THE GOVERNMENT OF RWANDA

Ministry of Agriculture and Animal Resources (MINAGRI).

Land Husbandry, Water Harvesting and Hillside Irrigation (LWH) Project.

RESETTLEMENT POLICY FRAMEWORK


FINAL DRAFT

Prepared by
Green & Clean Solutions Ltd
ACRONYMS AND ABBREVIATIONS

- CAS: Country Assistance Strategy
- EDPRS: Economic Development and Poverty Reduction Strategy
- EIA: Environmental impact assessment
- ESMF: Environment and Social Management Framework
- GDP: Gross Domestic Product
- GEF: Global Environment Facility
- GoR: Government of Rwanda
- GDP: Gross Domestic Product
- HFO: Heavy Fuel Oil
- HIV/AIDS: Human Immuno Deficiency Virus
- IDP's: Internally Displaced Persons
- ISDS: Safeguards Data Sheet
- MINAGRI: Ministry of Agriculture and Animal Resources
- MINITERE: The Ministry of Lands, Environment, Forestry, Water, and Natural Resources
- LWH: Land Husbandry, Water Harvesting and Hillside Irrigation
- NEP: National Policy on Environment
- NGO's: Non-Governmental Organizations
- OP: Operational Procedures
- ORTPN: Office Rwandais de Tourisme et Parc Nationale
- PACD: Plan of Action to Combat Desertification
- PCD: Project Concept Document
- PCU: Project Coordination Unit
- PMU: Project Management Unit
- PRSP: Poverty Reduction Strategy Paper
- RAPs: Resettlement Action Plans
- REMA: Rwanda Environment Management Authority
- RPF: Resettlement Policy Framework
- STDs: Sexually Transmitted Diseases
- UN: United Nations
- UNCOD: United Nations Conference on Desertification
- UNEP: United Nations Environment Programme
- URC: National Unity and Reconciliation
- WB: World Bank
EXECUTIVE SUMMARY

This Resettlement Policy Framework (RPF) relates to the Rwandan Land Husbandry, Water Harvesting and Hillside Irrigation (LWH) Project which is being financed by the World Bank. The Ministry of Agriculture and Animal Resources (MINAGRI) is the agency responsible for implementing the LWH, including the provisions of this RPF.

This RPF is to be used by the MINAGRI in order to ensure that the World Bank safeguard OP 4.12 for involuntary resettlement and national requirements for land acquisition and resettlement are adequately addressed. MINAGRI should in addition ensure that the relevant capacity and training needs are established in order for the recommended measures to be implemented effectively.

Project Description
To address the critical agenda of hillside intensification, the Government designed and developed a Land Husbandry, Water Harvesting and Hillside Irrigation Program under Program 1 of its SPAT. The LWH Program, as conceived by Government, is a two-phased program to implement improved land-husbandry and increased productivity in 101 pilot watersheds covering 30,250 ha of land. The first phase was to cover the development of 32 sites, permitting a learning process before the second phase, which would see the completion of the program through the remaining 69 sites. It envisions some 12,000 ha of the 30,250 ha total to be irrigated.

The Land Husbandry, Water Harvesting and Hillside Irrigation (LWH) project which is a comprehensive project that deals with a comprehensive watershed management, water-harvesting in valley dams for hillside-irrigation and horticultural development that uses commercial-value fruit species. The project rational stems from EDPRS that aims at robust growth of commercialized agriculture such as in export in coffee, tea and horticultural fruits such as avocado, mangoes, pineapple, cooking banana, etc.

The above activities of the project will mostly likely trigger O.P. 4.12 - Involuntary Resettlement and will occur during the implementation of component B of the project. Component A and C will not trigger O.P. 4.12.

Component B
Infrastructure for Hillside Intensification

The objective of this component is to provide the essential ‘hardware’ for hillside intensification to accompany the capacity development and institutional strengthening activities of Component A. Its three sub-components are organized around the L, the W and the H of LWH: (i) Land husbandry infrastructure supports the development of participatory and comprehensive land husbandry practices in sub-watersheds; (ii) Water harvesting infrastructure, including valley dams and reservoirs; and (iii) Hillside irrigation infrastructure, including the development of the conveyance structures for hillside irrigation.
Reasons for the use of a Resettlement Policy Framework

Owing to the nature of the project, the exact location, nature and magnitude of all the sub-projects to be financed by the project cannot yet be determined at the moment until full feasibility is undertaken.

This Resettlement Policy Framework has been developed in line with (OP 4.12) to provide guidelines on how the projects will avoid, manage or mitigate potential risks and the process by which Resettlement Action Plans will be prepared and implemented during the project implementation period.

The RPF presents the objectives, principles, organizational arrangements and funding mechanisms for any displacement and resettlements that may be necessary during implementation of LWH whose components must comply with the applicable Rwanda laws and regulations and the World Bank safeguard Policy on Involuntary Resettlement (OP 4.12). The RPF provides the basis for preparing Resettlement Action Plans for individual sub-projects once their location and scope are known. Resettlement plans for specific subprojects causing displacement in the LWH will be prepared using this RPF and submitted to the World Bank for approval.

Legislative Framework

In 2005, the Organic Land Law was promulgated which recognized private ownership, both customary and legal, of most of the hillside areas. Previously, all land belonged to the State, which meant it was illegal to buy and sell land, and any required expropriation would result in users of that land being compensated for assets lost at a fixed rate set in 1996. As a result, there have been serious shortcomings in the national processes associated with land expropriation, resettlement and associated compensation payments. The new Expropriation Law (2007) outlines rights and compensation procedures for land expropriated for public interest, whilst the newly promulgated Valuation Law (2007) stipulates valuation methods to be applied to those assets expropriated.

Other pertinent laws relating to land administration, ownership and expropriation in Rwanda, include:

- The Rwandan Constitution, promulgated in 2003;
- Presidential Order № 54/01 of 12/10/2006 determining the structure, the responsibilities, the functioning and the composition of Land Commissions; and

There are a number of differences between the Rwandan legislation and the World Bank Policy OP 4.12. The key differences relate to the general principles for resettlement including income restoration, eligibility criteria, and the notification period for expropriation and resettlement.
• Avoid Resettlement: according to OP4.12, resettlement should be avoided whenever possible, while national legislation states that 'expropriation of land will be done when deemed necessary for public purposes'.

• Notification period required: national legislation requires that property must be handed over 90 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.

• Meaningful and participative consultation: the extent that Project Affected Persons are involved in meaningful participation required by Rwandan Law and OP4.12 are also different.

• Eligibility determination: where OP4.12 entitles those who have formal rights, those with claims to land and those with no recognizable legal right, to compensation, while national legislation entitles only those who are 'landholders' with legal possession of the land and who own property thereon.

• Monitoring: the level of monitoring required by Rwandan law is not as robust as that required by OP4.12 requirements.

• Fair and just compensation: the Expropriation and Valuation Laws provide 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.

**Institutional Implementation Arrangements**

The main executing and accountable agency at national level will be the Ministry of Agriculture and Animal Resources (MINAGRI) via the Project Coordination Unit (PCU). At sub-national level, the District authorities will play a critical role in supervising sub-project resettlement and compensation planning, implementation and monitoring. This will be mainly done through the District Land Bureau. The key actors on the ground involved in implementation will be the individual sub-project Resettlement and Compensation Committees, which will comprise representatives from all the legally and project mandated executing agencies at Sector and Cell level. This Committee will coordinate the design and implementation of RAPs as well as develop and implement consultation and grievance mechanisms via an elected Project Liaison Officer.

**Valuation and Compensation**

As per the Valuation Law, all peoples affected by expropriation must receive fair and just compensation. The calculation of fair and just compensation is to be made by independent valuers. Whilst fair and just compensation is stipulated to be market value for land and other assets, clarification of what this comprises is not made clear in the legislation. This RPF provides methods, formulae and cost units that are currently applicable internationally and are equivalent to market value. In order to ensure that
OP4.12 requirements are met for valuation, these valuation methods are to be adopted for all sub-projects of LWH.

**Preparation and Implementation of RAP**

The steps to be undertaken for each individual RAP include a screening process, a socioeconomic census and land asset inventory of the area and identification of Project Affected Parties (PAPs). This will be followed by the development of a Resettlement Action Plan (RAP), RAP review and approval, implementation of the RAP and monitoring of RAP implementation and success. These steps will be the responsibility of the LWH Project Coordinating Team (PCT). The District Land Bureau should take the lead in electing the Resettlement and Compensation committee for each sub-project. This committee will not only coordinate the design and implementation of the RAPs but will contribute significantly since it will be created at sector level, thereby ensuring each RAP is appropriately tailored to local conditions. Throughout this process, consultation and public disclosure will take place with PAPs. Following approval of the sub-project RAP, the process of implementation must take place.

This will involve:

- consultation (a continuation of the process entered into during the site selection,
- screening and the RAP development process);
- notification to affected parties;
- agreement on compensation, including agreement and further development of rehabilitation measures; and
- Preparation of contracts, compensation payments and provision of assistance in resettlement.

**Grievance redress mechanisms**

At the time that the individual RAPs are approved, affected individuals and households will have been informed of the process for expressing dissatisfaction and for seeking redress. The grievance procedure will be simple, and will be administered as far as possible at the Sector/Cell level by the Resettlement and Compensation Committee to facilitate access by PAPs. A representative of the Committee will act as Project Liaison Officer and be the main project contact for all PAPs it is recommended that the PLO works in collaboration with an independent agency/NGO or person to ensure objectivity in the grievance process. All grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the Project Liaison Officer and resolved in coordination with the District Administration and PCT.

**Monitoring and Evaluation**

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of the entire LWH program, which will fall under the overall responsibility of the PCT. At the sub-project level, the District authorities will have responsibility for ensuring monitoring is undertaken with the Resettlement and Compensation Committee coordinating efforts. Periodic evaluations will be made in order to determine whether: the PAPs have been paid in full and before implementation
of the sub project activities; economic rehabilitation measures have been implemented; and the PAPs have the same or higher standard of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively and qualitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. In addition, an independent audit will take place at the completion of the RAP implementation.

Estimated Budget
The estimated grand total cost of the resettlement program for all sub-projects is US $1,185,774.45. Because the exact unit prices, the number of people to be affected, and the scope of land acquisition are estimates, the exact figures will not be known until the RAPs are prepared, and the Government of Rwanda will make funds available for the implementation of the RAPs.
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GLOSSARY OF TERMS

DEFINITIONS
Unless the context dictates otherwise, the following terms will have the following meanings:

“Project affected persons” (PAPs) means persons who, for reasons of the involuntary taking 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 PAP physically relocate.

These people may have their:
- standard of living adversely affected, whether or not the PAP must move to another location;
- right, title, investment in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset temporarily or permanently possessed or adversely affected;
- access to productive assets temporarily or permanently adversely affected; or
- business, occupation, work or place of residence or habitat adversely affected.
- the cost of any registration and transfer taxes.

“Involuntary resettlement” 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 PAP has moved to another location.

"Cut-off date" is the date of commencement of the census of PAPs within the project area boundaries (including unidentified owners). Beyond this date, any person not included in the census who lays claim to land or assets affected by the project (which they did not own before the cut-off date) will not be eligible for compensation.

“Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.

“Census" is a complete count of the population affected by a LWH activity including collation of demographic and property information. This will identify
and determine the number of Project Affected Persons (PAP) and the nature and levels of impact.

"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.

"Resettlement Action Plan (RAP)" is a resettlement instrument (document) to be prepared when subproject locations are identified. 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.

"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 which ever is feasible and as required, for ease of resettlement during relocation.

"Replacement cost for houses and other structures" means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) transporting building materials to the construction site; (b) any labor and contractors’ fees; and (c) any registration costs.

"Land" refers to agricultural and/or non-agricultural land whether temporary or permanent and which may be required for the Project.

"Land acquisition" means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project under eminent domain.

"Economic 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 PAPs to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

"The Resettlement Policy Framework (RPF)" is an instrument to be used throughout the LWH Program implementation. The RPF sets out the resettlement objectives and principles, organisational arrangements and funding mechanisms for any resettlement, that may be necessary during LWH implementation. The RPF guides the preparation of Resettlement Action Plans of individual sub
projects in order to meet the needs of the people who may be affected by the project. The Resettlement Action Plans ("RAPs") for the LWH Program will therefore be prepared in conformity with the provisions of this RPF.

"Replacement cost" means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Rwanda law for sale of land or property. In terms of land, this may be categorised as follows; (a) "Replacement cost for agricultural land" means the pre- LWH program or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;
1.0 INTRODUCTION

Project Context

Agriculture is the backbone of Rwanda's economy, accounting for about 42 percent of GDP, 90 percent of employment, and 85 percent of foreign exchange earnings. Because the agricultural sector is so important, its performance impacts powerfully on the performance of the economy overall. Agriculture's contribution to economic growth is amplified by the strong multiplier effects that extend from primary commodity production into post-harvest value-adding activities. Agriculture also contributes significantly to national food self-sufficiency, as over 90 percent of all food consumed in the country is domestically produced.

The acute scarcity of land is by far the most critical constraint facing rural households in Rwanda. The population of about 9 million people is distributed across an area of only 26,340 km², giving Rwanda the highest average population density in sub-Saharan Africa (approximately 355 inhabitants per km²). The average amount of agricultural land available per rural resident in Rwanda is about 0.3 ha, and the average amount of arable land (agricultural land net of permanent pasture) is about 0.2 ha.

These figures are lower than those for most other countries in Sub-Saharan Africa, and they are comparable to those for the most densely populated countries in Asia, where a much larger share of agricultural land is irrigated, making it far more productive. With the land frontier effectively exhausted, future agricultural growth in Rwanda will have to come from productivity gains achieved through intensification. Mainly for that reason, the Government has targeted as an urgent priority the development for irrigation of 60,000 ha of marshlands, along with the development and/or protection of surrounding hillsides.

In 2004, the Government of Rwanda formulated a National Agricultural Policy (NAP), the goals of which are to contribute to national economic growth, improve food security and the nutritional status of the population, and increase rural incomes. The NAP was operationalized in 2005 with the launching of the Strategic Plan for Agricultural Transformation (STAP). Rwanda's agricultural growth strategy focuses on raising agricultural productivity and increasing production through a series of interventions directed at the supply side: intensifying sustainable production systems, strengthening research and extension, improving input distribution, building capacity among farmers' organizations, promoting commodity chain development, improving export competitiveness, and strengthening the institutions that support agriculture.
The Government of Rwanda (GoR) through the Ministry of Agriculture and Animal Resources (MINAGRI) intends to implement the Land Husbandry, Water Harvesting and Hillside Irrigation (LWH) project which will be supported from an IDA loan. Agriculture is identified by the Government as one of the key sectors in both its poverty reduction strategy, the EDPRS, and in its longer-term Vision 2020 document. Indeed, the improved performance in GDP growth seen in 2008 (8.5 percent) has largely been credited to strong agriculture growth that year (14.8 percent). This is because of the sector's sheer size and its important backward and forward linkages.

To address the critical agenda of hillside intensification, the Government designed and developed a Land Husbandry, Water Harvesting and Hillside Irrigation Program under Program 1 of its SPAT. In March 2008, MINAGRI presented the LWH Program—including a detailed site-level technical proposal—to development partners in the Rural Sector Cluster.

The LWH Program, as conceived by Government, is a two-phased program to implement improved land-husbandry and increased productivity in 101 pilot watersheds covering 30,250 ha of land. The first phase was to cover the development of 32 sites, permitting a learning process before the second phase, which would see the completion of the program through the remaining 69 sites. It envisions some 12,000 ha of the 30,250 ha total to be irrigated. It is expected that a number of development partners will each finance a slice of the overall program, which therefore calls for strong programmatic guidance by the Government to ensure coherence, complementarities and adherence to a common approach, including safeguards. The Government has therefore expressed its desire to have key development partners help in formulating a common framework of engagement for investments in LWH. Such a framework would include technical specifications, economic and financial analysis guidelines, a safeguards framework, common approaches to community engagement, and common socio-technical site selection criteria.

The exact locations and activities including facilities to be constructed by the LWH project and which would potentially lead to social concerns have not yet been fully confirmed in detail at the time of project preparation. However, 8 sites have been subjected to full feasibility studies and these sites have been used in helping to design this RPF.

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1 Economic Development and Poverty Reduction Strategy, Rwanda's PRSP.
2 Recent analytical work (World Bank. 2007. Promoting Pro-Poor Agricultural Growth in Rwanda: Challenges and Opportunities. Agricultural Policy Note) confirms that improvements in sector productivity could deliver growth of about 6 percent annually through 2015, which could fuel average annual GDP growth of 6.24 percent—from agriculture alone.
It is for this reason that this RPF has been prepared by the GoR, represented by the Ministry of Agriculture and Animal Resource to fulfill the requirements of the Organic Law of Rwanda and the World Bank’s Safeguards Policies.

The Resettlement Policy Framework provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by future LWH activities whose exact locations are not known. The RPF is intended for LWH as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for sub-LWH activities during implementation of the comprehensive LWH program.

World Bank further requires that the RPF is disclosed in-country to the general public as a separate and stand-alone document for review and comment before it is approved. The document must also be available at the Infoshop of the World Bank. Individual RAPs will be prepared for each sub-project based on the guidelines and procedures highlighted in the RPF document.

The prepared RAPs will then be cleared by the Rwanda Environment Management Authority (REMA), prior to implementation of their planned project investments.

The use of this RPF and a separately prepared ESMF by LWH would be the instrument through which the projects’ environmental and social impacts are identified, assessed, evaluated, and have appropriate mitigation, management, and monitoring measures designed and incorporated within the sub-project itself.

1.1 Objectives

The objectives of this document is to enable World Bank, LWH and other participating institutions to address the needs of the populations that could be affected by the program by establishing policies, principles, institutional arrangements for management of issues related to acquisition of land and hence displacement of persons and impact on their livelihoods. The legislation on resettlement of the government of Rwanda and OP 4.12 Involuntary Resettlement of the World Bank will be the frameworks that will govern any resettlement arising out of the activities of the program.

1.2 Justification for the RFP

The LWH expected investment activities are likely to result in the relocation of people especially in the areas where the reservoir for the dams are going to be located as well as in the catchment/command and silt trap areas.
As most of these sub-projects are still at investigation phase, with studies currently ongoing, the scope, scale of activities and likely numbers PAPs is uncertain. It is for this reason that a RPF has been prepared. At present feasibility studies have been completed for 8 sites (Karongi, Gatsibo, Bugesera, Kayonza and Nyanza). These already completed feasibility studies have been used to provide guidance in the preparation of the RPF. The RPF provides guidance, to all actors involved in sub-project implementation, for the identification of resettlement implications and measures to adopt to minimize or address resettlement issues created by the sub-project. Once resettlement issues are identified, a Resettlement Action Plan will need to be prepared, guidance for which is included in Section 6.
2.0 PROJECT DESCRIPTION

This chapter describes the proposed Land Husbandry, Water Harvesting and Hillside Protection (LWH) including the different components and activities expected during the implementation of the project.

2.1 Rwanda Land Husbandry, Water Harvesting and Hillside Protection (LWH) Project.

The Government of Rwanda (GoR) through the Ministry for Agriculture and Animal Resources (MINAGRI) has proposed the launch of the LWH project which is a comprehensive project that deals with a comprehensive watershed management, water-harvesting in valley dams for hillside-irrigation and horticultural development that uses commercial-value fruit species. The project rational stems from EDPRS that aims at robust growth of commercialized agriculture such as in export in coffee, tea and horticultural fruits such as avocado, mangoes, pineapple, cooking banana, etc. It also originates from the country’s Strategic Plan for Agricultural Transformation (SPAT 2004) which is designed to contribute to poverty reduction and to support economic growth through increased productivity and diversification of revenue opportunities and protection of the rural environment in effectively decentralized and transparent governance.

