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Abbreviated Resettlement Action Plan (ARAP)

for the Rehabilitation and upgrading of Roads from Kibirigi Road-R14, R15, R16, R40, R73, Kabgayi Road-R43A and R84. Agakiro Roads-R19, R85A, R85B and R85C in Muhanga District

Final Report

June 14, 2017

ACRONYMS AND DEFINITIONS

AIDS:	Acquired Immune Deficiency Syndrome
CAC:	Cell Adjudication Committee
CBOs:	Community Based Organizations
CoK:	City of Kigali
CSO:	Civil Society Organizations
DDC:	District Development Committee
DDS:	District Development Strategy
DLOs:	District Land Offices
EDPRS II:	Second Economic Development and Poverty Reduction Strategy
EMF:	Environment Management Framework
ESIA:	Environment and Social Impact Assessment
ESMF:	Environmental and Social Management Framework
GDP:	Gross Domestic Product
GoR:	Government of Rwanda
HIV:	Human Immunodeficiency Virus
JADF:	Joint Action Development Forums
LODA:	Local Development Agency of Rwanda
M&E:	Monitoring and Evaluation
MINAGRI:	Ministry of Agriculture and Animal Resources
MINALOC:	Ministry of Local Government
MINECOFIN:	Ministry of Finance and Economic Planning
MINICOM:	Ministry of Trade and Industry
MININFRA:	Ministry of Infrastructure
MINIRENA:	Ministry of Natural Resources
MTR:	Mid Term Review
NDIS:	National Decentralization Implementation Secretariat

NGO:	Non-Governmental Organizations
NLC:	National Land Commission
OP:	Operational Policy
PAP:	Project Affected Persons
PCDP:	Public Consultation and Disclosure Procedures
PMU:	Project Management Unit
PPP:	Public Private Partnership
RUDP:	Rwanda Urban Development Project
RAP:	Resettlement Action Plan
ARAP:	Abbreviated Resettlement Action Plan
RDB:	Rwanda Development Board
REMA:	Rwanda Environment Management Authority
RGAC:	Rwanda Governance Advisory Council
RGB:	Rwanda Governance Board
RHA:	Rwanda Housing Authority
RNRA:	Rwanda Natural Resources Authority
RPF:	Resettlement Policy Framework
RRA:	Rwanda Revenue Authority
RSTF:	Rural Resettlement Task Force
RTDA:	Rwanda Transport Development Agency

DEFINITIONS OF TERMS USED IN THIS DOCUMENT

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

- 1) **Affected people/Displaced Persons**” refers to people who are affected socially and economically in any of the ways described in the OP 4.12 para 3 as those who lose:
 - (a) Land or the right to use land;
 - (b) Shelter and/or have to be physically relocated;
 - (c) Assets or access to assets, loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

Access to legally designated parks and protected areas as a result of involuntary restriction or results in adverse impacts on the livelihood of the displaced persons.

- 2) **Resettlement** “covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to physical relocation. It can include: (a) acquisition of land and physical structures on the land (b) physical relocation; (c) economic rehabilitation of displaced persons to restore and/or improve their income and living standards.

“Census” means a complete and accurate survey of the project affected population. This entails a field survey carried out to identify and determine the number of Project Affected Persons (PAP). This is complemented by an Asset Inventory which is a complete count and description of all property that will be acquired, including assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies.

4. **“Environmental and Social Management Framework (ESMF)”** is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the infrastructure development program and other activities associated with this project regardless of funding agency in the six secondary cities. The framework will set out mitigation, monitoring and

institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument will be prepared as a separate and stand-alone document to be used in conjunction with this RPF.

5. “Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.

6. “Cut-off date” is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.

7. “Project affected persons” (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their: a. Standard of living adversely affected, whether or not the Project Affected Person must move to another location; b. Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; c. Access to productive assets adversely affected, temporarily or permanently; or d. Business, occupation, work or place of residence or habitat adversely affected. 8. “Involuntary Displacement” means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by: a. Loss of benefits from use of such land; b. relocation or loss of shelter; c. loss of assets or access to assets; or d. loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

9.” Involuntary Land Acquisition” is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

10. “Land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.

11.” Land acquisition” means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.

12. “Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

13. “Resettlement and Compensation Plan”, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan” - is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

14.” Replacement cost” means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;

15. “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: a. preparing the land to levels similar to those of the affected land; b. any registration, transfer taxes and other associated fees;

16. “Replacement cost for houses and other structures” means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include: a. Building materials transporting building materials to the construction site; c. Any labour and contractors’ fees; and d) any registration costs.

17. “Resettlement Assistance” means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,

18. “The Resettlement Policy Framework (RPF)’ is being prepared as an instrument to be used throughout the planned infrastructure development program implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans (“RAPs”) for the infrastructure development in the six secondary cities will be prepared and will be consistent with the provisions of this RPF.

19. “Resettlement Action Plan”: see Resettlement and Compensation Plan above,

20. “Vulnerable Groups” refers to: a. Widows, the disabled, marginalized groups, low income households and informal sector operators; b. Incapacitated households – those no one fit to work and; c. Child-headed households and street children d. Including among other things, persons characterized by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

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EXECUTIVE SUMMARY

The Government of Rwanda (**GoR**) intends to construct the following infrastructures: Rehabilitation and upgrading of of Roads from Kibirigi Road-R14, R15, R16, R40, R73, Kabgayi Road-R43A and R84. Agakiriro Roads-R19, R85A, R858 and R85C Roads from in Muhanga District as well as lined rehabilitation of drainages under the Rwanda Urban Development Project funded by the World Bank in Muhanga District. The Local Development Agency (LODA), on behalf of GoR, has commissioned the feasibility, technical and economic studies and final detailed engineering design of these roads.

