Nile Equatorial Lakes Subsidiary Action Program (NELSAP)

Kagera River Basin Management Project

Ruvyironza Water Resources Development Project (Gitega Province, Kagera Basin)

RESETTLEMENT POLICY FRAMEWORK

GOVERNMENT OF BURUNDI

MARCH 2014

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<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
</tr>
<tr>
<td>BP</td>
<td>Bank Procedures</td>
</tr>
<tr>
<td>CIWA</td>
<td>Cooperation in International Waters in Africa Trust Fund</td>
</tr>
<tr>
<td>ESIA</td>
<td>Environmental and Impact Assessment</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
</tr>
<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
</tr>
<tr>
<td>MEEATU</td>
<td>Ministry of Water, Environment, Lands and Urban Planning</td>
</tr>
<tr>
<td>MINAGRIE</td>
<td>Ministry for Agriculture and Livestock</td>
</tr>
<tr>
<td>NBI</td>
<td>Nile Basin Initiative</td>
</tr>
<tr>
<td>NEL</td>
<td>Nile Equatorial Lakes</td>
</tr>
<tr>
<td>NELSAP</td>
<td>Nile Equatorial Lakes Subsidiary Action Program</td>
</tr>
<tr>
<td>PCDP</td>
<td>Public Consultation and Disclosure Procedures</td>
</tr>
<tr>
<td>RAP</td>
<td>Resettlement Action Plan</td>
</tr>
<tr>
<td>RPF</td>
<td>Resettlement Policy Framework</td>
</tr>
<tr>
<td>RBM</td>
<td>River Basin Management</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
<tr>
<td>WRD</td>
<td>Water Resources Development</td>
</tr>
</tbody>
</table>
1. INTRODUCTION AND BACKGROUND

1.1. PROJECT DESCRIPTION AND OVERALL CONTEXT

Project Background

The proposed Ruvyironza multipurpose water resource development project is part of the investment programs advanced by Burundi to the NELSAP for project preparation and which were prioritized through the NEL MSIOA\(^1\). The detailed identification studies were completed in 2012 after which it was included in the NELSAP strategic Plan 2012-2016 and subsequently approved by the NEL Council of Ministers in January 2012 (NELCOM, Jan 2012). The project was prioritized due to its anticipated impacts in boosting national and regional economic development through envisaged infrastructural and non-structural interventions in irrigation development, hydropower generation, potable and livestock water supply, flood control/protection, drought mitigation, aquaculture & fisheries development, and catchment improvement/enhancement in the project area catchments.

The proposed project falls within the NELSAP Policy Guidelines and country priorities\(^2\), is demand driven and will contribute towards improvement in water, food and energy security and restoration of related sub-catchments. The project will contribute towards Burundi’s Vision 2025 and the 2008-2015 Agricultural Sector National Strategy. The project will also contribute towards achievement of development targets of the NEL in areas of irrigation, hydropower, watershed management, etc.

NELSAP has acquired grant financing through the Cooperation in International Waters in Africa (CIWA) multi-donor trust fund, to prepare these potential investment projects to pipeline status through feasibility studies, detailed designs and independent ESIA and RAP studies (but does not include financing for construction or implementation of the Ruvyironza multipurpose water resource development project itself). The objective of the CIWA trust fund is to strengthen cooperative management and development of international waters in Africa to facilitate sustainable climate resilient growth through investments. No decision has yet been taken by NELSAP-CU nor by the Government of

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\(^1\) NEL MSIOA – is a Multi-sectoral Investment Opportunity Analysis that was undertaken for the NEL Region, which identified and prioritized growth potentials and constraints in developing and managing the region’s water resources.

\(^2\) Burundi’s 2009 water policy - “Politique nationale de l’Eau, Décembre 2009".
Burundi to undertake construction of the Ruvyironza multipurpose water resource development project, nor has financing been secured for this construction. The level of involvement, if any, of the World Bank in the proposed Ruvyironza Multipurpose WRD project beyond the financing of the Feasibility Study, Design, ESIA and RAP (through the NCORE project) is not yet known.

**Background to the NELSAP**
The Nile Equatorial Lakes sub-basin of the Nile river basin includes a great complex of lakes, wetlands and rivers/tributaries whose geographic location can be described as either “inter-country” (i.e. crossing an international border) or “in-country” (i.e. wholly within one country, but part of the wider Nile trans-boundary system). Significant water resources management and development projects on the rivers and lakes within the Nile Basin, are therefore ‘Nile projects’ since they will have some regional implications, to a greater or lesser extent. NELSAP promotes investments in power development and trade, water resources management and development, management of lakes and fisheries, agricultural development, and control of water hyacinth. The NELSAP mission is to contribute to the eradication of poverty, to promote economic growth, and to reverse environmental degradation in the NEL region. NELSAP oversees the implementation of the jointly identified subsidiary action programs and promotes cooperative inter-country and in-country investment projects related to the common use of the Nile Basin water resources. NELSAP countries include: Burundi, Democratic Republic of Congo (DRC), Egypt, Ethiopia, Kenya, Rwanda, South Sudan, Sudan, Tanzania, and Uganda.

**Project Description**
The proposed project is located along River Ruvyironza, in Bugendana Commune of Gitega Province. It is located about 15 km north of Gitega and 9 km upstream from the Ruvyironza-Ruvubu river confluence. The Ruvyironza River (Burundi) is one of the upper branches of the Kagera River, and is sometimes regarded as the true and ultimate source of the Nile.
The proposed project is envisaged to include a 50m composite (earthfill-concrete) dam with storage capacity of 372.6 MCM and reservoir inundation area of 1,200 ha. The dam will store water for potential multipurpose benefits of hydropower generation of 22 MW, irrigation development of 14,674 ha, extension of potable water supply, aquaculture, and restoration of critically degraded ‘hotspots’ (areas experiencing high rates of degradation) in the project’s upstream catchment of 1,999 km2.
It is envisaged that the project will trigger the WB OP 4.12 on involuntary relocation and resettlement, especially caused by the created reservoir inundation, planned irrigation fields, water supply areas, power transmission and distribution lines and any interventions towards restoration of critical hotspots (areas experiencing high rates of degradation).

1.2. RATIONALE AND OBJECTIVES OF THE RESETTLEMENT FRAMEWORK

1.2.1. Rationale

Although the project will have positive social and economic impacts, it is envisaged that it would also bring about negative social impacts that will require mitigation measures.

Given the nature of the Ruvyironza WRD project, it is inevitable that its construction would lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources. This will trigger the relevant laws and policies in the country and the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) and as a result there is need for resettlement planning and implementation.

The development of a Resettlement Policy Framework will guide the preparation of the Resettlement Action Plan (RAP) for the project. This
RPF will thus serve as the framework within which a Resettlement Action Plan will be developed when the project is certain of the location and specific impacts of the project and other sub-projects.

1.2.2. Objectives

The objectives of the Resettlement Policy Framework (RPF) are to:

- Establish the resettlement and compensation principles and implementation arrangements for the Ruvyironza Multipurpose WRD project, in Burundi;
- Describe the legal and institutional framework underlying Burundian approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- Provide procedures for filing grievances and resolving disputes.

The RPF will apply to all sub projects and activities that will lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources.

The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E). When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Property Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP 4.12), as described in Annex 1.

The RPF ensures that any possible adverse impacts of the proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people without a well-designed compensation and relocation process;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to
address impacts on PAPs livelihoods and their well-being.