2.1.1 Objectives of the Project

The Project Development Objective (PDO) is to increase the productivity and commercialization of hillside agriculture in target areas. This PDO, and the key performance indicators below, were developed together with Government and development partners as part of the Common Framework of Engagement for the Government’s wider LWH Program.

2.2 Project Components and Resettlement Implications

The Land Husbandry, Water Harvesting and Hillside Irrigation (LWH) Project uses a modified watershed approach to introduce sustainable land husbandry measures for hillside agriculture on selected sites, as well as developing hillside irrigation for sub-sections of each site. The Project envisions the production of high-valued (organic) horticultural crops with the strongest marketing potential on irrigated portions of hillsides, and the improved productivity and commercialization of rainfed crops on the rest (the majority) of the site catchment-area hillsides. The LWH represents a transformation of hillside intensification with a view to increasing productivity in an environmentally sustainable manner. As with all transformation, it requires high levels of community participation and ownership. As such, the Project will use participatory land-use processes to promote high level stakeholder involvement, and to build awareness and empower the community members to enhance their buy-in for the comprehensive land management work. The LWH Project has two
components aimed at (A) developing the human and organizational capacity and (B) the required physical infrastructure for hillside intensification and transformation, as well as a third component (C) for SWAp project management. The section below describes in detail component B which is the only component that will trigger O.P. 4.12 and hence remains of significant focus of this RPF.

**Component B**  
**Infrastructure for Hillside Intensification**

The objective of this component is to provide the essential ‘hardware’ for hillside intensification to accompany the capacity development and institutional strengthening activities of Component A. Its three sub-components are organized around the L, the W and the H of LWH: (i) Land husbandry infrastructure supports the development of participatory and comprehensive land husbandry practices in sub-watersheds; (ii) Water harvesting infrastructure, including valley dams and reservoirs; and (iii) Hillside irrigation infrastructure, including the development of the conveyance structures for hillside irrigation. In total, five to six sites will be developed with a total area of 2,000 to 2,400 hectares. Roughly one quarter of each site will be irrigated (the ‘command area’), the water harvesting infrastructure of dam and reservoir accounting for roughly 5% of site surface, with the remaining area under comprehensive land husbandry development and downstream reservoir protection.

Direct beneficiaries from this component include smallholder farmers producing both irrigated and rainfed crops in the project sites, in total about 6,700 to 8,000 households.

**Sub-Component B1: Land husbandry Infrastructure**

The Project will develop participatory and comprehensive land husbandry practices in a sub-watershed setting. Activities will include soil conservation measures and infrastructure appropriate to differing slope categories (e.g. bunding, green manuring, progressive and radical terracing, etc. Given the acidity of Rwandan soils, additional activities such as liming may be necessary. The sub-component is designed to improve hillside agricultural management to protect against water erosion and enhance sustained crop productivity and ecosystem conservation. The activities described will benefit all farming households in the project-affected area, whether irrigated or rainfed.

The project will invest in infrastructure for downstream reservoir protection. The aim of downstream reservoir protection is to guarantee the environmentally friendly and long-term use of valley-dam reservoirs. Project activities would develop a silt trap zone for sediment reduction
into the reservoir; including fencing the reservoirs; planting perennial forage legumes in all immediate upstream sides of the reservoirs; and planting perennial commercial trees in all immediate upstream sides of the forage legume area. These activities would also include the survey and design of catchments that contribute water in the form of run-off to the reservoirs, including land area to be inundated; actions for change of land use (from annual crop production to perennial crop production) among farmers who own the land, including facilitation of land substitution.

**Sub-Component B2: Water harvesting infrastructure**

The Project will invest in water harvesting infrastructure, including valley dams and reservoirs on the selected sites. Feasibility and detailed design studies will be conducted. Dams will be lower than 20m in height and will inundate on average about 6 hectares each. The water storage allows for irrigated crop production for 100 days on average, which allows a second crop during the dry season. Water harvesting infrastructure will be developed jointly with the irrigation infrastructure (sub-component B3) and after completion of the beneficiary consultation process referred to under that sub-component.

**Sub-Component B3: Irrigation infrastructure**

The Project will develop conveyance structures for hillside irrigation. This includes primary and secondary water distributions and field level application for basin or furrow irrigation. The component also includes command area development of irrigated hillsides, such as land preparation and land leveling, terracing and bunding. Project activities include (i) feasibility and design studies completed on five to six sites; (ii) beneficiary consultation and design options selection; (iii) hillside irrigation on 5-6 sites developed; and (iv) asset management plans developed for each site.

The Project will follow a consultative process for hillside irrigation development. As with other sub-components, activities will include stakeholder consultations after completion of feasibility studies and preliminary design. A number of design options will be developed and presented to beneficiaries, who will choose from among these options.

Following the selection of the preferred design option by the beneficiaries, a detailed design study will be commissioned by the project. Separately, an Environmental Impact Assessment (EIA) and Resettlement Action Plan (RAP) will be prepared prior to the completion of the detailed design so that their results can be included in the design. For each site, an asset management plan will be developed that will outline activities,
responsibilities and timeline for operation and maintenance of the infrastructure, including WUAs.

Table 1 summarizes each component of the project, and indicates the potential resettlement implications for each component for which this RPF will provide guidance.

<table>
<thead>
<tr>
<th>Component B</th>
<th>Description</th>
<th>Potential resettlement implications.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Infrastructure for Hillside Intensification</strong></td>
<td>Provide the essential ‘hardware’ for hillside intensification</td>
<td></td>
</tr>
</tbody>
</table>
| **Sub-Component B1** - Land husbandry infrastructure | Develop participatory and comprehensive land husbandry practices in a sub-watershed setting. Activities include soil conservation measures and infrastructure appropriate to differing slope categories (e.g. bunding, green manuring, progressive and radical terracing, etc.) | No resettlement implication anticipated due to the following reasons;  
- Existing land will be used for land husbandry and will result in improvement of the individual farmlands. |
| **Sub-Component B2** - Water harvesting infrastructure | Construction of water harvesting infrastructure, including valley dams and reservoirs on the selected sites. Feasibility studies have been currently conducted for 8 sites in Karongi, Bugesera, Gatsibo, Nyanza and Kayonza. |  
- Temporary and permanent loss of access to public or leased lands (for agriculture, grazing or other access) due to dam development and irrigation infrastructure.  
- Loss of crops and structures on these lands  
- Temporary/permanent loss of employment of full time laborers on affected lands. |
| **Sub-Component B3** - Irrigation infrastructure | Develop conveyance structures for hillside irrigation. This includes primary and secondary water distributions and field level application for basin or furrow irrigation. The component also includes command area development of irrigated hillsides, such as land preparation and land levelling, terracing and bunding. |  
- Temporary and permanent loss of access to public or leased lands (for agriculture, grazing or other access) due to development of irrigation infrastructure. |
2.3 PROJECT AREAS RESULTING IN POPULATION DISPLACEMENT

Table 2 presents the key sub-projects to be implemented under Infrastructure for Hillside Intensification component B of the LWH project.

<table>
<thead>
<tr>
<th>Project Site</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gatsibo 8 Dam</td>
<td>The Gatsibo 8 project site is situated in the Eastern administrative province, Gatsibo district, Gatsibo sector. The exact location of the site is in the Rwimbogo valley watershed, at the foot slope of the Rurama (right) and Nyakagarana (left) hills in Mugera-kavumu and Disara villages. Gatsibo 8 covers a total watershed area of 1542.68 ha, which comprises of water catchment area, reservoir area, command area, command area catchment and the silt trap zone. An estimated 52 households are settled within the proposed reservoir area, which implies their housing structures will be destroyed. Based on the average farm sizes (0.69 ha/household) in the area, it is estimated that 14 households will be affected. An estimated 27 farmers (based on the average farm sizes (0.69 ha/household) with farms surrounding the reservoir area will also change their land-use. Annual crop production is predominantly carried out under rain fed in the project area. The farming system of the targeted area is mixed farming that is dominantly crop production and rearing of livestock. The crops are mainly cereals, vegetables, beans, cassava, groundnuts, banana, and coffee. These crops are grown mainly for home consumption and sale. Particularly, banana is used for food, local drink, and cash incomes. Vegetables like tomato, among root crops sweet potatoes and perennial crops like mango and avocado are commonly grown in the area. Both the valley bottom and the hillside slopes are intensively cultivated and covered with banana and cooking banana plants on well-prepared hillside terraces. The major crops grown in the area are predominantly cooking banana, cassava, coffee, elephant grass, and sweet potato. The valley bottomlands are currently covered with tomato, taro, and sweet potato with different types of root crops.</td>
</tr>
<tr>
<td>Gatsibo 32 Dam</td>
<td>The Gatsibo 32 project site is found in the Eastern Province, Gatsibo district, Rugarama sector, Jihuta Celor, and Agaterie Village. The dam site is located on Rwimbogo River. The project area is found along the road connecting Kayonza and Gatsibo towns. Gatsibo-32 falls within two Umudugudus: Gashenyi and Gatare. The total project site has an estimated population 265 households with total population of 1440 people. The total watershed of the project area is estimated to be 300 ha. The proposed reservoir area is 10.25 ha. 12 households are settled within the proposed reservoir area and 5 are settled very close to the reservoir area thus recommended for relocation. Households owning farms within the proposed reservoir area (10.25 ha), will lose their land permanently. Based on the average farm sizes (1.38 ha/household) in the area, it is estimated that 8 households will be affected. An estimated 27 farmers (based on the average farm sizes (1.38 ha/household) with farms surrounding the reservoir area will change their land-use. This will be the silt-trap zone (37.52 ha), comprising of a grass-zone, shrub-zone and tree-zone protecting the water reservoir from siltation.</td>
</tr>
<tr>
<td>Karongi 12</td>
<td>The project site of Karongi-12 is found in the Rutsiro District of the Western Province. It is located at about 101 km south west of Kigali, the country capital, of which the first 100 km is asphalted and the rest is a foot path. The site is located at about 10 km from Rubengera town, karongi district capital. The dam is located on Kadosomwo river. Specifically the dam site is situated at Kadasoma stream. The names of the sector at the site is Mukura, and for Cell Kaganoo, and the Umudugudu is Chivavu. The estimated reservoir capacity of the proposed dam is about 480,000 m³, About 9.24 ha of land is estimated to be inundated by the proposed reservoir. The command area to be irrigated by the proposed scheme is estimated at about 55.09 ha. The proposed reservoir area falls within land that is cultivated, where beans, sweet potatoes, Irish potatoes sorghum, maize and sweet potatoes intercropped with cassava and bananas have been planted. No households are settled within the reservoir area, although 4 houses are located very close to the reservoir area.</td>
</tr>
</tbody>
</table>
Households owning farms within the proposed reservoir area (9.24 ha), will lose their land permanently. Based on the average farm sizes (1.16 ha/household) in the area, it is estimated that 8 households will be affected.

An estimated 4 farmers (based on the average farm sizes (1.16 ha/household) with farms surrounding the reservoir area will change their land-use. This will be the silt-trap zone (4.1 ha), comprising of a grass-zone and a shrub-zone protecting the water reservoir from siltation {there will be no tree zone in this project site).

The major crops cultivated in Karonji district are beans, sorghum, cassava, sweet potato Irish potato, and plantain. The other crops which are cultivated in the district include Rice, taro, green peas, and vegetables. Rice, maize, and vegetables are cultivated on the valley bottoms while Cassava and Sorghum are cultivated on the hillside. Passion fruit, cyphomandra, mangoes, are the most important fruits cultivated in the district. Coffee and Tea are the two traditionally exported crop widely produced in the study area. The L.WH project is planning to concentrate on tea and coffee production in the command area. The dam site is intensively cultivated and covered with perennial crops. The hillsides are covered mainly with tree plantations. The crops grown in the area include sorghum, maize and sweet potatoes intercepted with cassava.

### Nyanza 23

The Nyanza-23 LWH project site is located in the Southern Province, Nyanza district, Rwabicuma sector, Gacu, mushirarunga and Gishike Celors, and Nyamiyaga, Nyabubare and Karambo Villages. It is by the side of the all-weather road about 7- 10 km from the district office in Nyanza town on the left and right banks of Gisuma river.

There are 6 households’ housing structures located within the reservoir. An additional 5 households are recommended for relocation since their houses are very close to the proposed reservoir area. The dam site is intensively cultivated and covered with perennial crops. The hillsides are covered mainly with tree plantations. About 11.99 ha of land is estimated to be inundated by the proposed reservoir. The command area to be irrigated by the proposed scheme is estimated at about 120.55 ha. The proposed reservoir area falls within land that is cultivated, where beans, cabbages, Irish potatoes, sweet potatoes and mulberry trees have been planted. There is evidence of some traditional canal irrigation practices in the area.

Households owning farms within the proposed reservoir area (11.99 ha), will lose their land permanently. Based on the average farm sizes (1.68 ha/household) in the area, it is estimated that 8 households will be affected. Farmers with land parcels surrounding the water reservoir. An estimated 21 farmers (based on the average farm sizes (1.68 ha/household) with farms surrounding the reservoir area will change their land-use. This will be the silt-trap zone (33.85 ha), comprising of a grass-zone, shrub-zone and tree-zone protecting the water reservoir from siltation.

### Kayonza-15 dam

The Kayonza-15 dam site is meant for flood water harvesting and eventually channeling the water into an irrigation network for irrigation purposes. Kayonza-15 dam and reservoir site is located in Kayonza district, Riwinkyavu sector, Ghiniga cell, Rubirizi umdugudu, about 45 km from Kayonza district center.

It covers a total watershed area of 357.61 ha, which comprises of the water catchment area, reservoir area, command area, command area catchment and the silt trap zone. Apart from crop and livestock production activities, the community generates income through provision of casual labour for mining activities of cassiterite mineral close to the project area. The proposed reservoir area falls within land that is cultivated, where beans, sweet potatoes, Irish potatoes sorghum, maize and sweet potatoes intercropped with cassava and bananas have been planted. No households are settled within the reservoir area, although 4 houses are located very close to the reservoir area. Households owning farms within the proposed reservoir area (8.81 ha), will lose their land permanently.

Based on the average farm sizes (0.84 ha/household) in the area, it is estimated that 11 households will be affected. There are 5 households settled within the proposed reservoir area who will be required to relocate. Farmers with land parcels surrounding the water reservoir. An estimated 27 farmers (based on the average farm sizes (0.84 ha/household) with farms surrounding the reservoir
area will change their land-use. This will be the silt-trap zone (18.05 ha), comprising of a grass-
zone, shrub-zone and tree-zone protecting the water reservoir from siltation.

| Bugesera-3 | The Bugesera-3 dam site is meant for flood harvesting and eventually channelling the water into an irrigation network for irrigation purposes. The Bugesera 3 site is located in the Eastern Province, Bugesera district, Gashora sector, Kagomas cell and in Kampkagako Umudugudu. The estimated reservoir capacity of the proposed dam is about 480,000 m³, About 9.24 ha of land is estimated to be inundated by the proposed reservoir. The command area to be irrigated by the proposed scheme is estimated at about 55.09 ha. The proposed reservoir area falls within land that is cultivated, where beans, sweet potatoes, Irish potatoes and bananas have been planted. No households are settled within the reservoir area, although 4 houses are located very close to the reservoir area.

Farmers with land parcels surrounding the water reservoir. An estimated 4 farmers (based on the average farm sizes (1.16 ha/household) with farms surrounding the reservoir area will change their land-uses are located very close to the reservoir area and thus recommended for relocation. |

| Bugesera-4 | The Bugesera-4 Project area is situated in the Eastern province, Bugesera district, Musenyi sector, in Kijuri Umudugudu. The site can be accessed through an all weather dry Road, approximately 10 km from Nyamata town and is covering a total watershed area of 1090.91 ha, which comprises of water catchment area, reservoir area, command area, command area catchment and the silt trap zone. A dam will be constructed across Gahanga/ Gashikili stream which is draining into the Kazibba swamp and is meant for flood harvesting and eventually channeling the water into an irrigation network for irrigation purposes. The Kazibba swamp is connected to Akanyaru River system.

The water catchment area of the Bugesera - 4 water-harvesting scheme is about 358 ha. The estimated reservoir capacity of the proposed dam is about 900,000 m³. About 13.31 ha of land is estimated to be inundated by the proposed reservoir. The command area to be irrigated by the proposed scheme is estimated at about 154.92 ha. The proposed reservoir area falls within land that is cultivated, where bananas, cassava and sweet potatoes have been planted. Although no houses are located within the proposed reservoir area, 3 households had their residential houses located very close to the reservoir area and hence recommended for relocation. Households owning farms within the proposed reservoir area (13.31 ha), will lose their land permanently. Based on the average farm sizes (1.5 ha/household) in the area, it is estimated that 9 households will be affected. Farmers with land parcels surrounding the water reservoir. An estimated 8 farmers (based on the average farm sizes (1.38 ha/household) with farms surrounding the reservoir area will change their land-use. |

| Karongi 13 | The Karongi-13 project site is situated in the Western administrative province, in Karongi district, Rubengera 1 Sector. The exact location of the site is in the Naruka valley watershed in Rukagata village, Nyarugenge area. The site can easily be accessed from the Kigali-Kibuye main asphalt road, and is approximately 3 to 5 km northeast of Karongi town.

About 10.25 ha of land is estimated to be inundated by the proposed reservoir. The command area to be irrigated by the proposed scheme is estimated at about 375.35 ha. The proposed reservoir area falls within land that is cultivated, where beans, Irish potatoes, maize, sweet potatoes, bananas, arrowroots, tree tomato, cabbages and brinjals are grown. Traditional irrigation practices are evident in the reservoir area. Twelve households are settled within the proposed reservoir area and 5 are settled very close to the reservoir area thus recommended for relocation. Thus a total of 17 households will relocate.

An estimated 27 farmers (based on the average farm sizes (1.38 ha/household) with farms surrounding the reservoir area will change their land-use. This will be the silt-trap zone (37.52 ha), comprising of a grass-zone, shrub-zone and tree-zone protecting the water reservoir from siltation. The proposed reservoir area and the silt trap zone has mainly been used for crop production mainly for subsistence purposes, with little surplus for sale. |
Since feasibility studies for the dam construction and irrigation schemes are not all complete, this RPF describes the procedures and policies that will apply in preparing the required RAPs during sub-project implementation.
3.0 METHODOLOGY AND CONSULTATION

The study was conducted by the consultant using the following approaches and methodologies;

3.1 Detailed and in-depth literature review

Review on the existing baseline information and literature material was undertaken and helped in gaining a further and deeper understanding of the project. Among the documents that were reviewed in order to familiarise and deeply understand the project included:

- RSSP II Resettlement Policy Framework,
- Rwanda’s Organic Law
- Agricultural Law and regulations of Rwanda

3.2 Field Visits

In order to familiarise and get acquainted with the project types in terms of background issues (socio-economic and bio-physical) the consultants also made visits to the project areas and sites. The field sites visited included; Gatsibo 2 sites, Kayonza 1 site, Nyanza 1 site, Karongi 2 sites, and Bugesera 2 sites. The field visits were conducted beginning 4th-12th May, 2009. A description of the findings during the field visit to the 8 sites is highlighted in summary form in table 2 above.

3.3 Interactive Discussions

Interactive discussions were held with relevant stakeholders and implementing partner’s including Interested and Affected Parties (I&AP) who were identified during the stakeholder analysis process.

These discussions are the basis for most of the measures contained in this RPF and were very useful and insightful in understanding the issues of concern.
4.0 PRINCIPLES AND OBJECTIVES GOVERNING
RESETTLEMENT PREPARATION AND IMPLEMENTATION

Under the OP 4.12, those affected by resettlement are defined as those who are directly affected socially and economically by:

- the involuntary taking of land and other assets resulting in:
  - relocation or loss of shelter;
  - loss of assets or access to assets; or
  - loss of direct income sources or means of livelihood (i.e., income and livelihoods directly dependent on the affected areas), whether or not the affected persons must move to another location.

