

REPUBLIC OF RWANDA



RWANDA URBAN DEVELOPMENT PROJECT (RUDP II)

RESETTLEMENT POLICY FRAMEWORK (RPF)

MAY, 2020

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ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
CAC	Cell Adjudication Committee
CoK	City of Kigali
CSM	Contractor's Site Manager
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
ESIA	Environment and Social Impact Assessment
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESS	Environmental and Social Standard
GDP	Gross Domestic Product
GEF	Global Environment Facility
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
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
RAP Resettlement Action Plans
RRA Rwanda Revenue Authority
RSTF Rural Resettlement Task Force
RTDA Rwanda Transport Development Agency
RWFA: Rwanda Water Management and Forestry Authority
SIA Social Impact Assessment
WASAC Water and Sanitation Corporation
WB World Bank

DEFINITIONS

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

1. **“Project Affected People or Project Affected Persons”** refers to people/persons who are directly affected socially and economically by World Bank-assisted investment projects caused by:

- ✓ Relocation or loss of shelter
- ✓ 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
- ✓ The involuntary restriction or access to legally designated parks and protected areas **results in adverse impacts on the livelihood of the displaced persons.**

2. **“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 Environmental and Social Framework. 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.

3. **“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. 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 RF.

2. **“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.

3. **“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.

4. **“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: Standard of living adversely affected, whether or not the Project Affected Person must

- ✓ move to another location;

- ✓ 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;
 - ✓ Access to productive assets adversely affected, temporarily or permanently; or
 - ✓ 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:
- ✓ Loss of benefits from use of such land;
 - ✓ relocation or loss of shelter;
 - ✓ loss of assets or access to assets; or
 - ✓ Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
9. **“A fully affected property”** is where all built structures in one plot/ parcel of land have been affected by the proposed infrastructure. A partially affected property is where all built structures are not fully affected. For example, one of many structures, a fence, plantation or a land is only affected by the proposed infrastructure.
10. **“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.
11. **“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.
12. **“Land acquisition”** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
13. **“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.
14. **“Resettlement and Compensation Plan”**, also known as a “Resettlement Plan (RP)” 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. RPs are prepared by the party impacting on the people and their livelihoods. RPs 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.
15. **“ 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;

- ✓ **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: preparing the land to levels similar to those of the affected land;
- ✓ **“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:
 - Building materials
 - Transporting building materials to the construction site;
 - Any Labour and contractors’ fees and any registration costs.

20. **“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.

21. **“The Resettlement Framework (RF)”** The purpose of the resettlement framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation is being prepared as an instrument to be used throughout the planned infrastructure development program implementation. The RF 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 Plans (“RPs”) for the infrastructure development in the secondary cities and the CoK will be prepared consistent with the provisions of this RF.

22. **“Vulnerable Groups”** refers to:

- ✓ Widows, the disabled, marginalized groups, low income households and informal sector operators;
- ✓ Incapacitated households – those no one fit to work and;
- ✓ Child-headed households and street children

Including among other things, persons characterized by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

EXECUTIVE SUMMARY

Project background

Under the National strategy for Transformation and the currently under-preparation Rwanda's vision 2050, urban development has been identified as a key driver to the country transformation agenda. The Government aims to develop basic infrastructure and upgrading of informal urban settlements to meet the demands of the urban inhabitants and match the accelerating urbanization.

Within this framework, with the financial support from the World Bank Group, the Government of Rwanda (GoR) is aiming to implement the second phase of the Rwanda Urban Development Project (RUDP II) through the Ministry of Infrastructure Acting as the overall Coordinating agency. The Project Development Objective (PDO) is "to improve access to basic services, strengthen urban management and enhance resilience in the City of Kigali and the six secondary cities of Rwanda."

The aim of the RUDP is to provide trunk infrastructure through strategic identification, selection and implementation of the identified investments in six secondary cities of Musanze, Rubavu, Nyagatare, Rusizi, Huye and Muhanga and the CoK in consultation with respective local communities and their administrations. Development of aforesaid trunk infrastructure would promote urban development in the cities by improving access, mobility and integration of secondary support functions necessary for cohesive urban development.

Project components

The project will support the greater needs of the CoK as the economic engine of Rwanda, while catering to the unique opportunities and challenges in the six secondary cities. The *proposed RUDP II is structured into 4 main components.*

- ✓ **Component 1: Support to the City of Kigali with Subcomponent 1a:** Integrated urban planning for resilient, inclusive infrastructure delivery and **Subcomponent 1b:** Evidence-based, sustainable wetland management, flood risk management and greenhouse gas monitoring in CoK.
- ✓ **Component 2:** Support to Secondary Cities with **Subcomponent 2a:** Infrastructure and service delivery in secondary cities and **Subcomponent 2b:** Institutional capacity development of secondary cities.
- ✓ **Component 3:** Institutional and Capacity Development and Project Management with **subcomponent 3a:** Institutional capacity development at national level **and sub-component 3b.** Project management

- ✓ **Component 4: Contingency Emergency Response Component**

This Resettlement Policy Framework (RFP) will be used for the social screening and assessment of the project components and subcomponents. The RFP will guide the implementation of civil works packages under the components and sub-components to ensure that displacement issues are resolved. It will also ensure that livelihoods of the affected persons are not negatively impacted on and where it is unavoidable; they are

appropriately compensated and/or resettled. The RPF was prepared based on the review of previous RPFs, project documents, and relevant Rwandan laws, review of World Bank Environmental and Social Framework, visit to project sites/Districts, as well as key stakeholder consultations.

Expected negative project impacts

The project is expected to have both permanent and temporary impacts. Under the access to basic infrastructure, the project plans civil works related to informal settlement upgrading such as construction of roads, drainage systems, footpaths, greening and upgrading of urban wetlands into environmental friendly multipurpose public spaces, markets, among others. These could potentially displace some people or require land acquisition especially in informal settlements. Permanent effects will result in loss of use of property, vegetation or parcels of land by the affected persons.

While most details are yet to be identified, as a precautionary measure, this Resettlement Policy Framework (RPF) addresses issues which might arise from economic displacement and/or restriction of access to communal resources or facilities. Temporal effects might include an interruption in the current use of properties, land or resources including public services and utilities by the affected persons as a consequence of project construction activities. This could occur during construction work and cause hindrances near schools, markets and health centres, roads, water points, etc. To alleviate these potential impacts or at least mitigate them to the extent possible will require the project to be implemented in phases to avoid massive displacement or disturbance of people, provide alternative routes/paths where needed, consider ways to avoid/reduce noise, dust, etc., to ensure that the livelihoods of PAPs are not negatively affected.

Legal and regulatory Framework

- **Relevant National Policies and Strategies:** Vision 2050, National Strategy for Transformation (NST1), National Land Policy, Land Tenure System and Provisions in Rwanda, National Urbanization Policy.
- **National Resettlement Regulations:** The Rwandan Constitution promulgated in 2015, Land Valuation Law promulgated in 2010, Expropriation Law No. 32/2015 of 11/06/2015, Law N°55/2011 of 14/12/2011 Governing Roads in Rwanda, Law N° 43/2013 of 16/06/2013 governing land in Rwanda
- **World Bank ESF especially ESS5:** Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.

Preparation of Resettlement Action Plans

Some of the RUDP II subprojects will require the preparation of RAPs/ARAPs since they may involve the involuntary acquisition of land, loss of livelihood and impact on other assets. The RPF provides guidelines on the preparation of A/RAPs which include: a consultative and participatory process for preparing a RAP/ARAP, the mandatory socio-

economic survey to determine the scope and nature of resettlement impacts, including some demographic data, description of the area, livelihoods, the local participation process, and establishing baseline information on livelihoods and income for all the project affected households, landholding, etc.

The RPF provides guidelines as well on the establishment of asset inventory, valuation methods and compensation rates and standards, eligibility and entitlements related to any additional impacts, site description, programs to improve or restore livelihoods and standards of living. This RPF contains a sample of an entitlement matrix that could be used while preparing the A/RAPs. Moreover, the RPF has an inbuilt grievance procedure that will be used to address grievances that will arise during the A/RAP process. The GRC will be established at cell level with representatives from local authorities and project affected people. Gender equity will be attained by ensuring a representation of men and women in the GRCs.

The A/RAPs will provide detailed cost estimates and implementation schedule.

The Resettlement related documents including RPF, ARAP/RAP (in case there will be any type of Involuntary resettlement) and due diligence reports will be disclosed to the public through all possible channels including social media, websites, newspapers and World Bank website as per ESS10: Stakeholder Engagement and Information Disclosure. The documents available in the public domain include: Entitlement Matrix, Grievances Redresses Mechanism, institutional arrangements and the categories of eligible PAPs for various R&R benefits.

Institutional Capacity Assessments for RPF Implementation

Several stakeholders will be involved in implementing the RPF. MININFRA will be the overall coordinating Ministry. Under MININFRA there are 3 implementing agencies at national level namely CoK and REMA for component 1 and LODA for component 2. Subsequently there will be 3 Project Implementing Unities (PIUs) at national level one in each implementing agency. Each PIU will have a Coordinator and a technical team that will include an Environmental and Social Management Unit comprising an Environmental Specialist and a Social Safeguards Specialist who will be in charge of overseeing the implementation of the RPF.

Furthermore, each District of the 6 secondary cities under component 2 will as well have one Environmental and Social Management Specialist established at District level who will be responsible of ensuring day to day compliance with the RPF requirements by all stakeholders while implementing various resettlement activities directly reporting to LODA.

RPF Budget and Funding

The cost of RPF and RAPs implementation is expected to be USD 15,000,000 and will be provided by the Government of Rwanda through this project. However, since the costs of resettlement and compensation are based on technical designs, results of scoping, detailed valuation surveys and detailed RAP studies, it is not possible at this stage to produce a detailed and definitive budget for RAP preparation and implementation. The amount provided is just an estimate based on previous phases of RUDP.

Monitoring and Evaluation Plan

In order to assess whether the goals of the resettlement and compensation plan are met, a Monitoring and Evaluation Plan (MEP) will be required. The RPF provides some parameters to be monitored. The monitoring and evaluation plan will be more detailed in RAP and will contain monitoring milestones and provide resources including responsible persons or institutions necessary to carry out the monitoring activities.

The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project or better standards of living; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. The Monitoring and Evaluation (M&E) mechanism will be undertaken by the Monitoring staff within LODA, REMA, CoK and MININFRA in collaboration with the ESF team.

Grievance Redress Mechanism: The project will establish a Grievance Redress Mechanism (GRM) that would function at four-levels to receive, evaluate and facilitate the resolution of affected persons' concerns, complaints and grievances. The GRM has been developed based on ESF requirements and the existing conflict handling mechanism as well.

I. INTRODUCTION

Urbanization is one of the pillars of Rwanda's National Strategy for Transformation (NTS1) which itself is a short-term implementation strategy of a longer run development vision which the GoR is implementing with a rationale to shift the country's economy from a low income country to an upper middle-income country by 2035 and a developed country by 2050. Numbers show that by the year 2024 urban population in Rwanda will be 35% (EICV5, 2016-2017). Urban infrastructure development therefore has been identified as one of the key drivers of the country transformation agenda. The Government aims to develop basic infrastructure and upgrade informal urban settlements to meet the demands of the urban inhabitants to match the accelerating urbanization. Within this framework, the GoR through the Ministry of Infrastructure (MININFRA) and in partnership with the World Bank group is preparing an investment proposal for the second chapter of the Rwanda Urban Development Project (RUDPII) to support the development of six secondary cities and CoK. The development of trunk infrastructure would promote urban development in the cities by improving access, mobility and integration of secondary support functions necessary for cohesive urban development.

The proposed key investments for RUDP II in the six secondary cities and the CoK which were selected in consultation with local communities and their respective leaders 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, markets, storm-water management systems, wetland rehabilitation and management of flood risks in the CoK, plot servicing and other activities related to informal settlement upgrading in Kigali and secondary cities as well. These activities will trigger the Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. As part of the World Bank' ESF requirements to ensure that the project either completely avoids or minimize negative impacts associated with involuntary resettlement, the GoR is required to prepare a Resettlement Policy Framework/RPF.

This document is a policy framework developed by the Government of Rwanda to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during the implementation of urban infrastructure under this project. 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 World Bank's ESF requirements including measures proposed to bridge any gaps between them;

detailed methods of valuing affected assets; organizational procedures for delivery of entitlements by the government; 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 II. The RPF provides an overall guidance on how to assess the social impact of for various sub-projects under RUDP II, and how to manage the displacement and resettlement of the project affected persons in line with 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 work of urban infrastructures under the RUDP II 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) For some sub-projects specific locations for civil works within the cities are not definitively defined at the moment pending the completion of screening and discussion currently underway between GoR, World Bank and other stakeholders. However, based on established needs and aspirations of the citizens and local authorities made clear 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.

II. RUDP II OBJECTIVE

The Project Development Objective (PDO) for the proposed project was confirmed as “to improve access to basic services, strengthen urban management and enhance resilience in the City of Kigali and the six secondary cities of Rwanda.”

- i. **Urban management** in this context is defined as the system and capacity to deliver infrastructure and services in densely populated and rapidly growing urban areas, such that cities are liveable and economically dynamic. Given the need to actively manage Rwanda’s urban centres, RUDP II will place considerable emphasis on institutional strengthening and capacity development for urban management in the CoK and the six secondary cities, as a necessary platform for financing urban infrastructure efficiently and sustainably.
- ii. **Inclusive and resilient investments.** RUDP II proposes to consolidate the types of investments around:
 - (a) Provision of basic infrastructure and services in unplanned settlements and for sites and services schemes to improve the living environment and housing stock for low-income communities; and
 - (b) Development of storm water drainage management and investment plans to improve city wide resilience to flood risks. The initial phase of drainage investments can be funded under RUDP II.

III. PROJECT COMPONENTS

Component 1: Support to the City of Kigali (\$66.65m)

Subcomponent 1a: Integrated urban planning for resilient, inclusive infrastructure delivery (\$55.35m)

This subcomponent will support the comprehensive upgrading of four unplanned settlements and provision of flood risk reduction infrastructure in selected hotspots in the three districts of Kigali. The targeted unplanned settlements are: Mpazi, Gatenga, Nyagatovu and Nyabisindu. A number of flooding hotspots are to be considered under RUDP II are within or close to one of the four proposed settlements or Agatare and their improvement would benefit drainage flowing from the respective settlements.

Subcomponent 1b: Evidence-based, sustainable wetland management, flood risk management and greenhouse gas monitoring in CoK (\$11.50m)

This sub-component supports the design and implementation of wetland restoration activities that integrate biodiversity and ecosystem values in urban development and enhance ecosystem services in a priority wetland. Wetland restoration activities may include: earthworks to re-shape the profile of the wetland, flow and erosion control structures, flood attenuation features, ponds for enhancing water treatment functions and aesthetics and re-vegetation.

Table 1: Unplanned settlements under consideration for upgrading investments in Kigali

Settlement	Sector	District	Area (ha)	No. of HH	Population	Remarks
Mpazi	Gitega	Nyarugenge	137	8,237	34,817	Feasibility study ongoing
Gatenga	Kicukiro	Kicukiro	171	2,564	10,192	Feasibility study done
Nyagatovu	Kimironko	Gasabo	40	665	2,103	Feasibility study done
Nyabisundu	Remera	Gasabo	36.5	515	1,812	Feasibility study done
TOTAL			384.5	11,981	48,924	

Component 2: Support to Secondary Cities (US\$ 80m)

Subcomponent 2a: Infrastructure Delivery and Upgrading in Secondary Cities (US\$ 76m)

This subcomponent will support infrastructure investments in secondary cities (Musanze, Muhanga, Huye, Rubavu, Nyagatare and Rusizi). Under this sub-component roads and drainage investments as well as infrastructure upgrading in unplanned settlements will be prioritized. The proposed urban infrastructure investments in secondary cities will be designed and constructed considering the changing climate conditions; thus, ensuring road connectivity and storm water management in secondary cities where increased storm water flows due to changing land use patterns continue to be experienced. Pedestrian walkways will support urban transport modal change and pedestrian mobility, resulting in reduction of emissions from vehicular traffic. The project will also include energy-efficient street lighting promoting use of green energy, a shift from general trend of utilizing grid energy for street lighting in Rwanda.

Subcomponent 2b: Institutional capacity development of secondary cities (US\$4m).