The Nile Cooperation for Results Project, which is financing the feasibility studies, designs, ESIA and RAP preparation for the Ruvyironza project, does not contain financing for the implementation of the Ruvyironza project. Neither NELSAP-CU nor the Government of Burundi have made a decision to proceed with the implementation of the Ruvyironza project, as the further study (financed through the NCORE project) is needed in order to make an investment decision. The involvement of the World Bank in the Ruvyironza Multipurpose WRD project beyond the financing of the Feasibility Study, Design, ESIA and RAP (through the NCORE) project is not yet known.

1.2.3. Scope of the RPF

This RPF covers the following key areas.

- Project Description and Rationale
- Legal and Institutional Requirements
- World Bank Safeguards Policies
- Basic Socio-economic Information
- Estimated Population and Categories of Affected People
- Eligibility Criteria for Categories of Affected People
- Entitlement Matrix for Resettlement and Compensation
- Methods for Valuing Affected Assets
- Organizational Arrangements and Procedures for Delivery of Entitlements
- Consultation and Participation of Affected People
- Disclosure and Notification
- Grievance Redress Mechanisms
- Implementation Schedule
- Budget and Funding Arrangements
- Monitoring Arrangements

1.3. Potential for Adverse Social Impacts

The prefeasibility studies carried out for Kagera River Basin Project in 2012, showed that the Ruvyironza multipurpose WRD project is classified as a large dam (WB OP 4.37) and therefore has potential for adverse negative social impacts that will require land acquisition and resettlement.

The proposed project would likely have direct impacts on areas where the reservoir, irrigation & drainage infrastructure, hydropower plant and water supply infrastructure will be constructed. Other negative impacts
will be as a result of acquiring land for rock and soil disposal, construction of permanent camp sites and access roads. The people occupying or using the respective lands would be permanently displaced, including loss of assets and properties, and access to natural resources such as land and forests. In addition, there will be loss of income and livelihoods. Vulnerable people within the project demarcations will be the most affected as the project is likely to deteriorate their already vulnerable situation.

Specifically, the implementation of the Ruvyironza WRD project could have the following impacts (to be further explored during the Feasibility study/ESIA/RAP processes);

- 15 km² of land inundated;
- Loss of crop land adjacent to the proposed reservoir;
- Loss of bananas and woodlots on the roadside;
- Loss of a number of settlements;
- The dam site could take up a community road that passes through the site connecting the north-south villages;
- Possible inundation of a highway road (depending on eventual dam/reservoir size);
- Restriction of access to land being restored (due to deforestation/high rates of erosion);

Land needed for power distribution/transmission lines or for water supply.

2. **LEGAL AND INSTITUTIONAL FRAMEWORK**

This RPF will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Burundi. This legal and institutional framework is presented in four sections: (i) Laws on Property and land rights, as defined by Burundian law and customary practice; (ii) Expropriation/acquisition of land and compensation of land and other assets, (iii) Grievance Resolution Mechanism, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and (iv) Comparison between national legislation and World Bank OP4.12, using equivalence and acceptability standards.

2.1. **LAWS ON PROPERTY AND LAND RIGHTS IN BURUNDI**

*The Post-Transition Interim Constitution of the Republic of*
Burundi, ratified by popular vote in 2005, provides that every person has the right to property, guarantees equal rights and equal protection to all Burundians regardless of sex, and prohibits discrimination based on sex.

According to The Land Code of the Republic of Burundi, Law No.01/008 of 01/09/1986, land is held as Government land (public & private estate); rural land is held under customary tenure, and urban land under leasehold. The private estate of Government is land that government can donate for a project or that it can give away of its own accord. When resettling vulnerable people, Government allocates land from its private estate. The public estate of Government includes national parks, reserves and other land held in trust by the government and is usually not subject to allocation for projects.

Government of Burundi Land Code, 2011 recognizes state and private land. Under the law, all land that is not used is considered state land. Temporary rights of occupation are available on land classified as private state land.

The 2011 Land Code also recognizes the legitimacy of land rights acquired and held under customary law. Under customary law, land is usually held individually and by household, rather than by lineage. However, the Code also states that all asserted rights must be registered. Unregistered customary rights do not have the protection of the formal law. Article 407 provides the rules for the expropriation of land.

Article 122 of Burundi’s Code of Persons and Family, as amended in 1993, provides that the male is the head of household. The Code includes the right to joint management of family property. If a husband is absent, the wife has management rights.

2.2. EXPROPRIATION / ACQUISITION OF LAND AND COMPENSATION OF LAND AND OTHER ASSETS

Article 36 of The Post-Transition Interim Constitution of the Republic of Burundi states that “no one shall be deprived of his possessions except in the public interest and in the cases and in the manner established by law, subject to fair and prior compensation or enforcement of a judgment having the force of res judicata”.

based on the market value and on land for land replacement. On the other hand, Article 2 of the Land Act provides a prominence of the State in the land management for economic and social development.

_The Land Code of the Republic of Burundi, Law No.01/008 of 01/09/1986_ provides for procedures for resettlement. Responsibility for resettlement lies with the Ministry of Water, Environment, Lands and Urban Planning (MEEATU), but if the land is in a wetland, the responsibility lies with the Ministry of Agriculture and Livestock.

Valuation is usually done by a Commission comprised of the three key ministries of Lands, Agriculture and Infrastructure. Compensation, whether monetary or physical (in kind) must take place before a person who is eligible for compensation can relocate. When compensation is physical or ‘land for land’, the Lands Ministry continues to be involved in the process since the duty to ascertain land for resettlement lies with them. The law provides that affected persons should be provided with land of the same size as the land acquired. In cases where the acquired land is in an urban area, the value of the land is taken into account and land of proportionate value is awarded to the affected person. When the compensation is monetary, the role of Lands ceases at the valuation stage. The local authorities are charged with the duty of monitoring the progress of monetary compensation.

Minimum compensation amounts are fixed for different ministries. If it is a government project, the Ministry responsible for environment will be in charge. If compensation is for land in a rural area, the Directorate of Land Management will take charge; and if in an urban area, the Directorate of Urban Development and Housing will take charge.


According to this Ordinance, when expropriation is mandated to benefit a collective entity under public law, the general rate for compensation is determined by an ordinance issued by the Minister of Agriculture and Livestock or the Minister in charge of Urban Development. The ordinance updates the compensation rates for land, crops and structures in case of expropriation for public usefulness.

According to article 3 “the compensation in case of expropriation for public usefulness can be either a monetary compensation, or an exchange with, if needed, a partial compensation to help the expropriated individual to resettle.” As for the compensation rate, this ordinance defines the base for its calculation according to the location of the expropriated land and the plants and structures existing on that land.
2.3. **GRIEVANCE RESOLUTION MECHANISM**

There is no specific law cited for grievance resolution. The people may however solve their grievances through the customary system of the Bashingantahe, and the judicial system of the state. While the former relies in the first place on conventions and customary regulations, the latter bases itself on the legislation of the state. People may also resolve their grievances through representatives of local authorities.

2.4. **WORLD BANK POLICY OP 4.12 (INVENTORY RESSETTLEMENT)**

The World Bank policy on involuntary resettlement emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not feasible, it should assist the displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include.

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

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

WB OP4.12 (12a) states that payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

WB OP4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided with assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.
WB.OP 4.12 (13 a) stipulates that any displaced persons and their communities and any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement.

In addition displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

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

2.5. COMPARISON BETWEEN NATIONAL LEGISLATION AND WB OP 4.12

There are some differences between the World Bank Policy and the Burundi Laws in regard to compensation and resettlement.

The laws of Burundi only provide compensation for land that is legally owned by PAPs and no compensation to those without formalized rights. The World Bank OP 4.12 provides for compensation for land to both legal owners and those without formalized and/or fully legalized rights. OP 4.12 states that where there is a conflict between the Bank and government frameworks, those of the Bank shall take precedence. A comparison between the Laws of Burundi and the World Bank OP 4.12 is contained in Table I below.