For LODA to meet its internal standards and as a risk management approach, it applied National legislation on Environmental and Social Sustainability for projects that are likely to have an environmental and social impact. In this particular instance, the focus was on the National Expropriation Law No.33/2015 and the World Bank policy on Involuntary Resettlement (OP 4.12). An Abbreviated Resettlement Action Plan (ARAP) was prepared to ensure that the exercise of expropriation and resettlement is undertaken in accordance with the World Bank involuntary resettlement as well as the National Expropriation Law.

The main purpose of the Resettlement Action Plan is to ensure that any negative social and economic impacts of involuntary resettlement are addressed to avoid or mitigate the risks of impoverishment. Specifically:

- a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Project Objective. The overall objective of the proposed project is to support Rwanda’s urbanization process by delivering basic services that will improve living conditions and promote local economic development.

The project will rehabilitate and upgrade Roads from Kibirigi Road-R14, R15, R16, R40, R73, Kabgayi Road-R43A and R84. Agakiriro Roads-R19, R85A, R858 and R85C. As a result of the project activities,

Several methods have been used while preparing this Resettlement Action Plan and they include the review of available documents, stakeholder consultations, social economic household survey and observations.

The project has prepared an Abbreviated Resettlement Plan. An ARAP is prepared when the impacts of the entire displaced population are minor (if the affected people are not physically displaced and less than 10 percent of their productive assets are lost), or fewer than 200 people are displaced¹. The Abbreviated Resettlement Action Plan (ARAP) was prepared based on the principles of World Bank Operational Policy (OP) 4.12 Involuntary Resettlement as well as the Government of Rwanda National Expropriation Law N0 33/2015.

The main elements of an ARAP include the following minimum 6 elements: (a) census and disclosure of cut-off point and entitlement; (b) documentation of assets of PAPs, compensation and assistance to be provided; (c) consultations and engagements of households affected by the project on the expropriation process; (d) institutional responsibilities for implementation and grievance redress; (e) Arrangements for monitoring and implementation; and (f) a timetable and budget.

The World Bank Operational Policy (OP) 4.12 on Involuntary Resettlement and several national policies and local legal frameworks that regulate the land relations and resettlement in Rwanda were reviewed. These included the National land laws on Expropriation. Several institutions will be involved in the implementation of the ARAP. These will include Ministry of Infrastructure (MININFRA), Ministry of Finance and Economic Planning (MINECOFIN),

¹(Paragraph 25 Involuntary Resettlement (OP4.12 paragraph 25))

Rwanda Transport Development Authority (RTDA), Rwanda Natural Resources, Authority (RNRA), Ministry of Local Government (MINALOC) and the District of Muhanga.

The impacts are minimal and will affect: six (6) boundary walls will be removed permanently for the project and two (2) annexes (where no people live in these annexes), trees and flowers. A total of 8 PAPs will be affected and there will be no physical or economic relocation of PAPs. The District of Muhanga has agreed and committed to set aside a total compensation budget for the properties to be affected during the implementation of this project estimated to be **Eighteen Million, Twenty-Six Thousand Five Hundred Eighty-Four Rwandan Francs (18,026,584 Frw). (USD21,529.103).**

Some households will no longer be able to utilize the area in the Right of Way (RoW) for certain boundary walls as well as growing trees and fruits. Some households will only be affected during construction and afterwards they will be able to continue utilizing the portion of land in the area as before, e.g. for crop farming and animal grazing. For the land where the road will be rehabilitated, the affected portions of land will remain unutilized for the entire period of existence of the Road.

There have been Consultations. Several meetings were held with different stakeholders at national, district and local levels during the month of October 15th 2016. During the consultations, several issues were raised by the different stakeholders and they included provision of employment opportunities to the local people, long period taken between valuation of assets and compensation exercise, presence of land with disputes, assistance to vulnerable people whose structures are affected by the project, absentee landlords and the need for collaboration with local leaders among others.

A Grievance Resolution Channel has been proposed through which the grievances shall be resolved. In case of any dissatisfied person, it was made clear to the PAPs that the complaint should be recorded and filed with Cell leadership for onward consideration by the Resettlement and Compensation Committee put in place for purposes of the RUDP project in Muhanga City. Beyond this stage, if the complainant is not satisfied, there are other steps that were set up and are clearly explained in grievance and redress mechanism chapter.

However, it is important to emphasize that as per international standards, grievances logged outside the set timeframes by the national laws may still be valid and legitimate.

Livelihood and income restoration shall be done through providing skilled and semi-skilled jobs during the construction the construction period.

Resettlement schedules will be coordinated with the construction schedule and before any project civil works activity is implemented, PAPs will have to be compensated in accordance with the Rwandan laws and regulations and the World Bank Involuntary Resettlement Policy.

Monitoring of RP implementation. There is a need to carry out both internal and external monitoring to ensure complete and objective information to avoid bias. Internal monitoring will be undertaken by the implementing agency, a Consultant and/or the local authorities involved. Some of the indicators for internal monitoring to be considered will include; the number of households and individuals affected by the project; actual compensation amount paid and timelines; number of PAPs who have not received compensation, number of people raising grievances in relation to the project and number of unresolved/resolved grievances.

External monitoring will include an independent impact evaluation that will determine: if compensation payments have been completed in a satisfactory manner; and if there are improvements in livelihoods and well-being of PAPs.