This subcomponent will provide:

- TA for master plan implementation
- TA for CMO development

Component 3: Component 3: Institutional Capacity Development and Project Management (US\$ 11.22m)

Subcomponent 3a: Institutional capacity development at national level (\$3,8m)

This sub-component will support the following:

- TA for roadmap to CMO development
- TA for implementation & monitoring of national urbanization policy
- TA for stocktaking of upgrading pilots and developing guidelines for urban upgrading
- TA for strategy development of sites and services
- TA for national SWM strategy & feasibility studies for disposal facilities

Sub-component 3b: Project management (\$7,42m)

This sub-component will be used to support project management activities in the following implementing agencies: MININFRA PCU, CoK KUUT, LODA SPIU, and District PIUs REMA SPIU

Component 4: Contingency Emergency Response Component (US\$ 0)

In accordance with the World Bank Policy on Investment Project Financing dated November 10, 2017, Paragraph 12 and 13 for situations of urgent need of assistance, the project includes as a project-specific Contingent Emergency Response Component (CERC). CERC will allow for the rapid reallocation of project funds in the event of a natural or man-made crisis during implementation of the project to address eligible emergency needs under the conditions established in an operational manual (to be prepared during project preparation). This component can either have no funding allocation initially or draw resources from other expenditure categories at the time of its activation or a set amount of funding allocated up front. This can be discussed and agreed with the government during project preparation.

IV. POTENTIAL PROJECT IMPACTS

The project will support a large variety of demand-driven investments in basic infrastructure and services under informal settlement upgrading such as: construction of urban roads, drainage systems, rehabilitation of urban wetlands and provision of public spaces, footpaths and street lighting, plot servicing and market infrastructures among others.

The socio-economic impacts of these activities will be mainly positive and related to the improvement of the quality and standard of living of the urban population in the project villages. However, civil works implementation could result in various adverse social impacts. On the social front, the key impact relates to the fact that some activities will require 'lands', which could lead to temporary/ permanent physical and economic displacement as well as restrictions on access. As the lands are required, the project needs to draw a strategy and implementation action plan to secure lands. While most details are yet to be identified, as a precautionary measure, this Resettlement Policy Framework (RPF) addresses issues that might arise from economic displacement and/or restriction of access to communal resources or facilities.

Moreover, the implementation of project activities might result in others negative impacts such as loss of or access to assets including infrastructure, community assets, and temporal interruption of access to public utilities such as water, electricity, and internet. These potential impacts can have a direct impact on the livelihoods of affected communities.

On the other hand, potential environmental impacts such as: (a) increased environmental pollution with waste, noise, dust, exhaust gases from fuel combustion products; (b) health and safety hazards and other problems resulting from construction activities; increased contamination of groundwater and surface water as a result of inadequate avoidance and mitigation measures; (c) soil degradation and pollution; and (d) threats to human health as a result of improper handling of heavy machinery during construction activities can as well negatively impacts the wellbeing of the society by affecting their production capacity hence damaging livelihoods.

V. RPF PREPARATION APPROACH AND METHODOLOGY

During this process, previous RPF and project documents were reviewed to have an insight on the common practice and key information that need to be found in the RPF. Within this framework, relevant Rwandan laws and World Bank ESF were explored with the aim to grasp the main gap that might exist among them and find a way to establish a proper linkage between them. Furthermore, proposed investments sites where the project will be implemented were visited to have a clear picture of the ground/terrain and key stakeholders' consultations conducted.

During these interactions, effective communication, transparency, collaboration, inclusiveness and integrity were used to attain the intended objectives. Stakeholders involved in this project range from central and local government, national and international organizations, private entities, project affected communities, civil society organizations and grassroots authority figures.

Methodologies and techniques that were used to engage and obtain input from stakeholders included face-to-face meetings, focus group discussions and literature searches. Consultations were carried out in the six secondary cities namely Musanze, Rubavu, Muhanga, Rusizi, Nyagatare and Huye and the City of Kigali for component 1 and 2.

The main purpose was:

- To exchange views with stakeholders on potential sub-projects
- To explore national and World Bank Environmental and social standards requirements from project design and implementation
- To assess the capacity, role and responsibilities of stakeholders in the application of relevant Environmental and Social Standards

- To identify possible social and environmental risks of the project and mitigating measures
- To explore possibilities in which local communities can participate in project implementation
- To get an understanding of social economic baseline indicators of the project areas.
- To understand how grievances have been handled in the project site to get an insight on how the GRM can be developed
- Obtain feedback from stakeholders on potential impacts and their mitigation

Information on stakeholder meeting schedules and venues were communicated early on through local authorities and others community forums such as Umuganda and the weekly community meeting held each Tuesday in the evening at village level. This was done to ensure a significant participation. The meetings were held throughout 2019 with a culmination in August 2019 for secondary cities and December for the CoK, a period during which public meetings were organized at proposed sub-project sites. During the meetings an overview of the proposed RUDP II was presented as well as the purpose of the consultation. The flow was then given to stakeholders. Follow-up and probing questions were also used to help stakeholders open up and provide their ideas, expectations, worries, wishes, etc. Key consulted stakeholders the attendance lists of consulted stakeholders are presented in annex 4.

VI. 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 secondary cities and CoK, MININFRA, LODA, RHA, RTDA, WASAC, REMA, RWFA, MoE together with an effective means of citizen engagement in planning, implementation and monitoring of the planned infrastructure. Key aspect of the RUDP II will be learning by doing through peer learning, collaboration with private sector in service delivery and economic development, promoting and ensuring inclusive urbanization.

VI.1. Institutional Arrangements

RUDP II will largely retain the existing implementation arrangements as under the ongoing RUDP. Overall project coordination will remain the responsibility of MININFRA providing oversight to all components of the Project. A high-level National Steering Committee comprising MININFRA, MINECOFIN, MINALOC, MoE, MINEMA, LODA, REMA and CoK will review and advise on overall budget and funding allocations to the cities. The project will also include a more technical level Project Technical Committee (PTC) comprised of relevant Department Heads involved in project implementation, including LODA, CoK, REMA, RHA, RTDA, MINALOC, RWFA and WASAC, and chaired by MININFRA. Component 1, sub-component 1.b will largely be implemented by REMA with technical support from relevant agencies in the PTC. Finally, RUDP II implementation will be further decentralized by setting up project financed PIUs at the district level and in CoK, staffed with a project focal person (preferably with a background in urban planning or an engineer) and an environmental and social management specialist. They will be responsible for overall project coordination, environmental and social standards, M&E and facilitation and follow-up on all institutional and capacity building activities at the district and CoK levels.

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 standards 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
- ✓ Collaborate closely with consultants preparing the project (FS & ESF documents)

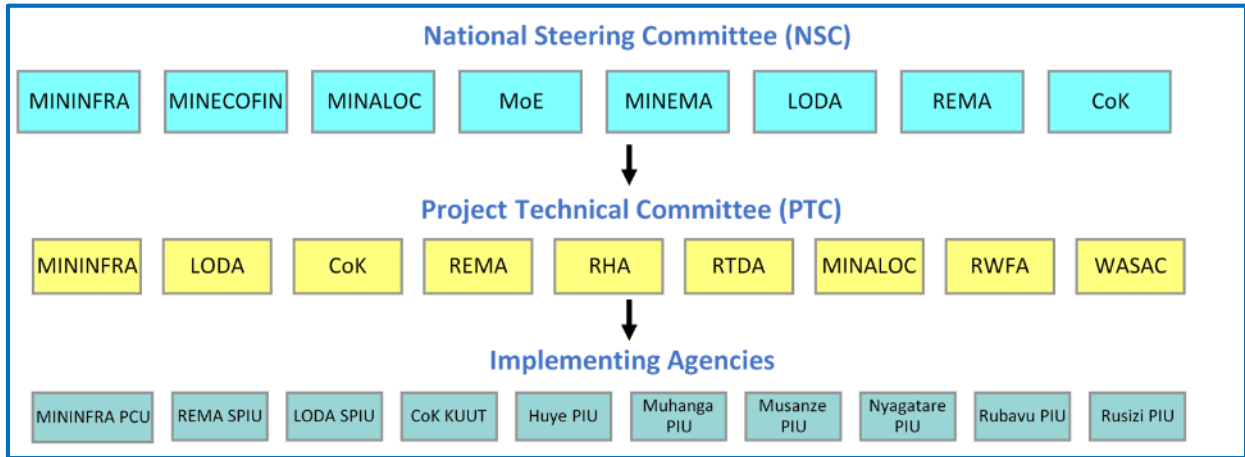


Figure 1: Figure institutional arrangements

VI.2. Implementing support from LODA, REMA and CoK

Implementation Units will be established in each one of the mentioned agencies. Their support will mainly evolve around the organizational structure:

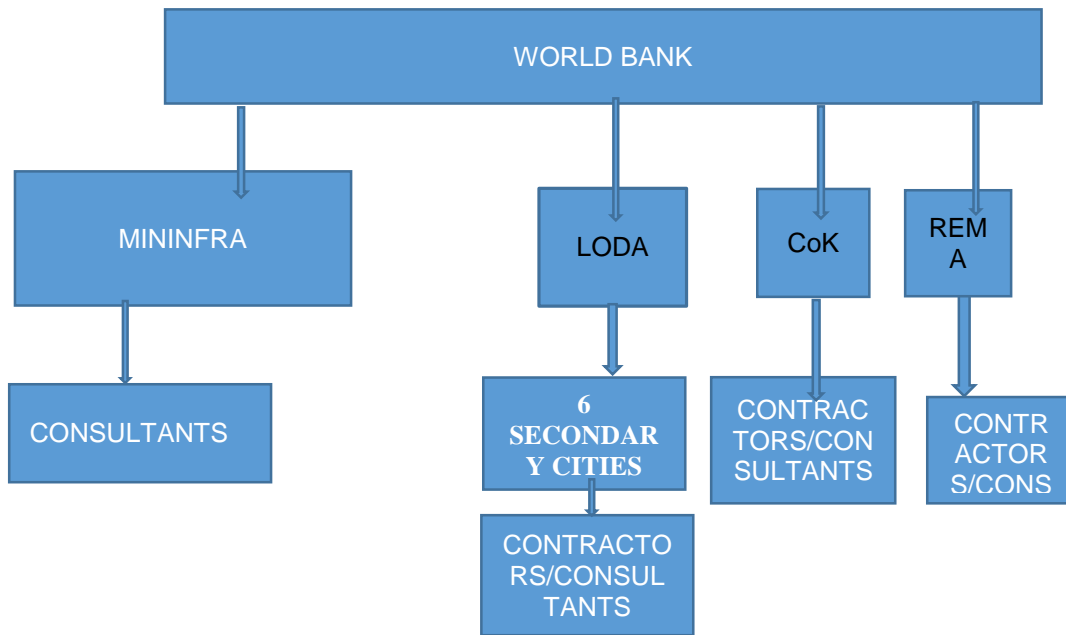
- ✓ Single Project Implementation Unit (Coordinator, Financial Management Specialist, Social Safeguards Specialist, Environmental Specialist, Procurement Specialist, M&E Specialist,)
- ✓ Capacity and Implementation Support Team
- ✓ Construction Supervision Consultants

VI.3. Funding and Funds Management

Funding of the RUDP II 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 disbursed directly to the 3 PIUs (LODA, REMA and CoK) and they will be provided to the Districts through LODA. MININFRA will have a project account for national coordination 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:

Figure 2: Flow of funds



VI.4. Funds allocation procedure options

The package for RUDP II is of \$158 million that will be allocated to different components as follows:

- ✓ **Component 1: Support to the City of Kigali (\$66.65m)**
 - **Subcomponent 1a:** Integrated urban planning for resilient, inclusive infrastructure delivery (**\$55.35m**)
 - **Subcomponent 1b:** Evidence-based, sustainable wetland management, flood risk management and greenhouse gas monitoring in CoK (**\$11.50m**)
- ✓ **Component 2: Support to Secondary Cities(\$80m)**
 - **Subcomponent 2a:** Infrastructure and service delivery in secondary cities(**\$76m**)
 - **Subcomponent 2b:** Institutional capacity development of secondary cities(**\$4m**)
- ✓ **Component 3: Institutional and Capacity Development and Project Management (\$11.85)**
 - **subcomponent 3a:** Institutional capacity development at national level(**\$3.8m**)
 - **Sub-component 3b.** Project management (**\$7.05m**)
- ✓ **Component 4: Contingency Emergency Response Component**

VII. PRINCIPLES AND OBJECTIVES OF THE RPF

VII.1. Rationale and objectives of the Resettlement Policy Framework

VII.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 impacts that 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 II for the development of urban infrastructure in the six secondary cities and CoK 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 Environmental and **Social Standard 5(ESS5): Land Acquisition, Restrictions on Land Use and Involuntary Resettlement** and as a result there is need for resettlement planning and implementation. The development of a Resettlement Framework will guide the preparation of the Resettlement Plans (RP) or Abbreviated Resettlement Plans for the respective project sites in the six secondary cities and the CoK. This RF will thus serve as the framework within which Resettlement Plans will be developed when the project is certain of the locations and specific impacts.

VII.1.2. Objectives of the RPF

The objective for the RF 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 WB and Government policies, procedures and requirements on involuntary resettlement; and shall delineate compensation for affected persons as appropriate. The specific objectives of the RF 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 Bank ESF 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 raised through citizen engagements.

VII.1.3 Key Principles of RPF

This RPF will apply to all subprojects 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 Plan (RP) is required it will be prepared in accordance with guidance provided in this RF, including Property Surveys, Identification (Census) of PAPs/displaced persons, Stakeholder Engagement and Information Disclosure (Environmental and Social Standard 10). This RF follows the guidance provided in the World Bank Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement described in Annex 1; This RF 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.

Within this framework, the GoR is financing the feasibility studies, designs, Social Assessment, ESMF, 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 the implementation of the project.

VII.1.4. Scope of the RPF

This RPF covers the following key areas:

- ✓ Project Description and Rationale
- ✓ Legal and Institutional Requirements
- ✓ World Bank ESF
- ✓ Gap analysis between GoR and the Bank guidelines on 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

VII.2. Potential for Adverse Social Impacts

RUDP-II activities ESS5 will apply as roads and drainages infrastructures construction will affect businesses on roadsides, fences and houses on the road corridor in congested and informal settlements. However, apart from involuntary resettlement with respect to socio-economic activities on land; some people will be resettled after compensation as per the national expropriation law and Resettlement Action Plan developed prior to the start of the project implementation.

However, involuntary resettlement is not anticipated as a result of wetland rehabilitation activities of the project. Degraded wetlands in the CoK that are under consideration for rehabilitation in the RUDP II investments are under subsistence agricultural land use. Consultations with state institutional stakeholders responsible for environment protection and ecosystem services preservation including REMA and RWFA indicated that rehabilitation interventions for degraded wetlands would include current uses that provide livelihood and other benefits to local community users. Previous studies on urban wetland rehabilitation requirements recommended that wetland land users should be assisted to adopt agroecology and climate smart approaches to wetland uses so that they are mutually reinforcing with wetland rehabilitation interventions for function restoration.

Furthermore, one of the converted wetlands under consideration for rehabilitation is the Gikondo former industrial park. The area was a wetland which was converted into an industrial park in the 1970s. The GoR decided a number of years back to relocate the industries to an appropriate site and rehabilitate the area to some level of wetland functionality. The compensation and relocation programme started in 2018 and is stipulated to be completed in 2021. Official communication from the Ministry of Trade and Industry (MINICOM) indicated that 60% of the industry have been relocated and are operating in the new industrial site. The relocation took place into phases. On 89 factories that were operating in the GIP, 14 factories were relocated in the first phase to the Kigali Special Economic Zone (KSEZ). Out of the remaining 75 properties, 39 were expropriated in the second phase. The plan was to expropriate the remaining 36 in 3rd phase that was scheduled to be completed by 2021. Following recent heavy rains and unprecedented flooding that occurred from December 2019 up to date, GIP was one of the heavily affected areas which forced the closure of operations in that area. The remaining 36 have

now ceased to operate and are awaiting the Government to facilitate their relocation to new premises.

Although no involuntary relocation is expected in this potential investment area as a result of project activities, ESS5 will apply and compliance to it will be ensured through ESIA and other studies that will be commissioned once investment areas are confirmed. Moreover, the government has committed to prepare a Relocation Progress Report laying out the methodology and procedures followed to relocate the industries as well as the compensation methods. The report will be shared to the World Bank by June 2020.

This project is mainly an infrastructure development project and therefore has potential for adverse negative social impacts that will require Environmental and Social Standard 1: Assessment and Management of Environmental and Social Risks and Impacts and Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary 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 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 studies of some of the proposed investments sites, 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

VIII. POLICY AND LEGAL FRAMEWORK FOR RWANDA

VIII.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 and the standards of the World Bank's ESS5 on Land

Acquisition, Restrictions on Land Use and 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 ESS5, using equivalence and acceptability standards.

VIII.2. Laws on Property and Land Rights in Rwanda

VIII.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.

VIII.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 equitably thus this policy will be relevant.

VIII.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, the state 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 5, 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.

VIII.2.4. Rwandan Constitution of 2003 amended in 2015

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.

VIII.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.

VIII.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.

VIII.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.

VIII.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 or 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 decide 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.

VIII.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.

VIII.3. Grievance Resolution Mechanism

VIII.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.

