Phase 5 – RCDAP Planning Consultation
- 5.3 Phase 6 - Ongoing Project Communication

6.0 Disclosure Plan

Tables

- Table 2.1: Consultation Activity Summary
- Table 3.1: Initial Government Agency Consultations
- Table 3.2: Summary of NGO Meetings
- Table 3.3: Sub-County Committee Composition
- Table 3.4: Summary of Community Discussions
- Table 3.5: Local Community Comments
- Table 4.1: Summary of Key Issues and Responses
- Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

Template Table on Consultation Activity Summary

Location and Communities Represented	Meeting Dates	Attendees	Discussion Summary
Example:			