The recommendations proposed for the successful implementation of this project include:

- A workshop for the different stakeholders should be organized to ensure that everyone understands their role in the implementation process.
- There is a need for effective coordination of institutions that are key in the implementation of the ARAP.
- The majority of the PAPs preferred cash compensation instead of in-kind compensation. The wishes of the people should thus be respected.

In conclusion, if the guidelines and recommendations set out in this ARAP are followed, the negative impact of the project on the people will be minimized and thus the project will be socially and environmentally viable.

1. INTRODUCTION

This document is an Abbreviated Resettlement Action Plan (ARAP) for the construction and upgrading in Muhanga City. It was prepared by the Government of Rwanda (GoR) as one of the requirement by the World Bank to support the development of urban infrastructure in six secondary cities of Rwanda including Musanze, Rubavu, Huye, Nyagatare, Rusizi, and Muhanga; as well as the development of infrastructure in Agatare area of Nyarugenge District. The RUDP projects aim at improving urban management, infrastructure services and local economic development with the following as the major components:

- a) Performance Based Grants to Support Infrastructure Investments for Basic Services (including settlement upgrading) in the secondary cities of Rubavu, Rusizi, Musanze, Muhanga, Huye and Nyagatare that have been identified in the National Urbanization Strategy to serve as poles of future urban and economic growth.
- b) Facilitating Local Economic Development in the six secondary cities linked to the infrastructure investments to promote local economic development such as expanding or improving the market infrastructure and providing technical assistance to the District in enabling and partnering with the private sector (e.g., through guidance on Public Private Partnership (PPP) arrangements).
- c) Upgrading of the Agatare Informal Settlement in Nyarugenge District of the City of Kigali to support Nyarugenge District in planning, facilitation and implementation of the Agatare neighborhood upgrading intervention, which will serve as a piloting of community based urban regeneration measure that will subsequently be scaled up to other parts of Kigali and to secondary towns.
- d) Technical Support for the Implementation of the National Urbanization Strategy involving targeted capacity building support for government agencies at both central and local levels to enable an equitable urbanization process which also promotes economic growth.
- e) Project Management Support so as to provide the implementing agencies at national level and the Districts with project management support.

2. PROJECT ACTIVITIES

The project is located in Muhanga City and is composed of the Rehabilitation and upgrading of Roads from Kibirigi Road-R14, R15, R16, R40, R73, Kabgayi Road-R43A and R84. Agakiriro Roads-R19, R85A, R858 and R85C with the length of 5.392 Km. Below the figure shows the project component and location in Muhanga District

Roads to be constructed in Phase 1.



Figure 1: Proposed road construction in Muhanga City

3. PUBLIC CONSULTATION

According to the World Bank resettlement policy, affected persons and host communities are to be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of the resettlement program. While preparing this ARAP, the affected persons were informed about their options and rights pertaining to resettlement. Hence, consultation meetings with PAPs were held on 23rd –December 2016 to discuss issues related to compensation and other related issues. RUDP and the District of Muhanga held meetings with the local communities in order to inform them about the planned subproject.

The local communities were fully involved in all the processes of the development of this ARAP and they were informed about the construction of the proposed roads. Upon identification of the households that will be affected by the project, LODA/RUDP and Muhanga District staff organized meetings with the PAPs to discuss compensation requirements and concerns. The District arranged meetings for the negotiations with the local communities to discuss the alternatives for compensation and the proposed site that seemed to be suitable for the project.

Picture of people attend the meeting explain the properties affected



Figure 2: Public Meetings taking place in Muhanga District

3.1 Verification and Disclosure of entitlements

Public consultations took place from the initial stage of ARAP preparation with the local community and PAPs involved in the process of documentation and valuation of their assets. The ARAP will be disclosed after the approval by the World Bank, and the medium of communication will be **Kinyarwanda**. The summarized copy of ARAP on critical issues will be translated in Kinyarwanda and displayed at Cell, Sector and District offices and it will also be discussed during community works (Umuganda) and other public gatherings.

3.2. Main issues raised by the PAPs during the first meeting held.

The issues raised at the consultation meetings are summarized in the table below, along with the responses given by the committee comprised of LODA staff (Social and Environment specialists), and District and Sector officials.

Table 1: Issues of PAPs and responses given

Issues	Responses
Security issues during the demolition of their boundary walls?	Compensation will take place before construction works start, hence, the affected people will be able to rebuild their boundary walls. During the demolition of the boundary walls, security personnel will be deployed at the site until the walls are rebuilt
How will I know the amount of money to be compensated?	All the PAPs names and their properties as well as their amount of money will be compensated will be displayed at cell and sector offices and all PAPs will be involved in determining the type of compensation
How will I receive my money?	All payment will be made directly to PAP personal bank accounts or SACCOs and other Banks operating in Rwanda.
Employment	The PAPs and other eligible people residing near the project area will be given casual and other jobs during the construction phase. Child labor will not be allowed

4. IMPACT OF THE INVESTMENTS IN MUHANGA DISTRICT

Attempt has been made to avoid expropriation as much as possible as per the primary criteria of development scheme for Phase-1 selected projects. However, the impact on a few properties could not be avoided even after applying all necessary measures. The number of people to be affected are eight (8) according to the valuation report and the assets to be affected include boundary walls, annexes, trees and flowers with an estimated compensation cost of Eighteen Million, Twenty-Six Thousand Five Hundred Eighty-Four Rwandan Francs only. Detailed information on the type, names of the affected people and the cost of the assets is annexed under this document. No Physical relocation will take place in this project area, since all the two (2) annexes no one lives there. Since, these annexes will be permanently removed, PAPs will be compensated for the full value of affected assets.