The RPF for LWH will adopt the following principles:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be eliminated.
- Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing resources to give PAPs the opportunity to share project benefits.
- PAPs will be meaningfully consulted and will participate in planning and implementing both the resettlement and the agricultural development programs funded under LWH.
- PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher. Impacts on the PAPs are measured by the quantity of land to be acquired / lost and residual land and its economic viability. Once the severity of impact has been considered an entitlement option is selected.

Measures to address resettlement shall ensure that project affected peoples are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the subproject(s).

The policy applies to all PAPs regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles. The policy applies to all (economically or physically) displaced persons regardless of the total number affected, the severity of impact and whether or not they have legal title to the land.
Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, indigenous groups and the ethnic minorities or other displaced persons who may not be protected through Rwandan land compensation legislation. The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards.

Furthermore, the resettlement policy applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank are a) directly and significantly related to LWH sub-projects 2; b) necessary to achieve its objectives as set forth in the project documents; and c) carried out, or planned to be carried out, at the same time as the project.

The implementation of individual RAPs must be completed prior to the implementation of subproject activities causing resettlement, such as land acquisition.

The Bank Safeguard Policy OP 4.12 applies to all components under the program, whether or not they are directly funded in whole or in part by the Bank.
5.0 RPF IMPLEMENTATION ARRANGEMENTS

5.1 Overview

The overall coordination of the project will be provided by the Ministry of Agriculture and Animal Resources through the LWH project which will oversee all resettlement planning and coordinate all issues relating to the compensation. Given the importance of the activities under the various sub-components, LWH will collaborate with Local Authorities falling within the project area in coordination and implementation.

The implementation arrangements of the RPF build on:

- The implementation arrangements for the overall LWH program, including agencies at the National, District and Local levels; and
- The implementation arrangements for resettlement and compensation activities in line with the Rwandan legislation outlined in Section 8.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for LWH sub-projects. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each sub-project. These are based on the institutional structure at the time of writing the RPF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

5.2 Overall Outline of LWH Project Implementation Arrangements

LWH's implementation arrangements at the national level have been designed in a way that builds upon—and builds up—the SWAp Structure at MINAGRI. In line with the Government's decentralization agenda, the Project implementation arrangements also envision a division and migration of responsibilities and functions to local governments with LWH sites. This will ensure continuing effective oversight of key technical and administrative functions requiring high levels of specialization that are best performed centrally, while enabling local engagement by deploying LWH staff in the districts where the project activities will be carried out. This in turn will facilitate more regular and meaningful engagement with partners and stakeholders.

Partnership arrangements in the LWH take three forms: (i) programmatic partnership through the LWH Common Framework for Engagement (CFE); (ii) co-financing for the IDA-financed Project with CIDA; and (c) technical partnership with the IFC on leasing. The LWH Program, as discussed above, is a Government program covering 101 sites, of which
the LWH Project is a sub-set. It is therefore expected that a number of
development partners will each finance a slice of the overall program and
as such, requires a strong programmatic approach. At the request of
Government, the Bank participates actively with other interested
development partners in the development of the different aspects of the
CFE. Activities to date include joint missions with JICA and CIDA,
workshops on the CFE itself and on the results framework for LWH; and
meetings with MINAGRI and partners on implementation. Partnership is
key to ensuring a common approach to LWH investments and is manifest
in the (developing) CFE document. So, for example, the dam safety
guidelines and social and environmental safeguards aspects of the
Government’s larger LWH Program are contributed by the World Bank,
as is the common economic and financial analysis (EFA) methodology.
To which, Government retains the ownership on the LWH in its original
design and objectives and actively collaborates with the Bank and other
development partners, notably to date, JICA and CIDA, in developing the
LWH Program.

The Project will be co-financed with the Canadian International
Development Agency (CIDA). CIDA expressed an early interest in joining
the Bank’s support of LWH and has agreed to co-finance through a Trust
Fund under development during project preparation. CIDA will provide
CDN$10 million to join the US$26 million from IDA and requests IDA
execution and monitoring of the project’s activities. Nevertheless, CIDA is
actively involved in the project preparation and provides valuable input
into project design.

The Project will partner with the IFC on sub-component A3 for the
development of rural leasing products in Rwanda by undertaking a number
of promotional and capacity-building activities on leasing, including
information seminars for financial institutions and training of senior
management and operational staff.

**Program implementation arrangements**
The LWH will be implemented under Program 1 of the new SWAp
structure in MINAGRI. The SWAp in agriculture is built around
coordinated development partner support for the Government’s Strategic
Plan for Agricultural Transformation (SPAT II), which is divided into four
Programs. The Government’s LWH Program falls under SPAT Program 1,
dealing as it does with physical resources and food production,
intensification, and the development of sustainable production systems.
The implementation structure being put in place for the SWAp provides
for each Program to have a Program Manager (PM), and a team of
implementation support staff, including Financial Management (FM),
Procurement, and M&E specialists (the ‘Program Coordination Team’).
The PM reports directly to the Permanent Secretary (PS) in MINAGRI. PMs will manage all projects and programs that fall under their respective SPAT Program, while individual projects/programs will be assigned dedicated Project Contract Managers (PCM). PCMs will report to the PMs and have direct access to the Program’s FM, Procurement and M&E Specialists for the implementation of their projects. All Programs and projects will have access to a pool of experts, hired on an as-needed basis, to provide the technical subject-specific backstopping required for proper implementation of activities.

Project implementation arrangements take place at three levels: national, provincial and community level. As discussed, the Project’s implementation arrangements at the national level have been designed to build upon—and builds up—the SWAp structure at MINAGRI. In line with the Government’s decentralization agenda, the Project implementation arrangements also envision a division and migration of responsibilities and functions to local governments with LWH sites. This will ensure continuing effective oversight of key technical and administrative functions requiring high levels of specialization that are best performed centrally, while enabling local engagement by deploying LWH staff in the districts where the project activities will be carried out. This in turn will facilitate more regular and meaningful engagement with partners and stakeholders.

(a) National level
As the official executing agency for LWH, MINAGRI will have overall responsibility for the implementation of the Project at the national level. MINAGRI will recruit a Program Manager for Program 1 and provide him/her with the required FM, Procurement and M&E capacity to ensure effective implementation of projects under Program 1. MINAGRI has recruited an LWH Project Contract Manager who will specifically coordinate LWH implementation nationally. The LWH Project Contract Manager, working under the supervision of the Program 1 Manager, will ensure day-to-day management of the Project.

(b) Provincial Level
At the provincial level, LWH implementation will take place through the MINAGRI Provincial Agricultural Offices. Each Provincial agricultural office is headed by a Provincial Agriculture Coordinator who will coordinate all SWAp activities in the Province and oversee projects implementation at the provincial level. Each Provincial Agricultural Office will be staffed with (i) Irrigation Engineer, (ii) Extension Officer, (iii) Procurement Assistant, and (iv) Accountant. The Provincial Agricultural Coordinators assisted by their teams will oversee and monitor implementation of LWH activities and other projects in the Province. In addition to serving as the Project’s representatives in the Province, the
Provincial Agricultural Coordinator will coordinate administration, financial management, and some procurement activities in the Province, and s/he will be responsible for reporting M&E data to the national level team.

(c) Community Level

Many activities supported by the Project will be demand-driven and will be carried out at the local level by community based organizations. That is, local entities will identify, prepare, execute, and/or supervise sub-projects supported by the Project. These sub-projects will be screened to ensure their compatibility with the LWH Common Framework of Engagement. For activities requiring specialized knowledge and skills, service providers will be engaged by the LWH Contract Manager through the Program 1 Manager. For sub-project activities in which community-based organizations have already demonstrated proficiency (e.g., based on the training and capacity building they received during other Bank’s funded projects), the procurement function will be entrusted to the organizations themselves. Community-based organizations will also be involved in monitoring and evaluation of Project activities, in line with the philosophy of the Project to promote participatory M&E and engaging the direct beneficiaries.

5.3 Institutional Roles in Resettlement and Compensation

NATIONAL LEVEL IMPLEMENTING AGENCIES

5.3.1 Ministry of Agriculture and Animal Resources (MINAGRI)

The main agency involved in implementation of the RPF will be the Ministry of Agriculture and Animal Resources. MINAGRI, as executing agency, will have overall responsibility for implementation of LWH and will act as the central agency responsible for holding all information relevant to the RPF.

A Program Coordinating Team (PCT), working under the direction of MINAGRI, will provide general guidance regarding the implementation of Project activities. In addition to MINAGRI representatives, its members will include representatives from:

- Ministry of Finance and Economic Planning (MINECOFIN);
- Ministry of Local Government, Community Development and Social Affairs (MINALOC);
- Ministry of Lands, Environment, Forestry, Water, and Mines (MINTERE);
- Ministry of Infrastructure (MININFRA); and
• Farmer organizations will also be represented on the PCT.
• The LWH National Project Coordinator reports to the PCT and serves as its secretary.

5.3.2 Project Coordination Team (PCT)
The Project Coordination Team (PCT) is the project-specific office that has been set up to run the LWH program within MINAGRI. Its role is the day-to-day coordination and implementation of the LWH project. They will therefore play an important role in the implementation of RAPs and will ensure that the procedures and requirements of the Rwandan laws as well as the requirements under OP 4.12 are enforced. A key role will be to review all RAPs and other resettlement-related documentation to ensure that all procedures have been adhered to and that there is consistency in approach between sub-projects. They will also undertake the main monitoring and evaluation role of resettlement activities during and post implementation.

5.3.3 Ministry of Lands, Environment, Forestry, Water and Mines (MINITERE)
MINITERE governs the implementation and application of the Organic Land law and the Land Use Master Plan. Whilst they will govern alignment with these Laws at the national level, responsibilities for their implementation locally has been devolved, following decentralization, to Land Commissions and Committees at District, Sector and Cell levels.

MINITERE is also the key Ministry governing resettlement arrangements in Rwanda. They do this by working directly with the Ministry/Institution developing the land on which resettlement is required. For instance the implementation of RPF/RAP for the LWH project will involve the LWH team of MINAGRI and MINITERE. MINITERE will therefore play a critical role in ensuring that appropriate and consistent compensation is provided to all affected persons resulting from the LWH sub-projects.

5.3.4 Land Valuation Bureaus
The Land Valuation law was promulgated in 2007 and outlines the role of the Land Valuation Bureaus to provide independent 'fair and just' valuation of land and affected assets in the event of expropriation. Land valuation bureaus are free to be established all over the country, although to date only one has been established in Kigali. In the event that no Land Valuation Bureau exists in the locality of a LWH project, independent valuers from the Kigali-based bureau will be used.
5.4 DISTRICT LEVEL IMPLEMENTING AGENCIES

5.4.1 District authorities
The District authority in which sub-project sites are located will be the coordinating body for the LWH at the district level using its existing structure, and will allocate the LWH funds. As well it will oversee, coordinate and facilitate the implementation process of LWH across local governments under its jurisdiction. The District-level departments will provide a review and monitoring role, and provide political and administrative support for the implementation of the RAPs.

5.4.2 District Land Bureaus
The District Land Bureaus (DLBs) will be the executive body responsible for ensuring activities undertaken comply with the National and District level Land Use Master Plans. DLBs are in the process up being set up as a part of the revised land legislation implementation process. They will assess the validity of land tenure rights of affected persons and eventually provide the land use permit for the new activity proposed by the sub-project. In addition they will be responsible for ensuring effective grievance mechanisms are in place. They will also be used in the design of the ARAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances. Their activities will be monitored by the District authority. The District Land Bureaus will play a major role in RAP implementation by:

- Establishing the sub-project level Resettlement and Compensation Committees at Sector/Cell level;
- Clarifying the policies and operational guidelines of these Resettlement and Compensation Committees;
- Establishing standards for unit rates of affected assets and compensation estimates, according to the standard units appended to the RPF, adjusted for local conditions where necessary; and
- Coordinating and supervising implementation by Resettlement and Compensation Committees as stipulated in the RPF and national/district guidelines.

5.4.3 District Land Commission
This is a consultative/advisory institution which has the mandate to monitor and evaluate work done by the District Land Bureaus. As an advisory body the District Land Commission is in charge of establishing Sector/Cell Land Committees.

5.4.4 PCT extension team
The PCT extension team, especially will work with the District authorities (including the District Land Bureau) responsible for resettlement to ensure that the RPF is properly applied across all relevant subprojects. Its initial
role will be to undertake screening and assessment of potential subprojects to determine whether resettlement and/or compensation will be required. The PCT extension team will provide capacity building and technical support in all aspects of the project, including resettlement. It will work closely with the District authority to ensure that funds are allocated as per the approved RAP.

5.4.5 District Development Committee

This committee is represented by a member of each of the key departments and agencies at District level (including the District Land Bureau), and supervises and monitors all activities at District level. The DDC is mandated to develop a District Development Strategy and therefore it plays a critical role to ensure that all activities are fully aligned with this strategy. Given the importance of ensuring proper implementation of sub-projects within their Districts, it will play a crucial role in ensuring alignment of resettlement and compensation arrangements with the District Development strategy.

It is recommended that these committees (or a delegated sub-committee responsible for coordinating LWH project activities in their District) would play a major role during RAP implementation by:

- Ensuring that appropriate compensation procedures are followed; and reviewing and sign-off of all documentation (e.g., screening forms, completed RAPS, grievance forms, consultation plans) before submitting to PCT in Kigali.

5.5 LOCAL IMPLEMENTING AGENCIES

5.5.1 Resettlement and Compensation Committees

In keeping with Rwanda's decentralization policy, the responsibility for the development and implementation of the RAPs will be at Sector and Cell level. Once resettlement has been identified via the screening process in relation to a LWH sub-project, District Land Bureau representatives will be responsible for electing members of a sub-project Resettlement and Compensation Committee. This committee does not currently exist, but is proposed as part of the RPF implementation arrangements, and will operate at sector level. It is proposed to be coordinated by the District Land Bureau, due to the executive powers of the DLB. This committee will plan for, coordinate and monitor resettlement, compensation and relocation activities, as well as supervise compensation payments to the recipient project affected parties (PAPs). A large part of their responsibility will be consultation with potential PAPs.
The local Resettlement and Compensation Committee would comprise the following:

- Representative from Sector or Cell Land Committee;
- Representative from the Land Adjudication Committee;
- Representative from the District Development Committee (in particular from the Social Department);
- Representative from any other key sector office involved in the resettlement process;
- Key representative from the implementing organization (Farmer cooperative, WUA, NGO);
- A representative PAP; and
- LWH PCT Extension team (ideally the Rural Sociologist)

The Resettlement and Compensation Committee would have responsibility for:

- validate inventories of PAPs and affected assets;
- allocate land, where required, to permanently affected households;
- monitor the disbursement of funds;
- guide and monitor the implementation of relocation;
- coordinate activities between the various organizations involved in relocation;
- facilitate conflict resolution and addressing grievances; and
- provide support and assistance to vulnerable groups.

This committee should meet on a regular basis (as determined by the needs of the project) to ensure that resettlement activities are appropriately designed and executed. It is recommended that a representative be elected to act as the Project Liaison Officer who would act as the key contact with PAPs and therefore facilitate implementation of consultation, public participation and grievance mechanisms. These actors not already described above, are described in greater detail below.

5.5.2 Sector/Cell Land Committees

The Sector and Cell land committees, will be independently mandated as a part of the revised land legislation implementation. These committees are also a decentralization effort of the Government of Rwanda. They report to the District Land Bureau, and are responsible for monitoring the role of the District Land Bureau in their relevant Sector/Cell. In particular, they are responsible for providing field information to the District Land Commission and District Land Bureaus relating to land use, approving land expropriation, and approving all land use changes in their particular Sector/Cell. They also ensure documentation of land tenure at these levels. The members of the Sector and

Cell land committees include:
• Representative of a farmers cooperative;
• Representative of sector level local agricultural administration;
• Member of education services i.e., teacher;
• Representatives of individual farmers; and
• Vulnerable groups (preferably women, as according to the Constitution 30 percent of each committee must be made up of women).

5.5.3 Land Adjudication Committees
The Land Adjudication Committee is responsible for coordinating individual land registration and ensuring appropriate compensation payment is made for individual land expropriated. It will ensure that compensation payments are included in the requests for funds, and that they are allocated accordingly. Land Adjudication committees are a traditional legal institution implemented only when there is conflict over land ownership. Only when disputes are referred to them will they have a role to play, in conflict and dispute resolution. A key role is the management of land ownership conflicts, part of which involves helping vulnerable people to appeal in case of grievances. The members of the Land Adjudication Committee include:

• Farmer elders;
• Representative of Cell agricultural department; and
• Representative of Sector/Cell Land committee.

5.5.4 Farmer Cooperative/ WUA
Each sub-project will be managed and implemented by a local community-based organization, in the form of a farmer cooperative, a water user association or a NGO. Support will be provided by LWH (via the PCT specialists and extension team) to ensure they have the capacity to undertake this implementation role effectively. They will have an important role to play in implementing resettlement activities, which will be specified by the Resettlement and Compensation Committee. Appropriate capacity building and support will be provided by the PCT extension team where necessary. Table 3 below provides a brief summary of the roles and responsibilities of each administrative level.

5.5.5 Village Level Land Committees;
At the Cell/Umdugudu level, there are in place village-level mediators (abunzi) whose work is to hear disputes, especially land disputes. The abunzi, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than three million RwF, which means over most land disputes. The Abunzi also have mandatory jurisdiction over succession and boundary disputes involving less than three million RwF. The abunzi will be used in the LWH project as the first stop for resolving
disputes and grievances following land acquisition. They will be involved in the compensation process from the beginning to the end. They will also be used in the design of the ARAP as much as possible in order to ensure that community buy-in is present at an early stage hence reducing disputed or grievances.