<table>
<thead>
<tr>
<th>Category of PAP/Type of lost assets</th>
<th>Burundi Law</th>
<th>World Bank OP 4.12</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value. Land for Land under Customary Law – the land should at least be of the same size as land acquired</td>
<td>Land-for-land exchange is the preferred option; compensation is based on replacement cost. Land should be of the same size as or bigger than acquired land.</td>
<td>No gap</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation</td>
<td>Are entitled to some form</td>
<td>Follow the OP.</td>
</tr>
<tr>
<td>Category of PAP/Type of lost assets</td>
<td>Burundi Law</td>
<td>World Bank OP 4.12</td>
<td>Comment</td>
</tr>
<tr>
<td>------------------------------------</td>
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<td>--------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Land Users</td>
<td>Land users are entitled to compensation for crops and any other economic assets.</td>
<td>Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.</td>
<td></td>
</tr>
<tr>
<td>Owners of “Non-permanent” buildings</td>
<td>Cash compensation based on market value</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.</td>
<td></td>
</tr>
<tr>
<td>Owners of “Permanent” buildings</td>
<td>Cash Compensation is based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.</td>
<td></td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>No specific measures provided in the Law.</td>
<td>Particular attention paid to the identified group.</td>
<td>Follow the OP. 4.12 guidelines and principles</td>
</tr>
<tr>
<td>Perennial Crops</td>
<td>Cash compensation based upon market rates.</td>
<td>There is no specific provision However, they may be compensated upon approval by the Bank</td>
<td></td>
</tr>
<tr>
<td>Compensation</td>
<td>Prompt and adequate compensation Compensation should be done before a PAP relocates</td>
<td>Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions</td>
<td></td>
</tr>
</tbody>
</table>
In the event of divergence between the two, the policy which will be considered to be of a comparatively higher standard shall apply.

2.6. **Project Organization and Implementation Arrangements**

The preparation and implementation of the resettlement strategies will require the participation of several institutions at different levels. Coordination of the participating institutions is a critical requirement to a successful resettlement program. It is always preferred to have this addressed early into the project cycle, so that all participating parties are made aware of each other’s responsibilities, lines of reporting, communication channels, expectations and authority limits.

**Nile Equatorial Lakes Subsidiary Action Program (NELSAP)**

NELSAP will be responsible for overall technical and fiduciary oversight for the preparation of the Ruviyronza project (including feasibility study, detailed design, ESIA and RAP). They will be responsible for providing technical support to the country, fiduciary management and overall quality control. In implementing this project, the NELSAP CU will ensure close coordination with other on-going country and basin projects, to ensure information exchange.

**Ministry for Agriculture and Livestock (MINAGRIE)**

The Ministry’s missions are reflected in the Presidential Decree No. 100/38 of January 3, 2006 and include:
- The design, planning, coordination, and implementation of national policy on agriculture and livestock
- The organization and monitoring of agro-food processing
- The establishment of the population’s sustainable food security system
- The development and implementation of national policy on protection and fertilization of soils
- The development and implementation of crop protection strategies
- The definition and implementation of national policy of mobilization for self-development and agroforestry-zootechnic popularization
- The promotion and supervision of the exploitation of water, of fishing and fish farming products, in collaboration with other concerned ministries

The project will be implemented by MINAGRIE. The ministry will also ensure that all laws, policies and Social Safeguards are adhered to.
Ministry for Energy and Mines (MEM)
The Ministry’s mission is to design and implement government policy in geology, mining, and energy matters; promote research of geological and mining industry activities; promote the research of hydrocarbons and their exploitation; plan and supervise the actions of rural development through hydropower and electrification; promote renewable energy; and ensure the planning, construction, and management of hydraulic and energy infrastructure in collaboration with other ministries concerned.

MEM will be responsible for coordinating the hydropower aspect of the project.

The Ministry of Water, Land Management, Environment and Urban Planning (MEEATU)
The Ministry is empowered for everything that concerns the development and implementation of national policy in the field of water, environment, land management, and the urban sector. It has the following objectives: promoting a coordinated management of the environment; sound management of land, water, forests, and air; preservation of ecological balance; and conservation of biodiversity. The ministry has 5 Directorates which include; The General Directorate of Forests and Environment, The General Directorate of Land Management, Rural Engineering and Land Property Protection and The General Directorate of Urban Planning and Buildings,

This ministry under the Directorate of Land Management, Rural Engineering and Land Property Protection has overall responsibility for land expropriation and resettlement for land in rural areas and if the land is not in a wetland. The Ministry is also responsible for the cadastral and titling.

The Ministry of Finance
This ministry is responsible for making the compensation funds available and transferring them into the account of the Ministry in charge of compensation for payment to the relevant affected persons.

Provincial and Communal Land Committee
The Committee will be responsible for approval of subdivision and transfer of land titles to PAPs at Communal and Provincial Levels.

Local Authorities
Local authorities from the Province to Commune will be responsible for monitoring the progress of the monetary compensation. The Communal Council will be responsible for approval of Provincial proposals for relocation sites.
Non-Governmental Organizations and Civil Society Organisations
Independent NGOs and Civil Society Organizations will be involved in the implementation process of the Resettlement Action Plan. Activities they can be involved in may include witnessing the RAP process, overseeing of livelihood restoration programs, monitoring and evaluation of the RAP activities etc.

Local people / Project Affected Persons
Local communities / Project Affected will play a role of community policing to ensure that the rightful owners of the property are the ones compensated.

National Focal Point Officer
A National Focal Point Officer and technical experts appointed by the Government of Burundi from MINAGRIE, MEM, MEEATU, etc. will coordinate national level activities and ensure project coordination with relevant national institutions and development projects.

Project Task Team
A project task team comprising government technical staff for each project will be formed for the irrigation scheme to be developed. Members of the team will meet as needed and will be responsible for monitoring project progress and resolving implementation constraints.

As the decision to proceed with the implementation of the Ruvyironza project has not yet been taken (the studies to be conducted by NELSAP will help yield the information needed to make this investment decision), the organizational arrangements for the implementation of the projects have not yet been finalized. These will be further elaborated through the feasibility study/ESIA and RAP processes.

Capacity Assessment and Capacity building
The ESIA/RAP process will undertake an assessment of the capacity and capability of the indicated implementing agencies in managing and implementing the social safeguards (including the RPF and future RAPs and any other related social issues). The scope of assessment is to cover human resources -numbers and skills; tools; structural arrangements and operating environments. The ESIA/RAP will include information on how the gaps could be bridged and will be taken forward in advance of, and during, the RAP implementation.
In addition, the ESIA and RAP process shall include an analysis of performance of implementation of past RAPs in Burundi, with lessons, challenges and recommendations (on management, implementation, monitoring and reporting, as well as practical challenges of financial commitments) on effective implementation of this RPFs/RAPs.
3. SOCIO-ECONOMIC BACKGROUND

3.1. APPROACH FOR IDENTIFYING PROJECT AFFECTED PERSONS

The project affected persons will be identified after all the locations of the different subprojects have been determined. A land survey demarcating the required project land will be undertaken after which the identification of project affected persons will be undertaken. The PAPs shall be classified into three groups namely;

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

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

Project affected persons (PAPs) are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or economic resources as a result of activities related to sub-project(s).

Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the Ruvyironza Multipurpose Water Resource Development Project. These include members like the head of household, male, and female members, dependent relatives, tenants, etc.