4.1 Methodology of the land acquisition process and ARAP

The development and implementation of this ARAP sought to adhere to the requirements of the World Bank Operational Policy (OP) 4.12 Involuntary Resettlement and the National Expropriation law no 32/2015 of 11/06/2015. The stakeholder engagement and socioeconomic data collection required to develop this ARAP took place through a series of site visits to the concerned districts between May and June 2015 and June and July 2016.

4.2 Approach of ARAP preparation:

The ARAP preparation followed the following key essential stages:

- Identification of project impacts and affected populations was achieved by-
 - Reviewing the map of the extent of proposed road diversions.
 - Reviewing the Socio-economic Impact Assessment report;
 - Consultation with affected populations on suggestions regarding mitigation measures and preferred development opportunities;
 - Reviewing the detailed Engineering Design
- Review of legal framework for land acquisition and compensation for Rwanda;
- An Entitlement Matrix was drawn indicating which people are affected, entitled to what compensation and cut-off date after which any intruders are ineligible were also determined;

- Valuation of property: Valuation of property: According to the Expropriation Law(2015), Land values and prices for property incorporated on land consistent with the prevailing market rates provided under this Law shall be established by the Institute of Real Property Valuers in Rwanda.
- The list of land values and prices for property incorporated on land shall be reviewed every year and approved by the regulatory Council for the real property valuation in Rwanda before it becomes effective.
- The current market prices for property were applied. For example, for Full replacement compensation of lost property was based on these prices. According to the Expropriation Law, it stipulates that any expropriator that retracts his/her project for expropriation in the public interest after the valuation of the property of the persons to be expropriated or fails to pay fair compensation within the period provided under Article 36 of this Law 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
- However, for this project we applied the replacement costs which is a method of valuation of assets that helps to determine the amount sufficient to replace the assets and cover the transaction costs. The market costs plus transaction costs are equivalent to replacement costs. Replacement costs were applied to tangible assets including houses and other structures.
- A detailed budget was drawn covering; cost of compensation, cost of ARAP implementation, and the Monitoring and Evaluation of the entire ARAP. The detailed budget has a close link to the implementation schedule;
- Monitoring and implementation plans were drawn. The implementation schedule covers all activities of the resettlement process that were planned, that is, consultations, ARAP, formal establishment of grievance mechanism, agreement of LRP and agreement on the resettlement sites.
- ARAP, implementation of the LRP, monitoring and evaluation. Monitoring was discussed based on performance monitoring, impact monitoring and complete external audit;
- Information from the stakeholder engagement enabled the study to describe organizational responsibilities and establish a formal grievance redress mechanism;

Some of the more relevant activities mentioned above and applied in the process of preparing the ARAP are discussed in a little more detail hereafter:

Key Informant Interviews (KI), Village-Level Discussions and Focus Group Discussions (FGDs) were also used in the exercise: One-on-one key informant interviews, cell and village-level discussions and FGDs were applied to understand the extent of potential resettlement-related impacts of the Project's land acquisition process, as well as other relevant issues.

In each project site, the FGDs were held with: (i) local government leaders; and (ii) general public meetings with the communities that will be affected.

5. RESETTLEMENT COMPENSATION STRATEGIES

In this study, the asset inventory and property valuation was done separately, mainly because this exercise was out of the study scope and is an exercise done by the certified valuers as stipulated in article National Law relating to expropriation.

However, the study indicates procedure to be followed in executing this exercise. The exercise required full support of local government officials (i.e. District, Sector, Cell and Village leaders), land managers at District and Sector levels. It further required mutual agreement of the affected people in order to perform this exercise.

The inventory and valuation involved a committee comprising of; representatives of displaced community, village leader, village security representative, Cell coordinator, Sector land manager, LODA land acquisition and resettlement representative, District land commission representative, army representative and police representative.

The valuation process is an entire field operation that involves professional valuers and local authorities, in local meetings, explaining to the affected communities the manner in which the valuation would be done.

- Plots of land were measured by tape measure to determine the size. This will be done in the presence of the Displaced persons and the committee chosen to follow-up the Asset inventory and valuation.
- Houses were measured by tape measure, type and quantity of construction materials used on the houses will be determined, state of the structure also determined, all were done in the presence of the affected owner and valuation committee.
- Crops valuation criteria based on area of coverage, in other cases number of standing crops and age.
- Crop and tree owners- These are crops and trees owners on their land. Valuation is for annual crops since the seasonal crops shall be harvested by the time of project commencement. For those hiring or care taking for the actual land owner, compensation shall be written against those hiring or care taking of the land not to the land owners to avoid any misconduct by the land owners seize the compensation packages intended for those who hired the land.
- Trees valuation criteria based on number of trees, age and type of tree.

- All this data was entered into individual valuation field sheets for each plot of land and for each affected person. Each of these were verified by the valuation committee, verified by the affected person, who signed against the sheet. These sheets were signed off by the Cell and Sector authorities before they are sent to Muhanga District land commission for endorsement and for payment processing.

Furthermore, Land to land compensation could have been the best option, however, there is no land adequate in size, vicinity as the displaced land, it is therefore proposed that agreement with the Displaced person to have cash compensation for affected property instead of land to land. Further more, no land was offered as the amounts and sizes of land provided were small in size, less than 5% of anyone's land.