IX. WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARDS

IX.1. Introduction

The World Bank ESF especially ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement paragraph 11 requires the Borrower while at project design stage to demonstrate that involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time. The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social and financial costs and benefits, and paying particular attention to gender impacts and impacts to the poor and vulnerable. The ESS emphasizes that where avoidance is not possible, the borrower 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 ESS5 describes the scope (level of detail) and the elements that a resettlement plan should include:

- a) This ESS 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. Paragraph 13 of ESS5 states that compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.
- b) ESS5 requires that particular attention 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) ESS5 states that for households depending on land for their livelihoods preference should be given to land-based solutions; however, at the request of affected persons, it may be necessary to acquire entire land parcels if partial acquisition would render the remainder economically unviable, or make the remaining parcel unsafe or inaccessible for human use or occupancy.
- d) Furthermore, ESS5 states 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) This ESS 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) The ESS requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.

IX.2. Comparison between National Legislation and WB ESS5

This section tackles differences between the laws of Rwanda related to expropriation and the World Bank's requirements on Involuntary Resettlement. In this project, where the Rwanda law differs with the Bank ESF and ESS5 in particular the latter will apply or take precedence. The promulgation of the 2015 Expropriation Law introduced 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 ESS5. 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 ESS5 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 ESS5 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:** ESS5 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. Paragraph 17 stipulates that Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Furthermore, paragraph 18 requires that the consultation process ensures that women's perspectives are obtained, and their interests factored into all aspects of resettlement planning and implementation. 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 ESS5 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; paragraph 20 states that as part of the environmental and social assessment, the borrower will conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected to determine who will be eligible for compensation and assistance and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits but under the Rwanda Expropriation law compensation is limited only those with 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 WB ESF is much broader and includes both legal and illegal occupants of the land therefore, where discrepancies will be found, it will take precedence.
- d) **Notification period required:** The Rwandan expropriation law of 2015 requires that property must be handed over 120 days after financial compensation has been paid, while ESS5 requires that displacement must not occur before all necessary measures for resettlement(not only compensation) are in place.
- e) **Fair and just compensation:** The Expropriation Law provides for fair and just compensation to expropriated peoples eligible for compensation but the definition of 'fair and just' is not clearly established, 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. In this context the term “ disruption “ is not clearly defined but most of the time it is assumed to cover for transaction costs include administrative charges, registration or title fees and moving expenses, while ESS5 in paragraph 12 stipulates that when land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. The ESS5 provides a wider window to explore all sorts of assistance that may need to be applied depending on site specific context, PAPs and community special circumstances.
- 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 to the context and circumstances and does not establish a

follow up mechanism to assess whether the PAPs livelihoods have been restored or improved as stipulated by while the Bank's ESS5 requires that after relocation monitoring be carried out.

Table 2: Comparison of Rwandan and World Bank standards on Resettlement and Compensation

Category of PAPs/types of lost assets.	Rwandan law	WB ESS5	Gap filling measure
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. 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, 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) Land-for-land exchange is the preferred option; compensation is to be based on replacement cost</p>	<p>Land owners will be compensated as per The principles of ESS5.</p>
Land Squatters (i.e. those who have no recognizable legal right of claim to the land that they are occupying.	<p>Rwandan legislations entitle only those who are “landholders” with legal possession of property land tenants, under Rwandan law, are entitled to compensation based upon the amount of rights they hold upon land under relevant laws. The Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and</p>	<p>Land squatters must be compensated for houses and other structures whatever the legal recognition of their occupancy. Entitled to compensation for loss of crops, and assistance for relocation, as the case may be, and assistance for restoration of livelihoods.</p>	<p>Consider all forms of Tenancy based on formal or informal rights/ agreements between land owner and tenants as well as those not legally recognized as long as they assist – will be compensated as per the principles of ESS5.</p>

Category of PAPs/types of lost assets.	Rwandan law	WB ESS5	Gap filling measure
	<p>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>(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>Land Users/ Land Sharecroppers / Tenants (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. Land users are entitled to compensation for crops and any other economic assets.</p>	<p>No specific provisions to land compensation. 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.</p>	<p>Will be compensated for their movable properties and activities present on the expropriated land or property.</p>

Category of PAPs/types of lost assets.	Rwandan law	WB ESS5	Gap filling measure
Owners of non-Permanent buildings	Owners of “non-permanent” buildings are entitled to cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.	Recommends in-kind compensation or cash compensation at full replacement cost including labor. Recommends resettlement assistance	Families should be Consulted on and offered options to choose from between in-kind compensation or cash compensation at full Replacement cost including labor.
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.	Owners of permanent buildings will be compensated as per principles of ESS5.
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.	Follow the ESS5 guidelines and principles.
Seasonal crops	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	Follow the ESS5

Category of PAPs/types of lost assets.	Rwandan law	WB ESS5	Gap filling measure
		needed to restore their livelihood and standards of living (for ex. land preparation, jobs, credits facilities);	
Timing of compensation payments	Resettlement must take place only when PAPs have been fully and fairly compensated, and Compensation has to be completed within 120 days after the valuation report is submitted and decision taken by the expropriator.	Implement all relevant resettlement plans before 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.	Follow the ESS5 guidelines and 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	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	Follow the ESS5 Guidelines and principles.

Category of PAPs/types of lost assets.	Rwandan law	WB ESS5	Gap filling measure
	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.	and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	
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 to the beginning of project implementation, whichever is higher. Moving allowances	Resettlement facilitation and support to follow WB ESS5 requirements.
Vulnerable groups	The Rwandan expropriation law has no special provisions for vulnerable groups.	ESS5 paragraph 26 demands that during the preparation of the resettlement action plan Particular attention be paid to gender aspects and the needs of the poor and the vulnerable and paragraph 27 demands that provide relocation assistance be suited to the needs of each group of displaced persons .	Resettlement facilitation and support to follow WB ESS5 requirements.

Category of PAPs/types of lost assets.	Rwandan law	WB ESS5	Gap filling measure
Grievance mechanism and dispute resolution	<p>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).</p>	<p>ESS5 paragraph 19: The Borrower will ensure that a grievance mechanism for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation, Relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.</p>	<p>Requirements of ESS5 will be followed for the establishment of a GRC.</p> <p>In case of escalation of disagreement on compensation cost the Rwandan expropriation law will be applied to settle the grievance.</p>
Displacement	<p>The notification period under national legislation requires that property must be handed over 120 days after financial compensation has been paid</p>	<p>Requires that displacement must not occur until all necessary measures for resettlement are in place.</p>	<p>Rwandan law and WB operational policies require that project affected persons must be compensated and facilitated to resettle before displacement</p>

Category of PAPs/types of lost assets.	Rwandan law	WB ESS5	Gap filling measure
<p>The cut-off date</p>	<p>Article 2 of the Rwandan expropriation law demands the expropriating entity to inform the persons to be expropriated in the public interest of the expected start date of measurement of land and inventory of property incorporated thereon. Such a communication shall be made through an announcement posted on the office of the Cell of the place designated for the implementation of the project. The communication shall also be made through at least one radio station with a wide audience in Rwanda and at least one of Rwanda-based newspapers with a wide readership for the relevant parties to be informed thereof. If necessary, use shall be made of any other means of communication.</p> <p>Article 17 of the expropriation law 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</p>	<p>ESS 5 In conjunction with the census, the Borrower will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal.</p>	<p>Requirements of ESS5 will be followed.</p>

In a number of cases, as shown in Table 2 above, the World Bank requirements are more comprehensive and explicitly favourable to PAPs than the provisions of the Rwandan Law. All in all, in the event of divergence between the two, the requirements of ESS5 will take precedence.

X. POPULATION, DISPLACEMENT AND CATEGORIES OF AFFECTED PEOPLE

X.1. Socio-economic information on the six secondary cities and the CoK

Selected under the second phase of the Economic Development and Poverty Reduction Strategy (EDPRS-II) and reaffirmed under the National Strategy for Transformation (NST0, the six Secondary Cities were envisioned as poles of growth and centers of non-agricultural economic activities. The largest concentration of economic activities outside Kigali is in the Rubavu-Nyabihu-Musanze area, accounting for 7 percent of formal private sector jobs as per the 2014 Establishment Census, although far behind Kigali's share of 54 percent.

Table 3: Key Data on Project Cities

City	Total urban resident population	Urban Population Density (persons/km ²)	Sector	Urban Poverty Rate*	% Households living in urban informal settlements
Huye	41,880	1,506		28.8	70.8
Muhanga	44,800	2,229		13.4	52.0
Musanze	69,220	2,933		19.4	61.3
Nyagatare	17,929	356		53.7	5.9
Rubavu	143,019	3,195		20.0	29.6
Rusizi	24,300	2,593		24.9	51.8
Kigali	845,730	3,556		8.3	78.0

Source: Census 2012 (unless noted otherwise) and EICV 5

X.1.1. the City of Muhanga in Muhanga District

Muhanga City in Muhanga District is located at approximately 50km south of Kigali in the Southern province of Rwanda. According to the population Census of 2012, the total Population of Muhanga city is 44,800 with an annual population growth rate of 2.6%. (NISR, 2012). Out of the six secondary cities, Muahanga is the closest to Kigali, where most of its economic production is transported to the capital itself. Muhanga has the slowest population growth rate of all of the six secondary cities, with a rate of 1.1% which is half the national average of 2.6% (NISR,2012) The Muhanga's proximity to Kigali largely explains its slow population growth rate, as movement to the capital in search of opportunities overtakes migration to this secondary city. Agriculture employs nearly 80% of Muhanga's district workforce and is correspondingly the largest sector of Muhanga's city. The other dominating sectors are trade, industry and construction. A number of mining operations are active in Muhanga, but the mineral processing plant operates at only 20% capacity. Muhanga has the potential to become a commercial and financial services hub in Rwanda.

X.1.2. Huye City in the District of Huye

Situated in the Southern province is considered to be the intellectual centre of the country, where it currently houses the main National University campus. The city is composed of residential areas in the North and South, and a cluster with commercial, administrative and public institutions in the centre of the city. The agriculture sector is the backbone of Huye's economic growth and the city has significant opportunities for resource-based manufacturing. Huye City has over 41,880 people and an estimate growth rate of 1.9% (NISR, 2012). According to the Rwanda Establishment Census of 2014, the percentage of formal businesses in Huye is 8.8 % (NISR, 2014). In Huye, 32% of the households are engaged in agricultural as their main livelihood with a mean cultivated land size is 0.41 ha while 69.3% of the households are engaged in livestock farming.

X.1.3. Musanze City in the District of Musanze

Situated north of Kigali, is best known as the tourism hub in Rwanda and thus has become the city with the highest income per capita, even compared to Kigali. Musanze district has the second highest population density of the six secondary cities but this is not matched with a high population growth. The district has the second lowest population growth figures of the six secondary cities. Agriculture is a vital part of Musanze's economy, employing 67% of the workforce. The population of Musanze city is 69,220 having and annual growth rate of the population estimated to 1.8% (NISR, 2012). Musanze hosts tourists for the internationally renowned eco-tourism activities that Volcano National Park offers: Gorilla and volcano trekking. The two secondary cities of Musanze and Rubavu lie in close proximity to one another, thus creating further potential to complement each other with regard to expanding their respective ecotourism sectors. Musanze has several well-established hotels and restaurants to support its tourism industry. According to Rwanda Establishment Census of 2014, the percentage of formal businesses in Musanze secondary city is Musanze 5.3% and 94.7% of businesses are informal (NISR, 2014).

X.1.4. Rubavu City in District of Rubavu

Rubavu City is found in Rubavu District Rwanda's Western Province. Rubavu is the main tourist destination in Rwanda and is a strategic trading post. It is situated on the northern edge of Lake Kivu and shares the border with Goma in the Democratic Republic of the Congo (DRC). Out of the six secondary cities, Rubavu has the second fastest growing population rate and has the highest population density, which both surpass the national average and makes it the fastest urbanizing city. The population of the city is about 143,019 with 5% growth rate (NISR, 2012). Rubavu is the only district where agriculture employs less than 50% of the workforce. According to Rwanda Establishment Census of 2014, the percentage of formal businesses in Rubavu secondary city is 6.3%, 93.7% of businesses are informal (NISR,2014). Rubavu has several large industries that provide employment for its local population: it is home to Bralirwa Breweries, a beverage manufacturer that produces beer and juices; and is where the first

Rwandan independent power project, methane gas project, KivuWatt, is situated. While tourism is a significant part of Rubavu's economy, it remains underexploited.

X.1.5. Rusizi City in the District of Rubavu

Rusizi city is the furthest secondary city from Kigali, located in the southwest of Rwanda on the border with DRC and Burundi, which has led it to sustain a substantial amount of trade and logistics opportunities. Rusizi has the second highest population of the secondary cities with 24,300 and has a growth rate of 2% per annum, below the national average of 2.6%. At five persons per household, it also has the highest mean household size in Rwanda. Rusizi's population density is also above the national average (NISR, 2012). These combined factors are placing stresses on the district's existing infrastructure and the availability of resources. Agriculture employs the majority of Rusizi's workforce. 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. Furthermore, economic opportunities already exist in other sectors such as trade and low-tech industry. In particular, Rusizi is home to CIMERWA Cement, which is Rwanda's largest cement producer. High quality local limestone deposits make Rusizi the ideal location for cement production. Other than cement, Rusizi has a number of resource-based manufacturers that process rice, tea and other locally grown produce. According to Rwanda Establishment Census of 2014, the percentage of formal businesses in Rusizi secondary city is 6.6%, with 93.4% of businesses are informal. Moreover, Rusizi has underexploited potential in tourism, given its strategic location by Lake Kivu. The low proximity of Rusizi to Nyungwe National Forest is the driving force behind its physical structures, and economic opportunity.

X.1.1.6. Nyagatare City in the District of Nyagatare

Nyagatare city is located in the Eastern Province and has the potential to become an agro-trade hub. According to Nyagatare District data, the City of Nyagatare is made up of only Nyagatare Sector with a total population of 52,125 out of which around 17,929 dwell in the designated urban area of the sector with an average of 3.8 inhabitants per household. Of all of the six secondary cities, Nyagatare has the highest population growth rate, which according to the stands at 6.2% (NISR,2012). It also has one of the lowest population densities with 242 persons per km² compared to the national average of 445 persons per km², which is indicative of the district's current advantage of having a large amount of available land. While Nyagatare is growing rapidly, with an urbanization rate of 9%, it remains the least densely populated city out of the six secondary cities. Overall, there is a lack of infrastructure, such as water and energy, which poses increasing difficulties for accommodating and providing services to new urban dwellers. 80% of Nyagatare's workforce is engaged in agricultural activities and is well known for its cattle breeding and production of milk (Inyange), which dominates the milk market in Rwanda. . 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. The percentage of

formal businesses in Nyagatare secondary city is 5.4%, of which 94.6% of businesses are informal (Rwanda Establishment Census of 2014).

X.1.7. The City of Kigali (CoK)

Located in the heart of Rwanda, Kigali is the capital, the largest city and the most important business centre for Rwanda. According to the Fourth Population and Housing Census, Rwanda of 2012, Kigali has been growing by leaps and bounds over the hilly terrain surrounding its core from 600,000 people in 2002 to 1,132,686 in 2012 (NISR, 2012). It is one of Africa's fastest-growing cities. Administratively the city is divided into 3 Districts namely: Gasabo, Nyarugenge and Kicukiro. Gasabo District contains the city's most populated sub-area, Kimironko Sector, with 59,312 people. Nyarugenge District is the least populated District with 284,860 people, is growing at the slowest rate (1.9 per cent average annual growth rate between 2002 and 2012) and is the smallest District in area. Kicukiro has a growth rate of 4.4 % a year and is the least populated District with 319,661 residents. It also has the least populated Sector, Kagarama, with a population of 14,054. Some 487,000 people over Rwanda's legal employment age of 16 years old hold jobs in Kigali (NISR 2012b). The city's three largest employment sectors are agriculture, fishing and forestry (24%); other services, such as utilities and financial services (21%); and trade (20%). Other important sectors are government (12 per cent); transportation and communication (6%); Construction (6%); and manufacturing (5%) Of Kigali's legally employed residents, the majority is engaged in non-farm related work, which is either independent work or wage labour. Gasabo District has the most significant proportion of residents (30%) in the farm workforce as it also contains the most amount of farmland. Development of informal, or unplanned, settlements has contributed to rapid urbanisation of Kigali and has associated environmental and social impacts. According to WB, by 2012, unplanned settlements housed 83 per cent of the city's population (WB, 2012).

X.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.

X.1.3. Social capital and Mechanisms of Social Cohesion and Social Structure

After the genocide against the Tutsi 1994, 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 so as to work for their development.

X.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.

X.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.

X.3. Determining the number and categories of Project Affected Persons

Experts conducting the RP 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.

X.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 a consultant on behalf of LODA to identify the areas or sites with expected resettlement impacts due to land acquisition or restriction of access to resources. Guided by World Bank ESS5, separate stand-alone Resettlement Action Plans (RAPs) will be prepared for each city consistent with the guidelines provided in this RF. The following procedural guidelines will apply when it is determined that a RP 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.