<table>
<thead>
<tr>
<th>Organization</th>
<th>Roles and Responsibilities</th>
</tr>
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</table>
| PCT (MINAGRI)           | • Collation of information regarding the LWH sub-projects, including RPF documentation.  
                            • Review and approval of Resettlement related documentation from all subprojects (screening forms, RAP reports etc) to ensure consistency and compliance with RPF;  
                            • Reporting to the PCT and being advised by the Project advisory committee;  
                            • Overall monitoring and evaluation of resettlement implementation (i.e., annual audits and review of sub-project level monitoring undertaken by District authorities), ensuring that RAPs are implemented in accordance with Rwandan laws and OP 4.12. |
| MINAGRI                 | • Coordination and facilitation of the PCT, both of which have a an advisory role  
                            • Overseeing effective resettlement implementation as well as ensuring any revisions in legislation, policy and strategy are appropriately adjusted in the RPF.                                                                                                                                                            |
| MINITERE                | • Will work with MINAGRI (PCT) to facilitate the resettlement process and ensure it meets national legislation (PCT will ensure that requirements to meet OP4.12 are met). Whilst it will have a role in overseeing the resettlement and compensation process as part of the PAC, it also has a legal role to review documentation and ensure it meets all legislative requirements. |
| PCT extension team      | • Screening of sub-projects to identify resettlement and compensation requirements;  
                            • Work with DLB to create sub-project Resettlement and Compensation Committee;  
                            • Representation on each sub-project Resettlement and Compensation Committee;  
                            • Provision of capacity building and technical support relating to resettlement and compensation activities;  
                            • Ensure funds allocated appropriately, according to RAP.                                                                                                                                                                                                                          |
| District authorities    | • Review and sign off of all documentation (e.g., Screening forms, completed RAPS, grievance forms, consultation plans) before submitting to PCT in Kigali;  
                            • Overall responsibility for collation of data for monitoring purposes (integrate information requirements into existing databases and data systems).                                                                                                                                                 |
| (via District Development Committee) |                                                                                                                                                                                                                                                                                                                                                     |
| District Land Commission, Sector/Cell Land Committees | They will continue to interface with District Land Bureau as mandated by the revised Land Law. Roles relevant to the project include:  
                            • Approving land use changes at District/ Sector/ Cell level and ensuring alignment with the Land Use Master Plan;  
                            • Approving land expropriation;  
                            • Provision of information on current land use, land tenure, and PAPs; and  
                            • Playing a role in ensuring effective grievance mechanisms are in place that meet legislative requirements (the Resettlement and Compensation Committees will be responsible for ensuring that these mechanisms meet the requirements of the RPF). |
| District Land Bureau | • Coordinate and supervise design and implementation of resettlement measures for each sub-project and ensure alignment with RPF and consistency between sub-projects where multiple projects exist;  
| | • Establish sub-project level committees and rates for each sub-project |
| Resettlement and Compensation Committees | • Development and implementation of RAP, valuation of assets, distribution of compensation payments, identification of land for replacement, assistance during resettlement, consultation effective at the sector level.  
| | • 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. |
| Land Adjudication Committee | • Management of land ownership conflicts and grievances relating to expropriation. |
| Land Valuation Bureau | • Provision of independent valuers to undertake valuation of all land and assets in the event of expropriation. Will work in collaboration with the Sub-Project Resettlement and Compensation Committees to ensure that 'fair and just' compensation is reached in accordance with the law and the requirements of this RPF. |
### Timing

<table>
<thead>
<tr>
<th>Task</th>
<th>Tool</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screening</td>
<td>Screening Checklist form</td>
<td>PCT Extension team</td>
</tr>
<tr>
<td>On receipt of permit for subproject where resettlement identified</td>
<td>Creation of Sub-Project Resettlement and Compensation Committee</td>
<td>PCT and District Land Bureau</td>
</tr>
<tr>
<td>Set cut-off date, prepare and implement consultation and grievance plans</td>
<td></td>
<td>Sub project R&amp;C Committee</td>
</tr>
<tr>
<td>On out off data</td>
<td>Census and ID of PAPs</td>
<td>Census survey form</td>
</tr>
<tr>
<td>On out off data</td>
<td>Land asset inventory</td>
<td>Land inventory form</td>
</tr>
<tr>
<td>Once all PAPs are Validated</td>
<td>Development of RAP</td>
<td>RPF</td>
</tr>
<tr>
<td>RAP should be completed within one month of PAP validation</td>
<td>RAP Review and Approval</td>
<td>RPF</td>
</tr>
<tr>
<td>Before subproject commences implementation. Before people are displaced</td>
<td>RAP Implementation</td>
<td>RPF</td>
</tr>
<tr>
<td>Throughout project baseline dev. Monthly/quarterly monitoring</td>
<td>Monitoring</td>
<td>List of Indicators</td>
</tr>
</tbody>
</table>
6.0 PROCESS FOR SCREENING, PREPARING AND APPROVING RAPs.

Each sub-project will need to identify whether resettlement will occur, and, if it will, to define remedial action in a RAP. This RPF provides a framework for the preparation of RAPs to address resettlement associated with the activities of the LWH sub-projects.

6.1 WHEN A RAP IS REQUIRED

When a sub-project is expected to cause physical or economic resettlement, a RAP must be prepared by the sub-project Resettlement and Compensation Committee. This will be approved by the District Development Committee, and ultimately signed off by PCT. The PCT will also monitor its implementation and supervision at a national level, while the relevant District Land Bureau will monitor at the local level. The RAP will need to be as detailed as possible in order to guide resettlement of each of the sub-projects.

In order to ensure robustness and consistency of the process, the preparation, implementation and monitoring of the RAPs will often need to be closely supported by training and technical assistance. In advance, PCT must undertake an assessment of the relevant actors (namely the sub-project Resettlement and Compensation Committee, and the District Land Bureau) to identify training and technical needs.

6.2 OVERALL PROCESS

In order to scope potential resettlement implications, the steps to be undertaken at the design stage of each individual sub-project include the following:

- a screening process;
- a socio-economic census and land asset inventory of the area; and
- identification of Project Affected Parties (PAPs).

The census is done once it is known that land acquisition is required (i.e., once the sub-project has received the necessary permit from MINITERE).

Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed.

Throughout this process, consultation and public disclosure will take place with PAPs, ensuring that the affected persons are informed about the intentions to use the site for the LWH subproject. Consultation must ensure that affected persons are made aware of all aspects of the project,
and their implications. See Section 13 for a more detailed guidance on consultation and participation. They must also be aware of, and have access to, a grievance mechanism. Refer to Section 11 for further guidance on design and implementation of grievance mechanisms.

6.3 RAP IMPLEMENTING AGENCIES
A number of Government institutions will play a role in the implementation of the RPF and individual RAPs, in line with the general LWH institutional arrangements and with national legislation. In keeping with Rwanda decentralization policy, the development and implementation of the RAPs will be the responsibility of the Local Authorities (including District Authority representatives) in each sub-project location.

Implementation will be led by a Sub-project Resettlement and Compensation Committee created for each sub-project where resettlement is an issue. This committee is elected by the District Land Bureau. The District authorities (via the District Development Committee) will have a review role of the Resettlement and Compensation committee. The District Land Bureau will provide political and administrative support for the implementation of RAPs. National level institutions will ensure that there is compliance against the RPF and national legislation, and that information is available and consolidated in one place for overall LWH project monitoring.

Implementing roles and responsibilities are outlined in greater detail in Section 5.

6.4 PUBLIC CONSULTATION AND PARTICIPATION
Consultation with, and participation by, the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of the local communities and the affected persons. Further guidance to consultation is provided in Section 13.

Grievance redress is very important to the success of implementation of resettlement action plans. This is covered in more detail in Section 11 of this RPF.

6.5 SUB-PROJECT SCREENING
The first step in the process of preparing individual RAPs is the screening process to identify the land/areas that may result in resettlement impacts. Sub-project screening is used to identify the types and nature of potential impacts related to the activities proposed under LWH, and to provide
adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key sub-project selection criterion.

The screening process presented below will ensure that subprojects presented for LWH funding comply with the requirements of OP 4.12 and Rwandan Law according to the 2005 Organic Land Law and Land Use Master Plan.

Screening will be undertaken by the PCT extension team with the use of the screening form as attached to the RPF (Annex A). This screening form should be integrated with the screening mechanism proposed under the Environmental Management Framework, in order to streamline procedures. Screening will take place as early in the subproject process as possible, and it will identify land-take that will require resettlement. This process will be in consultation with the PAPs to ensure that it takes all considerations into account, and that all potential impacts are identified.

The screening form will then be submitted to the PCT for review. Should the screening process show that resettlement will be required, the next step will be to conduct a socio-economic census and land asset inventory to determine the extent of resettlement required. This will be followed by the preparation of a RAP for the subproject.

6.6 SOCIO-ECONOMIC CENSUS AND ASSET INVENTORY

An important aspect of preparing a RAP is to establish appropriate data to identify the persons who will be displaced by the individual subproject, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

In essence, the census will achieve the following:

• provide initial information on the scale of resettlement to be undertaken;
• identifies gaps in information and gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and
• establishes indicators that can be measured at a later date during monitoring and evaluation.

The socio-economic census will be initiated by the relevant Districts responsible for managing the sub-project (via the sub-project Resettlement and Compensation Committees), with the use of the sample socio-economic census in Annex B of this RPF.

It will be accompanied by a land asset inventory, for which a form is also provided in Annex B. It may be the case that an independent consultant
will need to be contracted to undertake the census, under close supervision of the sub-project Resettlement and Compensation Committees.

6.7 DEVELOPMENT OF THE RAP

Following the socio-economic census and identification of affected parties, a RAP will be developed. This will be coordinated by the sub-project Resettlement and Compensation Committees and overseen by the District authorities. It is anticipated that the work will be undertaken by a private consultant or NGO/CBO commissioned for this particular task.

It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes. The basic elements of a RAP, as outlined in OP4.12 are provided in Box 1 below. Each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website (www.worldbank.org) or in the World Bank's Resettlement and Rehabilitation Guidebook.

Where the impacts on the entire displaced population are minor (i.e. if affected people are not physically displaced and less than 10% of their productive assets are lost) or fewer than 200 people are displaced (economically or physically) for the entire project, and then the bank will approve the preparation of an Abbreviated Resettlement Plan (ARAP). The contents of the ARAP are to be:

**Box 1. Contents of ARAP**

- Census survey of displaced (economically or physically) persons and valuation of assets.
- Description of compensation and other resettlement assistance to be provided.
- Consultations with displaced people about acceptable alternatives.
- Institutional responsibility for implementation and procedures for grievance redress
- Arrangements for monitoring and implementation, and
- A timetable and budget.

For impacts that are not considered minor, the preparation of a Resettlement Plan (RAP) is required for each site, World bank OP 4.12 article 25 sets the requirements of the full RAP to include:

- Description of the project
- Potential Impacts
6.8 REVIEW AND SUBMISSION TO PROJECT AUTHORITIES

Following completion of the RAP for a sub-project, the sub-project Resettlement and Compensation Committee must submit the RAP to the District authorities (probably the District Development Committee) for approval. The RAP is also to be submitted to the LWH PCT office to ensure compliance with the RPF, and consistency in approach between sub-projects. At the discretion of the World Bank, it may be requested that certain RAPs are also reviewed by World Bank official to ensure compliance with OP4.12 and any other relevant policies/ procedures. Capacity for RAP review and approval will be built at Local Authority level (specifically via the Sub-project Resettlement and Compensation Committee) as well as through District government. This will be through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.
Figure 6.1. Outline of the RAP process.

- RFP → Present Approval submitted for sub-project
- RAP Process:
  - Land Acquisition Resulting in physical or economic displacement identified
  - Develop RAP
    - RAP Process:
      - Census
      - Inventory & Valuation
      - Agree
      - Resettlement Measures
      - Consultation
      - Grievance
      - Monitoring
    - RAP Approved?
      - YES
      - NO
        - Implementation
        - No Action Required Yes
7.0 ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF AFFECTED PEOPLE

This chapter sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people.

7.1 Principles

The involuntary taking of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. OP 4.12 suggests the following three criteria for eligibility:

(a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Rwandan Law.

(b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Rwanda or become recognized through a process identified in the resettlement plan.

(c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut of date, but are recognized under World Bank OP 4.12.

Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF.

Persons covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established by the (LWH) in close consultation with the potential PAPs, local community leaders and the respective local leader and acceptable to the World Bank.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are
eligible for some kind of assistance if they occupied the land before the entitlement cut-off date.

7.2 Eligibility Criteria
Defining eligibility criteria is essential for the resettlement/rehabilitation process and compensation payments. The census and property inventories provide the basis of the identification of PAPs and assets. Project affected peoples who are considered to be eligible for resettlement and compensation include the following:

Farmers currently using the plots and valleys in affected areas for cultivation of subsistence and commercial crops or grazing cattle. These may be either leased from farmer cooperatives, or squatters. Those currently farming in the dam/reservoir area (upstream) will permanently lose access to their land, whilst those farming in the area to be converted into command areas or silt trap zones (downstream) will lose access to their land temporarily.

Hillside households, who will lose part of their land for the development of borrow pits for the construction of the dams. In the event that this land is subsequently rehabilitated by the project the resulting loss in productivity of the rehabilitated land means that the hillside households will still be eligible for compensation;

- Tenants leasing privately owned land;
- Full-time laborers working on both marshland and hillside plots;
- Households with housing located in the reservoir areas; and
- Traders that maybe affected by marshland development.

Table 4 below shows the types of eligibility criteria which could be used by local officials.

Table 4. The Entitlement Matrix for Various Categories of PAPs
<table>
<thead>
<tr>
<th>Project Impact</th>
<th>Eligible Groups</th>
<th>Recommended Measures</th>
</tr>
</thead>
</table>
| Loss of access to land used for agriculture        | Users of marshland land (cooperative or non cooperative members) | **SPECIFIC TO MARSHLAND**  
Plot Replacement: Allocate replacement plot within the developed marshland. Pay for cooperative membership where applicable to ensure security of tenure, ensure that household does not need to make any additional payments to receive the replacement plot.  
Economic rehabilitation assistance: Provide access to existing LWH programs to ensure the following: a) provision of training and assistance where cultivation of unfamiliar crops (e.g., rice) is required on replacement plot; b) provision of equipment, seeds, fertilizers necessary for cultivation of new crops until such time as there is a favorable harvest to cover these costs and enable farmers to meet pre-displacement income levels. |
|                                                    | Hillside land owners (with or without title) | **SPECIFIC TO HILLSIDE LAND**  
Land for land replacement: Provide equivalent replacement of agricultural land at a suitable location (i.e., within easy access of affected land), and with access to at least equivalent appropriate water sources. Cover all transaction and land preparation costs, i.e., replacement land should be acquired ready for planting without any cost to the affected household. Acquired land will be replaced adjacent to the remaining land where possible. Where this is not possible, the entire land plot will be replaced in an alternative suitable location. Provide security of tenure with formal rights to the land.  
OR  
Cash compensation for land: Provide cash compensation for land plot at full replacement value. In addition provide assistance with purchase of suitable replacement plot.  
Economic rehabilitation assistance: provision of training and assistance where cultivation of unfamiliar crops is required on alternative land (e.g., in line with Land Use Master Plan). Other assistance includes provision of equipment, seeds, and fertilizers necessary for cultivation of new crops until such time as there is a favorable harvest to cover these costs and enable farmers to meet pre-displacement income levels. |
|                                                    |                                          | **COMMON MEASURES**  
Crop compensation: Where harvesting prior to land loss is not possible, provide replacement seedlings for crops lost plus cash compensation for value of production lost.  
Resettlement assistance: Provide cash compensation for the income foregone during the period that the PAP is without land. In addition, provide assistance with the transportation of materials and equipment to replacement land.  
Economic Rehabilitation assistance: Once the PAP has moved onto new land, provide appropriate assistance (financial or other) to cover the income foregone due to lag times with replanting at new location (e.g., loss of income from X number of crop production cycles, from planting through to harvesting). This should be sufficient to cover periods until crop production is at levels at least equivalent to pre-displacement levels. |
|                                                    | Laborers                                | Resettlement assistance: Provide access to work on alternate land, and provide food/ cash compensation until laborers are able to restore alternate employment.  
Economic rehabilitation assistance: Provision of training and assistance where cultivation of unfamiliar crops is required on alternative land (e.g., in line with Land Use Master Plan). |
<table>
<thead>
<tr>
<th>Project Impact</th>
<th>Eligible Groups</th>
<th>Recommended Measures</th>
</tr>
</thead>
</table>
| Loss of access to grazing | Tenants | **Crop compensation**: Where harvesting prior to land loss is not possible, provide replacement seedlings for crops lost plus cash compensation for value of production lost.  
**Resettlement assistance**: Provide cash compensation for the income foregone during the period that the tenant is without land. In addition, provide assistance with the transportation of materials and equipment to replacement land.  
OR  
Provide access to work on alternate land, and provide food/ cash compensation until tenants are able to restore access to alternate land.  
**Economic rehabilitation assistance**: Once the PAP has moved onto new land, provide appropriate assistance (financial or other) to cover the income foregone due to lag times with replanting at new location (e.g., loss of income from X number of crop production cycles, from planting through to harvesting). This should be sufficient to cover periods until crop production is at levels at least equivalent to pre-displacement levels. In addition, provision of training and assistance where cultivation of unfamiliar crops is required on alternative land (e.g., in line with Land Use Master Plan). Other assistance includes provision of equipment, seeds, and fertilizers necessary for cultivation of new crops until such time as there is a favorable harvest to cover these costs and enable farmers to meet pre-displacement income levels. |
| Loss of structures and dwellings | Tenants | **Alternate Arrangements**: Encourage adoption of zero-grazing techniques, as per government policy and the Land Use Master Plan,  
**Economic rehabilitation assistance**: Provide assistance to facilitate this transition. For example, assistance with and payment for construction of new zero-grazing structures on alternative lands; provision of buffer lands around rehabilitated marshland for growth of cattle fodder; assistance with cultivation of fodder, provision of cattle fodder for lag period until cultivated cattle fodder becomes available.  
Structures will be treated on a case-by-case basis, and decisions taken in consultation with the owners. Measures to be provided are:  
**Provision of new structures**: Construct new structures on identified replacement land of equivalent or preferably improved quality (particularly in the case of dwellings). Provide security of tenure to formalize rights to the structure.  
OR  
**Cash Compensation**: Where the structure cannot be relocated, provide cash compensation based on the full replacement value, excluding depreciation costs.  
**Resettlement assistance**: Provide assistance with relocation, and cover all costs of moving salvageable parts of existing structures. |
| Tenants | **Renting Arrangements**: Facilitate alternative renting arrangements, and cover any increase in cost for the remaining lease period.  
**Resettlement assistance**: Provide assistance with relocation, and cover all the costs of moving the contents of the existing structures. |
<table>
<thead>
<tr>
<th>Project Impact</th>
<th>Eligible Groups</th>
<th>Recommended Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of access to water sources</td>
<td>All affected households</td>
<td>Replace water access: Provide alternate access to water sources in the interim period.</td>
</tr>
<tr>
<td>Loss of access to cultural sites</td>
<td>All affected households</td>
<td>Consultation: Undertake consultation with affected households to determine appropriate arrangements and compensation if suitable.</td>
</tr>
<tr>
<td>Loss of businesses</td>
<td>Businesses (including informal business activities in markets)</td>
<td>Loss of land or structures: to be dealt with as above.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Resettlement assistance: Provide assistance with relocation, and cover all the costs of moving any salvageable parts of existing structures and reinstallation and start up of equipment. In addition, provide appropriate financial allowance to cover the income foregone due to lag times for the reestablishment at the new market.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Economic rehabilitation assistance: Provide assistance to restore business including training and capacity building if required.</td>
</tr>
</tbody>
</table>
7.3 Eligibility for Community Compensation

It is important to note that the eligibility may be claimed collectively e.g. as a community or religious group and does not necessarily have to be individuals or families. Communities on communal land that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, taxi parks, schools and health centres. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored.

Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by the government. The consultant will interview key government officers in the district including provincial administration.

7.4 Loss of property

This includes loss of houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market value, negotiated settlements, productivity valuation, material and labour valuation. In cases where the loss is partial, disposition of salvage material will be exercised. Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the PAPs not being economically viable then the property will be replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

7.5 Loss of wages and income

These are persons who will loose their income due to the project. Workers losing employment in the process of relocation should be entitled to transitional income support.

Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled to transitional assistance, which include moving expenses, temporary residence (if necessary), and employment in the project while waiting for employment. In difficult cases, local administration shall be used to judge eligibility as well as village committees.
7.6 Methods to Determine Cut-Off dates

Once the sub-project has been legally approved and a permit provided, a RAP will be prepared for the sub-project. As part of the RAP, a census will be undertaken to identify all the PAPs and the related levels of impact. The date that the census begins is the cut-off date for eligibility for resettlement and compensation. It is key, therefore, that this date is fully communicated to all potential PAPs in the project affected area with sufficient time for these people to ensure their availability for the Census.

This communication will be done through the Sub-project Resettlement and Compensation Committees and in line with the consultation procedures outlined in section 13. Community leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The potential PAPs will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

Once the census had been undertaken, the lists will be verified and validated by the relevant authorities (the Sector/Cell Land Committees and Community leaders). These lists will then be reviewed and approved by the District authority and finally by PCT. Once these lists have been approved, thereafter, no new cases of affected people will be considered.

Where there are clearly no identified owners or users of land or assets, the respective Land authorities (Cell/Sector Land Committees and District Land Bureaus) will notify the community leaders and representatives to help to identify and locate the land users.

Once land users have been identified, their details and eligibility will be submitted to the Sub-project Resettlement and Compensation Committee. Once they have been verified and validated by the District Land Bureau these new PAPs will be considered eligible for compensation.

The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a risk to the subproject. Therefore, establishment of a cut-off date is of critical importance. The PCT and sub-project Resettlement and Compensation Committees will play a crucial role in identifying users of land.
Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start, bearing also in mind that only after PAPs have been compensated and any replacement structures built according to the requirements of this RPF, is likely to be anytime period from six months on, special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAP’s, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders etc.

