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## **Abbreviated Resettlement Action Plan (ARAP)**

Rehabilitation and upgrading of Road R1, R2, R2B , R11 and R14 in Nyagatare District  
under Rwanda Urban Development Project (RUDP)

Final Report

June 2017

## ACRONYMS AND DEFINITIONS

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

<b>PAP:</b>	Project Affected Person
<b>PCDP:</b>	Public Consultation and Disclosure Procedures
<b>PMU:</b>	Project Management Unit
<b>PPP:</b>	Public Private Partnership
<b>RUDP:</b>	Rwanda Urban Development Project
<b>RDB:</b>	Rwanda Development Board
<b>REMA:</b>	Rwanda Environment Management Authority
<b>RGAC:</b>	Rwanda Governance Advisory Council
<b>RGB:</b>	Rwanda Governance Board
<b>RHA:</b>	Rwanda Housing Authority
<b>RNRA:</b>	Rwanda Natural Resources Authority
<b>RPF:</b>	Resettlement Policy Framework
<b>RRA:</b>	Rwanda Revenue Authority
<b>RSTF:</b>	Rural Resettlement Task Force
<b>RTDA:</b>	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” refers to people who are directly affected socially and economically by World Bank-assisted investment projects caused by:

a. Relocation or loss of shelter

b. Loss of assets or access to assets loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

or c. The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

2. “Associated projects” means any subprojects or activities which are directly related to the planned infrastructure development in the six secondary cities.

3. “Census” means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.

4. “Environmental and Social Management Framework (ESMF)” is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the infrastructure development program and other activities associated with this project regardless of funding agency in the six secondary cities. The framework will set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument will be prepared as a separate and stand-alone document to be used in conjunction with this RPF.

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

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

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

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

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

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

12. “Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed

to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

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

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

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

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

This document is the Abbreviated Resettlement Action Plan (ARAP) for Nyagatare District on Phase I projects under the Rwanda Urban Development project (RUDP). RUDP covers 6 secondary cities (Nyagatare, Rusizi, Rubavu, Musanze, Muhanga, Huye) and will be implemented in two phases, where Phase I targets about 26.25Km of roads and 8.9 Km of standalone drainages. Phase II investments will commence after the successful completion of phase I investments.

Under Phase I, Nyagatare District is implementing 3.908km of roads dispatched into 5 stretches (R1, R2, R2B, R11, R14) and 2 cross drainages (D1, D2).

Although the feasibility study report had indicated that no household will be affected in phase I investments, the detailed engineering design study of Phase investments in Nyagatare District established that 2 boundary walls and one house will be partially affected by the roads work. The 3 affected properties are located on R1 and R2 roads within the vicinity of around 60m on those two road projects.

The Abbreviated Resettlement Action Plan (ARAP) was prepared based on the principles of the World Bank Operational Policy (OP) 4.12 as well as the National Expropriation Law N0 33/2015 in order to meet the necessary social and environmental sustainability standards. The main elements of this ARAP includes: consultations and engagements of households affected by the project on expropriation process, social assessment of PAPs, documentation of assets of PAPs, disclosure of cut-off point and entitlement, compensation cost and addressing grievances.

Nyagatare District has agreed with the property owners to compensate the affected properties and has put aside an amount equivalent to **Seven Million Four Hundred Fifty-Two Thousand, Four Hundred Ninety-Four Rwandan Francs (7,452,494frw)** for compensating the affected properties. This is equivalent to **USD =8903.81**

The grievance redress resolution channels have been proposed for any dissatisfied person. It was explained and made clear to the PAPs that the complaints 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 Nyagatare City. Beyond this stage, if the complainants are not satisfied, other steps have been set up and are clearly explained in the grievance and redress mechanism chapter.

The resettlement schedules will be coordinated along with the construction schedules. Before any project civil works commences, PAPs will have to be compensated in accordance with the World Bank Involuntary Resettlement Policy and the Rwandan laws and regulations.