Vulnerable groups of people. From these households, the Ruvyironza Multipurpose WRD Project will identify the vulnerable members, such as those who are too old or too ill; children; those stricken with HIV/AIDS; women; unemployed youth; the landless, the indigenous people, people displaced by the civil war, repatriated people and demobilized soldiers etc. Households headed by women that depend on sons, brothers, and others for support will also be identified.

3.2. ESTIMATED POPULATION AND CATEGORIES OF AFFECTED PEOPLE

The prefeasibility report for the project indicated that approximately 8,500 people will be displaced. The actual the number of persons that will be affected by Ruvyironza Multipurpose WRD Project will be
determined through a socioeconomic survey and census when preparing the Resettlement Action Plan. It will also take into account the feasibility and engineering studies.

3.3. **Creation of Baseline Information on Project Affected Persons**

During implementation of Ruvyironza Multipurpose WRD Project, a social assessment will be carried out to identify the areas or sites with expected resettlement impacts due to land acquisition or restriction of access to resources. At that stage, OP 4.12 calls for the preparation of separate stand-alone Resettlement Action Plan (RAP) consistent with the guidelines provided in this RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed.

(i) All potential PAPs should be identified (through a scoping exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);

(ii) PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and

(iii) PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.

**Screening:** This process would lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) that sub-projects will construct that may potentially involve resettlement issues. This list will be presented to affected communities using a sensitization and consultation process. These consultations will be documented for each site or sub-project.

**RAP Preparation.** As soon as the list is approved by the responsible agency implementing the project, a consultative and participatory process for preparing a RAP will be started, as follows:

(i) A socio-economic survey will be completed to determine scope and nature of resettlement impacts.

(ii) The socio-economic study will be carried out to collect data in the selected sub-project sites.

(iii) The socio-economic assessment will focus on the potential affected communities, including demographic data of the affected households/persons, land size owned, vulnerability, access to social services (education, health, water, and credit facility etc.), preferred options for compensation, length of residence in the area, livelihoods
and income etc. The baseline information gathered on each affected person or household shall be used when monitoring and evaluating the project impacts.

Annex 2 describes the requirements for the RAP in detail. In general, the RAP contains the following information:

(i) Baseline Census;
(ii) Socio-Economic Survey;
(iii) Specific Compensation Rates and Standards;
(iv) Entitlements related to any additional impacts;
(v) Site Description;
(vi) Programs to Improve or Restore Livelihoods and Standards of Living;
(vii) Detailed cost estimates and Implementation Schedule.

3.4. SOCIO-ECONOMIC INFORMATION ON THE PROPOSED RUVYIRONZA MULTIPURPOSE WRD AREA

3.4.1. Social Characterization

The Province of Gitega where the project will be located has a total population of 689,900 inhabitants for which 326,795 are men and 363,105 are women. The population is young as 53% are under 20 years. It has a population density averaging 349 inhabitants per km². The Project is expected to positively impact about 29,348 farmers in the provinces of Cankuzo, Gitegi, Karuzi, Muyinga and Ruyigi.

Settlements in the project area are dispersed rather than concentrated. This pattern has encouraged isolation rather than community settlement patterns. Civil unrest that began in the early to mid-1990s forced thousands of Hutu to settle in refugee camps spread throughout the countryside and in neighboring countries and the effect of such influx is evident around the site.

Agriculture is the most common livelihood activity in the project area. The practice of cultivation is traditional, labor intensive with a hoe and a predominance of crops association.

3.4.2. Water and Sanitation

Water supply remains insufficient for the population of Gitega province. Of the 38 hills in Gitega, only 24 are supplied with drinking water. Water infrastructures are in serious critical condition and most of them are not functional.
3.4.3. Social capital and Mechanisms of Social Cohesion and Social Structure

Due to the many years of civil strife in the country, the government and several donor groups have come in to help the people rebuild their social capital and mechanisms for social cohesion. The people have also continued to rely on family and kinship and paternal authority has unquestionably been maintained.

3.4.4. Possibility of conflict

Given the scarcity of land in Burundi, many conflicts will rotate around land, ranging from disputes within families about the division of the inheritance, the limitation of plots and division of land boundaries with neighbors. Causes of conflict will be investigated further when preparing the Resettlement Action Plan and a proper grievance mechanism will be put in place.
4. ELIGIBILITY CRITERIA FOR CATEGORIES OF AFFECTED PEOPLE

4.1. INTRODUCTION

This section sets out the eligibility criteria of the different categories of PAPs that will be affected by the Ruvyironza Multipurpose WRD Project and other related sub projects for resettlement and benefits.

The involuntary taking of land, results in relocation or loss of shelter and loss of assets or access to assets or natural resources or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. The WB OP 4.12 Para 15 (a, b, & c) categorizes those eligible for compensation and resettlement in three groups as shown below.

(a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(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 action plan (itinerant farmers or sharecroppers) and;

(c) Those who have no recognizable legal right or claim to the land they are occupying.

PAPs covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date 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.

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

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

### 4.2. Eligibility for Resettlement/Relocation

Eligibility for resettlement will consider the following categories of PAPs:

- All those affected households whose land and assets/buildings (principal place of residence) are located within the proposed reservoir area and any other sub-projects.
- Households whose land will be acquired by the project and for which the remaining piece are considered economically unviable.

### 4.3. Eligibility for Community Compensation

A Community may claim compensation as a group such as farmer's group/association. Communities permanently losing land and/or access to assets and or resources will be eligible for compensation. The rationale for this is to ensure that the pre-project socio-economic status of communities adversely impacted is also restored.

### 4.4. Loss of Income and Livelihood

PAPs who will be affected by a reduction in income due to the project should be considered for livelihood restoration strategies. Where necessary, PAPs will be entitled to transitional assistance, which include moving expenses and temporary residence.

Livelihood restoration strategies will be implemented during the construction of the project. Monitoring of the strategies will commence about 3 months after their implementation and will continue after the construction phase for a period of about 2 years.
4.5. Assistance to Vulnerable Groups

The compensation principles shall entail special measures and assistance for vulnerable affected persons, such as female headed households, disabled persons and the poor. PAPs will be entitled to compensation and resettlement assistance that will help in the restoration of their livelihoods to at least, pre-project standards. An entitlement matrix is given in Table II below.

Table II: Entitlement Matrix

<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Types of Impact</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural land</td>
<td>Less than 20% of land holding affected</td>
<td>Farmer/ title holder</td>
<td>Cash compensation for affected land equivalent to replacement value or Market value</td>
</tr>
<tr>
<td></td>
<td>Land remains economically viable.</td>
<td>Tenant/ lease holder</td>
<td>Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</td>
</tr>
<tr>
<td>Greater than 20% of land holding lost</td>
<td>Farmer/ Title holder</td>
<td>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP’s choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature). Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature).</td>
<td></td>
</tr>
<tr>
<td>Tenant/Lease holder</td>
<td>Cash compensation equivalent to average of last 3 years’ market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
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</tr>
<tr>
<td>Commercial Land</td>
<td>Land used for business partially affected</td>
<td>Title holder/business owner</td>
<td>Trees + allowance up to a maximum of 12 months while short-term crops mature.</td>
</tr>
<tr>
<td>Assets used for business severely affected</td>
<td>If partially affected, the remaining assets become insufficient for business purposes</td>
<td>Business owner is lease holder</td>
<td>Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</td>
</tr>
<tr>
<td>Residential Land</td>
<td>Land used for residence partially affected, limited loss</td>
<td>Title holder</td>
<td>Cash compensation for affected land</td>
</tr>
</tbody>
</table>

Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates). Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist). Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates). Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates). Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to reestablish the business.
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Types of Impact Affected</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remaining land viable for present use.</td>
<td>Rental/lease holder</td>
<td>Cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement (written or verbal)</td>
<td></td>
</tr>
</tbody>
</table>
| Title holder | Rent for land replacement or compensation in cash according to PAP's choice.  
Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.  
When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.  
Transfer of the land to the PAP shall be free of taxes, registration, and other costs.  
Relocation assistance (costs of shifting + allowance) |
| Land and assets used for residence severely affected  
Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws | Rental/lease holder | Refund of any lease/rental fees paid for time/use after date of removal.  
Cash compensation equivalent to 3 months of lease/rental fee.  
Assistance in rental/lease of alternative land/property.  
Relocation assistance (costs of shifting + allowance) |
| Buildings and structures | Structures are partially affected  
Remaining structures viable for continued use | Owner | Cash compensation for affected building and other fixed assets.  
Cash assistance to cover costs of restoration of the remaining structure |
| Rental/lease holder | Cash compensation for affected assets (verifiable improvements to the property by the tenant).  
Disturbance compensation equivalent to two months rental costs |
<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Types of Impact Affected</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Entire structures are affected or partially affected</strong>&lt;br&gt;Remaining structures not suitable for continued use</td>
<td>Owner</td>
<td>Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.&lt;br&gt;Right to salvage materials without deduction from compensation&lt;br&gt;Relocation assistance (costs of shifting + allowance)&lt;br&gt;Rehabilitation assistance if required (assistance with job placement, skills training)</td>
<td></td>
</tr>
<tr>
<td>Rental/lease holder</td>
<td></td>
<td>Cash compensation for affected assets (verifiable improvements to the property by the tenant).&lt;br&gt;Relocation assistance (costs of shifting + allowance equivalent to four months rental costs).&lt;br&gt;Assistance to help find alternative rental arrangements&lt;br&gt;Rehabilitation assistance if required (assistance with job placement, skills training)</td>
<td></td>
</tr>
<tr>
<td>Squatter/informal dweller</td>
<td></td>
<td>Cash compensation for affected structure without depreciation&lt;br&gt;Right to salvage materials without deduction from compensation&lt;br&gt;Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project; alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)&lt;br&gt;Rehabilitation assistance if required assistance with job placement, skills training)</td>
<td></td>
</tr>
<tr>
<td>Street vendor (informal without title or lease to the stall or shop)</td>
<td></td>
<td>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance,</td>
<td></td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
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<td>whichever is higher.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business.</td>
</tr>
<tr>
<td>Standing crops</td>
<td>Crops affected by land acquisition or temporary acquisition or easement</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.</td>
</tr>
<tr>
<td>Trees</td>
<td>Trees lost</td>
<td>Title holder</td>
<td>Cash compensation based on type, age and productive value of affected trees plus 10% premium</td>
</tr>
<tr>
<td>Temporary Acquisition</td>
<td>Temporary acquisition</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)</td>
</tr>
<tr>
<td>Community property</td>
<td></td>
<td></td>
<td>In kind replacement or compensation at replacement cost for land and structures</td>
</tr>
</tbody>
</table>
5. METHODS FOR VALUING AFFECTED ASSETS

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

5.1. METHOD FOR TAKING INVENTORY OF ASSETS AND PAPs

In order to prepare for compensation and other resettlement benefits, it is imperative that a comprehensive asset and affected persons inventory in the designated areas for the different project components is done. Such an inventory will be conducted by a multidisciplinary team composed of the following types of persons: - a Project Team Leader, Surveyor, Valuation Expert and Sociologist. In addition to this team, Commune and colline leaders (Chiefs) will be present to witness the process.

Valuation Procedure
At each affected land/plot, the Valuer will take careful count of all crops and trees. In addition, the Valuer will count and measure all the affected buildings / structures in the presence of the affected person and a local leader. A Compensation Assessment Form will be filled to record all the properties affected. The licensees or sharecroppers crops will also be noted and recorded on a separate Compensation Form bearing the names of the licensee or sharecropper. The property of the sharecropper/licensee will be recorded in the presence of the landowner, the licensee/sharecropper and the area leader. All the participating parties will verify the contents of the Compensation Assessment Form and will thereafter append their signatures to this form. The affected persons will take a copy of the Compensation Assessment while the original will be retained by the Valuer.

Land Survey
A Land Surveyor will demarcate the boundary of the project land required for acquisition. He will then demarcate individual affected property so as to determine the different land areas/sizes acquired from each PAP. The surveyor will work hand in hand with the affected persons, other community members and the Local authorities (i.e. the colline leaders (Chiefs) and a Commune Representative. This is mainly for purposes of transparency and confirming land boundaries and ownership of the affected property. In cases where the land owners will be absent, family members, caretakers or spouses will be encouraged to be present and represent the household. The land inventory will specify the different customary tenures under which the different affected plots of land fall (e.g. customary, leasehold, public etc.).
Socioeconomic Profile of Each PAP
Structured questionnaires will be administered by a team of trained Research Assistants in order to document each Project Affected Person’s profile. The team will be supervised by a Resettlement Expert. The questionnaires will be entered in a database and analysed to estimate the magnitude of the impacts and for monitoring purposes.

The socio-economic survey will reveal a substantial amount of information on the economy and social organisation of the affected community. The Resettlement Expert is expected to review this data so as to identify appropriate and sustainable interventions. Special attention will be paid to the needs of vulnerable people among the PAPs especially households with incomes below the national poverty line, including the landless, elderly, disabled, women, children, and other disadvantaged groups.

For these reasons, the project sponsor should bear in mind that resettlement may provide opportunities to an affected community to improve housing, public infrastructure and services and to engage in land use planning that contributes to the long term development objectives.

5.2. COMPUTATION OF COMPENSATION PACKAGES

There are several methods that could be used to calculate the compensation cost for the affected property and these include the Replacement Cost Approach, Market Rates Approach, schedule of compensation rates and use of rates from other Contractors with similar types of construction in the vicinity of the project.

Replacement Cost Approach
All buildings/structures shall be valued and compensated based upon replacement cost, taking into account market values for structures and materials.

Market Rates Approach
Market rates shall be applied when valuing and calculating compensation values for land.

Compensation rates
A schedule of compensation rates for crops, trees, semi-permanent buildings will be generated for Gitega Province.

Rates from other Contractors
In the absence of compensation, rates from other Contractors with similar types of construction in the vicinity of the project shall be applied.

*Cultural Sites*
The prefeasibility study identified a cultural site in the project area of Ruvyironza i.e. Marian Shrine which is located in the Archdiocese of Gitega.

According to World Bank OP 4.11, sacred sites include but are not restricted to traditional and culture sites, altars, initiation centres, ritual sites and cemeteries. They include other such sites that are accepted by Burundian laws. To avoid any possible conflicts between individuals, communities, homesteads and/or local government, the use of sacred sites for any activity is not permitted under this project.

*Inflation Tendencies*
The fact that normally the period between valuation and compensation of assets is long, inflation allowances shall be considered when computing compensation costs. The advantage of in-kind compensation is that it ensures that inflationary pressure on the cost of assets and services is reduced. Local inflation and market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values.

5.3. **FORMS OF COMPENSATION**

Compensation shall be done in the following forms

- Cash Compensation will be in Burundian local currency
- In-kind compensation shall include items such as land, houses, building materials, seedlings, agricultural input etc.
- Additional assistance may include, moving allowances, labour, food and rent during the transition period etc.

5.4. **CONSULTATION AND PARTICIPATORY APPROACHES**

For all stages of the RAP all the relevant stakeholders including the PAPs will be consulted and sensitized. This will be done through a series of individual and public meetings. All types of compensation and valuation principles to be followed will clearly be explained to the individuals or households involved. A participatory approach will be adopted for all meetings. Stakeholders and PAPs will be given a chance to freely participate in the meetings and to raise any queries, concerns or questions. All concerns raised will be taken into consideration when
preparing the Resettlement Action Plan.