This date is subject to the approval of the Rwanda Environment Management Authority (REMA) and must also be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential PAP’s and the surrounding local villages/communities.

The local community leaders will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local authorities and leaders.

7.7 ESTIMATES OF AFFECTED POPULATION AND ASSETS IN THE PROJECT AFFECTED AREAS

At I.WH appraisal, accurate figures on areas of land, location of dams and irrigation channels, and numbers of affected peoples, are not available. The estimates used below have been derived from various sources and field observations including feasibility studies undertaken so far. Final figures will become available when the feasibility studies are finalized, and the censuses for the RAPs completed. Table 5 outlines for each sub project the estimated land and related numbers of affected peoples.
Table 5. Construction area (reservoir, and catchment and estimated no. of PAP to be affected)

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<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>2. Tree layer Silt Trap (A)</td>
<td></td>
<td>9.96</td>
<td>19.39</td>
<td>8.11</td>
<td>17.13</td>
<td>0</td>
<td>15.86</td>
<td>8.28</td>
<td>10.13</td>
</tr>
<tr>
<td>3. Shrub layer Silt Trap (B)</td>
<td></td>
<td>5.61</td>
<td>12.23</td>
<td>8.11</td>
<td>11.25</td>
<td>2.62</td>
<td>10.44</td>
<td>4.55</td>
<td>5.80</td>
</tr>
<tr>
<td>4. Grass layer Silt Trap (C)</td>
<td></td>
<td>2.48</td>
<td>5.9</td>
<td>4.05</td>
<td>5.47</td>
<td>1.48</td>
<td>4.93</td>
<td>1.89</td>
<td>2.6</td>
</tr>
<tr>
<td>5. Water Catchment</td>
<td></td>
<td>222.22</td>
<td>1101.78</td>
<td>358.30</td>
<td>201.71</td>
<td>198.16</td>
<td>440.45</td>
<td>82.15</td>
<td>217.83</td>
</tr>
<tr>
<td>6. Command Area</td>
<td></td>
<td>73.24</td>
<td>375.35</td>
<td>154.92</td>
<td>120.55</td>
<td>55.09</td>
<td>234.99</td>
<td>58.40</td>
<td>83.46</td>
</tr>
<tr>
<td>7. Command Area Catchment</td>
<td></td>
<td>35.29</td>
<td>224.43</td>
<td>552.22</td>
<td>334.81</td>
<td>100.57</td>
<td>459.26</td>
<td>138.40</td>
<td>210.51</td>
</tr>
</tbody>
</table>

Estimated Affected Persons (Based on Feasibility Studies)  
- 38 Farmers  
- 17 Farmers  
- 17 Farmers  
- 40 Farmers  
- 12 Farmers  
- 15 Farmers  
- 39 Farmers  
- 52 Farmers

Total watershed  
- 357.61  
- 1749.33  
- 1090.91  
- 702.91  
- 367.16  
- 1171.99  
- 300.24  
- 539.81

It should be noted that marshland farmers relates to the individuals currently estimated to be using the affected areas. This does not include the affected persons and households related to these individuals.
8.0 LEGAL AND REGULATORY FRAMEWORK

This section seeks to highlight major issues related to Rwandan land legislation with regards to resettlement. It provides a brief overview of the Rwandan Land Policy, the Rwandan Constitution provisions connected with land use, planning, management and tenure, the Organic Land Law, Presidential and Ministerial orders and decrees connected with land and more specifically the legislation related with land expropriation, land valuation and land replacement. Strategically, in Table 4, the Rwandan legislation will be compared with the World Bank provisions on resettlement, gaps will be highlighted and recommendations will be drawn to fulfil gaps.

8.1 OVERVIEW OF RWANDAN LAND POLICY AND LEGISLATION WITH REGARDS TO RESETTLEMENT

The Rwandan Land Policy ensures equal right to land use for all Rwandan citizens. In order to achieve the objective of the Land Policy, Rwanda is undergoing a land reform process targeting three main objectives: (1) Use of the Land for economic growth and poverty reduction, (2) Ensuring equal rights to land for all Rwandans and (3) Protecting environment and land resources. A number of organic laws, decrees and orders have been and are still being prepared and promulgated to facilitate the implementation of the Rwandan Land Policy. Those that are currently in force are listed below in Section 9.2 below.

8.2 Rwandan Legislation Related to Land Tenure, Land Use, Resettlement, Expropriation and Land Valuation

The following list comprises the existing legislation that relates to Land and resettlement issues in Rwanda:

- The Rwandan Constitution, promulgated in 2003;
- Organic Land law N0 08/2005 of 14/07/2005 determining the use and management of land in Rwanda;
- Organic law determining legislation around environmental management and protection;
- Land Valuation Law promulgated in 2007;
- Land Expropriation Law promulgated N0 18/2007 of 19/04/2007;
- Presidential Order N° 54/01 of 12/10/2006 determining the structure, the responsibilities, the functioning and the composition of Land Commissions; and
8.3 Categories of lands in Rwanda

The Organic Land Law No 08/2005 of 14/7/2005 categorizes land via two criteria: (1) Land Use and (2) Land Ownership.

Land Use (Article 9) is split into two categories: urban lands and rural lands. Urban lands are defined as lands confined within the legal boundaries of towns and municipalities as well as lands in suburbs and collective settlements of towns and municipalities. Any other land is rural land.

Land ownership is divided into the following categories: individual owned lands and State lands (whether urban or rural). Article 11 provides that individual land is comprised of land acquired through custom, written law, acquisition from competent authorities, purchase, gift, exchange and sharing.

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

8.4 Land tenure legal provisions in Rwanda

The Organic Land Law also provides two types of formal land tenure: full ownership/ freehold and long term leasehold.

Following the recent privatization of State owned lands, very few land users currently hold either type of land tenure. Therefore, the Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts are being made under the Law (Article 7) to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights are being encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).
All types of land tenure must be in compliance with the designated land use and environmental protection measures as outlined in the Land Use Master Plan (Organic Land law N0 08/2005 of 14/07/2005, article 6).

8.5 Property laws

Laws on property are found in various legal texts of Rwanda including the Rwandan Constitution which recognizes every person’s right to private property (Article 29). Consequently, private property, whether individually or collectively owned is inviolable. Exceptionally, the right to property may be overruled in the case of public interest. In these cases, circumstances and procedures are determined by the law and subject to fair and prior compensation (Article 29).

In addition, the present Organic Land Law sets a legal framework for property law under articles 5 and 6 which provides for full ownership of land and permits any person that owns land (either through custom or otherwise), to be in conformity with the provisions of this law. It is important to observe however that full ownership of land is only granted upon acquisition of a land title issued by the general land registrar authority. Once the efforts to provide proper land tenure documentation are completed, ownership of land without proper documents such as land title will not be deemed lawful land ownership and thus in event of circumstances like expropriation, one will not be able to benefit from a fair and just compensation package.

8.5.1 Eligibility

Eligibility for compensation is enshrined under the Rwandan constitution (Article 29) and the Expropriation Law. The two laws regulate and give entitlement to those affected, whether or not they have written customary or formal tenure rights. The person to be expropriated is defined under article 2(7) of the Expropriation Law to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be legally entitled to payment of compensation.

8.5.2 Compensation entitlement

In case an individual suffers any loss, Article 3 of the Expropriation Law stipulates that he or she should receive just compensation for it, although it is not clear what comprises fair and just compensation, this being left to the judgment of independent valuers. Article 4 of this law also stipulates that any project which results in the need for expropriation for public interest shall provide for all just compensation in its budget. Through mutual arrangement, both parties can determine the mode of payment. Article 22 (2) of the of the Expropriation Law provides that through an agreement between the person to expropriate
and the one to be expropriated, just compensation may either be monetary, alternative land or a building equivalent as long as either option equates to fair and just monetary compensation. In case the determination of 'just' compensation exceeds in value the alternative land given to the expropriated person, the difference will be paid to the expropriated person.

8.5.3 Land Assets Classification and valuation

A land holder whose holding has been expropriated shall be entitled to payment of compensation for land and other assets, plus compensation relating to all activities resulting in any improvement to the land. Land and other assets are classified into two categories: movable and immovable assets, both of which are eligible for compensation. For movable assets, compensation relates to inconveniences and other transition costs caused in the process of relocation. Immovable assets include: crops, forests, any building or other activity aimed at efficient use of the land, the value of land, and the activities thereon that belong to the person expropriated.

The valuation is made considering the size, nature and location of land as well as the prevailing market price. The amount of compensation for property is determined on the basis of the replacement cost of the property. Currently markets for land are very immature due to the recent revision of Land Law which privatized State-owned land. Prior to the 2005 Organic Land Law, as all land was State owned, buying and selling of land was not permitted. Following the recent restructuring of Land legislation, people now have the right to claim ownership and trade in newly-privatized lands. However, the decrees supporting this aspect of the 2005 Organic Land Law are not yet fully implemented, and awareness is currently perceived to be low among the population such that appropriate market prices for land have yet to be established.

Under the new law it is not permitted for MINITERE to provide any valuations for expropriated assets, as was the case previously. Instead, the entity responsible for undertaking valuation of assets is the Land Valuation Bureau, which has only been operational in the last year (and currently only in Kigali). This entity is considered to be independent from the government, and provides independent valuation experts to value all assets affected by expropriation. However, it is not yet clear what the arrangements are for funding valuations by the Land Valuation Bureau, or whether the related costs should be borne by the government or the project.

MINITERE will provide relevant land assessments and information on price differentials according to the location of land to be expropriated,
which will form the basis upon which fair and just compensation is to be calculated. The law provides that the valuation for expropriated lands be based on its type, use, location and availability, building on this guidance provided by MINITERE. For the time being, until proper market prices are established, prices are negotiated openly and freely by the buyer and the seller.

8.5.4 Procedures for Expropriation

The law provides for public sensitization on the importance of the project to be established and the need for expropriation. In addition to sensitization, the Expropriation Law requires prior consultative meetings and examination of the project proposal involving expropriation, with a view to avoid eventual prejudice on the person or entity subject to expropriation. Normally, a consultative meeting is held within 30 days after receipt of the application for expropriation. Based on these consultations, the relevant Land Commission or Committee (from the Cell level to the National level) takes a decision to approve the project within a period of 15 days.

The application for expropriation should contain relevant information about the project, including description, the justification that the project is aimed at the public interest, the Land Use Master Plan for the land area on which the project shall be implemented, documentation indicating that the project does not have negative impacts on environment (or that the impact is mitigated by the project) as well as proof confirming the availability of funds to fully cover compensation costs. The Land Use Master Plan should be referred and a survey conducted in order to get a comprehensive description of the activities/items on that land as well as the list of beneficiaries of activities on that land.

After the survey process is completed and approved by LWH/PCT, parties must sign a contract detailing the objective of expropriation, the value of compensation and the payment method and schedule. The contract serves as a documentary evidence of the full consent of all parties to the rights and obligations as well as procedures enshrined therein. They bind the parties to it and the contractual provisions become the law between the parties.

The final decision is normally communicated publicly to the population by the relevant Land Commission. The decision is also normally posted in the public offices where the land at issue is located as well as on radio Rwanda and in State newspapers. As such, this is intended to inform the concerned parties and it is normally done within 30 days after the decision has been made (article 13 of the Expropriation Law).
8.5.5 Complaints Procedures and Redress

Article 26 of the Expropriation Law No 18/2007 of 19/04/2007 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19). The first step of redress is to inform those to be expropriated of their rights during the expropriation process. Articles 17-20 of the Expropriation Law obliges the representative government authority (that which is implementing the project requiring expropriation) to inform affected people of their rights at each stage of the process.

According to article 26, all the grievances concerning non-compliance with the provisions of the contract, the value or timing of compensation or seizure of land assets without compensation shall be addressed to the Land Commission at the level at which the issue is based. The aggrieved party is provided with a legal expert in the matters of Land Law or any other survey expert with value verification skills, who will proceed to recalculate the value of compensation due. In the event that the new value is rejected by the Land Commission hearing the complaint, the aggrieved party may appeal to the immediate higher Land Commission within 15 working days which must then deliver its verdict within 30 days. If the aggrieved party is still dissatisfied with the decision, their final resort shall be to file the case to the competent Court of Law. According to article 26, filing a case in courts of law does not stop expropriation process to be effected.

To ensure that the affected parties are fully aware and to reduce possible backlog of complaints, it should be noted in advance that most members of the rural communities take time to decide to complain when aggrieved and as a result, may miss the 30 day period required to file their complaints. As per international standards, grievances logged outside this timeframe may still be valid and legitimate. Customarily, the government expropriation authorities ensure that all affected people are fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people are informed of the procedures before their assets are taken.

The grievance redress mechanism should be designed with the objective of solving disputes at the earliest possible time. This will be in the interest of all parties concerned, and it implicitly discourages referring such matters to a court of law for resolution. The procedures for complaints and redress should ideally be made in the simplest language and media/ format that are easily accessible to, and
understood by every local inhabitant. They should also provide sufficient detail to be meaningful.

The Law on Expropriation (article 6) makes an assumption that the only grievances likely to arise are those related to monetary compensation. This article has not provided a procedure for complaint about other aspects of expropriation. This may create some confusion on how to approach land authorities and this may result in delay in petitions to the land commission within the legal timeframe. As far as possible, land expropriation grievances are encouraged to be resolved through Cell Land Adjudication Committees where possible, where systematic land registration is available and where the committees are currently in operation. If the grievance is not resolved in this way, local courts (ABUNZI) should be used.

8.6 COMPARISON BETWEEN RWANDAN LEGISLATION AND OP 4.12

The promulgation of the new Expropriation Law introduces a legal framework within which expropriation activities must be conducted, and above all, attempts to bring Rwandan legislation more in line with international best practice requirements.

Despite this, there are still some gaps between the national Rwandan legislation and the World Bank Policy OP4.12. 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.

Avoid Resettlement: According to OP4.12, resettlement should be avoided whenever possible, while the Rwandan national legislation regards expropriation of land for public interest as inevitable (provided under article 6 of the Expropriation Law).

Notification period required: The expropriation law No 18/2007 of 19/04/2007 (article 24 paragraphs 3) requires that property must be handed over in a period not exceeding 90 days after compensation has been paid. OP4.12 requires that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. Measures pertaining to provision of economic rehabilitation however can and often do occur post displacement.
Meaningful and participative consultation: OP 4.12 requires that persons to be displaced should be meaningfully consulted and should have opportunity to participate in planning and design of resettlement programs. The Rwandan Expropriation Law simply stipulates that affected peoples be fully informed of expropriation issues and goes further to prohibit any opposition to the expropriation program if considered to be under the pretext of self-centered justification.

Eligibility determination: Rwandan legislation only stipulates that compensation be due to land owners, rather than to ALL land users as stipulated by OP4.12. In determining eligibility, the World Bank OP4.12 allows a broader range of eligibility than the national policy, as described in Section 8. Thus OP4.12 will provide the framework for resettlement for the LWH project.

Fair and just compensation: Furthermore, whilst the Expropriation and Valuation Laws provide 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 World Bank OP4.12 standards may not be met in implementation. Equally, whilst OP4.12 stipulates a clear preference for non-cash compensation to be provided, this preference is not as evident in the Expropriation Law.

Monitoring: Finally, whilst monitoring measures are provided for in Rwandan legislation, the focus is to ensure that contracted compensation has been provided in full. It does not require assessment as to whether the compensation provided was appropriate, as stipulated by OP4.12.
<table>
<thead>
<tr>
<th>OP 4.12</th>
<th>Rwanda Legislation</th>
<th>Comparison</th>
<th>Recommendation to Address Gap</th>
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<tbody>
<tr>
<td>GENERAL REQUIREMENTS</td>
<td></td>
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<tr>
<td>World Bank OP 4.12 has overall policy objectives, requiring that:</td>
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<tr>
<td>- Involuntary resettlement should be avoided wherever possible, or minimized, exploring all alternatives.</td>
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<td>- Resettlement programs should be sustainable, include meaningful consultation with affected parties, and provide benefits to the affected parties.</td>
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<tr>
<td>- Displaced persons should be assisted in improving livelihoods etc, or at least restoring them to previous levels.</td>
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<tr>
<td>1. According to Rwandan Legislation, involuntary resettlement may occur as a result of projects implemented for public interest. These projects are developed according to the Land Use Master Plan, which takes into account land suitability, economic interest, social context and environmental issues and Article 3 of Organic Law N° 08/2005 of 14/07/2005 determining the use and Management of Land in Rwanda.</td>
<td>1. The Law does not stipulate that resettlement should be avoided wherever possible; on the contrary, as long as a project is for public interest, involuntary resettlement is considered to be inevitable.</td>
<td>1. For each LWH subproject, ensure that resettlement issues are considered at the design stage of the project in order to avoid/ minimize resettlement.</td>
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<tr>
<td>2. The Expropriation Law outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures. All affected persons are entitled to just compensation. The Land Use Master plan proves possible resettlement sites where displaced people could be resettled sustainably.</td>
<td>2. There is no stipulation in legislation that resettlement programs should be sustainable (although this is inferred in the Land Use Master Plan).</td>
<td>2. Ensure resettlement programs are in line with Land Use Master Plan.</td>
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<tr>
<td>3. The law on expropriation guarantees the right to fair and just compensation in case of relocation (article 23). It also provides that compensation should help the party expropriated to easily adjust to their new circumstances and as well minimize possible risks that might accrue in the process of relocation. In addition The Economic Development and Poverty Reduction Strategy (EDPRS) aim to improve the socioeconomic situation of population starting from displaced population for public activities.</td>
<td>3. There is no stipulation in Rwandan legislation that the displaced person have livelihoods improved or at least restored to previous levels although this is a key objective of the EDPRS</td>
<td>3. Ensure compensation and benefits offered meet World Bank standards.</td>
<td></td>
</tr>
<tr>
<td>PROCESS REQUIREMENTS</td>
<td>Rwanda Legislation</td>
<td>Comparison</td>
<td>Recommendation to Address Gap</td>
</tr>
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</tr>
<tr>
<td><strong>Consultation:</strong> Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs</td>
<td>The expropriation law outlines procedures for sensitizing the affected population to the project and for consultation on implications and grievance procedures.</td>
<td>Article 6 of the Expropriation Law only provides for negotiations if necessary between the expropriated and the expropriating party. There is no provision for affected persons to participate in planning and implementation of resettlement programs.</td>
<td>Implement consultation procedures as outlined in Section 9.</td>
</tr>
<tr>
<td><strong>Grievance:</strong> For physical resettlement, appropriate and accessible grievance mechanism will be established.</td>
<td>Art:18,19,20,25,28 Ministerial order N° 001/2006 of 26/09/2006 and Article 53 of the Organic Land Law both outline grievance mechanisms in relation to physical and economic resettlement.</td>
<td>Rwandan legislation meets OP4.12 requirements.</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Eligibility Criteria</strong>&lt;br&gt;&lt;br&gt;<strong>Defined as:</strong>&lt;br&gt;(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);&lt;br&gt;(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f)); and&lt;br&gt;(c) those who have no recognizable legal right or claim to the land they are occupying.&lt;br&gt;&lt;br&gt;To determine eligibility:&lt;br&gt;Carry out resettlement census. Cut off date for eligibility is the day when the census begins.</td>
<td>The Organic Land Law (articles 5,6,7) provides that written and unwritten official or customary land right are recognized as valid land right. The Expropriation Law provides that people eligible for compensation are those holding land tenure rights.&lt;br&gt;Census is provided by the above law;&lt;br&gt;Cell Land Committees and Land Adjudication Committees are involved in the census.&lt;br&gt;Once all requirements are in place, a Ministerial Order should define the cut off date, although this is not clearly stipulated in the legislation..</td>
<td>Rwandan legislation defines eligibility as both formal (legal) and informal (customary) owners of expropriated land. However, it does not specifically recognize ALL users of the land to be expropriated.</td>
<td>Ensure ALL users (including illegal squatters, laborers, rights of access) of affected lands are included in the census survey (see Section 4). Implement cut-off procedures as outlined in Section 3.1.5.</td>
</tr>
<tr>
<td>OP 4.12</td>
<td>Rwanda Legislation</td>
<td>Comparison</td>
<td>Recommendation to Address Gap</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>Measures: Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.</td>
<td>Article 22 of the expropriation law No 18/2007 entitles the landholder to compensation for the value of the land and activities on the basis of size, nature location considering the prevailing market value.</td>
<td>There is no stipulation in Rwandan legislation to place preference on non-cash based compensation.</td>
<td>Ensure that all alternative options are considered in preference to providing cash compensation (as outlined in the Entitlement Matrix in Section 4).</td>
</tr>
<tr>
<td>Cash based compensation should only be made where (a) land taken for the project is a small fraction of the affected asset and the residual is economically viable; (b) active markets for lost assets exist and there is sufficient supply of land and housing; or (c) livelihoods are not land-based.</td>
<td>Article 23 of the Expropriation Law provides for expropriation, based on just and fair compensation. Just compensation may either be monetary, alternative land or a building equivalent as long as either option equates to fair and just monetary compensation. In case the determination of ‘just’ compensation exceeds in value the alternative land given to the expropriated person, the difference will be paid to the expropriated person in cash. The option selected will be determined through discussion with the affected person.</td>
<td>The expropriation law No 18/2007 of 19/04/2007 under article 24 paragraph 3 requires that property must be handed over in a period not exceeding 90 days after compensation has been paid, while OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in place, i.e., measures over and above simple compensation.</td>
<td>Ensure that ALL resettlement options are agreed on with PAPs and put in place BEFORE displacement of affected persons.</td>
</tr>
<tr>
<td>World Bank OP4.12 Article 6(a) requires that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. If physical relocation is an impact, displaced persons must be provided with assistance during relocation and residential housing, housing sites and/or agricultural sites to at least equivalent standards as the previous site. Replacement cost does not take depreciation into account. In terms of valuing assets, if the residual of the asset being taken is not economically viable, compensation and assistance must be provided as if the entire asset had been taken.</td>
<td>The Expropriation law does stipulate that displacement should occur within 90 days after compensation has been received by the affected person.</td>
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<tr>
<td>Compensation and other assistance required for relocation should be determined prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required.</td>
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</tbody>
</table>