The proposal of monitoring of resettlement schedules is included in this ARAP with a recommendation that it will be carried out both internally by the District authority and externally by independent impact evaluation to ensure complete Grievance Redress Mechanism (GRM) and avoid any bias. The monitoring process will establish the number of PAPs compensated and PAPs not compensated, the number of PAPs raise grievances and the number of unresolved grievances.

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.
- All three (3) PAPs preferred cash compensation instead of in-kind compensation. The wishes of the people should thus be respected.

## 1. INTRODUCTION

After the final Detailed Engineering Design report for Phase I investments of Rwanda Urban Development Project (RUDP) for 6 secondary cities (Nyagatare, Muhanga, Huye, Rusizi, Rubavu and Musanze) were completed, it was clearly disclosed that in all 6 secondary cities, some properties will be affected by the project. Based on the World Bank's involuntary resettlement policy as well as Rwandan laws and regulations on social safeguard issues, an Abbreviated Resettlement Action Plan (ARAP) has to be prepared to ensure that the project affected persons (PAPs)' livelihoods and standards of living are improved or maintained at the level they were before the project implementation.

In Nyagatare District, 2 boundary walls on R1 road and one house on R2 road were identified to be partially affected in the Detailed Engineering Design study report. In a way to prepare the ARAP report, the following steps were undertaken:

- ✓ Reviewing the Detailed Engineering study report indicating the exact properties and land affected by the project as well as the entire dimensions/sizes of the properties
- ✓ Valuation of land, assets and properties to be expropriated
- ✓ Analysis of the objective of the resettlement plan
- ✓ Socioeconomic assessment of the PAPs
- ✓ Consultation with affected PAPs and,
- ✓ Analysis of the legal framework and institutional framework covering the identification of agencies responsible for resettlement activities

The development of this ARAP has been carried out jointly by LODA and Nyagatare District under the coordination of the Ministry of Infrastructure in order to come up with compensation and resettlement strategy of affected households, address grievances and monitor the compensation and resettlement process.

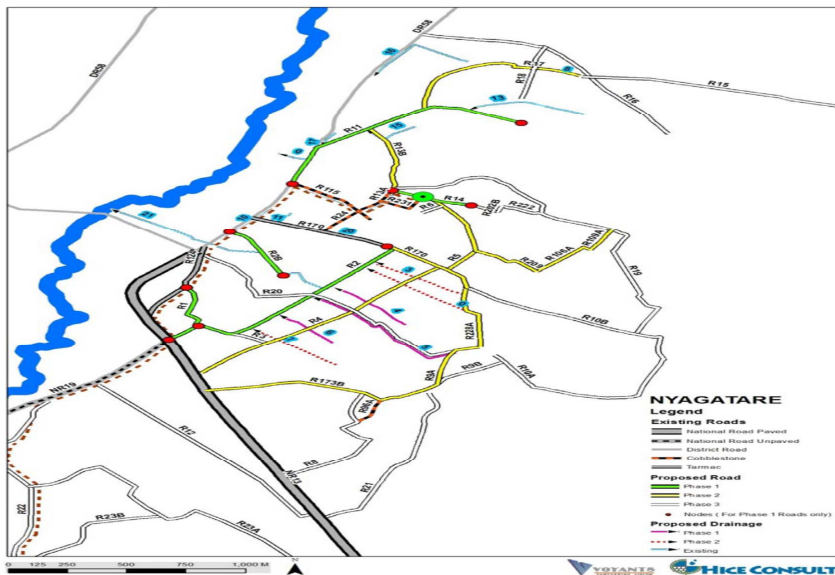
## 2. PROJECT ACTIVITIES

Under the Rwanda Urban Development Project (RUDP), the Government of Rwanda received a loan from the International Development Association (IDA) to provide basic infrastructure services within the 6 secondary cities (Nyagatare, Rusizi, Rubavu, Musanze, Muhanga, Huye) in order to promote livability for the people in the District and to engage with the private sector and enable local Economic Development (LED).

The project implementation in 6 secondary cities is in two phases where Phase I targets about 26.25Km of roads and 8.9 Km of standalone drainages. Phase II project will commence after the successful completion of phase I investments.