Cut - off date

The entitlement cut-off date in lieu of this ARAP refers to the timeframe advertised by the District of Muhanga beyond which no more claims could be made for inclusion on the list of PAPs, and at which point no assessment of new persons and their property outside the published list would be undertaken. The cut-off date was determined through a meeting with the PAPs, at the District headquarters, before the commencement of the census survey and social assessment. The agreed cut-off date was 05th, December 2016.

6. SOCIO-ECONOMIC BASELINE STUDY IN THE AFFECTED AREA

6.1 Gender

The findings further indicate that of all eight (8) of the affected people are male headed households

6.2 Marital Status

All the affected people(PAPs) are married. According to the National law on Land, in case the land is owned by married couple, all have equal rights on landownership,

6.3 Vulnerability

No affected people(PAPs) were identified as vulnerable in the project areas and none is affiliated to an NGO which supports vulnerable groups.

6.4 Access to Credit Facilities

All respondents the affected people(PAPs) have access to Banks like Bank of Kigali, Access Bank, SACCOs, CSS, KCB etc.

7. LEGAL AND REGULATORY FRAMEWORK

7.1 Land law in Rwanda

The Organic Law No.43/2013 of 16/06/2013 governing land in Rwanda serves the purpose to determine modalities of allocating, acquisition, transfer, use and management of land in Rwanda.

Under this law and relevant to this study are the definitions given to:

- **Land tenure:** the system by which land is held, describing the rights, responsibilities and restrictions that are attached to the land holder.
- **Expropriation:** an act of taking away individuals' land by the State due to public interest in circumstances and procedures provided by law and subject to fair and prior compensation.

The land owner shall enjoy full rights to exploit his/her land in accordance with the provisions of this Law and other laws. The State recognizes the right to freely own land and shall protect the land owner from being dispossessed of the land whether totally or partially, except in case of expropriation due to public interest. All buildings, crops and other works found on land that have been performed by the land owner using his/her money or otherwise are presumed to be his / hers.

However, this does not prohibit any other person to own buildings, crops and any other works on other person land in accordance with procedures provided for by this Law, other laws or agreement with the land owner.

7.2 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). According to this order, the overall responsibility of implementing the land policy lies with the Land Bureau, and the law clear stipulates the functioning of the land bureaus at both Central and Local Government levels.

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

This law provides for regulation of road works in the country, putting the responsibility for all national roads and adjoining roads under the Roads and Transport Development Authority, RTDA; while putting the district and adjoin feeder roads under the responsibility

of the local authorities, and that of the roads exclusively within the designated urban centres under the urban authorities.

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

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. The State under this law 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.

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

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. The Expropriation Law also provides for contestation of the process including listing of affected persons and valuation of the affected property.

Article 28 of the expropriation law of 2015: Criteria for determining fair compensation was applied as well. "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"

7.6 Rwanda's Urbanization and Rural Settlement Sector Strategic Plan 2013-18

The Sector Strategy promotes the development of secondary cities while creating a network of urban and urbanizing centers. Additional overall urban development guiding principles to be followed in preparing this project are: (a) designs which will encourage densification of the cities, resulting in reduced urban infrastructure and services costs, (b) local economic development must also be taken into consideration in the dialogue with the cities as to investment options, and (c) the investment options must be ranked as well using social inclusive growth as a major criterion.

7.7 World Bank Safeguards Policies

The World Bank policy on involuntary resettlement (OP 4.12) emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not

feasible, it should compensate for lost assets at full replacement cost, and assist the displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include:

a) WB OP 4.12. (6a) demands that the resettlement plan includes measures to ensure that displaced persons are (i) informed about their options and rights, (ii) consulted on, offered choices among others and provided with technically and economically feasible resettlement alternatives, and (iii) provided prompt and effective compensation at full replacement costs.

b) WB OP 4.12 (8) requires that particular attention should be paid to the needs of vulnerable groups among those displaced such as those below the poverty line, landless, elderly; women and children and indigenous peoples and ethnic minorities.

c) WB OP4.12 (12a) states that for households depending on land for their livelihoods preference should be given to land based solutions; however, payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

d) WB OP4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided with assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site.

e) WB. OP 4.12 (13 a) stipulates that any displaced persons and their communities and any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement. In addition, displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

f) WB OP4.12 Para 13 (a) requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising.

7.8 Comparison between National Legislation and WB OP 4.12

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

7.9 Gap Analysis between Rwandan Expropriation Law and WB Op 4.12

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

a) Avoid Resettlement: While OP 4.12 stipulates that projects should first avoid involuntary resettlement as much as possible, there are no similar provisions in Rwandan national legislation, which states that 'expropriation of land will be done when deemed necessary for public purposes.' Secondly, the notification period under national legislation requires that property must be handed over 120 days after financial compensation has been paid, while OP 4.12 requires that displacement must not occur until all necessary measures for resettlement are in place including assisting the PAPs with relocation.

b) Meaningful and participative consultation: OP 4.12 requires that persons to be expropriated should be meaningfully consulted and that the PAPs should have the opportunity to participate in planning and design of resettlement programs. The Rwandan Expropriation Law only stipulates that affected peoples be fully informed of expropriation issues and that the public interest will always override any individual interest. Indeed, the law prohibits anyone to hinder the expropriation process based solely on "self-centred" reasons. c) Eligibility determination: According to the Bank

policy (OP 4.12) eligibility determination of the PAPs entitles those who have formal rights, those with claims to land, and those with no recognizable legal right to compensation; but under the Rwanda Expropriation law compensation is limited only those land titles and or recognizable customary or written evidence of land ownership, persons recognized as legal occupants and owners of the expropriated land and property thereon. The World Bank OP4.12 policies is much broader and includes both legal and illegal occupants of the land.

d) Notification period required: The Rwandan new expropriation law requires that property must be handed over 120 days after financial compensation has been paid, while OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in place, not only compensation.

e) Fair and just compensation: The Expropriation Law provides for fair and just compensation to expropriated peoples eligible for compensation, the definition of 'fair and just' is not clearly defined, and therefore there is a risk that Project Affected People's livelihoods may not be restored or improved after compensation and resettlement.