X.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 for subprojects that are not well known yet. 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.

X.6. Process for preparing and approving Resettlement Action Plans.

X.6.1. Introduction

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 and will consist in the conduct of a socio-economic survey, a census of PAPs and the preparation of an asset inventory.

X.6.2 The socio-economic survey

The assessment will help to : (i) identify the affected PAPs, assets and the vulnerable community members, affected properties (ii) determine which mitigation measures to be taken;(iii) establish whether or not detailed resettlement action plans with timetables and budgets should be prepared. Issues to be addressed by the Social Impact Assessment (SIA) will include: demography; land tenure; socioeconomic structures, consultations with local authorities and with the Project Affected Persons (PAPs). A key task to be conducted under this process is a household survey describing the extent of the social impacts. The socio survey should contain general house hold data such as: family size, gender and age information; education; occupation; land ownership, tenure arrangements and so forth.

Resettlement plans should be based on recent information about the scale and impact of resettlement on the displaced population, In addition to describing standard household characteristics, socio-economic surveys should describe:

- (a) The magnitude of displacement;
- (b) Information on the full resource base of the affected community;
- (c) The extent to which the groups will experience total or partial loss of assets;
- (d) Public infrastructure and social services that will be affected;
- (e) Formal and informal institutions (such as community organizations, ritual groups etc.) that can assist with designing and implementing the resettlement programs; and
- (f) Attitudes on resettlement options.

Socio-economic surveys and census recording the names of affected families should be conducted as early as possible to curtail inflows of populations ineligible for compensation.

The survey would estimate the extent to which the affected families will experience loss of assets, including control over resources, as well as infrastructure and social services available. The survey should further describe local organizations and institutions, village councils, religious groups etc., which could later participate in planning and implementation of the resettlement options. Expected changes in demography and health impacts should also be addressed. At this stage, all PAPs will be listed in order to avoid an influx of people trying to take advantage of the compensation and resettlement. A cut off date will also be proclaimed. That means, a date from which eligibility for compensation will be terminated. New inhabitants coming to the project affected areas will not be considered for compensation.

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 LODA and shared with World Bank for review.

X.6.3. Census of the PAPs

The census provides a summary of relevant baseline information on affected populations; identifying all categories of impacts and people both directly and indirectly affected which include those of a physical and economical nature. The summary will include an assessment of their relevant socio-economic circumstances; identify key issues faced in terms of land acquisition and compensation; whether or not the PAH or PAP falls with the criteria for vulnerability and options and strategies for minimizing impacts on current land use activities or cultural heritage.

An electronic database will be developed to store all socio-economic data collected during the survey. Each PAH and PAP within the parcels of land to be acquired for the project will be given a unique identification number that will grant eligibility to compensation and to the various compensations options that will be developed. A questionnaire will be developed for the household survey and for the economic interest within each parcel of land.

Photographs of PAPs and their assets will be taken to supplement identification and enable transparency with respect to material assets. The census survey data will be used in preparing the micro plans for each PAH/ PAP and will be used to monitor the success of the RAP process.

The survey should bring out as a minimum the following details:

- Name and family details
- Demographic information on social classification, education and occupation of each family member
- Skill base/ education level for each member
- Total family income (from all sources)
- Details of land ownership and extent of land loss due to the land acquisition/ negotiation. (Actual land ownership, and not only in terms of land records)
- Details of income loss due to loss of land (from agriculture, plantation, labour and sharecropping).
- Details of any structure or asset on the impacted land
- Identification of vulnerability (women-headed household, family with Physically and mentally challenged members, family with aged members, family with income

below poverty line and family losing more than the economic threshold of their land through acquisition/ negotiation).

✚ **Cut-off date:** Cut-off Date will be based on the dates of the census program. The cut-off date will be discussed and established early on during the census and the sensitization on cut-off dates will be done during the public meetings, communiques will be passed through local and national media outlets, written ones will be publicly displayed on different administration offices starting with the village up to the District and flyers will be distributed to the community.

X.6.4 Preparation of Asset Inventory

A standard Compensation Assessment Form/evaluation sheet has been developed by the Institute of Real Property valuers in Rwanda to be used country wide. Since the asset inventory and valuation exercise can't be done by a person others than a certified real property valuer, the standardized sheet will be used as a way to avoid speculation or other unfairness practices that may bring conflicts related to asset inventory and valuation in the area. The asset inventory will be done by ticking on the sheet the different items in the possession of the PAP. In circumstances where a give item is not found on the standardized sheet, it will be added on the bottom and will be later assigned a value after thorough investigation by the valuer and discussion with the owner. Inventory of each asset belonging to the PAP will be taken in his/her presence.

XI. ELIGIBILITY CRITERIA FOR CATEGORIES OF AFFECTED PEOPLE

XI.1. Introduction

The eligibility criteria for compensation and resettlement that will be followed for the different categories of RUDP II affected persons will follow the Bank ESF as they were found to be more in support of the PAPs compared to national policies and legislation. Therefore, the valuation and payment of compensation will comply with the principle of full replacement costs as required by ESS5. 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 ESS5 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 i) and ii) 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 iii) 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 i), ii) or iii) 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.

XI.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. Under RUDP II if the piece of land taken is above 20% of the total land the remaining part considered unviable. However, an assessment and consultation with the owner will first be carried out to affirm the viability or unviability considering the fact that in some cases even taking 10% can leave an economically unviable land while in others depending on the size or location, taking more than 20% can bear no impacts on the viability of the land. All these factors will be taken into consideration.

XI.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.

XI.4. Assistance for Loss of Income and Livelihood rehabilitation support

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.

XI.5. Assistance to Vulnerable Groups

The compensation implementation will entail taking special measures and assistance for vulnerable affected persons, such as child 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.

XI.6. Entitlement matrix for proposed resettlement and compensation policy

The entitlement matrix is given in Table 3 below and will form the basis for (resettlement planning through the preparation of RPs and) compensation of project affected people in case of involuntary displacement under the project.

Table 4: Entitlement Matrix.

S/N	Type of Loss	Unit of Entitlement	Entitlements
A. Loss of Residential / Commercial / Institutional Land			
A1	Partial loss of land but residual is enough viable economically	Title Holder	• Cash compensation at full replacement cost.

S/N	Type of Loss	Unit of Entitlement	Entitlements
			<ul style="list-style-type: none"> The District will provide a new land title and rehabilitation permits to the PAP for free.
		Tenant / Lease Holder	<ul style="list-style-type: none"> Advance notice to vacate Payment for unexpired portion of the lease for the land lost
A2	Entire loss of land or partial loss where residual is not viable (Acquire all lands if the residual land is not economically viable for the owner.)	Title Holder	<ul style="list-style-type: none"> Cash compensation for entire land holding at full replacement cost.
		Tenant / Lease Holder	<ul style="list-style-type: none"> Advance notice to vacate payment for unexpired portion of the lease for the land lost
B. Loss of Residential and Non-Residential Structures (Including “business premises ”)			
B1	Fully affected / partially affected and remaining structure is non-viable (Owner Built)	Owner	<ul style="list-style-type: none"> Compensation for the structure at full replacement cost Demolition allowance (cash compensation at full replacement cost of structure) Moving fee (Transport + Wage for casual labourers); The District will provide a new land title and rehabilitation permits to the PAP for free. Right to salvage material; Advance notice to vacate.
B2	Loss of occupied portion	Tenant and informal business tenants	<ul style="list-style-type: none"> Disturbance allowance (Equivalent of 3 months’ rent but not exceeding the demolition allowance issued to the owner) Moving fee (Transport + Wage for casual labourers)

S/N	Type of Loss	Unit of Entitlement	Entitlements
			<ul style="list-style-type: none"> • Advance notice to vacate in accordance with the tenancy agreement; • Re-imburement of remaining worth of deposit on rent.
C. Loss of Standing Tree Crops			
C1	Tree	All Cultivators	<ul style="list-style-type: none"> • Compensation at full replacement cost for any non-food trees, shrubs / permanent grass based on economic value for tree and vegetation.
D. Loss of Livelihood			
D1	Land based livelihoods;	Agri-business Farmer	<ul style="list-style-type: none"> • Physical preparation of the farm land (clearing, levelling, creating access routes and soil stabilization) • Fencing for pasture or crop land • Agricultural inputs (seeds, seedlings, fertilizer) • Government Extension services like veterinary care
D2	Wage based livelihoods	Workers/employees of affected entities	<ul style="list-style-type: none"> • One time subsistence allowance equivalent to three months minimum wage income in the concerned District. • Skills training and job placement • Provision made in contracts with project subcontractors for employment of qualified local workers. • link up with local NGOs and government entities providing small-scale credit facilities to finance star up enterprises

S/N	Type of Loss	Unit of Entitlement	Entitlements
D3	Enterprise-based livelihoods	Affected and established entrepreneurs and artisans.	<ul style="list-style-type: none"> One time subsistence allowance of equivalent to three months minimum wage income in the concerned District. Sponsored entrepreneurship training in business planning, marketing, inventory and quality control) procuring goods and services for the project from affected local suppliers
	Economic displacement	instance road side workers, vendors, kiosks	<ul style="list-style-type: none"> Allocation of a new working place and the Government will pay 6months rent if the place is not government owned. Assistance to move
E. Assistance to Vulnerable Groups			
E1	Special assistance for vulnerable households or persons	Highly vulnerable households (Elderly living alone, disabled, child headed households or household headed by women).	<ul style="list-style-type: none"> Assistance to move The District will provide a new land title and rehabilitation permits to the PAP for free.
		Highly vulnerable households (low literacy level and limited ability to qualify for employment and low income)	<ul style="list-style-type: none"> Training on skills to facilitate access to casual or semi-casual employment opportunity in RUDP II. The District will provide a new land title and rehabilitation permits to the PAP for free. Implementing agency will review applicants on a case by case basis then pay bulk of the fees to a Government pre-approved NGO or training

S/N	Type of Loss	Unit of Entitlement	Entitlements
			agency(s) e.g. Intergraded polytechnic regional centre <ul style="list-style-type: none"> Beneficiary PAPs will pay a nominal fee.
		Highly vulnerable households (pre-existing medical condition and low income)	<ul style="list-style-type: none"> Facilitation of government provided medical services Advocate for those that are not already in the government social safety net program to be considered enrolled for assistance

XII. METHODS FOR VALUING AFFECTED ASSETS

XII. 1. Introduction

This section describes different valuation methods used at international level and provides guidelines on suitable ones for RUDP II taking into consideration Rwandan legislation on asset valuation as well as requirements of the World Bank's ESS5.

XII. 2. Description of valuation approaches

(a) Replacement cost approach (RCA): Replacement cost is the market value of the affected asset plus transaction cost. The RCA is based on the assumption that cost and value are related. It involves finding the estimate of the gross replacement cost of an asset which is the estimated cost of constructing a substitute structure or buying an alternative land in a location and size of equal value at current market prices.

(b) Market comparison Approach (MCA): this involves the direct comparison of the Property's value determining features with those of immediate and surrounding vicinity That sold recently. This method simply arrives at the value of an asset by taking an estimate of similar asset (in size, frame and location) sold in recent time to arrive at the Cost of the asset to be acquired or demolished by a project. It is most desirable when Cash compensation is the choice compensation.

(c) Direct Capital Comparison Method: This method assumes that the value of a property is arrived at by direct comparisons made with other similar available property transactions in the area or vicinity. Considerations are made with reference to location, accessibility, demand and supply positions, quality and standard of the built-up

structures, age and condition, the prevailing economic and property market trends. Sale values are then analysed and processed to form units of value per square meter of the total external floor area of the buildings. These are then compared with the subject property on the same basis to arrive at an adjusted unit of value and apply the same to the subject property whilst allowing for similarities and dissimilarities accordingly.

(d) The Depreciated Replacement Cost Method of Valuation: This method is used to value properties where there is no general demand and thus for which comparable evidence is absent. If such properties are sold, the price required by the vendor would normally be the cost of construction plus the value of land for an alternative property. In such circumstances, it is reasonable to assume that value and cost are equal. Therefore, this method requires estimates of the value of the land in its existing use and of the gross replacement cost of buildings and other site works from which appropriate deductions may then be made to allow for age, condition, economic or functional obsolescence and environmental and other factors which might result in the existing property being worth less than a new replacement.

(e) The Investment Method: This method is designed to value investment properties mostly applied to the valuation of businesses, using projected future incomes and costs to arrive at a present value of a business. The estimated gross annual rent is reduced to a net income after deducting expenses. The net annual income is then capitalised at an appropriate yield. Rental values of properties are extracted during field inspections.

(f) The Residual Method of Valuation: This is used to value properties with latent value which could be released by further development. It calculates the residual value which essentially is the value that a prospective developer would be prepared to pay for the site. It, thus, is an approach that is suitable for aiding property development decisions by indicating the possible values of the development once completed and by providing a guide as to the likely profits. If the developer's profit is negative, then the proposed development is considered not viable unless in the converse situation.

XII. 3. Guidelines for the valuation methodology under RUDP II

The RPF adopts the replacement cost as the method to be applied under RUDP II as recommended by the World Bank ESS5. Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Replacement cost will be used when valuing all assets and associated transactions, displacement, economic impacts. The Rwandan expropriation law will only serve as a starting point for the valuation of assets but to achieve full replacement costs others considerations such as:

- The cost to acquire new land titles
- The cost to acquire new construction permits
- Relocation/moving expenses
- Necessary assistance for vulnerable groups

- Estimation of immediate losses
- Cost of labor
- Any other transactions that the PAP might incur as a result of the involuntary resettlement

Will be evaluated.

After a total price is established, a mandatory 5% of total value as per the Rwandan expropriation law will be added to cater for potential unforeseen transactions and others unpredictable immediate losses.

The replacement cost method will be applied to different assets as follows:

(i) Agricultural Land

Compensation for land will aim at providing a farmer whose land is acquired and used for project purposes with compensation for land labor and crop loss. For this reason, and for transparency, “Land” is defined as an area or homestead:

- In cultivation
- Being prepared for cultivation, or
- Cultivated during the last agricultural season.

This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labor. A farmer works on his/her land most of the months of the year. The major input for producing a crop is not seed or fertilizer, but the significant labour put into the land each season by the farmer. As a result, compensation relating to land will cover the market price of labour invested in the previous or current season as well as the market price of the crop lost.

After a total price is established, a mandatory 5% of total value as per the Rwandan expropriation law will be added to cater for potential unforeseen transactions and others unpredictable immediate losses associated with the involuntary resettlement.

(ii) Crops and trees

- Valuation of tree will be based on current market value taking into consideration the type, age and the productive value of the tree. Although government rate prepared by the Institute of Real Property Valuers each year exists, market research will be conducted by appropriate experts (independent valuers) to determine if the government rate is in tune with current market rate. Where this rate is different from current market rate, the later will be used to fulfil the condition “current market rate” per ESS5.
- Valuation for crops is at full market value of crop yield per hectare. This entails conducting an inventory of size of hectares farmed by each PAP and the type of crop. The existing market value of crop yield per hectare will be determined and adjusted

(as may be necessary for inflation) and associated transactions including the cost of labour and fertilizers will be calculated as well during RAP preparation as so that end result will be reminiscent of prevailing market price at the time of RAP compensation.


After a total price is established, a mandatory 5% of total value as per the Rwandan expropriation law will be added to cater for potential unforeseen transactions and others unpredictable immediate losses associated with the resettlement.

(iii) Residential land and buildings

As a starting point for the valuation of assets, market rates for the different assets will be used. 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 must be based on prevailing market rates whose benchmark rates are set up and gazetted each year by the Institute of Real Property Valuers in bid to make sure that prices are following current market trends. After the valuation of the properties using markets values as a basis is completed, in order to ensure full replacement cost, other considerations will be weighed in:

- The cost to acquire land titles
- The cost to acquire new construction permits
- Relocation/moving expenses
- Estimation of immediate losses
- Necessary assistance for vulnerable groups
- Any other transactions that the PAP might incur as a result of the involuntary resettlement

After a total price is established taking into consideration all the above, a mandatory 5% of total value as per the Rwandan expropriation law will be added to cater for additional potential unforeseen transactions and unpredicted immediate losses associated with the involuntary resettlement.

 **Treatment for depreciation:** The Rwandan law on expropriation in public interest requires that while valuing fixed assets such as buildings, their valuation must not take into consideration any depreciation related to age of the property or any damage that it might have incurred over years due to ravages of time. Furthermore, if for example the price of cement in 1990 when the house was built was 5\$ and today is 15\$, while valuing the house today, the valuer will consider 15\$ which represents the current market value. This goes for all construction materials and associated transactions as well as labor or any other transactions and/ or works that the owner might have undertaken while constructing or acquiring the house.

Therefore, the full replacement value of assets will be calculated without deducting any depreciation.