66
**OP 4.12**

| Valuation: With regard to land and structures, “replacement cost” is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. | Valuation is covered by the Expropriation Law and the Land Valuation Law and stipulates, as already mentioned, that the affected person receive fair and just compensation, as determined by independent valuers. Whilst ‘fair and just’ compensation is not clearly defined in the legislation, the private valuer must take into account totals costs which will allow the compensated person to acquire the same value assets post expropriation. The law is designed to give freedom to the independent valuer to take into account all parameters contributing to the fair and just compensation which suggests that all replacement, relocation and incidental costs should be included. | The Rwandan law does not specifically require that compensation and relocation must result in the affected person having property AND a livelihood returned to them to at least equivalent standards as before as envisaged in World Bank requirements. Although, as described above, the concept of a fair and just compensation suggests that this should be the case. The lack of clear definition as to what constitutes ‘fair and just’ compensation, and whether this is equivalent to full replacement cost. | Apply the World Bank OP4.12 valuation measures, as outlined in Section 6, in order to fully value all affected assets in a consistent manner. |

| For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors’ fees, plus the cost of any registration and transfer taxes. | In the event that alternative land is provided, if it has significantly lower productivity than the expropriated land, the fair and just compensation shall include additional cash. The resettlement Law, which is currently being drafted, will describe valuation in greater detail (not yet promulgated) | | |

**Recommendation to Address Gap**

**Monitor**

| Adequate monitoring and evaluation of activities to be undertaken. | According to the Presidential Law establishing Land Commissions, monitoring and evaluation of compensation must be undertaken by the District Land Bureaus, the Land Commissions and Land Committees. In addition the law provides that if one part is not happy about the compensation it can appeal the direct senior land commission or committee. | Whilst monitoring and evaluation of compensation provided is enshrined in Rwandan legislation, it mainly focuses on whether or not contracted compensation measures have been met rather than on whether the compensation provided was appropriate. Implement monitoring procedures as outlined in Section 10 to ensure that all monitoring activities are sufficient to meet World Bank OP4.12 standards.
9.0. METHODS OF VALUING AFFECTED ASSETS

This chapter sets out the detailed requirements for determining the value of affected assets.

9.1 TYPES OF COMPENSATION PAYMENTS

Compensation for all land use and assets in kind or cash will be required for the following:

- Land;
- Residential buildings, structures and fixtures;
- Cultivated crops (both cash and food crops) and trees; and
- Loss of businesses or employment.

In addition, resettlement and economic rehabilitation assistance will be given, as outlined in the Entitlement Matrix in Table 4. A provisional guide on compensation values for land is provided in Annex D. However this is for guidance only it is essential that current market values are used to establish actual compensation. The District Land Bureaus and PCT are to establish these rates as part of the preparation of each sub-project, using as a benchmark the rates prevailing for other government land acquisition schemes in that District.

Although the type of compensation will be the individual’s choice, compensation in kind is preferred as cash payments raises issues regarding inflation and security. In addition, provision of cash does not ensure that the PAP’s income will be restored. For payment of compensation in-kind, the timing and alternative locations will have to be decided and agreed upon by each recipient, in consultation with the Subproject Compensation and Resettlement Committees.

9.2. VALUATION OF ASSETS AND NATIONAL LAW

As detailed in the section 9 according to Rwandan Expropriation Law, any expropriated assets are to be ‘justly’ compensated with valuation undertaken by an independent valuator. Given the immaturity of the land and property markets, there is likely to be some inconsistencies in determining ‘just’ compensation. In addition it is not clear whether this complies with the OP 4.12 requirement of providing full replacement value for lost assets. This RPF provides the basic principles for the valuation of assets. The LWH project will need to determine appropriate unit cost rates for each location. During consultation with the PAPs, the Project Liaison Officer will outline the available options and their advantages to PAPs, to assist them to make informed decisions.

9.3 Valuation procedure

The procedure to be followed during valuation of affected assets is as follows.
9.3.1 Use of Standard Valuation Tables

Due to the large number and the localized nature of the majority of sub-project interventions, it is anticipated that a relatively large number of small-scale asset valuations will need to be carried out during the course of the project. It would therefore be cumbersome and inefficient to deploy an individual valuation expert in each and every case.

It is proposed that an evaluation expert is contracted by the PCT at the project outset to develop a standardized procedure for asset valuation, which can then be applied by a project representative at the local and/or district level. This standardized procedure would include a series of reference tables for estimating asset value by type according to the approximate size and condition of the existing asset. The tables would be developed using legally acceptable valuation procedures accepted by both the Government of Rwanda and World Bank for purposes of fairness and consistency. The approach will consider replacement costs and types and levels of compensation under the Rwanda law. Valuation of lost assets will be made at their replacement cost.

9.3.2 Preparation of Asset Inventory

In order to prepare an inventory of assets for a sub-project, a field team will visit the affected area to carry out an asset valuation survey. The team will be led by a project representative and will include the Local Authorities at the various levels, a representative of the PAPs, and LWH.

During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will indicate when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

9.3.3 Methods of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in kind compensation if the loss amounts to more that 20% of the total loss of subsistence assets. Table 7 below describes the forms of compensation.
Compensation payments raises issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressure on the cost of goods and services. Local inflation may still occur and thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The issue of security, especially for people who will be receiving cash compensation payments should be addressed by the local administration.

The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with LWH and the District, local and traditional administrations. Monetary payments should be paid at a time in relation to the seasonal calendar.

Local Banks and micro-finance institutions should work closely with the local administration at this level to encourage the use of their facilities, which will positively impact the growth of the local economies.

9.4 Valuation methods

9.4.1 Replacement Cost Approach
The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

9.4.2 Gross Current Replacement Cost
Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.
9.4.3 Other methods

Rates from Contractors: When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

Schedule of rates from Ministry of Agriculture and Animal Resources and Ministry of Lands: The Construction Departments have a schedule of rates for preparing estimates for construction projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

9.5 Compensation Calculation for Assets

The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

9.5.1 Compensation for Land

The first premise of is provision of replacement land for both the marshland and hillside affected plots. If receiving land as compensation, the affected party will then be compensated for the labor required to replant the crops.

In the case of hillside land, if there is no alternative land available, cash compensation at full replacement value should be provided. This should be valued based on the prevailing market value in the locality (local market price variations provided by MINITERE) to purchase an equally productive plot of land in the same locality. In addition, any associated costs of purchasing the land i.e., taxes, registration fees will need to be included in the compensation. In the case of the marshlands, cash compensation is not relevant as the land is not privately owned by the farmers.

In addition, the PAP will be compensated for any permanent improvements made to the land (for instance irrigation structures). This will be calculated based on the price of making the permanent improvement at current prevailing market rates for labor, equipment and materials.

Where land lost is only a small proportion of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided
should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).

Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes, with compensation for land labour and crop loss. For this reason, and for transparency, land is defined as an area or homestead (i) in cultivation, (ii) being prepared for cultivation, or (iii) cultivated during the last agricultural season. This definition recognizes the farmer's labour as the biggest investment he/she makes in producing a crop which is higher than all other inputs such as seed and fertilizer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost.

9.5.2 Land Measurement
For purposes of measuring land, the unit of measurement would be that which is used and understood by the affected farmers and if a traditional unit of measure exists in the rural areas, that unit should be used. If a traditional unit of measurement does not exist in a particular area then it is recommended that land should be measured in metres or any other internationally accepted unit of measurement.

However, in such an event, the unit that is being used must be explained to the affected farmers/users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc as immovable pegs. The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement, the size of land that is being lost. This will ensure transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas. A farmer should know how much land he/she is losing, in terms of size and the replacement land must be at least of that same size and comparable value as land lost.

9.5.3 Calculation of Crops Compensation Rate
The current prices for cash crops will be determined and all crops will be valued using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labour invested in preparing new land.

Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labour) and land that have been planted but crops have not germinated. Further, it avoids contention over crop density and quality of mixed cropping.
The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation should be updated to reflect values at the time compensation is paid.

Crop values will be determined on:-

a) A combination of staple foods and cash crops. The 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.

b) The value of stable crops to be taken as the highest market price (over 3 years) reached during the year, in recognition of the following factors:-

- Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market.

- Farmers most often purchase cereals when they have run out, during drought when prices are high. Compensating at a lower value might put the individual or household at risk.

- On average, the highest price of stable food yields a high per hectare value reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.

c) The labour cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

The labour costs will be paid in RWF at the prevailing market rates. All agricultural labour activities are included for two reasons. First, because of the need for transparency, all land labour will be compensated for at the same rate. Secondly, it is difficult to forecast when during the growing season, a farmer might need to give his/her land. In certain cases, assistance may be provided to land users in addition to compensation payments e.g. if the farmer is notified that his/her land is needed after the agriculturally critical date when he/she will not have enough time to prepare another land without assistance. In such a case, assistance will be provided in the form of labour intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing
dates. The farmer will still continue to receive his/her cash compensation to enable him/her to pay for sowing, weeding and harvesting.

The following table presents an example of a compensation schedule for a one-hectare land. The cost is based on arbitrary labour rates, which will need to be validated at the time payments are made.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Month Paid (generic, may be different depending on climate zones)</th>
<th>Labor in Rwandese Francs/ha Rate Cost/day x no. of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear</td>
<td>March</td>
<td></td>
</tr>
<tr>
<td>Plough</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Sow</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Weed</td>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Harvest</td>
<td>November</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

All agricultural labor activities are included for two reasons. First, because of the need for transparency, all land labor will be compensated for at the same rate. Second, it is difficult to forecast when during the growing season a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if the farmer is notified that his/her land is needed after the agriculturally critical date of March (generic date, may be different in Rwanda and across climate zones) when s/he will no longer have enough time to prepare another land without help. Assistance will be provided in the form of labor intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that s/he can pay for sowing, weeding and harvesting.

9.3.4 Compensation for Buildings and Structures

The preferred option is to provide alternate structures (huts, houses, farm outbuildings, latrines, storage facilities and fences etc.) of improved quality where possible. Where structures are dwellings, the replaced structure should provide improved living conditions.

The second option is provision of cash compensation at full replacement value. Replacement values will be based on:

- Measurements of structures and detail of materials used;
- Average replacement costs of different types of household buildings and
- Structures based on collection of information on the numbers and types of
materials used to construct different types of structures (e.g. poles, bricks, rafters,
Bundles of straw, corrugated iron sheets, doors etc.).
Prices of these items collected in different local markets;
Costs for transportation and delivery of these items to acquired/replacement
land or building site;
Estimates of construction of new buildings including labor required;
Any associated taxes, registration fees.

Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

9.5.4 Compensation for Community Assets
Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be provided even if there are existing facilities at the new location.

9.5.5 Compensation for Sacred Sites
This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Sacred and genocide war memorial sites include but not restricted only to; museums, altars, initiation centers, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities/homesteads/chieftdoms the use of sacred sites for any project activity, is not permitted under this project.

9.5.6 Compensation for Loss of Businesses
Any structures will be replaced in an appropriate location as outlined above. In addition, compensation will be paid for the lost income and production during the transition period (time lag between losing the business and re-establishment). This will be estimated based on the daily or monthly income of the affected parties.

9.5.7 Compensation for Cultivated Crops (both cash and subsistence) and Trees
PAPs will be encouraged to harvest their produce before loss of land. In order to ensure that this is possible, and that appropriate market prices are received for yields, there needs to be sufficient consultation before hand so that harvesting can be properly planned. In the event that crops cannot be
harvested, compensation for loss of crops (whether cash or subsistence) and trees will be provided as follows:

- Provision of seed or seedlings (as appropriate for hillside plots, rice for marshland plots);
- Provision of cash compensation for value of crops lost, at current market value;
- Provision of cash compensation to cover the income foregone during the period that the PAP is without land. The cash compensation will be equivalent to the value of crop production lost, until the replacements are yielding to the same level (i.e., the period until the replacement seed/seedlings are producing – whether the same year for annual crops, or longer in the case of shrub or tree crops).
10.0 IMPLEMENTATION SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

10.1 Overview
Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land that PAPs are using. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review and approval.

10.2 Implementation schedule
The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a
target date when the expected benefits for resettled persons and hosts would be achieved.

Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution. Environmental and Social Impact Assessments, if deemed necessary through the application of the ESMF, will be conducted parallel with the design of the sub-projects, and will determine the number of PAPs and to assess demand of needs of the displaced persons which could be housing, water, health facilities and sanitation.

Target dates for achievement of expected benefits to resettled persons and hosts should be set and the various forms of assistance to the resettled persons should be disseminated to them. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every subproject identified to have adverse social impacts. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) settling institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan.

The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule.

When LWH present their resettlement and compensation plans to the REMA for approval, part of the screening process that REMA would use to approve RAPs would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.
11.0 GRIEVANCES REDRESS MECHANISMS

Grievance procedures are required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures also ensure that the entitlements are effectively transferred to the intended beneficiaries. Stakeholders will be informed of the intention to implement the grievance mechanism, and the procedure will be communicated at the time that the RAPs are finalized.

Grievances may arise from members of communities who are dissatisfied with (i) the eligibility criteria, (ii) community planning measures, or (iii) actual implementation. This chapter sets out the measures to be used to manage grievances.

11.1 Overview

A key element of resettlement activities will be the development and implementation of a grievance mechanism. Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. A clear time schedule will be defined for resolving grievances, ensuring that they are addressed in an appropriate and timely manner, with corrective actions being implemented if appropriate and the complainant being informed of the outcome. The grievance procedure will be simple and will be administered as far as possible, at the subproject level by the Resettlement and Compensation Committee to facilitate access by PAPs.

The grievance procedure does not replace existing legal processes. Based on consensus, the procedures will seek to resolve issues quickly in order to expedite the receipt of entitlements, without resorting to expensive and time-consuming legal actions. If the grievance procedure fails to provide a result, complainants can still seek legal redress.

The overall process of grievance is as follows:

1. During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances.
2. The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.
3. The project will use a local mechanism, which includes resettlement committees, peers and local leaders of the affected people. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
4. The response time will depend on the issue to be addressed but it should be addressed with efficiency.

5. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

11.2 Grievance redress process
At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and homesteads will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

All the grievances will be channeled to the existing structures in Rwanda for handling grievances beginning with the traditional institutions as the first stop before resorting to the Rwanda Courts of Law as the last resort. A grievance log will be established by the project and copies of the records kept with all the relevant land authorities at the district, sector and village level and will be used in monitoring of complaints.

The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time.

LWH being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the local leader/committee for resolution.

At the village/cell level, all grievance will be heard by the already in place village-level mediators (abunzi) whose work is to hear disputes, especially land disputes. The abunzi, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than three million Rwf, which means over most land disputes. The Abunzi also have mandatory jurisdiction over succession and boundary disputes involving less than three million Rwf. The abunzi will be used in the LWH project as the first stop for resolving disputes and grievances following land acquisition. They will be involved in the compensation process from the beginning to the end.

If the verdict rendered by the village leaders is not acceptable to either the individual affected or to LWH, then the parties in their compensation
contract would have agreed that the matter would be appealed to the District Land Bureau, whose decision would be final and binding on the parties.

Also, in the local cultures it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their traditional leader or the appropriate municipal/district authority, who will in turn inform and consult with LWH, REMA, MINITERE, homestead/household representatives and leaders and other records to determine a claims validity.

If valid, the traditional leader or the appropriate district authority will notify the complainant and s/he will be settled. If the complainants claim is rejected, then the matter will be brought before the law courts for settlement. The decision of the lowest court (i.e. Magistrate or high court) would be final and all such decisions must be reached within a full growing season after the complaint is lodged. This is designed to ensure a speedy and affordable adjudication.

If a complaint pattern emerges, LWH, the district and regional administrations, with the local leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. LWH, the district and regional administrations and the traditional leaders and representatives will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

11.2.1 Management of Reported Grievances

The procedure for managing grievances should be as follows:

The affected person should file his/her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the subproject Resettlement and Compensation Committee. The grievance note should be signed and dated by the aggrieved person. A selected member of the Committee will act as the Project Liaison Officer who will be the direct liaison with PAPs (this should be the Social representative from the PCT extension team). The PLO should be working in collaboration with an independent agency/NGO person ensure objectivity in the grievance process. Where the affected person is unable to write, the
local Project Liaison Officer will write the note on the aggrieved person's behalf. Any informal grievances will also be documented by the

1. Project Liaison officer. The note should be embossed with aggrieved person's thumbprint. A sample grievance form is provided in Annex. A copy of this completed form should be submitted by the Project Liaison Officer to PCT.

2. The Project Liaison Officer and the sub-project Resettlement and Compensation Committee will consult to determine the validity of claims. If valid, the Committee will notify the complainant and s/he will be assisted.

3. The sub-project Resettlement and Compensation Committee will respond within 14 days during which time any meetings and discussions to be held with the aggrieved person will be conducted. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken, until it is accepted by both parties. These should be undertaken by separate independent valuers than the person who carried out the initial valuation. The more valuations that are required to achieve an agreement by both parties, the longer the process will take. In this case, the aggrieved person must be notified by the Project Liaison Officer that his/her complaint is being considered.

4. If the complainant's claim is rejected by the Committee, the Project Liaison Officer will assist the aggrieved person to take the matter to the Cell Land Adjudication Committee, legally responsible for resolving formally lodged grievances.

OR

5. If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he may lodge his/her grievance to the Cell Land Adjudication Committee or the relevant Municipal Administration (such as the District Land Bureau, also mandated to help resolve such matters). If requested, or deemed necessary by the sub-project Committee, the Project Liaison Officer will assist the aggrieved person in this matter.