In Nyagatare District, a total of 3.908 km roads and 2.203Km of standalone drainages have been identified in Phase-1. These project activities will support the sector-specific priorities identified in the EDPRS II, which do meet the Bank’s Country partnership Strategy 2014-2018 that identifies urban development as one of the strategic sector leverage the World Bank Group’s assistance for promoting private sector-driven and job-creating economic growth.

The Phase I investments are shown in the figure below, extracted from the final detailed engineering design.



*Figure 1. Road and standalone drainage projects in Nyagatare under Phase I*

This ARAP report covers only phase I investments. For phase II projects, a detailed engineering study to be conducted, will identify the investments and will indicate whether an ARAP is necessary depending on the affected people within the project area.

### 3. PUBLIC CONSULTATION AND DISCLOSURE

According to the World Bank resettlement policy, affected persons and host communities are supposed to be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of the resettlement program. Hence, the first consultation meeting with PAPs and the District was held on 19<sup>st</sup> /10/2016 to discuss issues related to compensation. LODA –SPIU and the District of Nyagatare also held meetings with the local communities in order to inform them about the planned subproject.

While preparing this ARAP, the affected persons were informed about their options and rights pertaining to the resettlement. The local communities were fully involved in all the processes of the development of this Abbreviated Resettlement Action plan (ARAP) and they were informed about the construction of the proposed roads.

Upon identification of the households that will be affected by the project, RUDP Social Safeguard specialist and Nyagatare District staff organized meetings on 7<sup>th</sup> January 2017 with the PAPs to discuss compensation requirements and concerns.

#### 3.1 Main issues raised by the PAPs during the first meeting held in Nyagatare District.

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), Nyagatare District and Sector officials.

**Table 1: Issues of PAPs and responses given**

Issues	Responses
Valuing affected assets (crops and trees)	The valuation of the crops, trees and houses will be done with reference to current compensation rates applied in Rwanda and the compensation package is based on the age and type of the crop or tree.
How will I know the amount of money to be compensated?	All the PAPs' names and their properties as well as their compensation packages will be displayed at cell and sector offices and all PAPs will sign against their compensation forms baring the amount of money they are entitled to receive. The PAPs will have to accept the amount of money before signing.
How will I receive	All payment will be made directly to PAP personal bank

my money?	accounts or Saving and Credit Cooperatives(SACCOs) and other Banks operating in Rwanda.
Employment	The PAPs will be given priority to be recruited during construction works for skilled and semi –skilled labor. However this will be for eligible people because child labor will be prohibited.

### **3.2. Attitudes of PAPs towards Approved RUDP Project Sites**

During the consultations with several stakeholders, including PAPs, it was indicated that most of the people around the project area had a positive attitude towards the proposed project. These people included two people who will be directly affected by the project. All people reached a conclusion that this is a developmental and feasible project and it has to be supported by all parties involved.



#### 4. IMPACT OF THE INVESTMENTS IN NYAGATARE DISTRICT

During the discussions with various individuals from all walks of life, people asserted that this project will be of great importance to the people residing in the vicinity of the roads that will be constructed as well as to Nyagatare residents in general. According to the people residing in the project area that were interviewed for this ARAP, the following will be the benefits of the proposed roads in Nyagatare District:

- a) Easy movement of goods and services among businessmen, hence, enhancement of the development of trade and income among people.
- b) Reduction of transport fares
- c) Availability of semi and unskilled jobs
- d) Improved bicycle usage in the project area
- e) Improved connectivity within the urban areas of Nyagatare town

As in any projects funded by the World Bank, the principle of avoiding, minimizing and mitigating any likely adverse impact including involuntary resettlement was emphasized during the design stage of the project. In this perspective, an attempt has been made to avoid expropriation as much as possible as per the primary criteria of development scheme for Phase I selected investments in Nyagatare District. However, the impact on a few properties could not be avoided even after applying all necessary measures.