XII. 4. Comparison of Land/Property Values Countrywide

In case there are no compensation rates to be used as valuation basis, 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 and add the cost of transactions to achieve full replacement cost.

XII. 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.

XII. 5. 1. Valuation Procedure

At each of the land/plot to be expropriated, the valuer will take detailed count of all crops, trees and the size of the land. 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.

XII. 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 (umudugudu) 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.).

XII. 5.3. Socioeconomic Profile of Each PAP

A comprehensive structured questionnaire will be used to establish the socioeconomic status of each and every 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.

XII. 6. Computation of Compensation Packages

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

- ✓ Land: Valuation will be based upon replacement cost by adding market value, necessary transactions and labour cost.
- ✓ Crops and Trees: Valuation will be based upon replacement cost by adding market value, necessary transactions and labour cost.
- ✓ 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 and manpower.
- ✓ 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.

XII. 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

The Government will be in charge of providing and covering the compensation budget.

XII.8. Disclosure and Notification

All eligible PAPs will be informed about the Urban Development Project and the RP process. Disclosure and notification of entitlements will be carried out by the expropriator responsible for implementing the respective RPs 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.

XII. 9. 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 Plan Reports 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 RP) and other relevant agencies involved with the approval of the project. The RP 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 RP implementing team shall consider several aspects for proof of eligibility and these will include among others the following: 1) the land title 2) Written evidence indicating that the person purchased the land, received it as a donation or as a legacy or a successor; 3) a document or statement of local administrative entities indicating rights of the expropriated person on the land; 4) a document or testimony of the neighbours confirming the ownership of the land; or 5) 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.

XII. 10. 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/umudugudu), district representatives and representatives of the implementing agency.

XII. 11. 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.

XII. 12. 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. In case the land/property being compensated for is jointly owned by a married couple, the compensation will be paid to joint account on which both of them are signatories.

XII. 13. Livelihood Restoration Plan

Where impact people's livelihoods may be strongly affected as a result of loss of land, access to resources and livelihoods in case of economic displacement, affected people will be assisted and monitored in the rehabilitation of their livelihoods, during and after the transition period. Livelihood restoration measures will be assessed in the RAPs

preparation and rehabilitation measures designed taking into consideration the local context and PAPs different circumstances. They may include:

- Skills training and job placement
- Link up with local NGOs and government entities providing small-scale credit facilities to finance start up enterprises.
- Sponsored entrepreneurship training in business planning, marketing, inventory and quality control.

Depending on the extent to which implementation affects livelihoods which will be determined by the RAPs, the support highlighted in this section will be provided.

XIII. 14. Approval and disclosure

The RPF will be cleared/approved by the Government of Rwanda and the World Bank and subsequently disclosed with translation into Kinyarwanda in a culturally appropriate manner. It will also be disclosed in the World Bank external website.

Methods of disclosure for local dissemination

Disclosure will be done as follows:

- Through public meetings, including community services (Umuganda) held every last Saturday of the month, weekly community meetings held at village level every Tuesday afternoon. During these meetings, a summary of the RAP translated in Kinyarwanda will be distributed to the local communities and read out loud for those who cannot read.
- Official communiques will be passed in local and national media outlets, written ones will be publicly displayed at different administration offices starting with the village up to the District and summaries will be distributed to the community.
- Workshops for local community representatives as well as other local stakeholders such as NGOs, religious groups, the private sector will be organized to discuss the RPF and procedures including proposed valuation methods and the GRM.
- The RPF together with its translated summary will be disclosed on all implementing agencies websites.

XIV. CONSULTATIONS AND CITIZENS ENGAGEMENT

XIII. 1. Introduction

Project stakeholder consultation is a vital component of the RF and RP process. The consultation process focuses on providing information on the proposed project in a manner that can be understood and interpreted by the relevant audience, seeking comment on key issues and concerns, sourcing accurate information, identifying potential impacts and offering the opportunity for alternatives or objections to be raised

by the potentially affected parties; Consultation has also been found to develop a sense of stakeholder ownership of the project and the realization that their concerns are taken seriously, and that the issues they raise, if relevant, will be addressed in the RPF process and will be considered during project design refinement.

XIII.2. Public consultation and participation during the preparation of the RPF

i. In the secondary cities and CoK on sub-component 1.a

Consultations with the project stakeholders began during the scoping phase, continued throughout the entire RPF process and will continue into the operational phase of RUDP II. Consultations with official from concerned Districts in the CoK and secondary cities and PAPs representatives were organized. The meetings were predominantly conducted in Kinyarwanda. Consultation meetings engaged representatives of affected people in the community, District authorities (District councils and the Executive team namely the Mayor, 2 Vice Mayors and the Executive Secretary together with other relevant staffs) and District and Government stakeholders at different levels including development partners and the civil society. Consultations with PAPs were mainly carried out during the regular community meetings held each Tuesday at village level and during community works (Umuganda) held every last Saturday of the month in which every adult aged 18 and above has to participate. Meetings and consultations were held regularly and they took place throughout 2019 from January and they are still ongoing. Even though the exact number of directly affected people in RUDP is yet to be determined since some sub-projects have not yet been agreed on and specific locations and sites have not been identified yet, affected people in the concerned Districts were represented by community representatives and local leaders including women representatives.

In August 2019 formal consultative discussions were held with official community representatives and opinion leaders for component 2 while for the CoK on sub-component 1.a formal meetings with local communities took place on 10/12/2019. Furthermore, a consultation workshop with Vice mayors and Executive Secretaries of the 6 secondary cities was organized by LODA on 11th October 2019 to further discuss priority sub-projects and to seek their inputs on different ESF documents the RPF included. Records of these stakeholder engagements with signatures of participants are provided in Annex 1 and 2.

During consultation with the affected people, the scope and objective of the upcoming project were explained at the time the project negative impact which were ranked substantial have been discussed on. In addition to that, project details and proposed subprojects were discussed. Affected people were allowed to give their feedback and their suggestions were documented and will be considered during the project design and implementation. All the consulted categories were in favor of the project and perceive it as a possibility to boost local economy and to provide better living conditions especially in informal settlements through access to basic infrastructure such as roads, drainages, waste management systems, markets etc as well as increased capacity for economic activities in the area through creation of jobs.

The benefits of the consultation meetings include among others:

- Early involvement of the affected people
- Improved community understanding of the project scope and objectives
- Promised environmental and social standards compliance through increased ownership
- Enhancement of decision making by the project decision makers below, are some photos from several consultation meetings that were held during the development of this RPF.

Key issues raised and responses the following table summarizes the key issues raised and responses provided during the consultations. Participation of women in the consultation forums were very key to the whole process and it was ensured by applying the requirements of national gender policy through the existing administrative structures in local government from village level upward which requires at least 30% of all administrative and decision making positions to be held by women. Therefore, from the village level at least 30% of local authorities that were consulted on were women and in some instances there more than 50%.

(ii) Consultation on component 1.sub-compoenet 1b

Several bilateral consultations between the World Bank and GoR senior managers in key stakeholder institutions including CoK, REMA, RWFA and MOE as well as technical-level multi-sector stakeholder meetings resulted in the selection the Nyabugogo and Gikondo wetlands as potential investment sites for wetland function rehabilitation and flooding hotspots for risk reduction interventions. Consultative meetings were held with key non-state stakeholders and with the Private Sector Federation on 7 Feb and 2 Mar 2020 respectively.

The consultative meeting with non-state stakeholders held in Kigali on 7 Feb 2020 was convened by REMA as the institution with the statutory responsibility to participate in the preparation of activities strategies designed to prevent risks and other phenomena which may cause environmental degradation and propose remedial measures. Stakeholders included academia, conservationists and members of the private sector who provided professional opinions and advice on mitigating potential negative environmental and social impacts of proposed wetland rehabilitation and flood risk reduction while enhancing positive impacts. Records of the consultation participants in attached as Annex 2.9 while provides a summary of issues and advice provided with regard to the wetland rehabilitation and flood risk reduction component the project.

One of the potential sites for wetland rehabilitation investment is the former Gikondo Industrial Park (GIP) that was established in the early 1970s. The GoR took the decision to relocate the industries and rehabilitate the area to some level of functions guided by a legal instrument Instructions of the “Minister of Trade and Industry N°20/MINICOM/2013 of 20/05/2013 Modifying Instructions N° 15/2012 of

23/04/2012 Related of the Relocation of Factories and other Facilities Located in the Gikondo Industrial Park¹".

With a rationale to understand the challenges related to the currently ongoing relocation in the GIP, a consultative meeting was held on 2nd March 2020 with PSF which under the implementation of the above mentioned Ministerial Instruction, represents the Gikondo Industrial Park former property owners that included factories, vehicle repair garages, warehouses and other activities in the on-going expropriation and relocation program under an MoU with MINICOM. They shared a Communication from MINICOM on the status of relocation of 21st Nov 2019 attached in Annex 5 indicated that the relocation program was implemented in phases. The communication provided information to the effect that the GIP had been occupied by 89 operators in industrial and other activities. The communication also indicated that 14 factories were relocated in first phase to the Kigali Special Economic Zone (KSEZ), 39 were expropriated in the second phase and according to the communication the Government plan was to finalize the relocation of the remaining 36 by 2021. However, things have changed following recent heavy rains and unprecedented flooding that occurred from December up to date as GIP was one of the most heavily affected areas which forced the closure of operations in that area. The remaining 36 have now ceased their operations awaiting the Government to facilitate their relocation to new premises.

Although there is general willingness to move from the flood prone GIP, the consultation revealed that property owners/operators suffered various inconveniences and challenges.

PSF as the representative of industrial property owners explained the following challenges:

- All property owners/operators had vacated the GIP following the heavy rains and subsequent flooding in the area.
- Available locations for relocation are in designated industrial zones that are far from the city centre in comparison with the GIP which is very close.
- For previous phases, compensation was paid in instalments instead of the preferred lump sum;
- Third phase compensation recipients will receive full payment due by 2021 according to the Government plan. It is a challenge to the factory owners who would like to be relocated as soon as possible so as to resume their activities.
- Former GIP property owners/operators experienced delays in obtaining construction permits. PSF is assisting by negotiating with CoK authorities to provide temporary construction permits for new factories/industries.

¹ Official Gazette n° 23 of 10/06/2013

Opinions on sustainable use of a rehabilitated Gikondo wetland:

Regarding opinions on the planned concepts of sustainable and income-generating use of the rehabilitated wetland, PSF made the following recommendations:

- Previous occupants/property owners/operators of GIP should be consulted in designing rehabilitation and sustainable utilization of the rehabilitated wetland
- Rehabilitation works should give priority to former GIP entrepreneurs
- Priority for operating revenue generating utilization of the rehabilitated Gikondo wetland should be given to former GIP occupants/property owners/operators in possible Public Private Partnership arrangements instead of using open tender.
- Wetland rehabilitation designs should consider fruit tree/orchards of economic values; aquaculture
- Wetland rehabilitation should consider economically viable recovery of eroded soil from the uplands.

Table 5: Summary of details of RPF preparation stage stakeholders engagement meetings in secondary cities and CoK for sub-component 1a and 1b

Date	Venue	Participant Categories	No. of Participants	
			Female	Male
4 Feb 2020 & 23 Aug 2019	Muzanze (Muhoza)	District officials, District officers, LODA/RUDP team, Project area affected communities, contractors and supervising company.	21	10
5 Feb 2020 & 21 Aug 2019	Rubavu (Buhuru Centre)	District officials, District officers, LODA/RUDP team, Project area affected communities, contractors and supervising company.	15	19
6 Feb 2020 & 20 Aug 2019	Rusizi (Kamembe)	District officials, District officers, LODA/RUDP team, Project area affected communities, contractors and supervising company.	23	18
7 Feb 2020 & 02 March 2020	Kigali (Serena Hotel) PSF HQ	Academia (Universities); RUDP-II Implementing Agencies (LODA, CoK and REMA); Private Sector Federation; ESF-Team	6	9
10 Feb 2020 &	Huye (Matyazo)	District officials, District officers, LODA/RUDP team, Project area	12	9

26 Aug 2019		affected communities, contractors and supervising company		
12 Feb 2020 & 27 Aug 2019	Muhanga (Nyamabuye)	District officials, District officers, LODA/RUDP team, Project area affected communities, contractors and supervising company	16	16
13 Feb 2020 & 29 Aug 2019	Nyagatare (City Center)	District officials, District officers, LODA/RUDP team, Project area affected communities, contractors and supervising company	12	11
Total		197	105	92

Figure 3: Photolog for Consultation Forums

		
<p>Consultations in Muhanga: 27/07/2019</p>	<p>Consultations in Musanze : 23/08/2019</p>	<p>Consultations in Nyagatare:29/08/2019</p>
		
<p>Consultation in Rubavu: 21st /08/2019</p>	<p>Consultations in Rusizi: 20/08/2019</p>	<p>Consultations in Huye: 26/08/2019</p>

Table 6: Summary of Issue and Response Matrix from consultations

Issue	Question/Concerns	Response from the RPF preparation team
Availability of funds for compensation	The PAPs wanted to know if their land and properties will be fairly compensated for	It was clarified that where land and above ground properties will be taken as a result of project activities the Government and Districts will provide fair compensation in accordance with national laws and WB policies.
Compensation	The PAPs wished to know how the compensation process would be conducted.	<p>It was explained to the PAPs that after valuation exercise of the assets and land, and subsequent signing of valuation logs by affected property owners, the cumulative budget would be forwarded to the implementing Agency (the District) and it was expected that the compensation process would follow the proposed process in the RP report. This includes addressing any grievances during the RP implementation phase. The executive summary of the RP report would be disclosed in Kinyarwanda and English at both district and sector level for public verification.</p> <p>Valuation exercise would be according to Rwanda expropriation law or World Bank ESS5 guidelines - full replacement cost whichever is higher and benefits PAPs the most would be considered during the valuation and subsequent compensation.</p>
Employment opportunities	The PAPs wished to be given first priority especially when it comes to employment opportunities during the project construction phase.	This item was picked as a recommendation that would be forwarded to the project proponent. The assigned Contractor will be also advised to prioritize local communities and PAPs especially for non-skilled labor. This as well will be a strategy to avoid negative impacts related to labor influx.
Project Impacts	The PAPs were concerned of some of the negative project impacts especially during the construction phase such as compromise of houses stability due to cracks occasioned by vibration from heavy machinery, dust emissions that may pose health risks.	All negative impacts will be identified and reported in the ESMF, and ESIA reports. Consequently, the project proponent and contractor would be bound to implement appropriate mitigation measures fronted in the ESIA report during the project implementation phase.

Issue	Question/Concerns	Response from the RPF preparation team
Compensation	The PAPs were concerned about the eventuality where their crops and trees would not be compensated	Trees and crops will be valued in accordance with laws on expropriation. Compensation packages awarded would meet the full replacement costs of above land-based asserts lost.
Cultural heritages, and other sensitive environments or entities.	Some PAPs were concerned about special cases like graves of their relatives and other cases like culture properties that may be impacted.	Cultural heritages, cemeteries, graves and other cultural assets shall be identified and avoided whenever possible as per the national laws and World Bank. Environmental and Social Standard 8. Cultural Heritage and if not possible to avoid these sensitive environs and sites, due diligence would be taken to ensure the heritage is preserved.
For people whom their land and boundaries wall will be destroyed, how are they going to live in houses without anything separating them from the road?	The PAPs were concerned about their children safety if they are so close to the road's boundaries.	Structures that were too close to the road raising serious safety issues would be fully expropriated and safety measures during project construction activities will be put in place and enforced to avoid and minimize accidents.

XIII.3. Consultation and citizens engagement in RAP preparation

XIII.3.1. Guidelines for sstakeholders Identification

In order to carry out an effective stakeholders consultation during the preparation of RAPs it is necessary to determine who the stakeholders are and understand their needs and expectations for engagement, their interest and objectives in relation to the Project. This information shall then be used to tailor engagement to each type of stakeholder. As part of this process it will be particularly important to identify individuals and groups who may find it more difficult to participate and those who may be differentially or disproportionately affected by the project because of their marginalized or vulnerable status.

It is also important to understand how each stakeholder may be affected or their perception on how they may be affected so that engagement can be tailored to inform them and understand their views and concerns in an appropriate manner.

Depending on their level of interest or the magnitude of impacts on different stakeholders, there are 3 categories of stakeholders:

- ✓ **Government agencies:** Have a role in the project implementation (also known as ‘implementing agencies’): they consist mainly in government agencies (ministries and local administrative entities)
- ✓ **Project Affected People:** Project affected people here refer to those who will be directly affected by the project. This group includes people who will lose land or access to land or resources and/or livelihoods due to project activities, vulnerable groups and users of the project area who will lose their livelihoods to due project activities such as road side vendors, farmers, people who collect water near wetlands, etc. under this category, you will also find a sub-category of vulnerable people who are likely to be disproportionately affected by project activities such as poor households, poor women headed households, elderly people and people leaving with disabilities as well as children headed households.
- ✓ **Interested parties:** may have an interest in the Project. They include individuals or groups whose interests may be indirectly affected by the Project and who have the potential to influence the Project outcomes in any way: in this group are found civil society organization, opinion leaders in the project area, the private sector etc.