5.5. DISCLOSURE AND NOTIFICATION

All eligible PAPs will be informed about the Ruvyironza Multipurpose WRD Project and the RAP process. Disclosure and notification of entitlements will be carried out by the compensation team responsible for implementing the RAP to enable the dissemination of the results of the land and property compensation assessment process.

Notification about the intended disclosure will be done through media announcements and formal notification (written and verbal) and through local leaders.

A preparatory meeting with the local leaders who will be on the verification team shall be held prior to the individual disclosure meetings.

PAPs compensation payments will be disclosed to them individually in the presence of the colline and commune leaders. The different compensation options will also be explained to the affected person. A spouse and children are expected to be present during this meeting so as to act as witnesses to the process.

5.6. DOCUMENTATION AND VERIFICATION OF LAND AND OTHER ASSETS

The inventory of all assets and persons shall be compiled in a Report and Strip Map showing descriptions of the assets (land, buildings/structures, crops, trees etc.), the unit costs, measurements, land tenure and total values for each PAP. In addition, a Resettlement Action Plan Report shall also be prepared and submitted to the implementing agency and donor agencies for approval. The RAP report will contain all the necessary personal information on the PAPs and their household members; their total land holdings, demographic and socio-economic information for monitoring of impacts and level of impacts etc.

The verification of ownership of land and other assets shall be done with the help of local authorities, (i.e. communal council members, colline leaders) neighbors, clan members, family members and documents like land titles and land sale agreements.

A form (Consent Form) detailing the quantities of the affected properties and the total compensation shall be signed by each PAP and witnessed
by a spouse, or child above 18 years or any other person as chosen by the PAP. In addition, the respective local leaders, the implementing agency’s representative and representatives of the Province will also append their signatures to the consent form.

The implementing agency will keep all copies of the documentation of the whole process. The documents will be referred to during monitoring and evaluation of the resettlement activities.

5.7. **INDIVIDUAL / HOUSEHOLD 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. However, PAPs will be advised on the importance of accepting in-kind compensation especially when more than 20% of the land has been affected as stated in OP4.12. All in kind compensation will be handed over to the PAP in the presence of the local leaders, Province and Commune representatives and representatives of the implementing agency.

5.8. **COMMUNITY PAYMENTS**

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

5.9. **PROCEDURES FOR DELIVERY OF COMPENSATION**

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

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach shall be adopted as an on-going strategy throughout the entire project cycle.

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

The role of traditional, political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. A partial list of consultations on the project held to date is included in Annex 7. Future consultations related to the RAP are included in this section.

6.1. DATA COLLECTING PHASE

Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-projects. The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers’ associations, individuals who own farms, etc. as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

6.2. IMPLEMENTATION PHASE

During implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded. The participation of local leaders and PAPs in disseminating information and resolving disputes will be important once
RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

6.3. **Monitoring and Evaluation Phase**

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

### 7.1. Introduction

During the implementation of the project activities it is likely that disputes/disagreements between the project implementers and the affected persons will occur especially in terms of boundaries, ownership of crops or land or use of land/ properties, compensation values, delay in disbursement of the compensation packages. It will therefore be necessary to establish channels through which aggrieved people could file their complaints so as to ensure successful project development and implementation. The sub project RAP team will establish grievance redress mechanisms in accordance to those outlined in the RPF.

The grievance redress procedures will provide opportunity for PAPs to settle their complaints and grievances amicably. The procedure to be adopted will allow PAPs not to lose time and resources from going through lengthy administrative and legal procedures. This may be set up through Local Authorities, including a Resettlement Committee and through community leaders.

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

### 7.2. Grievance Mechanisms

The project will as much as possible try to follow the existing grievance resolution mechanisms in the area at the different levels. The following levels of grievance resolution are proposed.

#### (i) Stage I: The Colline /Commune Level

The grievances shall first be lodged with the Colline Chief who will try to solve them. However, if the Colline Chief is not able to solve the grievance then he will seek guidance from the Commune administration or just forward the case to the administration. The Commune administration will try all avenues to solve the problem at this level. If the advice of the Bashingatahe is required to solve the grievance, it will be sought. If the grievance is unresolved it will then be forwarded to the Province.
(ii) **Stage II: Provincial Lands Office/Registrar**
The Provincial Lands Office shall take over the case from the Commune and shall invite the PAP to produce documents that support the PAP’s claims. It will be expected to provide a verdict within one week in order to expedite the process. If the case is unresolved, the case will then be forwarded to the Courts of Law;

(iii) **Stage III: Courts of Law**
If the PAP or aggrieved party is not satisfied with the outcome of the grievance at provincial level, then the matter will be appealed in a court of law as provided for by law. However, this will be a last resort after all channels to settle the grievance have failed.

### 7.3. GRIEVANCE RESOLUTION PROCESS

Through sensitization meetings the PAPs will be informed of the different grievance mechanisms in place for them to lodge their complaints and dissatisfactions. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will be channeled via the Colline Chief. Complaints will be filled in a Grievance Resolution Form (Annex 3.).

After registration of the complaint, an investigation will be carried out by the Colline Chief to verify its authenticity. Thereafter a resolution approach will be selected based on the findings. The decisions of the action to be taken or taken will be communicated to all involved parties mainly in written form. All measures will be undertaken to ensure that the grievance is solved amicably between the concerned parties and the courts will be the last resort. Efficiency in solving of the grievances will be of paramount importance.

### 7.4. MONITORING COMPLAINTS

In addition to the Grievance Resolution Form, a Grievance Log will be kept by the project implementers indicating the date the complaint was lodged, actions to be taken and personnel or team responsible for the complaint. The Project Liaison Officer or RAP Specialist for each sub project will monitor and document the progress of all complaints through weekly or monthly grievance resolution reports.
8. IMPLEMENTATION SCHEDULE

8.1. TIME SCHEDULE FOR THE IMPLEMENTATION OF THE RAP

Upon review and approval of the RAP by all stakeholders, the implementing agency will embark on the process of RAP implementation. This process will be conducted prior to the commencement of the construction activities. Efforts will be made to ensure that PAPs are allowed sufficient time for relocation or handover of land. PAPs will only be required to move after receipt of their total compensation packages including replacement land and structures whenever applicable. However, the processing of registration documents is sometimes lengthy and highly bureaucratic. Therefore, these may be distributed long after or deep into the construction phase but not beyond commissioning. The detailed activity schedule for the resettlement activities will be finalized during the preparation of the RAP.

8.2. LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

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

The land acquisition (both construction and relocation) and demolition of houses should be completed within the preparatory stage of the engineering construction and before the beginning of relevant engineering works.

The schedule is thus expected to ensure that all PAPs, prior to their physical relocation will;

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

9.1. **Estimated Budget**

An itemized budget is required for the implementation of resettlement activities including compensation. Thus the RAP prepared for Ruvyironza Multipurpose WRD Project must provide a budget as this will be crucial for planning and implementation purposes.

Since the specific locations of the sub-projects are not yet determined, the number of PAPs not yet determined and the detailed technical designs have not been completed, it is not possible to provide an estimated budget for the total costs of resettlement that will be associated with the implementation of the Ruvyironza Multipurpose WRD Project. Thus this RPF only provides the contents of the expected budget for the RAP that will be prepared.