6. The Cell Land Adjudication Committee or the relevant Municipal Administration will then attempt to resolve the problem (through dialogue and negotiation) within 30 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is dealt with through the local courts (Abunzi) where possible.
7. Where matters cannot be resolved through local routes, the grievance will be referred to higher authorities, as outlined in the legal section 3.1.9. The subproject Resettlement and Compensation Committee will provide assistance at all stages to the aggrieved person to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.

11.2.2 Grievance Log
The Project Liaison officer will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:
- date the complaint was reported;
- date the Grievance Log was uploaded onto the project database;
- date information on proposed corrective action sent to complainant (if appropriate);
- the date the complaint was closed out; and
- date response was sent to complainant.

11.2.3 Monitoring Complaints
The Project Liaison Officer will be responsible for:
- providing the sub-project Resettlement and Compensation Committee with a weekly report detailing the number and status of complaints;
- any outstanding issues to be addressed; and
- monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.
12.0 RPF IMPLEMENTATION BUDGET

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. LWH would have to finance the resettlement compensation because they are the party that would be impacting livelihoods. However basing estimates for compensation on the LWH project it will cost around US$1,185,774.45 for compensation of the entire sub projects.

However, the total cost of resettlement will depend on the number of sub projects that might vary individually.

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of LWH. However, when these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available; a detailed and accurate budgets for each RAP will be prepared. Each RAP will include a detailed budget, using the following template thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. LWH will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. This budget will be subject to the approval of the World Bank.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows;

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit Cost</th>
<th>Total Cost</th>
<th>Basis of Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAP preparation for each of the 8 sub-projects</td>
<td>$11,000</td>
<td>$88,000</td>
<td>Estimate based on comparable projects approved by the World Bank, adjusted for local Consultancy rates. Cost per project will depend on the number of households affected and will therefore vary across the sub projects</td>
</tr>
<tr>
<td>RAP implementation for 8 sub projects</td>
<td></td>
<td>$961,309</td>
<td>Estimate based on comparable projects approved by the World Bank</td>
</tr>
<tr>
<td>Training and capacity building for resettlement committees</td>
<td>$10,000</td>
<td>$80,000</td>
<td>Assumes $10k per project per project for 3 years.</td>
</tr>
<tr>
<td>Provision of technical assistance</td>
<td></td>
<td></td>
<td>Assumes technical assistance will be provided by LWH at no extra cost.</td>
</tr>
<tr>
<td>Sub total</td>
<td></td>
<td>$1,129,309</td>
<td></td>
</tr>
<tr>
<td>Contingency fund for</td>
<td></td>
<td>$56,465.45</td>
<td>5% of sub-total</td>
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</table>
extra projects initiated, and other costs such as inflated land and crop prices.

<p>| | |</p>
<table>
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<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,185,774.45</strong></td>
</tr>
</tbody>
</table>

Note: The figures in Table 9 should be considered preliminary estimates and will be validated during appraisal.

The PCT will manage and monitor the resettlement budget and will finance it through the administrative and financial management rules and manuals as for any other activity eligible for payment under LWH.
13.0 MECHANISM FOR CONSULTATIONS AND PARTICIPATION OF DISPLACED PERSONS IN PLANNING, IMPLEMENTATION AND MONITORING

13.1 Overview

The involvement of involuntary resettled persons and hosts in planning prior to the move is critical and initial resistance to the idea of involuntary resettlement is expected. To obtain cooperation, participation and feedback, the resettled persons and hosts will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. They will also be able to choose from a number of acceptable resettlement alternatives. Particular attention will be given to vulnerable groups such as the landless, and women to ensure that they are represented adequately in such arrangements.

The plan will address and mitigate the resettlement's impact on host populations who should be informed and consulted. Any payments due to the hosts for land or other assets provided to resettled persons should be promptly made. Conflicts between hosts and resettled persons may develop as increased demands are placed on land, water, forests, services etc., or if the resettled persons are provided services and housing superior to that of the hosts.

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and LWH. The way land administration is undertaken in Rwanda today based on long standing traditional and cultural practices makes public consultation with the rural communities, indispensable. Effective and close consultation with PAPs is a pre-requisite for project success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households/homesteads when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place through out the entire project cycle. For example, public consultation would also occur during the preparation of the (i) the socio-economic study, (ii) the resettlement and compensation plan (iv) the environmental impact assessment and (v) during the drafting and reading of the compensation contract.
Public participation and consultation would take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/application forms, public readings and explanations of project ideas and requirements, making public documents available at the National, local and homestead levels at suitable locations like the official residences/offices of local chiefs/elders. These measures would take into account the low literacy levels prevalent in these rural communities by allowing enough time for responses and feedback.

Notwithstanding, the best guarantor for public interest are the traditional and other local leaders who are responsible members of their local communities and can inadvertently be part of the potentially displaced (economically or physically) individuals/households either in part or in whole.

Monitoring of this process would be through the traditional leaders as part of the individual resettlement and compensation plans and overall the monitoring and evaluation mechanism of the entire project. This requirement is line with the Bank policy on disclosure.

13.2 Implementation operation
During implementation, the PAPs will be informed about their rights and options, at which point they will air their views. Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

13.3 Monitoring and Evaluation phase
The PAPs representatives will participate in the project completion workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other subprojects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.
14.0 ARRANGEMENTS FOR MONITORING AND EVALUATION

This chapter sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for both projects.

14.1 Overview

The arrangements for monitoring will fit the overall monitoring plan of the entire LWH, which will be through the Ministry of Agriculture and Animal Resources and LWH. All RAPs will set major socio-economic goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts. In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The PCT will institute an administrative reporting system that will:

- Provide timely information about all resettlement arising as a result of LWH activities;
- Identify any grievances that have not been resolved at a local level and require resolution through the involvement of the PCT;
- Document the timely completion of project resettlement obligations for all permanent and temporary losses;
- Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- Alert project authorities to the necessity for land acquisition in LWH’s planned activities

Consistent with the Environmental and Social Management Framework, the LWH and REMA would be responsible for periodically transferring the information compiled “on the ground” to the MINAGRI and the respective line Departments of State, such as the Department of Lands at MINITERE, etc, so that it is alerted in a timely manner to any difficulties arising at the local level.

The objective will be to make a final evaluation in order to determine;

- if affected people have been paid in full and before implementation of LWH’s activity that is causing resettlement,
• if the people who were affected by LWH/the project activities have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or are they actually poorer than before.

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

• Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it;
• The local communities remain supportive of the project.
• The absence or prevalence of conflicts

Indicators to Determine Status of Affected People
A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

• Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
• The local communities remain supportive of the project.
• Specific indicators may include the following, which would indicate a change in:
  • yield/ produce quantity/quality from farming
  • access/ distance/ quality of agricultural plots
  • quality of, and access to, water
  • yield/ produce quantity/quality from livestock
  • number of people employed
  • number of people with agricultural plots
  • number of 'vulnerable' people
  • source of income
  • expenditure patterns (food for livestock, travel etc)

Most of the information for these indicators will be gathered the farmer cooperative or information collated through survey. The information for these indicators should be collated at regular intervals (e.g., quarterly or
half yearly depending on circumstances) and compared over time. The pre-project Census information should provide most, if not all of the required information to set a baseline against which performance can be tracked.

**Indicators to Measure RAP Performance**

In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following provides a list of potential indicators for monitoring, which assess the change in the following for those who have been resettled:

In terms of the resettlement process, the following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementation the RAP:

- percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- the number of contentious cases as a percentage of the total cases;
- the number of grievances and time and quality of resolution;
- the ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
- agricultural productivity of new lands;
- number of impacted locals employed by the civil works contractors;
- seasonal or inter-annual fluctuation on key foodstuffs; and
- general relations between the project and the local communities.

These will be determined through the following activities:

- questionnaire data will be entered into a database for comparative analysis at all levels of local government;
- each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- the District authorities will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages; and the PCT should prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports.
It is the responsibility of the District authorities to document information ideally integrated into existing databases. The District authorities will need to design a robust reporting system at the beginning of the project to ensure that these data are collated at appropriate intervals and in sufficient quantity and quality.

The subproject Resettlement and Compensation Committee will facilitate coordination of information collation activities (such as surveys, supervising documentation) in accordance with procedures put in place. The PCT will provide training, technical support and funding to ensure that this happens.

In order to assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance:

- Questionnaire data will be entered into a database for comparative analysis at all levels of Government,
- Each individual will have a compensation signed dossier recording his or her initial situation, all subsequent program use of assets/improvements, and compensation agreed upon and received.
- LWH will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages.
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- Proposed use of payments,
- The number of contention cases out of the total cases,
- The number of grievances and time and quality of resolution,
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes,
- Pastoral and Agricultural productivity of new lands,
- Number of impacted locals employed by the LWH’s civil works contractors,
- Seasonal or inter annual fluctuation on key foodstuffs,
- General relations between the project, LWH and the local communities,
14.2 Monitoring of RPF Implementation

Local Government Authorities at the will District assist in compiling basic information on all physical or economic displacement arising from the project, and convey this information to the PCT, on a quarterly basis.

They will compile the following statistics:
(a) Number of sub-projects requiring preparation of a RAP;
(b) Number of households and individuals physically or economically displaced by each sub-project;
(c) Length of time from sub-project identification to payment of compensation to PAPs;
(d) Timing of compensation in relation to commencement of physical works;
(e) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
(f) Number of people raising grievances in relation to each sub-project;
(g) Number of unresolved grievances.

The PCT will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the Project Coordinator, and the MINAGRI, if there appears to be any discrepancies. The PCT will directly monitor compensation and loss of wages. Financial records will be maintained by the subprojects and the PCT, to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis. The following indicators will be used to monitor implementation of the RPF.

Table 10: Verifiable indicators

<table>
<thead>
<tr>
<th>Monitoring</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outstanding compensation contracts not completed before next agricultural season</td>
<td>Outstanding individual compensation or resettlement contracts</td>
</tr>
<tr>
<td>Subprojects unable to settle compensation after two years</td>
<td>Outstanding compensation contracts</td>
</tr>
<tr>
<td>Grievances recognised as legitimate out of all complaints lodged</td>
<td>All legitimate grievances rectified</td>
</tr>
<tr>
<td>Pre project production and income (year before land used) versus present production and income of resettled persons, off farm-income trainees, and users of improved agricultural techniques</td>
<td>Affected individuals and/or households compensated pr resettled in first year who have maintained their previous standard of living at final evaluation</td>
</tr>
<tr>
<td>Pre project production versus present production( crops for crops, land for land)</td>
<td>Equal or improved production per affected household/homestead</td>
</tr>
</tbody>
</table>
Financial records will be maintained by LWH, the District and Regional Administrations and the MINAGRI, to permit calculation of the final cost of resettlement and compensation per individual or household.

14.2.1 Storage of PAPs Details
Each PAP household will be provided with a signed report recording his or her initial situation, all subsequent project use of assets and compensation agreed upon and received. The Local Authority and PCT will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages.

Each recipient of compensation will have a record containing individual bio-data, number of household dependents and amount of land available to the individual or household when the report is opened. Additional information to be acquired for individuals eligible for resettlement and/or compensation include the level of income and of production, inventory of material assets and improvements in land and debts.

Each time land is used by a sub-project; the report will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives. These reports will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle. LWH, REMA, District Administrations and MINAGRI, will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project (PIM or Project Implementation Manual), which will require feedback from:

- Indicators monitored by the local regional governments to determine whether goals are being met, and a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

This framework is suggesting that the office of the REMA is structured into the whole M&E component of the project. This would take the form of giving the REMA the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their report would then be sent to the MINAGRI,
MINITERE, the World Bank and LWH and become part of the official documents of the project.

14.2.2 Annual Audit
The annual audit of RPF implementation will include (i) a summary of the performance of each sub-project vis-à-vis its RAP, (ii) a summary of compliance and progress in implementation of the process and (iii) a presentation of compliance and progress in the implementation of the RPF.

The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced. The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank.

14.3 Socio-economic monitoring
The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. During implementation of each sub-project RAP, an assessment will be undertaken on payment of compensation, restoration of income delivery of resettlement objectives. Monitoring of living standards will continue following resettlement. A number of indicators will be used to determine the status of affected people and appropriate parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance. For each sub-project with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP.
Sub-project name: 

Subproject Location (Include map/sketch): (e.g. District, Sector, Cell etc).

Type of activity: (e.g. new construction, rehabilitation, periodic maintenance)

Estimated Cost: (Rwandan Francs)

Proposed Date of Commencement of Work:

Technical Drawing/Specifications Reviewed: (circle answer): Yes No

This report is to be kept short and concise.

1. Site Selection:
When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Site Sensitivity</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Involuntary resettlement</td>
<td>Low population density; dispersed population; legal tenure is well-defined.</td>
<td>High population density; major towns and villages; low income families and/or illegal ownership of land; communal Properties.</td>
</tr>
</tbody>
</table>
## 2. Checklist questions:

### Physical data:

- Site area in ha
- Extension of or changes to existing alignment
- Any existing property to transfer to sub-project
- Any plans for new construction

Refer to project application for this information.

### Land and resettlement:

- Will the subproject involve loss of land and other resources?
- Will the project result into temporary or permanent loss of crops, household infrastructure like shelter, granaries or latrines?
- What is the likelihood of land purchase for the subproject?
- How will the proponent go about land purchase?
- What level or type of compensation is planned?
- Who will monitor actual payments?

Refer to the LWH Resettlement Policy Framework.

### Actions:

- List outstanding actions to be cleared before sub-project appraisal.
- Approval/rejection

Yes/No answers and bullet lists preferred except where descriptive detail is essential.

### Recommendations:

- Requires a RAP to be submitted on date: ____________________________
- Does not require further studies

Reviewer:

Name: ____________________________
Signature: ____________________________
Date: ____________________________
### ANNEX B: CENSUS AND LAND ASSET INVENTORY FORM

#### Socio-economic Household Datasheet of PAPs

<table>
<thead>
<tr>
<th>Name of Interviewer</th>
<th>Signature</th>
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<tbody>
<tr>
<td>ID Code</td>
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<tr>
<th>Name of Supervisor</th>
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<tr>
<td>ID Code</td>
<td>(after verification of interview)</td>
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<thead>
<tr>
<th>Cell Name</th>
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<tbody>
<tr>
<td>ID Code</td>
<td>Number of Concession in Village (GPS Coordinates)</td>
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Date: ......................................... Day Month Year

Name of Head of Extended Family:

Number of Nuclear Families in Extended Residential Group (including household of head of extended family)
# Household Interview

<table>
<thead>
<tr>
<th>Name and Surname</th>
<th>Relationship to Head of Family</th>
<th>Sex</th>
<th>Place of Birth</th>
<th>Age</th>
<th>Marital Status</th>
<th>Residence Tenure</th>
<th>Ethnic Group</th>
<th>Religion</th>
<th>Education Level</th>
<th>Income Earner</th>
<th>Economic Activities</th>
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<tr>
<td>5</td>
<td></td>
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<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Relation to Head of Family: 1 HoH; 2 Spouse of HoH; 3 Child of HoH; 4 Spouse of child of HoH; 5 Grandchild of HoH; 6 Parent of HoH; 7; 8 Other (specify); 0 No Answer.

Marital Status: 1 Married; 2 Widowed; 3 Divorced; 4 Unmarried; 0 No Answer.

Residential Status: 1 PRP (Permanent Resident); 2 RA (Resident absent); 3 Member of non-resident HH; 4 Visitor; 9 Other (specify); 0 No Answer.

Occupations: -
Principle Occupation: 1. Farmer; 2 Shepherd; 3 Household; 4 Merchant; 5 Religious leader, teacher; 6 Artisan; 7 Transport; 8 Unemployed; 9 Other (specify); 0 No Answer Secondary Occupations: idem.

Educational Level: 1 Illiterate; 2 Three years or less; 3 Primary School; 4 Secondary School; 5 Technical School; 6 Religious School; 0 No Answer.

Religion: 1 Christian (specify denomination); 2 Muslim; 9 Other (specify); 0 No Answer.
Land asset inventory for Project Affected People

Village: ____________________  Date: ____________
Cell: ____________________

<table>
<thead>
<tr>
<th>Survey no.</th>
<th>Name of Head of Household</th>
<th>No. of Persons in household</th>
<th>Total land holding of Hhold (m²)</th>
<th>Land to be acquired (m²)</th>
<th>Land Use Type *</th>
<th>Loss of assets of 3% total</th>
<th>Loss of crops</th>
<th>Loss of other assets</th>
<th>Other losses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Structures Permanent (m²)</th>
<th>Structures temporary (m²)</th>
<th>Area of residential land lost (m²)</th>
<th>Fruit trees lost type and number</th>
<th>Agricultural land lost (m²)</th>
<th>Other (specify)</th>
<th>e.g. graveyards, wells, etc. (type and no.)</th>
<th>Residene lost</th>
<th>Business lost</th>
<th>Income loss</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Land types are as follows (please fill in the types of land for Rwanda)
1. 3.
2. 4.
Entitlements of Project Affected People

<table>
<thead>
<tr>
<th>Survey no.</th>
<th>Name of Head of Household</th>
<th>Compensation for Land (Frw)</th>
<th>Compensation for structures (Frw)</th>
<th>Compensation for crops and trees (Frw)</th>
<th>Compensation for other assets and losses (e.g., graveyards, wells, businesses, etc) (Frw)</th>
<th>Total (Frw)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(mu)</td>
<td>(Frw) per m</td>
<td>(mu)</td>
<td>(Frw) per m</td>
<td>(Frw)</td>
</tr>
</tbody>
</table>

Date: __________________________
ANNEX C: SAMPLE GRIEVANCE REDRESS FORM

<table>
<thead>
<tr>
<th>Grievance Form</th>
<th>Copies to forward to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grievance Number</td>
<td>(Original)-Receiver Party</td>
</tr>
<tr>
<td>Name of the Recorder</td>
<td>(Copy)-Responsible Party</td>
</tr>
<tr>
<td>District/ Sector/ Cell</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
</tbody>
</table>

INFORMATION ABOUT GRIEVANCE

Define The Grievance:

INFORMATION ABOUT THE COMPLAINANT

<table>
<thead>
<tr>
<th>Name-Surname</th>
<th>Forms of Receive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone Number</td>
<td>Phone Line</td>
</tr>
<tr>
<td>Address</td>
<td>Community/ Information Meetings</td>
</tr>
<tr>
<td>Village/ Cell</td>
<td>Mail</td>
</tr>
<tr>
<td>Sector/ District</td>
<td>Informal</td>
</tr>
<tr>
<td>Signature of Complainant</td>
<td>Other</td>
</tr>
</tbody>
</table>

DETAILS OF GRIEVANCE

<table>
<thead>
<tr>
<th>1. Access to Land and Resources</th>
<th>2. Damage to</th>
<th>3. Damage to Infrastructure or Community Assets</th>
<th>4. Decrease or Loss of Livelihood</th>
<th>5. Traffic Accident</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Fishing grounds</td>
<td>a) House</td>
<td>a) Road/Railway</td>
<td>a) Agriculture</td>
<td>a) Injury</td>
</tr>
<tr>
<td>b) Lands</td>
<td>b) Land</td>
<td>b) Bridge/Passageways</td>
<td>b) Animal husbandry</td>
<td>b) Damage to property</td>
</tr>
<tr>
<td>c) Pasturelands</td>
<td>c) Livestock</td>
<td>c) Power/Telephone Lines</td>
<td>c) Beekeeping</td>
<td>c) Damage to property</td>
</tr>
<tr>
<td>d) House</td>
<td>d) Means of livelihood</td>
<td>d) Water sources, canals and water infrastructure for irrigation and animals</td>
<td>d) Small scale trade</td>
<td>c) Damage to livestock</td>
</tr>
<tr>
<td>e) Commercial site</td>
<td>e) Other</td>
<td>e) Drinking water</td>
<td>e) Other</td>
<td>d) Other</td>
</tr>
<tr>
<td>f) Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Injury</td>
<td>a) Nuisance from dust</td>
<td>a) Nuisance from noise</td>
<td>a) Nuisance from noise</td>
<td></td>
</tr>
<tr>
<td>b) Damage to property</td>
<td>b) Nuisance from noise</td>
<td>c) Vibrations due to explosions</td>
<td>b) Nuisance from noise</td>
<td></td>
</tr>
<tr>
<td>c) Damage to property</td>
<td>c) Vibrations due to explosions</td>
<td>d) Misconduct of the project personal/worker</td>
<td>c) Vibration due to explosions</td>
<td></td>
</tr>
<tr>
<td>d) Other</td>
<td>d) Misconduct of the project person/worker</td>
<td>e) Complaint follow up</td>
<td>d) Misconduct of the project person/worker</td>
<td></td>
</tr>
<tr>
<td>e) Other</td>
<td>e) Complaint follow up</td>
<td>f) Other</td>
<td>e) Complaint follow up</td>
<td></td>
</tr>
<tr>
<td>f) Other</td>
<td>f) Other</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ANNEX D: GUIDES FOR RATES AND VALUATION