8. GRIEVANCE MANAGEMENT AND REDRESS

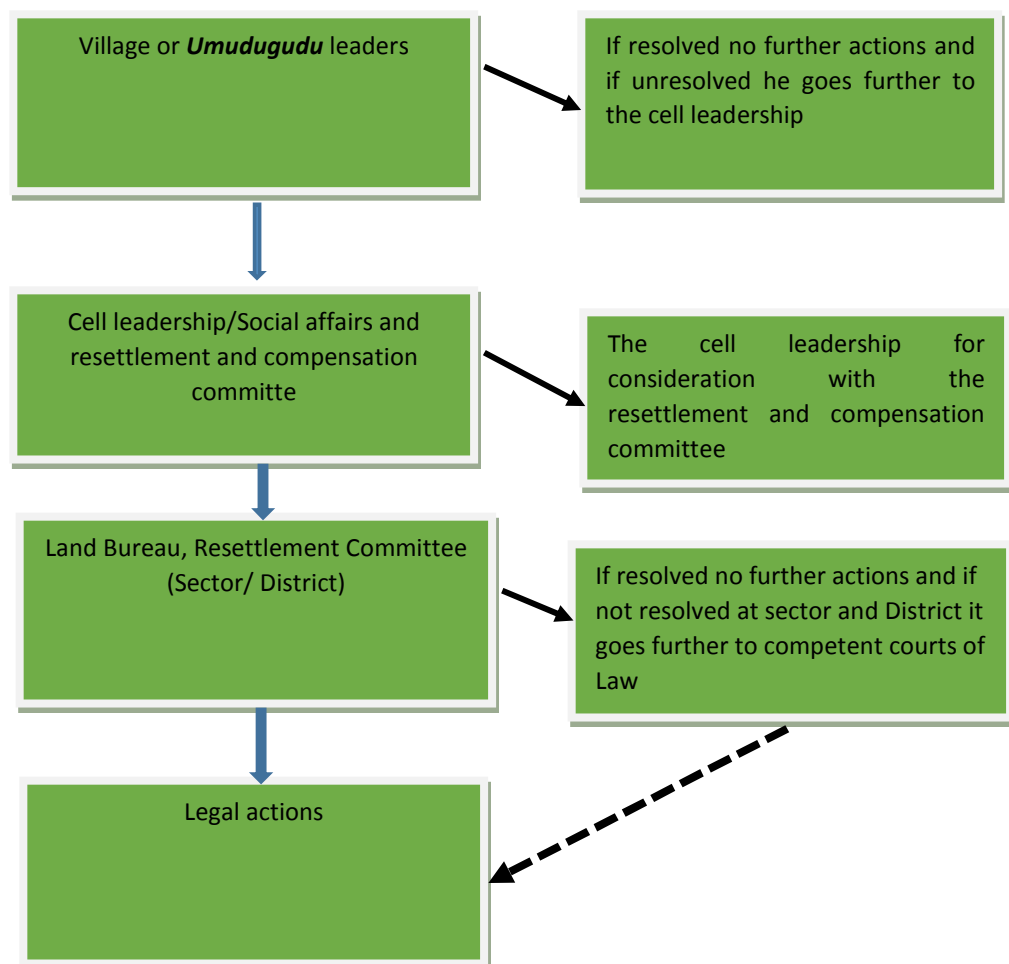
The GRM has been appropriately articulated in the RPF and is for the benefit of both the project and the PAPs so as to amicably and in a timely manner solve any conflicts and grievances that may arise with the displacement and resettlement processes and activities. The grievance framework recommended for this ARAP is built on already existing structures within the laws of the GoR and affected community.

- ✓ A Resettlement and Compensation Committee, including representatives of the PAPs, women, youths, local authorities, and those designated by law from the District Leadership was set up to guide the implementation of the ARAP and expedite any handling of grievances that may arise in the implementation of the ARAP.
- ✓ In case of any dissatisfied person, it was made clear to the PAPs that the complaint should be recorded and filed with Cell leadership for onward consideration by the Resettlement and Compensation Committee put in place for purposes of the RUDP project in Muhanga City set up by the Social Development Specialist from LODA and Director of Social Protection in Muhanga District. The dissatisfied person will be given a complaint log which he or she will use to lodge the complaint(s).
- ✓ The Muhanga District has acknowledged this institution for which the PAPs have been made aware of as avenues for expressing discontent and disapproval to the resettlement and compensation process.
- ✓ The Rwanda Expropriation Law clearly stipulates the complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that dissatisfied persons have a period of 15 days after the approval decision for the valuation has been taken in this case by the Muhanga District to appeal.
- ✓ In the event that the PAP rejects the value given by the Resettlement and Compensation Committee, they can ask for justification of the figure from the Committee. Should they still disagree with the value given, they can appeal to their local leadership starting at the Cell level, then the Sector and finally the District leadership.