In order to prepare a sound the Resettlement Action Plan, project affected people are the most important stakeholder and need to be engaged accordingly. Their views on the project and its impacts on their lives as well proposals on appropriate compensation and others mitigations measures including appropriate Livelihood Rehabilitation Plans is of utmost importance hence they need to be approached and their views collected appropriately.

XIII.3.2. Initiation stage

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 of Resettlement Action Plans and is particularly critical for people directly affected by the proposed project. In accordance with WB ESS 5, the borrower is to engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10. Within that framework, this RPF provides under this section a system for engagement of the citizens at all the all stages of the RAPs, 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 will take place through individual, group, or community meetings and will ensure that women's perspectives are obtained and their interests factored into all aspects of resettlement planning and implementation. 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; RPs 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; 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 RP team shall ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. The RP team will as a minimum comprise of an Economist, a Sociologist, a Land Surveyor and Property Valuer. Future consultations related to the RP are included in this section. All citizen engagements throughout the project preparation, planning and RP 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 authorities, consultants or technical managers and political leaders; photographic record; and follow up of any issues that are not resolved at anyone particular meeting.

XIII.3.3. 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 RP 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 or businesses 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.

XIII.3.3. 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 PAPs in disseminating information and resolving disputes will be important once RP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

XIII.3.4. Monitoring and Evaluation Phase

PAPs 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 RP team in tracking expenditures. The latter will be significant in helping PAPs with money management and restoring their livelihoods. PAPs will be able to suggest corrective measures, as needed, to improve RP implementation in the sub-project(s). Prior to closing the RP, PAPs will participate in a feedback survey as part of the RP's independent impact evaluation exercise.

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

XIV.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.

MININFRA will ensure the overall coordination of the project. RUDP II will institutionalize this coordination through a high-level National Steering Committee (NSC), composed of MININFRA, MINECOFIN, MINALOC, MoE, MINEMA, LODA, REMA and CoK to discuss policy and strategic issues related to urbanization and the overall management of the project.

Furthermore, The project will also include a more technical level Project Technical Committee (PTC) comprised of relevant Department Heads involved in project implementation, including LODA, CoK, REMA, RHA, RTDA, MINALOC, RWFA and WASAC, and chaired by MININFRA.

XIV.2. Institutional Role in Implementation of RAP

Overall project coordination will be the responsibility MININFRA. In order to ensure a harmonized way of ESF implementation, there will be a Environmental and Social Management Coordinator based in MININFRA. The prime responsibilities of the ESMC will be to:

- Coordinate ESF implementation across all implementing agencies
- To ensure compliance to ESF requirements by all project actors including contractors

- To build the capacity of ESF teams at national and District level
- To consolidate ESF implementation reports from all implementing agencies

Under MININFRA there are three implementing agencies namely CoK and REMA for component 1 and LODA for component 2 working in collaboration with secondary cities. Subsequently there will be three Project Implementing Unities (PIUs) at national level one in each implementing agency. Responsibilities of the PIUs include major tasks covering technical, procurement, Environmental and social standards, M&E, financial management and accounting aspects of the Project. It will also ensure PIUs' 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 Steering Committee.

Each PIU will have a Coordinator and a technical team that will include an Environmental and Social Management Unit comprising an Environmental Specialist and a Social Safeguards Specialist who will be in charge of overseeing the implementation of the RPF.

Figure 4: RPF and RAP implementation arrangement

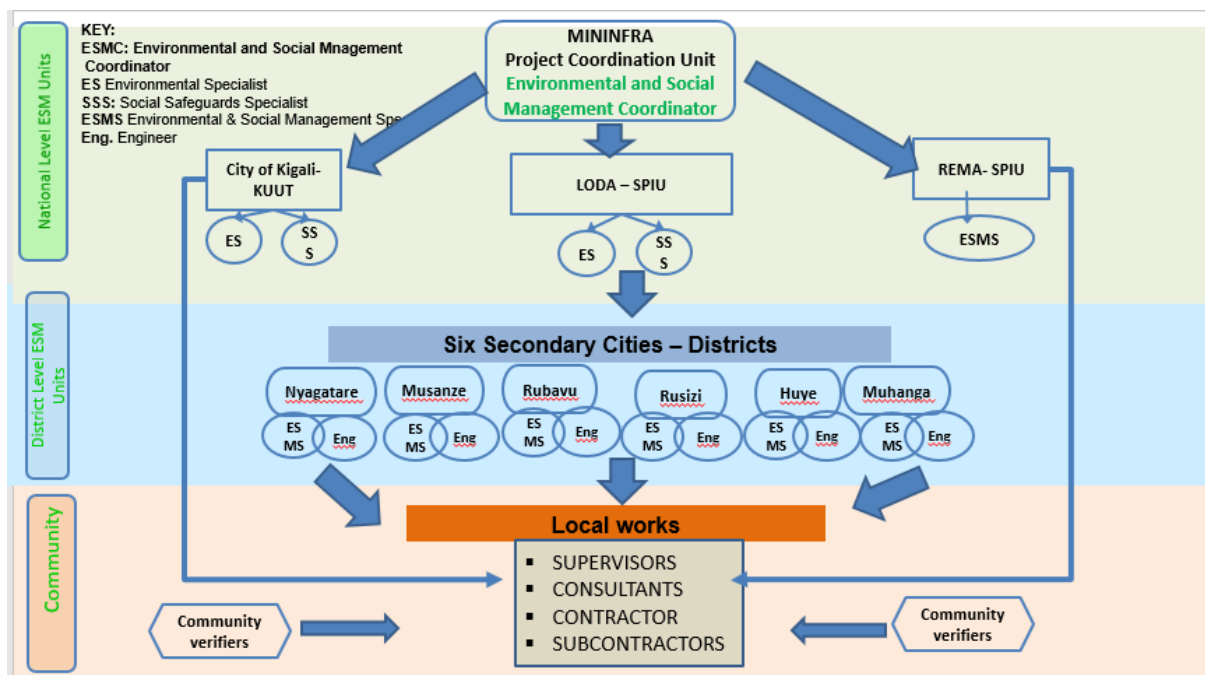


Table 7: Institutional roles during the RPF implementation

Institution	Role
Local Administrative Entities Development Agency (LODA)	Government (MINALOC) and LODA jointly have institutional support and finance mandates with respect to local governments, which are broadly responsible for local development and administration. LODA will therefore continue to manage Component 2 related to support to secondary cities . The Project Implementation Unit in LODA

	though its Environmental and Social Management Unit will also ensure that WB ESF requirements are respected and a close coordination with other on-going urban infrastructure development projects in the respective cities, to ensure information exchange and complementarities.
REMA	REMA will oversee the implementation of component 1, sub-component 1.b Evidence-based, sustainable wetland management, flood risk management and greenhouse gas monitoring in CoK in direct coordination with the CoK. Within this framework, REMA will have a dedicated environmental and Social Management Specialist directly responsible of the environmental and social risks related to component sub-component 1b.
CoK	In RUDP II, given a larger portion of the funds are being channelled to CoK, the procurement and management of the TA support for Kigali will be delegated to the CoK. The CoK will have its own environmental and social management unit directly responsible for the implementation of the RPF under component 1. Sub-component 1.a Integrated urban planning for resilient, inclusive infrastructure delivery.
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, REMA and CoK. The ministry will also ensure that all laws, policies and environmental and Social Standards 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 Environment (MoE)	The MoE 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 Land Management and Use Authority (RLMA)	RLMA 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 Commission	Land	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.	for	The valuation during the RP 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.
Rwanda Housing Authority(RHA)	Housing	RHA will play a key role in the implementation of the RAP especially for the CoK. .
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 RP 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. Each District of the 6 secondary cities will have an Environmental and Social Management Specialist who ensure compliance with WB standards in the implementation of resettlement activities.
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 Task Force (RSTF)	Relocation and resettlement will be the main task for the RSTF and will ensure that the displaced persons resettle in approved planned sites. The RSTF will further be responsible for the monitoring of the displaced persons.
Project Affected People	Project Affected People are those who will be directly impacted by the project involuntary resettlement activities and hence they are considered as the main stakeholder at local level. Their insight in the composition of the GRM as well as their involvement in its functionality is of paramount importance.
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 RP 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 communities	Local communities will play a role of community policing to ensure that the rightful owners of the property are the ones compensated and will be involved in the GRM.

XIV.3. Capacity Assessment and Capacity building

In order to ensure a harmonized way of ESF implementation, there will be an Environmental and Social Management Coordinator (ESMC) to be based in MININFRA. The prime responsibilities of the ESMC will be to:

- Coordinate RPF implementation across all implementing agencies
- To ensure compliance to ESF requirements by all project actors including contractors
- To build the capacity of ESF teams at national and District level
- To consolidate RAP implementation reports from all implementing agencies

Under the ESMC in MININFRA, already a Single Project Implementation Unit (SPIU) is established in LODA and have an environmental and social management unit comprising a Social Safeguards Specialist and an Environmental Safeguards Specialist. REMA also has a functioning SPIU and as soon as the project is approved, it will be empowered with an Environmental and Social Management Specialist directly under RUDP II component 1b. The same goes to the CoK as they will recruit an Environmental Specialist who will join the already in place Social Safeguards Specialist to manage all risks and impacts related to component 1, sub-component 1.a including resettlement impacts.

The ESF team in LODA, CoK and REMA have been directly involved in the implementation of RUDP I which was also funded by the World Bank and since the effectiveness of the ESF they have participated in several trainings on ESF requirements and have gained substantial familiarity with the instruments. Nevertheless, they still need more empowerment in this regard alongside the new staffs that will be recruited in the 6 secondary cities. All the staffs at different PIUs will be strengthened through capacity building under component 3 to be able to manage the tasks mentioned above and other tasks as listed below:

- Providing overall supervision of the physical investments to ensure compliance with ESF requirements and RPF in particular.
- Providing oversight and supporting the PIUs in developing terms of reference for ESF related consultancies.
- Consolidating quarterly progress reports and submit to MININFRA
- Providing necessary capacity building to contractors and local communities in relation to ESF requirements.
- Managing the selection process, in accordance with World Bank Guidelines, of consultants to carry out Construction Supervision Consultants (CSC).
- Reviewing and updating as necessary social and environmental outputs from ESS consultants.

Table 8: lists the proposed staffing at all levels

Staff role	Status
MININFRA (Project Coordination)	
National Coordinator	In place

Procurement Specialist	To be hired
Focal point for RUDP II	In place
M&E Specialist	In place
Environment and Social Management Coordinator	To be hired
CoK : Subcomponent 1a: Integrated urban planning for resilient, inclusive infrastructure delivery	
Project Coordinator	Already in place
Social Safeguards Specialist	Already in place
Environmental Specialist	To be hired
Project Engineer	Already in place
REMA: Subcomponent 1b: Evidence-based, sustainable wetland management, flood risk management and greenhouse gas monitoring	
Project Coordinator	To be hired
Ecology Specialist	To be hired
Environmental and Social Management Specialist	To be hired
Procurement Specialist	To be hired
M&E Specialist	To be hired
LODA SPIU (Project Management Unit)	
Project Coordinator	In place
Procurement Specialist	In place
M&E Specialist	In place
Social Safeguards Specialist	In place
Environmental Specialist	In place
Project Engineer	In place
2 floating engineers	In place
2 floating coaches	In place
District level (Project Implementation Unit)	
Engineer	To be hired
Environmental and Social Management Specialist	To be hired

Apart from the above full time project staff who will be funded by the project, the project will further benefit from other staff who will be providing support in different areas of expertise as circumstances will dictate. Moreover, long-time and short time consultants might need to be contracted throughout the implementation depending on the assessed needs going forward.

XV. GRIEVANCE REDRESS MECHANISMS

XV.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 to name a few. 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 RP team (comprised of Socio-economist, a Land Surveyor and Valuation Experts) will establish grievance redress mechanisms in accordance with the guidelines outlined herein the RF. 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

XV.2. Grievance Mechanisms for resettlement/compensation matters

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), umudugudu 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 current Expropriation Law that came into being in 2015. It is therefore critical for the RUDP II 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 Secretary will be responsible for resettlement and compensation matters and will be the main coordinator for the grievance resolution activities at the district level – S/He will be directly supported by the project safeguard officer established at District level. The Social Safeguard Specialist from LODA 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 a counter 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 taken, 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 LODA 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 RUDP II involves more than one District, and have more than one District within CoK, the expropriator will be the relevant Ministry –MINALOC which is the line ministry for local governance LODA being its implementing hand when it comes to local economic development; 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 MINALOC or LODA on its behalf, 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 the CoK) has a right to appeal against revoking of decision against expropriation to MINALOC 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. It however noteworthy to mention that according to WB guidelines even complaints lodged outside the above timeframe may still be valid.

c) Approval and timeframe for payment of compensation

According to Article 36, once MINALOC 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.

XV.3. Grievance Resolution Process for complaints related to others project impacts throughout implementation

1. Project Grievance Redress Committee (GRC)

As the GRM works within existing legal and cultural frameworks, it is organized in such a way that the Grievance Redress Committee (GRC) will comprise of local community representative, PAPs representative, Local authority representative at village and cell levels, Contractor and Supervisor representative. Members of GRC are presented table 9 with their roles and responsibilities.

Many project related grievances are site-specific. Often, they are related to impacts generated during construction such as noise, dust, vibration, contamination, workers dispute etc. Most of the time, they can be resolved easily on site with the contractor commitment to implement the ESMP and proper supervision by the implementing agencies and District officials. Other grievances are more sensitive especially when they are about land boundaries, or misunderstandings between affected households and the Contractor regarding access arrangements, properties accidentally damaged by construction activities, accidents on sites among others. All these grievances and claims must be resolved as soon as they are received.

The grievance procedure at project level will be simple and administered at the extent possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will be channelled via the Grievance Resolution Committees specifically established for the project at Cell, Sector and District level. Stakeholders will be allowed to use any means easily accessible to them to voice their concerns and complaints such as filling a grievance form, sending an email, using phone. Complaints will be filled in a Grievance Register that will be distributed to PAPs free of charge. 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 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. If the grievance is not solved at Cell level, Sector or District level courts will be the last resort. Efficiency in solving of the grievances will be of paramount importance. The selection of members for the sub-project grievance committee will be at the discretion of the PAPs to decide basing on information provided by the RAP team during the RAP process.

In practice, not many complaints are expected; this is on the assumption that all proposed works are within the road reserve areas across secondary cities, CoK and that wetlands to be rehabilitated under component 2 belongs to the government. However, some

complaints are likely to be associated with construction impacts. Most are received directly on site by the Contractor's Site Manager/Engineer will mandatorily be responsible to resolve these issues on site. The CSM will inform and Grievance Committee (GRC) of these complaints and their outcomes, and of others not satisfactorily resolved that the GRC should take over. The GC will log these in the Complaints Register and inform the concerned PIU (REMA, LODA, CoK or Secondary City Districts).

At each level of the project GRC, complaints will be solved within a period of 24-48hours or otherwise handed to the next level. Once at judiciary level, due process as mandated by the law will be followed depending on what the courts will require.

Through citizen engagement meetings the PAPs will be informed of the different grievance mechanisms in place for them to lodge their complaints and dissatisfactions.

❖ GRIEVANCE CHANNEL FOR GENDER BASED VIOLENCE

As part of the obligations arising from the signature of a contract for the execution of infrastructure development works under the RUDP, the project will establish a special GBV task force that will be in charge of receiving and assessing all cases of sexual harassment and GBV. Given the sensitivity and the low level of understanding of GBV related matters in the community at large and the stigma attached to it; also taking into consideration the social and psychological damages that are usually associated with it, all cases of GBV will be handled through the GBV task force. The task force will include project staff namely: Human resource officer and social safeguards specialist from the contractor, Social Safeguards Specialist from the concerned PIU (LODA, REMA CoK), Gender Monitoring Officer and Environmental and Social Management Specialist from the District, Social Safeguards Specialist from the supervising firm, Women representative from the GRC at cell level and GBV service provider in the area of GBV prevention and handled referral pathways for the GBV survivors. The PIU will approach relevant stakeholders in the field of GBV prevention and agree with one of them to provide an expert insight in relation to all GBV matters including prevention though awareness and capacity building as well as GBV response. However, as required by the law, the task force will have to work hand in hand with competent authorities the police in particular to ensure prompt response.