Table D.1 Example Table for Compensation for Buildings and Structures

<table>
<thead>
<tr>
<th>Structure/Fixture</th>
<th>Type (Example)</th>
<th>Unit Cost (FRW) (m²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>- House with thatched roof</td>
<td>3,000</td>
</tr>
<tr>
<td></td>
<td>- House of wood and mud with corrugated iron sheets</td>
<td></td>
</tr>
<tr>
<td>Kitchen</td>
<td>- Shed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Pen</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Coop</td>
<td></td>
</tr>
<tr>
<td>Animal outhouses</td>
<td>Stable</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Shed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Pen</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Coop</td>
<td></td>
</tr>
<tr>
<td>Fence</td>
<td>Stone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Wooden</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Barbed Wire</td>
<td></td>
</tr>
<tr>
<td>Latrine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open well</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Borehole</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage building</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table D.2 Examples of Compensation Rates for Crops Based on 2006 and 2007 Market Values

<table>
<thead>
<tr>
<th>Rwandan Francs/kg*</th>
<th>Average yield per Hectare (kg)</th>
<th>Compensation per hectare (Monoculture)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maize</td>
<td>180 ($0.33)</td>
<td>1,800</td>
</tr>
<tr>
<td>Irish Potato</td>
<td>138 ($0.25)</td>
<td>15,000</td>
</tr>
<tr>
<td>Wheat</td>
<td>407 ($0.75)</td>
<td>1,000</td>
</tr>
<tr>
<td>Sorghum</td>
<td>197 ($0.36)</td>
<td>1,000</td>
</tr>
<tr>
<td>Rice</td>
<td>481 ($0.89)</td>
<td>6,000</td>
</tr>
<tr>
<td>Sunflowers</td>
<td>140 ($0.25)</td>
<td>1,000</td>
</tr>
</tbody>
</table>

*NB: These rates are based on the highest monthly average market price during 2006 and 2007 as recorded by MiNAGRI (Market price list #51/Nov/2007). It is essential that current market values are applied.

Table D.3 Examples of Compensation Rates for Trees Based on 2006 Market Values

<table>
<thead>
<tr>
<th>Francs/kg*</th>
<th>Average yield per Hectare (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avocado</td>
<td>98 ($0.18)</td>
</tr>
<tr>
<td>Banana</td>
<td>185 ($0.33)</td>
</tr>
<tr>
<td>Coffee</td>
<td>950 ($1.75)</td>
</tr>
<tr>
<td>Mango</td>
<td>250 ($0.46)</td>
</tr>
<tr>
<td>Citrus</td>
<td>150 ($0.28)</td>
</tr>
<tr>
<td>Papaya</td>
<td>98 ($0.18)</td>
</tr>
</tbody>
</table>

*NB: These rates are based on 2006 market values. It is essential that current market values are applied.

Annex E.

Table E 1. Illustrative Budget Template for the RAP

<table>
<thead>
<tr>
<th>Item</th>
<th>Costs (in RFRW)*</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>#</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Compensation for loss of Land</td>
<td>/hectare</td>
</tr>
<tr>
<td>2</td>
<td>Compensation for loss of Crops</td>
<td>/hectare of farm lost</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for loss of access to pastoralists</td>
<td>N/a</td>
</tr>
<tr>
<td>4</td>
<td>Compensation for loss of access to fishing resources.</td>
<td>Say, /fishmonger</td>
</tr>
<tr>
<td>5</td>
<td>Compensation for Buildings and Structures</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Compensation for Trees</td>
<td>/year/tree</td>
</tr>
<tr>
<td>7</td>
<td>Cost of Relocation Assistance/Expenses</td>
<td>/household</td>
</tr>
<tr>
<td></td>
<td>Cost of Restoration of Individual Income</td>
<td>Say</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>9</td>
<td>Cost of Restoration of Household Income</td>
<td>Say</td>
</tr>
<tr>
<td>10</td>
<td>Cost of Training Farmers, pastoralists and other PAPs</td>
<td></td>
</tr>
</tbody>
</table>

This template is extracted from OP 4.12 Annex A which can also be found on the Bank's website at www.worldbank.org.

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

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

Potential Impacts: Identification of (a) the sub project component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including:

(a) The results of a census survey covering;
   (i) Current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.
   (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population
   (iii) The magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic
   (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
   (v) Provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
(b) Other studies describing the following:

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

(ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub project

(iii) Public infrastructure and social services that will be affected; and

(iv) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The findings of an analysis of the legal framework, covering,

(a) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,

(b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub project,

(c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation,

(d) Laws and regulations relating to the agencies responsible for implementing resettlement activities,

(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank’s resettlement policy, and the mechanisms to bridge such gaps, and,

(f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage.

Institutional Framework: The findings of any analysis of the institutional framework covering;

(a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;

(b) An assessment of the institutional capacity of such agencies and NGOs; and
(c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

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

**Valuation of and compensation for losses:** The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

**Resettlement Measures:** A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

**Site selection, site preparation, and relocation:** Alternative relocation sites considered and explanation of those selected, covering,

(a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources,
(b) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,
(c) Procedure for physical relocation under the project, including timetables for site preparation and transfer; and
(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

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

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

**Community Participation:** a description of the strategy for consultation with and participation of resettlers and host communities, including
(a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,
(b) a summary of the views expressed an how these views were taken into account in preparing the resettlement plan,
(c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
(d) institutionalized arrangements by arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, landless, and women are adequately represented.

Integration with host populations: Measures to mitigate the impact of resettlement on any host communities, including,
(a) consultations with host communities and local governments,
(b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers,
(c) arrangements for addressing any conflict that may arise between resettlers and host communities, and
(d) any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Implementation Schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various
forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

**Costs and budget:** Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

**Monitoring and evaluation:** Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.
Annex H. TERMS OF REFERENCE FOR A RESETTLEMENT POLICY FRAMEWORK AND A RESETTLEMENT SURVEY

1. BACKGROUND

The LWH project is a comprehensive project that deals with a comprehensive watershed management, water-harvesting in valley dams for hillside-irrigation and horticultural development that uses commercial-value fruit species. The project rational stems from EDPRS that aims at robust growth of commercialized agriculture such as in export in coffee, tea and horticultural fruits such as avocado, mangoes, pineapple, cooking banana, etc. It also originates from the country’s Strategic Plan for Agricultural Transformation (SPAT 2004) which is designed to contribute to poverty reduction and to support economic growth through increased productivity and diversification of revenue opportunities and protection of the rural environment in effectively decentralized and transparent governance.

However, in the absence of a Bank-standard RPF, it is difficult to tell whether the compensation measures have met the standards required of Bank-financed investments. Such an RPF is required to ensure that resettlement due to Bank-financed investments meets Bank standards.

LWH project activities that may result in involuntary land acquisition, or restriction of access to resources, include the development of:

- Hillside irrigation infrastructure such as dams, reservoirs, borrow pits, roads, and tertiary canals;
- Hillside protection zones technically referred to as Silt trap zones bordering the water reservoirs; and
- Zones protected around the irrigated areas.

2. WORLD BANK OP 4.12 INVOLUNTARY RESETTLEMENT

(OP 4.12)\textsuperscript{3} is applied to any Bank financed project that involves the taking of land resulting in relocation or the loss of shelter, the loss of assets or access to them, and the loss of income or means of livelihood whether or not he affected persons move to another location or not. Similarly the policy is applied if there is limited access to legally designated parks or protected areas resulting in impacts on livelihoods of displaced persons. The Bank describes all these processes and outcomes as "involuntary resettlement," or simply resettlement, even when people are not forced to move. Resettlement is involuntary if affected people do not have the option to retain the status quo that they have before the project begins.

\textsuperscript{3} Available at
The LWH requires a process entailing the preparation of two instruments. First is a Resettlement Policy Framework (RPF) that will guide and govern the entire LWH as civil works packages are defined for funding. Second are the specific Resettlement Action Plans (RAPs) for each package where the acquisition of land described above will take place. Abbreviated RAPs (ARAPs) may be used if the impacts are minor or fewer than 200 people are displaced for the entire LWH project. The RPF will specify the process for reviewing, approving and implementing subsequent RAPs/ARAPs before the relevant civil works are initiated.

The RPF is a statement of the policy, principles, institutional arrangements and procedures that the LWH will follow in each civil works package involving resettlement. It sets out the elements that will be common throughout the LWH. Preparing it allows the Bank and the MAAR to agree on principles and processes so that these need not be discussed for every works package. It also allows LWH staff, who may be in many different locations, to undertake planning for specific packages without having to re-negotiate fundamental agreements.

The RPF and the individual RAPs/ARAPs will be fully complementary to one another. The more that is agreed in the RPF, the less that needs to be discussed for each case.

The principles and requirements underlying both RPFs and RAPs/ARAPs are contained in OP 4.12. Annex A of OP 4.12 sets out the basic contents of both RPFs and RAPs/ARAPs.

**SCOPE OF WORK**

The Consultant will:

a) Prepare an RPF for the LWH to meet World Bank standards (Section 4 below);

b) After the RPF has been prepared, review procedures used to acquire land for LWH-financed infrastructure to determine the extent to which compensation given to affected persons users under Rwandan law and customary procedures conforms to the RPF standards (Section 5 below)

In undertaking this work, the Consultant will, at least;

- Review relevant Rwandan law and procedures regarding land taking and compensation;
- Review relevant Rwandan land law and procedures regarding land loss and land taking;
- Review RPFs prepared for other recent World Bank projects in Rwanda (e.g. UERP, RSSP);
- Undertake a reconnaissance field survey of a sample of LWH investments to assist in defining the content of the RPF;
- Consult with the appropriate government officials at national and local levels; and
- Consult with persons receiving resettlement compensation to date from the LWH.
The Consultant will prepare an RPF that meets the requirements elaborated below. The RPF will specifically follow the World Bank requirements as stated in OP 4.12. It will also meet the legal requirements of the GOR.

The RPF should be an operational document (i.e. who does what, why, when, where and how) with annexes providing more detailed supportive and background information. The Consultant will refer to OP 4.12 for specific direction concerning the preparation and content of the RPF. In summary, it will include:

**Project Description:** Provide a brief description of the project, for readers of the RPF who may not see other project documentation. Be more detailed with components and activities for which land acquisition and resettlement are required.

**Impacts, Land Acquisition, and Resettlement:** Discuss the land acquisition, or restrictions of access, that may be required. Given the nature of the project, describe why resettlement is necessary, and why there needs to be an RPF. State that RAPs/ARPAs for individual packages of civil works will be prepared, approved, disclosed and implemented before the relevant civil works are initiated.

**Principles and Objectives Governing Resettlement Preparation and Implementation:** Describe the basic principles and vision of the resettlement program. State that the resettlement objectives are to move as few people as possible consistent with the requirements of the project, and that general principles of doing no harm, of avoiding or minimizing resettlement are to be followed in all subprojects. Show why acquisition of land or resources is needed and resettlement cannot be avoided in every case. Demonstrate that the commitment is to ensure that affected people are meaningfully consulted, compensated fully and fairly for their losses, and assisted in their efforts to improve their livelihoods and standards of living or at least to restore them. Describe any particular conditions in the Project that may present special problems or opportunities, and show how the resettlement will be done, in principle, so as to overcome risks or take advantage of such opportunities.

**Legal Frameworks for Resettlement:** Review the laws of Rwanda governing the taking of land or other assets. Because such legal instruments may come from many sources, make this section as extensive as is warranted. Set out the requirements of the process for land takings. Discuss discrepancies among the various legal instruments, if found. Summarize what laws and regulations may apply to different categories of affected people. Next, set out any requirements of the Bank for resettlement that apply to the types of cases that will arise in the project. Analyze all gaps between national and Bank requirements, and say how such gaps may be bridged.

**Estimated Population Displacement and Categories of Affected People:** For the LWH, it may be difficult to estimate eventual total displacement, but every effort should be made -- in part to estimate budgets, but also to evaluate consultation requirements and
potential challenges to the LWH and MINAGRI staff. Different categories of those displaced may include, for example, those losing legal title and those without it, those losing lands or those losing housing or those losing both, those losing temporary access or those losing permanent rights, business or residential property. Discuss the unit of analysis, whether “cases” (such as properties or fields), or households or individuals. Discuss whether uniform approaches will be taken across all civil works packages, and how records will be kept.

Organizational Elements, Responsibilities and Procedures for Delivery of Entitlements: State who in the overall LWH organization will be responsible for resettlement, centrally and in the regions, and what facilities they will have available to them. Describe the process by which individual RAPs/ARAPs will be prepared and submitted to Project authorities, considered and approved, and how entitlements will be delivered. If there is no unit(s) or officer(s) with the training and job description to oversee resettlement issues, describe the way in which such capacity will be developed, structured, and given authority. In an annex, provide TOR for such unit(s) and officer(s) and describe interim arrangements until such capacity is functioning. Recommend whether some or all RAPs/ARAPs should be reviewed by the Bank, and how this will happen. Set out the schedule by which resettlement will arise and be treated, both in terms of the overall management of the Project and the scheduling of the civil works.

Eligibility Criteria for Various Categories of Affected People: Determine the method for setting a cut-off date (see OP 4.12) for eligibility for compensation. Set out the different categories of people affected by the project, and show the types of losses such people may suffer, whether to land, income, rights of access, housing, proximity to work, and others, and including combinations (house and land, for example). Define the criteria that are to be used to identify the eligibility for compensatory measures for each category of affected people, whether losses are partial or total, whether people have their own land or also rent land, what happens when buildings are occupied by more than one business tenant or household, for example. Make the criteria user-friendly, so that those applying the principles to civil works packages “on the ground” will be able quickly to identify whether affected people are eligible for compensatory measures, and how. Describe who will judge eligibility in difficult cases, and how such processes will work.

It may be necessary for country approval to define categories of people eligible under national law and, separately, any others who must be compensated because of the requirements of World Bank policy. The unit of compensation need to be defined – individuals, families, collectivities (or all three, because some losses may be sustained by individuals, others by the community as a whole or by associations within it). Some impacts may be defined as non-compensable, or as compensable with a generic payment – e.g. minor strips of land of a meter or two along a water distribution line route. Finally, cash payments may be more acceptable where losses constitute a very small fraction of incomes, than when the income source [or residence plot] is so compromised that the entire holding or structure should be replaced. Defining the treatment to be applied to the major variations of all the main types of impacts in the RPF eliminates the need to negotiate these issues for each package of civil works in perhaps different regions.
Methods of Valuing Affected Assets: Describe the GOR’s methods of valuing those assets that it deems eligible for compensation, and those that must be compensated under the policy principles that meet the World Bank’s requirements. Explain the methods for inventoring assets, assigning values to each type of asset, and coming to agreements with each affected person or group on the total profile of losses and compensation. Present, to the degree possible, an “entitlement matrix” which shows the types of affected people, the types of losses, and the forms and amounts of compensatory actions that will be taken for each type. An example matrix is given in Annex 1.

Grievance Redress Mechanisms: Describe the mechanisms available to affected people to complain about aspects of their treatment under the RPF. Show how the mechanism will be accessible (in terms of language, distance, and cost) to affected people, and what recourse/appeal from the local grievance mechanism may be available.

Budget, and Funding Arrangements: Estimate the overall costs of resettlement, including funds for RAP/ARAP preparation, general oversight, and implementation of civil works packages. Show the sources of funds. Show that the overall budget estimates have been included in the LWH budget.

Methods for Consultation with, and Participation of, Affected People: Consultation is to be done for both the RPF which sets many of the parameters by which resettlement will be carried out, and the individual RAPs/ARAPs which will be done for each package of civil works. For the RPF, show that meaningful consultation was carried out with a broad array of stakeholders including both Borrower officials at every level and the types of people who may be the beneficiaries of, and affected by, typical civil works. Show that the draft RPF is to be, or has been, circulated to interested parties, and that further consultations will take place before finalization. Include a record of all such consultations in an annex to the RPF. For the individual RAPs/ARAPs, show how the people affected by the particular package of civil works will be consulted throughout the process of RAP/ARAP formulation, as prescribed in OP 4.12.

Monitoring: Provide an appropriate mechanism for monitoring the effective implementation of resettlement, either as part of the overall monitoring of LWH progress, or separately to affirm the achievement of resettlement goals of ensuring that all affected people are addressed. Describe how overall project achievements will be monitored, and at what frequency. Show how the results of monitoring will be fed back into LWH implementation. Where appropriate, set up monitoring checklists or templates to focus the work of local monitors. The RPF shall therefore include a section of monitoring and evaluation (M&E), including monitoring by the implementing agency and where required independent monitors. In addition to this, a RAP implementation report shall be required for each of the sites.

Preparation of Individual RAPs/ARAPs: Taking account of the degree of detail provided in the RPF, provide a template for individual RAPs/ARAPs for distinct civil works packages as they are defined. Provide a step-by-step procedure, including
consultation methods, typical questions to ask, checklists and forms, for completing a RAP/ARAP. Include in the RAP/ARAP design the minimum information required to complement what has already been determined in the RPF.

Insofar as possible, show any further information that may be needed during Project implementation, or where the general issues need to be supplemented due to differing local laws, special situations or effects on people, or the additional contributions of specialists to the individual RAP preparation.

STAFFING, REPORTING AND TIMEFRAME

Fluent in English or French, knowledge of both languages will be an advantage. The Consultant will be knowledgeable of World Bank resettlement policy requirements (RPFs and RAPs), and similar requirements in Rwanda, and have demonstrated experience in successfully meeting these requirements.

The Consultant team will have an extended experience, at least 5 in social science, social development, economy, law, resettlement experience and intimate familiarity with the World Bank OP 4.12, asset evaluation (for determining methods), and training. Knowledge of local language will be important for the field consultations.

The deliverables of the consultancy include:

a) An RPF, and
b) A Resettlement Action plans.

It is expected that the levels of effort to carry out the various elements of these TOR will be approximately as follows:

- RPF- 4 person weeks

All draft final reports will be submitted to the Ministry of Agriculture and Animal Resources (MINAGRI) as they are completed, and no later than 4 weeks after contract signature.

All draft final reports will be reviewed by the LWH, MINAGRI and the World Bank. The approved RPF will be disclosed in Rwanda and submitted by the GOR to the Bank for disclosure through the World Bank InfoShop, according to Bank policy.

All reports will be prepared using recent versions of MSWord and Excel, in English or French and submitted in both hard and electronic copies. Organize workshop to present findings and recommendations to key stakeholders and partners.

6. SERVICES AND FACILITIES TO BE PROVIDED BY THE MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES (MINAGRI)
The MINAGRI will provide the following services:

- Make available all relevant documentation, studies and surveys, and operational data; and
- Make all necessary arrangements for facilitating the work of the Consultant and to provide access to government authorities, LWH project sites, and local community leaders and members.