*Figure 2: Some of the assets that will be affected during the implementation of the project*

Two (2) Boundary Walls and a house will be affected, this house will be affected more than 30% and the owner of this house will be compensated for the full value of his house at

replacement costs and for the replacement value of the associated land take at current market prices. However, there was no one living in this house, since he removed the tenant and offered him with another house among other houses he owns. These assets to be affected by the construction of roads and drainage systems are owned by three (3) people and are estimated to be worthy Seven Million Four Hundred Fifty-Two Thousand, Four Hundred Ninety-Four Rwandan Francs (7,452,494 frw).

## **5. SOCIOECONOMIC STATUS OF THE AFFECTED PEOPLE**

In order to assess the socio-economic status of the affected people, a survey was conducted. The affected people were identified by the detailed engineering study report indicating the area, location and the type of properties to be affected.

A socio-economic survey was carried out jointly by the social safeguard specialist from LODA and the social protection officer from Nyagatare District, and the following are the related outcomes from the survey.

Only three (3) households will be affected by the investments, the heads of the three household's heads are male and are between the age of 36 and 55 years. One of the PAPs completed secondary school and two (2) completed University education. Of all the three (3) PAPs, no one is vulnerable and further, the study revealed that all PAPs have access to financial institutions and banks.

## **6. LEGAL AND REGULATORY FRAMEWORK**

### **6.1 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 clearly stipulates the functioning of the land bureaus at both Central and Local Government levels.

### **6.2. 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.

### **6.3. 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

### **6.4. Law Establishing and Organizing the Real Property Valuation Profession**

The law No.17/2010 of 12/05/2010 establishing and organising the real property valuation profession, in its article N°26, stipulates that only certified valuer shall undertake the valuation of expropriated properties, and that the value given must be in

accordance with the market area and with full participation of the affected person and preferably in the presence of the local leaders.

## **6.5. World Bank Safeguard 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.

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.

### **6.6.Gap Analysis between Rwandan Expropriation Law and WB Op 4.12**

There are still some gaps between the 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 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 the affected people 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 to 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 World Bank OP4.12 policies are much broader and include 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 people 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. On the other hand book 4.12 requires that Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better offer support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living.

## **7. RESETTLEMENT AND COMPENSATION STRATEGIES**

### **7.1 Asset inventory and valuation**

Asset valuation was done in Nyagatare District, for the proposed road construction by the certified valuer. The valuation process was an entire field operation that involved the certified valuer and other parties including local authorities and PAPs. Through local meetings, it was explained to the affected communities the manner in which the valuation would be done. After consultations with various stakeholders, the following are the key activities agreed upon;

- Plots of land were measured by tape measure to determine the size. This was done in the presence of the PAPs 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 house as well as the state of the structure was determined. All this was done in the presence of the affected owner and valuation committee composed of the PAP's representative, the District Engineer, the Social Protection officer of the District, the social affairs officer of the Cell and the Village Leader.
- Crops valuation criteria based on the area of coverage, in other cases number of standing crops and age.
- Crop and tree owners: 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 who might seize the compensation packages intended for those hiring the land.
- Trees valuation criteria based on the 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 was verified by the valuation committee and the affected person, who signed against the sheet. These sheets were signed off by the Cell and Sector authorities before they are sent to the District land commission for endorsement and for payment processing.



## 7.2 Eligibility

In this ARAP, eligibility for compensation was established by comparing what is stipulated in the Rwandan Constitution (Article 29), 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, etc.). Therefore, based on the analysis of the impact of the project and the criteria for eligibility, the following entitlement matrix was developed for the three (3) affected people found in the project area according to their losses and their entitlement benefits. Table 3 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	<b>Displacement</b> 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.	Nyagatare District
<b>House</b>	Owner	<b>Displacement:</b> Entire structure affected or structure more than 30% house affected	For those who don’t have another house, House compensation at the resettlement site of full Replacement value and of	Nyagatare District

Type of Loss	Entitled Person	Type of Impact	Compensation/Entitlement/ Benefits	Responsible Organization
		but the remaining structure is not suitable for continued use	<p>equal 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>	
<b>Standing crops</b>	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 crops.</p> <p>For those hiring or care taking for the actual land owner but with annual/perennial crops, compensation has to be written against the land owner</p>	Nyagatare District