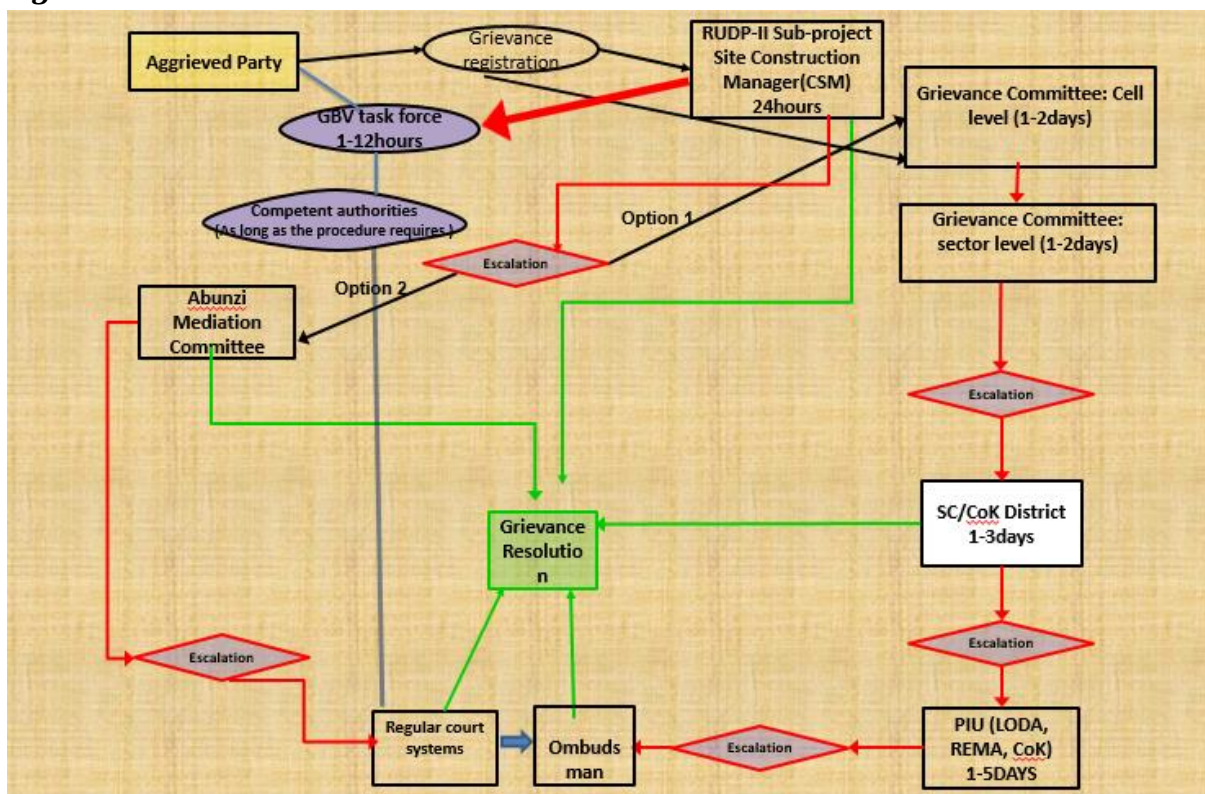
Grievances should be registered and logged regardless of whether they were received in writing or verbally. The complainant should receive an acknowledgement of the receipt of the complaint within a prescribed and reasonable timeframe, preferably in writing. Lodging a grievance should not incur any cost to the complainant. Generally, the contractor should allow for flexibility and make sure that grievances are not dismissed on grounds of an administrative formality and/or procedure. In any case, the mechanism should not impede access to other judicial or administrative remedies that might be available under law or through existing arbitration procedures. PIUs will provide grievance log templates to contractors to be used for grievance recording and follow up.

Note: The exact time at which the grievance mechanism will be in place for this project is not known yet but in any case it will be established as soon as contracts for civil works are signed such that they are in place before any project activities commence.

2. Judiciary Level Grievance Redress Mechanism

The project level process will not impede PAPs access to the legal system. Local communities have existing traditional and cultural grievance redress mechanisms (**Abunzi: adjudicators**) established and regulated by law no 37/2016 of 08/09/2016 determining organization, jurisdiction, and competence and functioning of Abunzi committees. These are established at cell and Sector level to solve community based conflicts and grievances their regulatory body being the Ministry of Justice. This mechanism cannot be overlooked by the project. The population can choose to use this channel instead of the project GRC. The escalation at this level leads to the court process. At any time, the complainant may take the matter to the appropriate legal or judicial authority as per Rwanda National Legal procedure.

Figure 5: Grievance Redress Process



Stage	Process	Duration
1a	<p>Since most of complaints during the execution of works involves directly the contractor, at first the Aggrieved Party (AP) will take his/her grievance to the Construction Site Manager (CSM) of the relevant subproject who will endeavour to resolve it immediately. <i>The site Manager will inform the environmental officer or the appointed focal project at the district level.</i> Where AP is not satisfied, the complaint will be transferred to the Sub-project Grievance Committee (GRC) at cell level. For complaints that were satisfactorily resolved by the CSM, he/she will inform the GC and the GC will log the grievance and the actions that were taken.</p> <p>There is also a possibility that the AP directly takes his/her complainants directly to the GRC without going to the CSM first. In this case, the GRC will solve it working with the CSM.</p>	24hours
1b	The AP may choose to escalate the grievance to the Abunzi Mediation Committee ² especially if she/he is not directly linked to the sub-project.	Not fixed
2	On receipt of the complaint, the GRC at cell level will endeavour to resolve it immediately. In case the GRC at cell level fail to solve the complaint, it will be escalated to the GRC at Sector level. If unsuccessful, the GC or the complainant then notifies District Authority/CoK.	1-2 days at cell level 1-2days at sector level
3	The District Authority of the secondary cities or CoK, as applicable, will endeavour to address and resolve the complaint and inform the aggrieved party. The District Authority will refer the complaint to the Project Implementation Unit (LODA, REMA, and CoK) with other unresolved grievances for their consideration.	At District level(1 - 3 days) At LODA ,REMA, CoK (1-5days)
4	If it remains unresolved or the complainant is dissatisfied with the outcome proposed by the PIU, he/she is free to refer the matter to the court.	1 – 7 days
5	If the issue remains unresolved through the courts, then the ultimate step will be for the ombudsman. The decisions at this level are final.	Not fixed
6	The dimension represented in purple is strictly for GBV related matters. The AP will approach directly the GBV task force to ensure her/his anonymity and safety. However, in case the complaint was addressed first to the Site Manager, the	1-12hours

² The Abunzi Committee is statutory body responsible for conciliating parties in conflict with the aim of consolidating national unity and peaceful coexistence among Rwandans.

Stage	Process	Duration
	latter is required to immediately refer it to the task force. The GBV task force will work with competent authorities to ensure	

Table 9: Proposed Members of GRC and their roles

No	Member of GRC	Roles and responsibilities
1	President(PAP representative)	<ul style="list-style-type: none"> - Chairing meetings; - Give direction on how received grievances will be processed; - Assign organizational responsibility for proposing a response; - Referring cases to next level; - Speaks on behalf of GRC and s/he is the one to report to the cell or the sector
2	Village leader	<ul style="list-style-type: none"> - Represents local government at village level; - Resolves and lead community level grievance redress - Sends out notices for meetings; - Records all grievance received and report them to next local level
3	Cell executive secretary	<ul style="list-style-type: none"> - Proposes responses to grievances and lead in resolving community grievance unsolved from village level; - Records and reports all grievances received from village leaders; - Chairs sensitization meeting at the cell level during public consultations meetings; - Assists and guides in identifying vulnerable and disadvantaged groups within the cell. - Signs the valuations sheets for compensation facilitate a proper Resettlement Plan
4	Representatives of PAPs	<ul style="list-style-type: none"> - Represents the interests of aggrieved parties - Give feedback on the efficiency of GRM
5	Women representatives	<ul style="list-style-type: none"> - Represent the interests of women; - Advocate for equity and equal opportunities; - Help in prevention of sexual harassment and promote wellbeing of the women and youth - Take part in resolution of any grievance related to sexual harassment and any gender domestic violence that may arise; - Mobilize women and youth to be active in income generating activities specifically for opportunities in the projects intervention areas.

No	Member of GRC	Roles and responsibilities
6	Contractor	<ul style="list-style-type: none"> - Receive and log complaints/grievances, note date and time, contact details, nature of complaint and inform complainant of when to expect response; - Handle complaints revolved around nuisance resulted from construction and endeavor to handle them satisfactory; - Inform engineer (supervisor) and GRC of received complaints/grievances and outcomes and forward unresolved complaints/grievance to GRC - Attend community meetings, respond and react to PAPs complaints raised concerning the contractor.
7	Supervisor	<ul style="list-style-type: none"> - Represent client - Ensure that all grievances raised have been responded to, and that the contractor responds to the complaints raised concerning them, - attend community meetings respond to all concerns related to RUDP II from community - Report on monthly basis the progress of GRM process

Table 10: Proposed members of the GBV task force

Institution	Staff position
PIU National level (LODA, REMA, CoK)	Social Safeguards Specialist
PIU (District level)	Gender Monitoring Officer , Environmental and Social Management Specialist
Contractor	Human Resources Officer, Social Safeguards Specialist
Supervisor	Social Safeguards Specialist
NGO in GBV prevention	Designated representative

As mandated by the law on gender equality, women representation will make up at least 30% of the GRC. All PAPs representatives will be directly elected by their peers and the number of members may vary depending on the context and particularities of each sub-project site characteristics.

XV.3.1. Monitoring Complaints

In addition to the Grievance Resolution Form, a grievance register 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 Social Safeguard Specialist from PIUs for each component will monitor and document the progress of all complaints through monthly grievance resolution reports.

XVI. BUDGET AND FUNDING ARRANGEMENTS

XVI.1. Estimation of Budget

Despite the fact that some information about RUDP II is available, specific sites related to infrastructure development and sub-projects have not been determined and the exact location and number of PAPs is not yet known. Considering the fact that costs of compensation are based on technical designs, results of scoping, detailed valuation surveys and detailed RP studies, it is not possible at this stage to produce exact budget for RF and RPs implementation. Thus the specific RAPs prepared for the subprojects for each of the six secondary cities and the CoK must provide an itemized budget as this will be crucial for planning and implementation purposes. This RPF therefore only provides the contents of the expected budget for each RP that will be prepared. At this stage, the cost of RPF implementation has been evaluated at US\$5,000,000 taking reference on RUDP I completed and currently under implementation phases (phase 1 and 2). However, the estimates are expected to be modified as the project gains more clarity on the resettlement implications.

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. The table below shows an indicative outline of a RP budget.

Table 11: Indicative Outline of a RAP Budget

Asset acquisition	Amount/number	Total estimated cost	Agency responsible
Land			
Structure			
Crops			
Community infrastructure			
Disturbance allowances			
Economic rehabilitation			
Trainings			
Capital investments			
Technical assistance			
Monitoring			
Contingency			

XVI.2. Source of Funding

The resettlement budget will be borne by the District governments and will be included in the annual budget cycle.

XVII. IMPLEMENTATION SCHEDULE

XVII.1. Time Schedule for the Implementation of the RPs

Upon review and approval of a RAP by relevant stakeholders, the implementing agencies (Districts of six secondary cities and 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 of 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 RAPs.

XVII.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 RF. 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

XVIII. MONITORING ARRANGEMENTS

XVIII.1. Introduction

The RP 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 RP 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 RP implementation process).

XVIII.2. Arrangements for Monitoring by Implementing Agency

The WB's ESS5 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 Implementation Units (PIUs) based in CoK, LODA and the Districts will establish a reporting system for the RPs 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 (PIU or courts);
- 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 project).

XVIII.3. Internal and External Monitoring

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

XVIII.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 RP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the project. This includes an update, for example on a quarterly basis, of the following:

- i. Number of sub-projects requiring preparation of a RP;
- 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 RP implementation arrangements, as defined in this RPF, are effective in addressing RP related issues. Financial records will be maintained by the sub-projects and the PMU, to determine the final cost of RP implementation.

XVIII.3.1.1. Internal Monitoring Indicators

The following indicators (in table below) can be used for internal monitoring of implementation of the RP.

Table 12: internal monitoring indicators

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 conditions during transition process
Number of grievances filed	Nature of grievances or disputes resolved
Number of livelihood restoration programs completed	Changes (+/-) in PAPs income and livelihood conditions
Pre-project production versus present production levels (crops for crops, land for land)	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

XVIII.3.2. External Monitoring indicators

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.
- processes followed in the dissemination of information on the project and eligible entitlements as
- The quality of consultations
- The provision on livelihood support measures, training towards rehabilitation
- Grievances received and redressed

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

XVIII.5. Audit of RAP implementation

The audit of resettlement implementation, and as applicable RP 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 RP implementation in terms of application of guidelines as provided in this RF. 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 RP 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. Annual audit reports will be submitted for scrutiny to the World Bank. To be effective, the completion audit will take place after all RP 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.

XVIII.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 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.

XVIII.7. Storage of PAPs Details

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

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ANNEXES

Annex 1: ANNOTATED OUTLINE FOR PREPARING A RESETTLEMENT PLAN

This template is extracted from World Bank ESS5. Annex 1. Involuntary resettlement instruments. Its full description can be found in the WB ESF at <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework.pdf>

The scope and level of detail of the RP 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 RP covers elements that are specific to the project and sub-project

context. A broad outline of the RP, 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 RP 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 RP 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 RP 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 RP implementation generally covers:

- i. Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RP 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 ESS5
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 Environmental and Social Standard 10 on Stakeholder Engagement and Information 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:

- ii. Consultations with host communities and local governments; 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 RP 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 RP 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 RP 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 RP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

Implementation Schedule: An implementation schedule covering all RP 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 RP activities are linked to the implementation of the overall project.










Costs and budget: The RP for the specific sub-projects should provide detailed (itemized) cost estimates for all RP 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 agencies, 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 RP 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 RP activities; involvement of PAPs in the monitoring process; evaluation of the impact of RP activities over a reasonable period after resettlement and compensation, and using the results of RP impact monitoring to guide subsequent implementation.

Annex 2: CONSULTATION MEETINGS ATTENDANCE LISTS

1. Consultations with District Authorities from the 6 secondary cities

ATTENDANCE OF THE MEETING BETWEEN LODA AND VM/FED AND ESs FROM SECONDARY CITIES
 11TH OCTOBER 2019; GORILLAR HOTEL, NYARUTARAMA.
 PREPARATION OF RUDP II

NO	NAME	INSTITUTION	RESPONSIBILITY	EMAIL	SIGNATURE
1	DEONZALA Decgration	RUBAYU DISTRICT	VM/ES	deonzala@gmail.com	
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3	MTANU HARUWE Napoleon	RUSIZI District	Dir. of OSC	mtanunapolwe@gmail.com	
4	NTAMUKANYI Louis Alphons	Mubanze District	AMCJ	amc.mubanze.gov.rw	
5	KANYANURWA Ignace	MUTARUKA District	DES	ignace.kanyanurwa@mutaruka.gov.rw	
6	KAYISI Adolphe	Lobat	Dir. of planning	adolphe.kayisi@lobat.gov.rw	
7	MWIZA Louise	LODA	AMJ	louise.mwiza@loda.gov.rw	
8	Muhimuzimana Valérie	LODA	DES	valerie.muhimuzimana@loda.gov.rw	
9	RUTAMUKAMBUKA Olivier	Rubavu DISTRICT	District E/S	oliver.rutamukambuka@rubavu.gov.rw	

2. Consultations with District Authorities from the 6 secondary cities

ATTENDANCE OF THE MEETING BETWEEN LODA AND VM/FED AND ESs FROM SECONDARY CITIES

11TH OCTOBER 2019; GORILLAR HOTEL, NYARUTARAMA.