The budget will give itemized budgets for the different categories of compensation packages, community development activities, income restoration strategies, provisions for inflation, administrative costs, estimated implementing costs, inflation and any contingencies. Once the budgets for the respective projects are finalized, they will be subject to approval by the World Bank, if the World Bank is to finance any of the project implementation\(^3\). Table III shows an indicative outline of a RAP budget.

**Table III: Indicative Outline of a RAP Budget**

<table>
<thead>
<tr>
<th>Asset acquisition</th>
<th>Amount or number</th>
<th>Total estimated cost</th>
<th>Agency responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crops and economic trees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community infrastructure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Land Acquisition and Preparation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crops areas and others</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^3\) As noted earlier, neither NELSAP-CU nor the Government of Burundi have made a decision to proceed with the implementation of the Ruvyironza project, as the feasibility study (financed through the NCORE project) is needed in order to make an investment decision. As such, implementation financing for the Ruvyironza project has not yet been secured. The involvement of the World Bank in the Ruvyironza Multipurpose WRD project beyond the financing of the Feasibility Study, Design, ESIA and RAP (through the NCORE) project is not yet known.
<table>
<thead>
<tr>
<th>Community infrastructure</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Relocations</strong></td>
<td></td>
</tr>
<tr>
<td>Transfer of possessions</td>
<td></td>
</tr>
<tr>
<td>Installation costs</td>
<td></td>
</tr>
<tr>
<td><strong>Economic Rehabilitation</strong></td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td></td>
</tr>
<tr>
<td>Capital Investments</td>
<td></td>
</tr>
<tr>
<td>Technical Assistance</td>
<td></td>
</tr>
<tr>
<td>Monitoring</td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td></td>
</tr>
</tbody>
</table>

Under the NCORE project, NELSAP will be conducting a social safeguards training course, including capacity building on land acquisition and resettlement procedures for targeted officials from key agencies and utilities of its member governments that are involved in design, preparation and implementation of NELSAP projects. It currently has $100,000 for this training, and is seeking additional funds to augment this budget.

**9.2. SOURCE OF FUNDING**

The resettlement budget for the project and other sub projects will be financed in-country through the administrative and financial management rules and manuals issued by the Government of Burundi.
10. MONITORING AND EVALUATION

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

10.1. ARRANGEMENTS FOR MONITORING BY IMPLEMENTING AGENCY

The WB’s safeguard policy (OP 4.12) states that the project sponsor is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution.

The Project Implementing Unit (PIU) will establish a reporting system for the sub-project RAP that will:

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

10.2. INTERNAL AND EXTERNAL MONITORING

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

For internal monitoring, the resettlement offices of the executing agency, in partnership with the paying consultant will take full responsibility for conducting regular internal monitoring of the implementation of the project. This will be done hand in hand with some of the districts’ staff, the PAPs representatives and will be done say after every six weeks. Post resettlement monitoring will be undertaken internally like every three months.

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

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

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

**Indicators**

The following indicators (in Table IV) can be used to monitor implementation of the RAP.
Table IV: Indicators of RAP Impacts

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

External Monitoring

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

External monitoring will include an independent impact evaluation that will determine:

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

Indicators

Several indicators will be used to measure these impacts. These will include, among others

- A comparison of income levels before-and-after;
- Access to livelihoods and employment;
- Changes in standards of housing and living conditions;
- And improvements in level of participation in sub-project activities.

Specific indicators may include the following:

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

Methods for Measuring Impacts

The following methods will be used for measuring impacts:

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

It is important to note that monitoring is continuous throughout the project while evaluation is at a given point.

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

10.3. Annual Audit

The annual audit of RPF implementation, and as applicable RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines as provided in this RPF.
The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP sub-project activities. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country.

Finally, the audit will ascertain whether the resettlement entitlements were appropriate as defined in the RPF guidelines. If the implementation (construction) of the Ruvyironza project is eventually funded by the World Bank, Annual audit reports will be submitted for scrutiny to the World Bank. If the project is financed by a body other than the World Bank, an adequate review mechanism should be established by the project.

To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the completion of financial commitments to the programme. This will allow for flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

10.4. **Socio-Economic Assessment**

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

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

Annex 1:  World Bank Resettlement Policy Framework
Annex 2:  Annotated Outline for Preparing a Resettlement Action Plan (RAP)
Annex 3:  Sample Grievance and Resolution Form
Annex 4:  Sample Table of Contents for Consultation Reports
Annex 5:  Glossary of Terms
Annex 6:  Relevant Laws
Annex 7:  Summary of Project Consultations to Date
ANNEX 1: WORLD BANK RESETTLEMENT POLICY FRAMEWORK


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

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

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

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

For other Bank-assisted project with multiple subprojects that may involve involuntary resettlement, the Bank requires that a draft resettlement plan
conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paragraphs 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

For each subproject included in a project described in paragraphs 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

For projects described in paragraphs 26-28 above, the Bank may agree, in writing, that sub-project resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity’s approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.
ANNEX 2: ANNOTATED OUTLINE FOR PREPARING A RESettlement ACTION PLAN (RAP)

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

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

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

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

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

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

(i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

(ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

(iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;

(iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and

(v) Provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available...
at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

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

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

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

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

(iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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

(i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;

(ii) Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;

(iii) Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;

(iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;

(v) Gaps, if any, between local laws covering resettlement and the Bank’s resettlement policy, and the mechanisms for addressing such gaps; and

(vi) Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

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

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

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

Resettlement Measures: A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of OP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

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

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

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

Environmental protection and management. A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
**Community Participation:** Consistent with the World Bank’s policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

(i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;

(ii) Summary of the consultations and how PAPs’ views were taken into account in preparing the resettlement plan; and

(iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

(iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

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

(i) Consultations with host communities and local governments;

(ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;

(iii) Conflict resolution involving PAPs and host communities; and

(iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

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

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

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

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

Monitoring and evaluation: Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs’ livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.
ANNEX 3: SAMPLE GRIEVANCE AND RESOLUTION FORM

Name (Filer of Complaint): ____________________________________
ID Number: ________________________________ (PAPs ID number)
Contact Information: ________________________________ (Colline ; mobile phone)
Nature of Grievance or Complaint:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Date | Individuals Contacted | Summary of Discussion

__________________ | _____________________ | _______________________

Signature_______________________ Date: ____________

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

Review/Resolution
Date of Conciliation Session: ______________________________
Was Filer Present? : Yes  No
Was field verification of complaint conducted? Yes  No
Findings of field investigation:

____________________________________________________________________________________
____________________________________________________________________________________

Summary of Conciliation Session
Discussion: __________________________________________________________

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

____________________________________________________________________________________

Signed (Conciliator): ________________________ Signed (Filer): ____________

Signed: ___________________________________________
Independent Observer

Date: ______________________________
1.0 Introduction.
1.1 Project Description
1.2 Applicable Laws, Regulations, and Policies to Public Engagement
1.3 Project Lenders

2.0 Stakeholder Analysis
2.1 Areas of Influence/Stakeholders
2.2 Description of Stakeholders

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

4.0 Summary of Key Issues

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

6.0 Disclosure Plan

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Table 3.2: Summary of NGO Meetings
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Table 3.4: Summary of Community Discussions
Table 3.5: Local Community Comments
Table 4.1: Summary of Key Issues and Responses
Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