Type of Loss	Entitled Person	Type of Impact	Compensation/Entitlement/ Benefits	Responsible Organization
			but will only be released to the land owner on written agreement authenticated by local authority that he/she shall compensate the actual crop owner.	
<b>Trees</b>	Tree Owners	Trees lost	Cash compensation based on type, age and productive value of affected trees.	Nyagatare District

### 7.3 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 the displaced persons for verification, once they are comfortable with the proposed full replacement cost for their property, they will sign or thumb press 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 ARAP will be disclosed after the approval by the World Bank and the medium of communication will be in English and Kinyarwanda. The translated copy of ARAP in Kinyarwanda will be displayed at Cell, Sector and District offices and it will also be discussed during the end-of-month community works (Umuganda).

### 7.4 Cut - off date

The cut-off date is defined by the IFC and the World Bank as the date of completion of the census and assets inventory of persons affected by the project. Any person occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. The cut-off date in this ARAP refers to the timeframe advertised by the District of Nyagatare 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 14th, January 2017.

## **8. DESCRIPTION OF RELEVANT ORGANIZATIONS' RESPONSIBILITIES**

The Table below gives the summary of responsibilities and roles that should be played by every institution during the preparation of ARAP for Nyagatare RUDP subprojects' implementation.

**Table 3: Summary of responsibility and roles**

<b>Organization</b>	<b>Responsibility</b>
Nyagatare District and LODA -Social Safeguards team	<ul style="list-style-type: none"> <li>✓ Screening of sub-projects to identify resettlement and compensation requirements</li> <li>✓ Preparation and Implementation of ARAP of the Nyagatare District to create Resettlement and Compensation Committee;</li> <li>✓ Provision of capacity building and technical support relating to resettlement and compensation activities</li> </ul>
Nyagatare District authorities and Nyagatare Sector	<ul style="list-style-type: none"> <li>✓ Review and signing off of all documentation (e.g. completed ARAPs' grievance forms, consultation plans);</li> <li>✓ Participation in documentation of assets Compensation of the PAPs</li> <li>✓ Responsible for monitoring and implementation</li> </ul>
Nyagatare District and Resettlement and Compensation Committees	<ul style="list-style-type: none"> <li>✓ Identification of land for replacement (if applicable) and effective consultation at the sector level, cell level, and at village level (Umudugudu)</li> </ul>

	<ul style="list-style-type: none"> <li>✓ Representation of PAPs; facilitation of the coordination of information collation activities (such as surveys, supervising documentation) for monitoring purposes, in accordance with procedures put in place by the District authorities;</li> <li>✓ Electing 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.</li> </ul>
<p><b>Roles of MININFRA during Land and assets measurements</b></p>	<p>MININFRA played an oversight role in monitoring and ensuring that the process of surveying the land was done in an open and transparent manner and in the presence of all the PAPs. The Nyagatare District informed the PAPs in advance and within adequate time on the dates when the social assessment, survey and measurements, and valuation of their properties were conducted; and insisted upon the presence of the PAPs in all meetings and documentation of assets</p>
<p><b>Roles of the PAPs</b></p>	<p>The primary role of the PAPs during the process of property census/measuring land and assessing property thereon is to be physically present and ascertain that indeed the measurements are correct and to their satisfaction. Upon being adequately satisfied with the measurements, their signatures will be given as proof of approval.</p>

## **9. GRIEVANCE MANAGEMENT AND REDRESS**

The grievance redress mechanism (GRM) has been appropriately articulated in the resettlement policy framework (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.

It is very important that appropriate and accessible grievance mechanisms are established to sort out any issues arising in connection with resettlement and compensation. During the implementation of the project activities, it is likely that disputes/disagreements between the project implementers and the affected persons will occur. Grievances may arise from members of communities who are dissatisfied with the eligibility criteria, resettlement measures, compensation packages/rates and ownership of property, etc. Other grievances may include family issues like death of eligible PAPs and thus disputes between heirs and other family members, divorce/separation of spouses and missing PAPs on the register among others. It is therefore necessary to establish channels through which aggrieved people could file their complaints so as to ensure successful project development and implementation. This chapter sets out the measures to be used to manage grievances that will arise.