- ✓ The District Land Commission officer should be present at the local meetings so as to closely follow the proceedings and to guide local leaders when addressing appeals.
- ✓ If the grievance is not resolved via the local leadership structure, and the District Land Committee upholds the original value, the complainant final resort shall be to file the case to the competent Court of Law. According to the Expropriation Law, filing a case in courts of law does not stop expropriation process to be effected. The suing for review of the compensation decision should be done within 15 days after the local appeals decision is made.

As per World Bank Operational Procedure 4.12 standards, grievances logged outside this timeframe may still be valid and legitimate. Customarily, the government expropriation authorities ensure that all affected people have been fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people have been informed of the procedures before their assets are taken. The Muhanga District will follow up the aggrieved PAPs at each level to ensure that the grievances are resolved. Below is the figure illustrating the process.

Figure 3: STEPS TO LODGE COMPLAINT



9. IMPLEMENTATION OF THE ARAP

9.1 Eligibility

Eligibility for compensation is as stipulated in the Expropriation Law of Rwanda (N° 32/2015 of 11/06/2015) and the Bank’s operational policy, WB OP 4.12. These documents regulate and give entitlement to the affected persons. The WB OP 4.12 goes further and recognizes the affected persons as that one using the land at the time, whether or not they have written customary or formal tenure rights. However, in the Rwandan Expropriation Law, the person to be expropriated is defined as “any person or a legally accepted association operating in the country who is to have his or her private property transferred due to public interest as well as legally accepted local administrative entities.” As far as this project is concerned, the World Bank Policy OP.4.12 will take precedence.

Entitlement matrix proposes eligibility and payments for the losses triggered by the project (e.g. land, housing, trees, crops, land, etc.). Hence, based on analysis of the impact of the project and the criteria for eligibility, the following entitlement matrix is developed on categories of Displaced and host communities according to losses and their entitlement benefits. Table 2 shows the entitlement benefits.

Table 2: Entitlement Matrix

Type of Loss	Entitled Person	Type of Impact	Compensation/Entitlement/benefits	Responsible Organization
Land - Agricultural	Title holder	Displacement Any portion of land holding lost to the project, entire plot of land displaced	Cash compensation for affected land equivalent to full replacement cost as per the National legislation. Displaced communities will still be allowed to cultivate seasonal crops during the time project commencement has not yet started	Muhanga District
House	Owner	Displacement: Entire structure affected or	House compensation at the resettlement site of full replacement value and of equal	Muhanga District

Type of Loss	Entitled Person	Type of Impact	Compensation/Entitlement/benefits	Responsible Organization
		structure partially affected but the remaining structure is not suitable for continued use.	<p>or better size and quality in an available location of proposed settlement sites in the District master plan.</p> <p>For those that already own other built houses that meet minimum criteria of a suitable house equivalent to the one displaced. Cash compensation of full replacement cost for entire structure and other fixed assets without depreciation, or alternative structure.</p> <p>Right to salvage materials without deduction from compensation.</p>	
Boundary Walls	Owner	Partially affected	Cash compensation for the entire boundary wall equivalent to replacement value as well as full replacement cost for the land taken by the project	
Standing crops	Crop Owners	Crops affected by land acquisition or temporary acquisition or easement	<p>Cash compensation equivalent to market value/ full replacement cost for the mature and harvested crop.</p> <p>For those hiring or care taking for the actual land owner but with annual/perennial crops, compensation was written against the land owner but would only be released to the</p>	Muhanga District

Type of Loss	Entitled Person	Type of Impact	Compensation/Entitlement/benefits	Responsible Organization
			<p>land owner on written agreement authenticated by local authority that he/she shall compensate the actual crop/ tree owner. The reason compensation was made to the land owner and not the crop owner was because payment is done by the Ministry of Finance, which only makes payments against land on which the crops exist.0</p>	
Trees	Tree Owners	Trees lost	<p>Cash compensation based on type, age and productive value of affected trees.</p> <p>For those hiring or care taking for the actual land owner but with annual/perennial crops, compensation was written against the land owner but would only be released to the land owner on written agreement authenticated by local authority that he/she shall compensate the actual crop/ tree owner. The reason compensation was made to the land owner and not the crop owner was because payment is done by the Ministry of Finance, which only makes payments against land on which the crops exist.</p>	Muhanga District

9.2 Verification and Disclosure of entitlements

The local community and Displaced Persons shall be involved in the process of documentation and valuation of their assets. Property valuation forms shall be presented to Displaced Persons for verification, once they are comfortable with the proposed full replacement cost for their property, they signed or thumb pressed in ink against their names as a sign of agreement. These documents will then be shared with the Cell and Sector authorities who countersign as a sign of approval and authorization of legal process. The RAP will be disclosed after the approval by LODA and the medium of communication will be in English and **Kinyarwanda for the part of asset valuation**. The translated copy of RAP in Kinyarwanda will be displayed at Cell, Sector and District offices and it will also be discussed during end of month community works (Umuganda) and other public meetings organized by the local authorities.

9.3 Description of Relevant Organizations' Responsibilities

The Table below gives the summary of responsibility and roles that should be played by every institution during the preparation of ARAP for Muhanga District on RUDP subprojects implementation.