PREPARATION OF RUDP II

NO	NAME	INSTITUTION	RESPONSIBILITY	EMAIL	SIGNATURE
1	Kayiranga Innocent	Muhanga District	Vice Mayor Economic	innocent.kayiranga@muhanga.gov.rw	
2	KAMANA Andre	Huye District	Vice Mayor Economic	vmfed@huye.gov.rw	
3	NKUBANIA Bismar	LODA	RUDP Coordinator	nkubanad@gmail.com	
4	MUSONI Bira	LODA	RUDP Env. Specialist	sonibucere@gmail.com	
5	BERAMUKU Aphoria	LODA	Social safeguard specialist	aphoria.beramuku@lod.gov.rw	
6	George Muryaneza	MIN INFRA	RUDP Coordinator	george.muryaneza@mininfra.gov.rw	
7	Claudine Nyinawagaga	LODA	DG	claudine.nyinawagaga@lod.gov.rw	
8	MUSENDASHIMANA Pascal	LODA	DM LED	pascal.mugendashimana@lod.gov.rw	
9	RURANGWA Stephen	Nyagatare district	VM Mayor ED	vmfed@nyagatare.gov.rw	

3. Consultations: Community representatives in Nyagatare

NYAGATARE DISTRICT

Sl. No	NAMES	FUNCTION	SECTOR	Signature
1	Mwamburanga C	Admin + Finance Nyagatare	Nyagatare	[Signature]
2	Twigashye Sana ERIC	Coordinator Cell	Nyagatare	[Signature]
3	Uwamburanga Eric	Social	MIMULI	[Signature]
4	Rumwamburanga Isaac	Researching	MIMULI	[Signature]
5	Munyana Idishoma	Social	MIMULI	[Signature]
6	MATIMBA Anastase	Cell Coordinator	MIMULI	[Signature]
7	ATANGIRUKANE Emmanuel	Cell Coordinator	MIMULI	[Signature]
8	KARIMBAZA Eric	Sector Coordinator	MIMULI	[Signature]
9	MUKAMBARA Abwath	UIS Cell Coordinator	MIMULI	[Signature]
10	BIZUKUSENGE Eric	Cell Coordinator	MIMULI	[Signature]
11	NYIRUKIZIMBARA Emmanuel	Sector Coordinator	MIMULI	[Signature]
12	Mwamburanga Jean	Secretary sector	MIMULI	[Signature]
13	MUKIZIMBARA Sebostien	V Coordinator of cell	MIMULI	[Signature]
14	Munyana Nyagatare Clotilde	Cell coordinator	Nyagatare	[Signature]
15	Ndangurwira Jeanette	Cell coordinator	MIMULI	[Signature]
16	Kwamburanga Jean	Cell coordinator	MIMULI	[Signature]
17	UWAMBUZA Beatrice	Social	Mimuri	[Signature]
18	MUCOMBIYA Modeste	V Coordinator Cell	MIMULI	[Signature]
19	MUHAYIMANA Espérance	Secretary cell	MIMULI	[Signature]
20	MUTUYIMANA Beatrice	Secretary Cell	MIMULI	[Signature]
21	UWAMBUZA Jeanette	Cell secretary	MIMULI	[Signature]

4. Consultations: Community representatives in Huye District

City: Huye

Attendance list

SN	Name	Function	Institution	E-mail	Telephone	Signature
1	Mwamburanga Jeanette	Student	University of ...	...	...	[Signature]
2	Yves NGANDI	RUP - coordinator	...	...	...	[Signature]
3	Diane Uwamburanga	Student	...	...	...	[Signature]
4	BIZUKUNGA Jean Clotilde	...	...	...	...	[Signature]
5	KARIMBAZA Jean Emmanuel	Technician	ECMIL Ltd	...	...	[Signature]
6	AAA Modeste	Local Squire	LONA	...	...	[Signature]
7	UWAMBUZA Jeanette	Land mediator	...	...	...	[Signature]
8	AJESIMI ERIC	Building Inspector	Huye District	...	...	[Signature]
9	BUTERA Martin	Environment officer	Huye District	...	...	[Signature]
10	KAMAYIRE Rok Alina	RUBIMFO officer	Huye District	...	...	[Signature]

5. Consultations: Community representatives in Muhanga

	AMAZINA YOMBI	UMURENGE	AKAGARI	UMUDUGUDU	ICYO UKORA	TELEPHONE	UMUKONO
1	KAYISHEMBA Gerard	NYAMABUYE	GITARAMA	NYAMURIZA	BASSO mubwira	0785431371	
2	Uwangaie Eric	Nyamabuye	Gichaga	RUKINGA	YSCD	0788310411	
3	PfUGEMUNDWA Fred	Nyamabuye	Gichaga	Ruhuha	YFC Covid.	0787774886	
4	Uwasoni Patrick	Shyamba	Ruli	MURAMBI	Gandira FIP	0788479726	
5	Nwize Pascal	Nyamabuye	Gashyamba	KARIBWA	Mudugudu	0789612860	
6	Mukami Yvonne	Nyamabuye	Gashyamba	Nyemuramba	Mudugudu	078788899	
7	Hutuwehwa Pascal	Shyamba	Ruli	Muramba	Shyamba	0788757806	
8	Uwasoni Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0788890880	
9	Uwasoni Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0784015650	
10	Kabuzumwe Emile	Nyamabuye	Gichaga	Karibwa	Mudugudu	0788573718	
11	Uwasoni Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0787183337	
12	Kwasoni Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0787144478	
13	Muramba Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0788479726	
14	Muramba Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0783333300	
15	Uwasoni Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0787241240	
16	Uwasoni Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	078855601	
17	Muramba Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0782636662	
18	Muramba Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0783610097	
19	Muramba Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0788579469	
20	Muramba Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0788579644	
21	Muramba Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0780580632	
22	Muramba Patrick	Nyamabuye	Gichaga	Karibwa	Mudugudu	0789130539	

6. Consultations: Community representatives in Musanze District

MUSANZE 23/08/2015

A#	NAMES	Function/Institute	Contact	Signature
1.	GERIKATA Cleopatre	Psychologist of IMA	0783821923	[Signature]
2.	MUINDI SIMONA Susanna	Chauffeur	0788403080	[Signature]
3.	RIZO NZINZA Amator	Chauffeur	0753776974	[Signature]
4.	MUKAZALIWA Joselyne	Manufacture	0789878645	[Signature]
5.	KAJEMUNDIMWE JOMASE	Manufacture	0785869794	[Signature]
6.	TUYISHIMWE ISIDORE	Business man	0783608293	[Signature]
7.	SHIMWE ERIL	Technician	0787943344	[Signature]
8.	Kuwanyi Heaire	Tech. Volunteer	0782752212	[Signature]
9.	BIZIMANA Innocent	Yout	0787107817	[Signature]
10.	BIZIMUNGU Cyprien	VUK/Chairman	0788649253	[Signature]
11.	RUYISAGI Silvestre	Volunteer	0785488735	[Signature]
12.	TRAGIRIMANA JOHANE	Tourist Office	0788341126	[Signature]
13.	MANKAKOHO P. Celestine	Manufacture	0785516492	[Signature]
14.	HANYANGE DRYONE	Dem. expert	0780497047 710383597	[Signature]
15.	IZANGIGIRI BASHIR	Wood Carver	0778243645	[Signature]
16.	DUBABAMUNGU Viate	Manufacture	0785655698	[Signature]
17.	MUHABASE Jothan	Cultivation	0788420599	[Signature]
18.	TEWIZIMANA K. Emmithe	Finance Affairs	078111051	[Signature]

7. Consultations: Community representatives in Rubavu District

NAMES	N° ID	N° TEL	SIGNATURE
Mugirayezu Augustin	119638006492040	0788442524	[Signature]
MURAHABA Bulewera		0788778047	[Signature]
BARUGIRA Jélie	1197380087168015	078857825	[Signature]
MURAHABA IVOCENT	7797080073850007	0788687285	[Signature]
MURAHABA Clément	2156780083443048	0788583533	[Signature]
MURAHABA Tuzane	1196790068245180	0788508958	[Signature]
KAREKA GUSINE	119670079512054	0782921954	[Signature]
MUKAMYAMBURWA Clément	1197870088829025	0782821387	[Signature]
MURAHABA Eric		0788498747	[Signature]
SINDIWOBO Clément	1196980081943019		[Signature]
Sezikaye Talance	1197680095462777	078777373	[Signature]
MURAHABA Landron	1197820073277209	0782369485	[Signature]
MURAHABA Ahtomese		0782344011	[Signature]
Kabuye Damascus	1197880083112013	0785381254	[Signature]
GATIBANZI Jean	1197220090472049	0788462820	[Signature]
MINEZA INN	1197480103304122	0788506352	[Signature]
MURAHABA		0788756486	[Signature]
Kamukama Fred	1196580081315099	0788667001	[Signature]
MURAHABA Rose		0782010479	[Signature]
MURAHABA Kasimu	11981800752392045	0787299261	[Signature]
MURAHABA ESIDARASI		0788843106	[Signature]
MURAHABA Fulgence	1197230009280076		[Signature]

8. Consultations: Community representatives in Rubavu District

	NAMES	N° ID	N° TEL	SIGNATURE
1	Ngirumana Engizirwa			
2	Ketungwa Chantal		078665661	
3	Mutabizi Juliette		078057572	
4	NKANGURA SIZIBEMU	1197580093406049	0785152495	
5	NGENDAKAYO J. Damascene	1198980180570048	0788654462	
	MUGABO Alexandre		0780659195	
6	Ngirumana Scholastic	1196280075507049	0786092700	
7	Munyaho Nestami	1196480054998183	0788414408	
8	MURKULE Komuni		0781218935	
9	MUKESHIMYUNYU Takarina		0783346199	
10	IRADUKUNDA PRACIDE			
11	BIZUMUREMYI J. BASTI		0789483084	
12	MUKARURANGWA Justine	1198370162005039	0776694758	
13	KANYABWAMI Yarensi		0783367417	
14	MURUKANYA Nassim	1198380026680055	0788394988	
15	MUKANGARAMBETE DD		0788694734	
16	MURUKANYE Evariste		0788691771	
17	BARABONZA Charles		0782059311	
			0783720137	

9. Consultations in the CoK: sub-component 1.b and 1.b.

7TH FEBRUARY 2020, AT SERENA HOTEL

NO	NAMES	POST	INSTITUTION	PHONE	EMAIL	SIGNATURE
1	Jasnet UMUGWARAZA	RE-SPIN Coordinator	REMA	0789313537	jasnet@remarw.gov.rw	
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3	Beth Kaplan	Advisor	CEB/UR	0788664551	b.kaplan@ur.ac.rw	
4	Alex Muhia	Consultant	WB	0789302107	amuhia2@gmail.com	
5	Charles Karangwa	Country Director	WV CN	0788309024	charles.karangwa@wv.cn.org	
6	AHSHAKIYE Rugamba Jean	Media & PR consultant	Seven cities	0788355199	ahshakiyej@gmail.com	
7	Alphonse Habineza	Environmental Specialist	LODA	0788816695	habineza.alpha@gmail.com	
8	BUSOKEYE M. Lucitiga	REPA	REMA	078830999	busokeye@rema.gov.rw	
9	Emmanuela Murikatete	Environment Specialist	SPU-REMA	0788923166	emurikatete@rem.gov.rw	
10	Colette Ruhamba	DG	REMA	0788305717	colette@rem.gov.rw	
11	Denis RUGETE	Consultant	World Bank	0785475131	denis.rugete@gmail.com	
12	Yves SANWA	CFO	RWGBD	0782078785	ysanwa@gmail.com	

10. Consultations in CoK: sub-component 1.a

AT THE YOUTH CENTRE KIMULSAGARA

Attendance list

CITY OF KIGALI & PRISMA
 Informal settlement upgrading project of Mpazi sub-catchment area
 FEASIBILITY STUDY FINAL REPORT PRESENTATION TO STAKEHOLDERS AND LOCAL COMMUNITY OF THE STUDY AREA
 10/12/2019

No.	Name Amazir	Institution/Position icyo asigariye	Contact Telephone	Signature Umukono
1	TURUMWE J. Marie	Fig | CITERA	0788842409	
2	NDAYISABA Samuel	pro2 Mijamba	0783815504	
3	#99 BISHOZA	Amakuru	078818312	
4	Twagwayeje	Amakuru	0783251567	
5	HABIRE IDHON	Amakuru	0788335827	
6	MUKURURUWA	Umukuru	0788803764	
7	NASHIMANA C	Umukuru	078857735	
8	KAREMERA Viator	Umukuru	078857735	
9	MUNYEMANA JONV	UMUTURAGE	0782472199	
10	MUNYEMANA JONV	UMUTURAGE	0782472199	
11	MUKURURUWA	Umukuru	0788803764	
12	KALISA Jules	Umukuru	0783777715	
13	Simpurankaboboc	Umukuru	0788471074	

11. Consultations in CoK: sub-component 1.a

Attendance list

CITY OF KIGALI & PRISMA
 Informal settlement upgrading project of Mpazi sub-catchment area
 FEASIBILITY STUDY FINAL REPORT PRESENTATION TO STAKEHOLDERS AND LOCAL COMMUNITY OF THE STUDY AREA
 10/12/2019

No.	Name Amazir	Institution/Position icyo asigariye	Contact Telephone	Signature Umukono
1	Niyatwagira Festin	Umukuru	0788015819	
2	Mwambayazabire	Umukuru	0785284789	
3	Mukabagire	Umukuru	0783238611	
4	Mwambayazabire	Umukuru	0786396254	
5	Mwambayazabire	Umukuru	0786897578	
6	Mwambayazabire	Umukuru	0783738454	
7	Mwambayazabire	Umukuru	0784682080	
8	Mwambayazabire	Umukuru	0788817789	
9	Mwambayazabire	Umukuru	0786971074	

12. Consultations in CoK: sub-component 1.a

Attendance list

CITY OF KIGALI & PRISMA

Informal settlement upgrading project of Mpazi sub-catchment area

FEASIBILITY STUDY FINAL REPORT PRESENTATION TO STAKEHOLDERS AND LOCAL COMMUNITY OF THE STUDY AREA

10/12/2019

No.	Name Amazina	Institution/Position icyo ahagarariye	Contact Telephone	Signature Umukono
1	David MURONERA	CoK	0788652172	
2	J.M.V KURABUSENGE	RHA	0788692379	
3	NGIRARUKUNZI Jean	CoK	0788502493	
4	TWAMUKWA Hébert	PRISMA	0788490020	
5	TUZINDE J.Paul	PRISMA	0788423681	
6	HTAMUKWA Augustin	PRISMA	0788749303	
7	SEBAGABA Seb	PRISMA	0788453113	
8	Emmanuel NYAMUNYAMA	Nyamunyangi	0788903586	
9	Htamukwazemuzi Cecile	Umurunga	-	
10	Uwamahoro Florence	Umurunga	0788524294	
11	Musabimana Fr. Faustin	Umurunga	0788651113	
12	Niyonambaga C	Umurunga	0788457511	
13	Uwamahoro Florence	Umurunga	0788524294	
14	Munyana Niyonambaga	Umurunga	-	
15	Sebuhamba Jean	Umurunga	-	

Attendance list

CITY OF KIGALI & PRISMA

Informal settlement upgrading of Mpazi sub-catchment area

Meeting after umuganda of November 2019 with local community of the study area on sensitization of the project

30/11/2019

No.	Name Amazina	Institution/Position icyo ahagarariye	Contact Telephone	Signature Umukono
1	Mugaramba Lib.	CNF	0788772230	
2	Uwamahoro Alphonse		0788603188	
3	Musabimana Jean			
4	Dominique Niyonambaga	Umurunga	0788453113	
5	Iraguha Zamba	Youth volunteer	0781722333	
6	Niyonambaga Jean		078449888	
7	Munyana Niyonambaga	Translator	0788460005	
8	SIROMANA		0788612848	
9	Musabimana Jean	Mudugudu	0788269092	
10	Ishimwe Fabrice	Gacyamo	0788883362	
11	Munyana Niyonambaga	Gacyamo	0784927366	
12	Niyonambaga Jean		0786276353	
13	GATUKA Jean	Umurunga	0788425007	

Annex 3: Official communication from MINALOC on status of Gikondo industrial relocation

REPUBLIC OF RWANDA



MINISTRY OF TRADE AND INDUSTRY
P.O. Box: 73 KIGALI

Director General,
Rwanda Environment Management Authority/REMA
KIGALI

Kigali, 21/11/2019

Ref: /15.04.01/IND.IND/ 2019

2606



Dear Director General,

Subject: Progress on relocation of properties from Gikondo Industrial Park

Reference is made to your letter N° 1815/DER&PC/2019 requesting for progress and commitment letter for relocation of properties from Gikondo Industrial Park:

I would like to inform you that Gikondo relocation project is being implemented in **two (2) phases**; phase one was focused on construction of premises in Kigali Special Economic Zone (KSEZ) for 14 selected key factories. The relocation of these selected factories to KSEZ was completed and the factories are operating in the new premises.

The second phase consists of expropriating the remaining properties including small factories, garages, warehouses and other activities. The expropriation of the above mentioned properties is still ongoing, so far 39 properties out of 75 to be expropriated have been expropriated and the remaining 36 properties will be expropriated by 2021.

I thank you for your collaboration.

SEBERA M. Michel
Permanent Secretary



Cc: - Honorable Minister of Trade and Industry /MINICOM
KIGALI

Simplified Community Grievance log for Rwanda Urban Development Project

Province.....

District.....

Sector:.....

Cell:.....

Village:.....

Name of the aggrieved person:.....

Date of submission of the grievance.../...../.....

Brief description of the grievance:.....

.....

Brief description of the grievance assessment:.....

.....

.....

Decision made on the grievance:.....

.....

.....

Date on which the decision was reached

Names and signatures of the grievance committee

N.B: after reaching a decision, the GRC will communicate the decision to the aggrieved person and give him/her back a copy of the grievance form containing the final decision. The complainant will sign to acknowledge the reception.

Annex 4: grievance log

N°	Name of complainant	Day of reception	Mode of delivery: Received by Complaint box, Mail, Delivered letter	Location of the complaint received	Summary of grievance	Classification: Resettlement, contractor	Action to be undertaken	Due date	Status +30 days	Status +60 days	Status +90 days
1											
2											