In case of any dis-satisfied 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 Nyagatare City. The Nyagatare District acknowledged 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 of the decision for the valuation has been taken, in this case by the Nyagatare District, to appeal. In the event that the PAP rejects the value given by the Resettlement and Compensation Committee which was prepared by the certified valuer, 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's 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. However, it is important to remember that as per World Bank Policies for involuntary resettlement, 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 Nyagatare District and Rwanda Urban Development Project will closely follow up the aggrieved PAPs at each level to ensure that the grievances are resolved in a transparent manner.

## **10.BUDGET**

The estimated budget for compensation for the affected properties is Seven Million Four Hundred Fifty-Two Thousand Four Hundred Ninety-Four(7,452,494Frw). This amount of money includes the disturbance allowance given to the PAPs in addition to the compensation package. This budget was set aside by the District of Nyagatare and all the affected people will be compensated upon the approval of this Abbreviated Resettlement Plan

## **11. MONITORING AND COMPLETION AUDIT**

The civil works for rehabilitation and construction of roads, drainage and public lighting infrastructure in Nyagatare City is planned to start in May2017. Monitoring of the ARAP will be carried out during the whole process of land acquisition and 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 Nyagatare District Social protection officer representatives at the Sector &Cell level, from Nyagatare Sector, and the LODA- 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 for monitoring and reporting are outlined below and include (and not limited to):

- Number of public consultation meetings (date and place) held with PAPs and local authorities in preparation of, or during ARAP implementation;
- Number of PAPs effectively compensated and the aggregated amount of 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 Nyagatare 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 ARAP implementation plan;

**Table 4: Plan for Monitoring, Evaluating and Reporting**

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Status</b>	<b>Timing</b>
Public consultation	Consultation meeting with the PAPs	Nyagatare District and LODA-SPIU	Completed	<b>January 2017</b>
Database	Updating census results	Nyagatare District	Completed	<b>February 2017</b>
Disclosure of Entitlement	Display to the PAPs the results of the census	Nyagatare District and Nyagatare sector	Completed	<b>March 2017</b>
Valuation	Valuation of properties that will be affected	Certified Valuer	Completed	<b>March 2017</b>
Grievance Management	Handling complaints	LODA-SPIU as an overseer and the District of Nyagatare	A Resettlement and compensation committee composed of the PAPs representative, Women Representative, Village Head and the District social protection officer was formed	<b>January 2017</b>
Compensation	Follow up and monitoring all PAPs whether they have received their compensation package	Nyagatare District	Not yet completed, Compensation will be effected after approval of ARAP by World Bank	<b>May 2017</b>
Notification on Demolition period	Informing the PAPs on the commencement of demolition of structures for the right of way	Nyagatare District	They will be notified after compensation and the transition or preparation period will be agreed upon by all PAPs and the District of	<b>May 2017</b>

			Nyagatare	
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## 12. Conclusion

In 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.

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 Secondary 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

Committee members

**Detailed information on the affected assets**

<b>no</b>	<b>PAPs</b>	<b>Affected properties</b>	<b>Amount compensated (Frw)</b>
<b>1.</b>	<b>PAP 1</b>	<ul style="list-style-type: none"> <li>- Land</li> <li>- House</li> <li>- Plantations</li> </ul>	<b>4,955,569</b>
<b>2.</b>	<b>PAP 2</b>	<ul style="list-style-type: none"> <li>- Land</li> <li>- Boundary Wall</li> <li>- Plantations</li> <li>- Concrete Foundation</li> </ul>	<b>1,629,554</b>
<b>3.</b>	<b>PAP 3</b>	<ul style="list-style-type: none"> <li>- Land</li> <li>- Boundary Wall</li> <li>- Plantations</li> </ul>	<b>867,371</b>
	<b>GRAND TOTAL</b>		<b>7,452,494</b>