TEMPLATE Table on Consultation Activity Summary

<table>
<thead>
<tr>
<th>Location and Communities Represented</th>
<th>Meeting Dates</th>
<th>Attendees</th>
<th>Discussion Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### ANNEX 5: GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Census</td>
<td>A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.</td>
</tr>
<tr>
<td>Compensation</td>
<td>The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.</td>
</tr>
<tr>
<td>Cut-off Date</td>
<td>Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.</td>
</tr>
<tr>
<td>Directly Affected Persons</td>
<td>All those who reside or derive their living from areas where the project will have a direct impact, often referred to as the Direct Impact Zone (DIZ), consisting of all the project components.</td>
</tr>
<tr>
<td>Involuntary Resettlement</td>
<td>The unavoidable displacement of people arising from development projects that creates the need for rebuilding their livelihood, income and asset bases in another location. It includes impacts on people whose livelihood and assets may be affected without displacement.</td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>The possession of or alienation of land, buildings, or other assets thereon for purposes of the project.</td>
</tr>
<tr>
<td>Project Affected Persons (PAPs) or Displaced Persons (DPs)</td>
<td>Persons affected by land and other assets loss as a result of project activities. These persons are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.</td>
</tr>
<tr>
<td>Project Impacts</td>
<td>Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities, assessed as part of the overall evaluation of the project.</td>
</tr>
<tr>
<td><strong>Physical displacement</strong></td>
<td>Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Rehabilitation Assistance</strong></td>
<td>Provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, to assist PAPs or DPs to restore their livelihoods.</td>
</tr>
<tr>
<td><strong>Replacement Cost</strong></td>
<td>The amount sufficient to cover full recovery of lost assets and related transaction costs.</td>
</tr>
<tr>
<td><strong>Resettlement Action Plan (RAP)</strong></td>
<td>The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.</td>
</tr>
<tr>
<td><strong>Stakeholders</strong></td>
<td>Any individuals, groups, organizations and institutions interested in and potentially affected by a project or having the ability to influence the project.</td>
</tr>
<tr>
<td><strong>Vulnerable groups</strong></td>
<td>People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.</td>
</tr>
</tbody>
</table>
## ANNEX 6: RELEVANT LAWS

<table>
<thead>
<tr>
<th>Property Rights and Land Rights</th>
<th>Law / Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every person has the right to property.</td>
<td>The Post-Transition Interim Constitution of the Republic of Burundi</td>
</tr>
<tr>
<td>Every Burundian has equal rights and is accorded equal protection regardless of sex.</td>
<td></td>
</tr>
<tr>
<td>Land is held as Government land (public &amp; private estate), rural land is held under customary tenure, and urban land under leasehold.</td>
<td>The Land Code of the Republic of Burundi, Law No.01/008 of 01/09/1986</td>
</tr>
<tr>
<td>All land that is not occupied is considered state land.</td>
<td>Government of Burundi Land Code, 2011</td>
</tr>
<tr>
<td>Legitimacy of land rights acquired and held under customary law is recognized.</td>
<td></td>
</tr>
<tr>
<td>The male is the head of household. There is joint management of family property. If a husband is absent, the wife has management rights.</td>
<td>Burundi’s Code of Persons and Family (Amended in 1993) Article 122</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Acquisition</th>
<th>Law / Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>“No one shall be deprived of his possessions except in the public interest and in the cases and in the manner established by law, subject to fair and prior compensation or enforcement of a judgment having the force of res judicata”.</td>
<td>The Post-Transition Interim Constitution of the Republic of Burundi Article 36</td>
</tr>
<tr>
<td>Responsibility for resettlement lies with the Ministry of Water, Lands, Environment &amp; Urban Affairs, but if the land is in a wetland, the responsibility lies with the Ministry of Agriculture.</td>
<td>The Land Code of the Republic of Burundi, Law No.01/008 of</td>
</tr>
</tbody>
</table>
Valuation is usually done by a Commission comprised of the three key ministries of Lands, Agriculture and Infrastructure.

<table>
<thead>
<tr>
<th><strong>Compensation</strong></th>
<th><strong>Law / Regulation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation, whether monetary or physical (in kind) must take place before a person who is eligible for compensation can relocate.</td>
<td>The Land Code of the Republic of Burundi, Law No.01/008 of 01/09/1986</td>
</tr>
<tr>
<td>Affected persons should be provided with land of the same size as the land acquired</td>
<td></td>
</tr>
<tr>
<td>Minimum compensation amounts are fixed for different ministries</td>
<td></td>
</tr>
<tr>
<td>When expropriation is mandated to benefit a collective entity under public law, the general rate for compensation is determined by an ordinance issued by the Minister of Agriculture and Livestock or the Minister in charge of Urban Development.</td>
<td>The Ministerial Ordinance # 720/CAB/810/2003, May 28, 2003</td>
</tr>
<tr>
<td>The compensation rates for land, crops and structures in case of expropriation for public usefulness should be updated.</td>
<td></td>
</tr>
<tr>
<td>The compensation in case of expropriation for public usefulness can be either a monetary compensation, or an exchange with, if needed, a partial compensation to help the expropriated individual to resettle.”</td>
<td></td>
</tr>
<tr>
<td>Dispute Resolution and Grievance Mechanisms</td>
<td>Law / Regulation</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td></td>
<td>No specific law</td>
</tr>
</tbody>
</table>
# ANNEX 7: SUMMARY OF PROJECT CONSULTATIONS TO DATE

## RUHVIRONZA PROJECT (BURUNDI)

<table>
<thead>
<tr>
<th>CONSULTATIONS MEETING CONDUCTED</th>
<th>DATE</th>
<th>STAKEHOLDERS</th>
<th>Decisions/discussion points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Consultations with stakeholders for the compilation and review of the project identification reports.</td>
<td>February – May 2012 Bujumbura City &amp; Gitega Province</td>
<td>Ministry of Water, Environment, Land and Urban Development (MEEATU) Ministry of Agriculture and Livestock (MINAGRIE) Ministry of Energy and Mines (MEM) REDIGESO (the national water &amp; power utility) Burundi Rural Electrification Agency (ABER) Gitega Province officials Burundi NELTAC and RPSC members</td>
<td>Such projects need to consult sectors and the communities The project needs to harmonize its plans with similar and related projects being planned for the Kagera Basin under different study components The study should ensure the ToRs for detailed ESIA are responsive to concerns of the communities in the project areas; Measures to reduce impacts on the communities using the marshlands should be minimized if not, the project increases peoples vulnerability even after the project. The study process should link with provisional and district agencies so that, the projects are consistent with priorities and acceptable from their start. The above comments of stakeholders were considered by the consultant, although they will be further elaborated during the planned feasibility and detailed design studies</td>
</tr>
<tr>
<td>2. Consultations with the Burundian Government to address issues related to the potential inundation by the Ruvyironza dam of 10km of the planned Gitega-Ngozi highway and level of people affected by the project.</td>
<td>July – August 2013 Bujumbura City, Gitega Province</td>
<td>Ministry of Water, Environment, Land and Urban Development (MEEATU) Ministry of Agriculture and Livestock (MINAGRIE) Ministry of Energy and Mines (MEM) REDIGESO (the national water &amp; power utility) Burundi Rural Electrification Agency (ABER) Vice President’s Office</td>
<td>A team of the Kagera RBM Project and relevant national stakeholders visited the potential Ruvyironza project area, and the Government has prioritized the project for further preparatory studies and sent a confirmation letter to the Kagera RBM Project. Regarding the inundation of part of the Gitega-Ngozi highway, the representative of the Ministry of Public Works informed the participants that donor (The EU) for the road had been consulted and has agreed to relocate/re-route the affected road section around the extents of the planned multipurpose dam project. In addition, the Government through the Ministry of Finance also committed to support the additional costs related to this road relocation. The additional studies for the 14km road relocation will be conducted by the Firm implementing the project. In regard to minimizing the relocation of households from the planned reservoir, the stakeholders recommended a reduction of the Dam height from 59m to 50m in order to reduce the negative impacts related to the reservoir inundation area.</td>
</tr>
</tbody>
</table>