Table 3:Description of relevant organizations' responsibilities

Organization	Responsibility
Muhanga District GWCL (Safeguards team)	<ul style="list-style-type: none"> ✓ Screening of sub-projects to identify resettlement and compensation requirements ✓ Preparation and Implementation of ARAP District of the Muhanga District to create Resettlement and Compensation Committee; ✓ Provision of capacity building and technical support relating to resettlement and compensation activities
Muhanga District authorities	✓ Review and sign off of all documentation (e.g.

and sector authorities	<p>completed ARAPs, grievance forms, consultation plans);</p> <ul style="list-style-type: none"> ✓ Participation in documentation of assets ✓ Compensation of ARAP Responsible in monitoring and implementation
PAPs	<ul style="list-style-type: none"> ✓ Participation in census/measurement and valuation of assets
Muhanga District and Resettlement and Compensation Committees	<ul style="list-style-type: none"> ✓ Identification of land for replacement and effective consultation at the sector level, cell level, and at village level (Umudugudu) ✓ Representation of PAPs; Facilitate coordination of information collation activities (such as surveys, supervising documentation) for monitoring purposes, in accordance with procedures put in place by the District authorities; ✓ Elect a representative of the Committee to act as Project Liaison Officer who has regular contact with PAPs and can lead consultation, public participation and grievance mechanisms Responsible for ensuring that grievance mechanisms meet the requirements of the RPF legislation.

10.BUDGET

The District of Muhanga has set aside an estimated budget of Eighteen Millions Twenty-Six Thousand, Five Hundred and Eighty-Four Rwanda Francs (**18,026,584frw**). This budget was set aside to compensate the affected assets.

11.MONITORING AND COMPLETION AUDIT

The civil works for rehabilitation and construction of roads, drainage and public lighting infrastructure in Muhanga City is planned to start in June of 2017. Monitoring of the ARAP will be carried out during the whole process of land acquisition and the compensation to ensure that the objectives are met and successful implementation of the ARAP occurs. The monitoring will be carried out by a committee composed of Muhanga District representatives, representative at the Sector & cell level, women and youth, and the SPIU -Social Safeguards Specialist, to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the ARAP. Suggested key indicators are outlined below and include (and not limited to):

- Number and place of public consultation meetings held with PAPs and local authorities in preparation of, or during ARAP implementation;
- Number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- Number of complaints including total received, total justified, and total non-justified.
 - This should include the subject matter for all complaints;
 - an explanation for non-justified complaints;
 - Total resolved at various levels including the type of agreement reached;
 - Total referred to the legal system/ Courts of Law, including a clarification on who initiated (local leaders, PAP or Muhanga District) the referral and the subject matter.

Suggested performance/evaluation indicators include:

- Total nature and level of all complaints received, resolved;
- Completion of payment within, or after 2 months of estimated completion date indicated in the RAP implementation plan;
- Revival of livelihood activities for the affected persons within 4 months after the compensation payment; Submission of monitoring reports at the frequency indicated in the M/E of the RAP implementation report or quarterly.

Table 4: Plan for Monitoring, evaluating and reporting

Item	Main activities	Responsible institution	Status	Timing
Public consultation	Consultation meeting with the PAPs	Muhanga District	Completed	Dec.2016
Data Base	Updating census results	Muhanga District	Completed	Feb.2017
Disclosure of Entitlement	Display to the PAPs the results of the census	Muhanga District	Completed	Feb.2017
Compensation	Follow up and monitoring of PAPs livelihoods	Muhanga District	Not yet	May 2017
Notification on Demolition period	Informing the PAPs on the commencement of demolition of structures for the right of way	Muhanga District	Not yet	May 2017
Looking for the right of way	Demolition of the boundary walls	Contractor	Not yet	May 2017

12.CONCLUSION

A completion report of the entire resettlement process for this project will be prepared and will include a handover certificate which will ostensibly provide a verification of when the compensation and assistance were undertaken and to whom these services were provided as well as to indicate that indeed all the compensation has been delivered. This report will be prepared and submitted to the Bank three months after the end of compensation payment by the Muhanga District, together with SPIU-Social safeguards specialist.

The ARAP implementation report will include (but not be limited to) the following information:

- ✓ Background of the ARAP preparation including a description of the project activities, scope of impacts, number of affected persons, and estimate budget;
- ✓ Update of its implementation with actual numbers of displaced persons by segments, compensation paid, issues/complaints raised and solutions provided;
- ✓ Complaints status;
- ✓ Early assessment of the impacts of resettlement and compensation on affected categories at the time of the report production;
- ✓ Total sum disbursed; and,
- ✓ Lessons learned from the ARAP implementation

List of annexes:

- ✓ Proposed Grievance log
- ✓ Affected properties with corresponding amounts

Proposed Grievance log (Translated from Kinyarwanda to English)

**Grievance Resolution Form for complaints of affected people by the Secondly Cities
Projects.**

.....Province

..... District

Sector:.....

Cell:.....

Village:.....

Name of Complainant:.....

Date of complaint:.....

Description of the Complaint:

.....
.....
.....

Decision taken on complaint:

.....
.....
.....

Response given to complainant:

.....
.....

Name and Signature of:

Secretary

Chairperson

TABLE SHOWING PAPs HOUSEHOLD THEIR PROPERTIES TO BE AFFECTED and CORRESPONDING AMOUNTS.

No:	Names of PAPs	Assets to be affected	Amount of Money to be compensated(FRW)
1	PAP 1	Boundary Wall	1,372,383
2	PAP 2	Boundary Wall	15,367,96
3	PAP 3	Annex trees and flowers	4,398,873
4	PAP 4	Boundary Wall Trees and Flowers	2,945,340
5	PAP 5	Boundary Wall, Trees and Flowers	3,095,079
6	PAP 6	Boundary Wall, trees and flowers	3,758,279
7	PAP 7	Boundary Wall	271,846
8	PAP 8	Annex	644,989
	GRAND TOTAL		18,026,584