Nile Equatorial Lakes Subsidiary Action Program (NELSAP)

Kagera River Basin Management Project

Muvumba Irrigation and Watershed Development Project (Nyagatare District, Kagera Basin)

RESETTLEMENT POLICY FRAMEWORK

GOVERNMENT OF RWANDA

MARCH 2014
# TABLE OF CONTENTS

table of contents ........................................................................................................................................... i
list of tables .......................................................................................................................................................... iii
list of acronyms ................................................................................................................................................ iv

1. INTRODUCTION AND BACKGROUND ......................................................................................... 1
   1.1. Project Description and Overall Context ................................................................................. 1
   1.2. Rationale And Objectives of the Resettlement Framework .............................................. 6
   1.3. Potential for Adverse Social Impacts ..................................................................................... 8

2. LEGAL AND INSTITUTIONAL FRAMEWORK .............................................................................. 10
   2.1. Laws on Property and Land Rights in Rwanda ................................................................. 10
   2.2. Expropriation / Acquisition of Land and Compensation of Land and other Assets .............. 14
   2.3. Grievance Resolution Mechanism ....................................................................................... 18
   2.4. World Bank Policy OP 4.12 (Involuntary Resettlement) ..................................................... 19
   2.5. Comparison Between National Legislation and WB OP 4.12 ......................................... 20
   2.6. Project Organization And Implementation Arrangements ............................................... 29

3. SOCIO-ECONOMIC BACKGROUND ....................................................................................... 37
   3.1. Approach For Identifying Project Affected Persons ............................................................ 37
   3.2. Estimated Population and Categories of Affected People .................................................. 38
   3.3. Creation of Baseline Information on Project Affected Persons .......................................... 38
   3.4. Socio-economic information on the proposed Muvumba Irrigation and Watershed Development Area ........................................................................................................ 40

4. ELIGIBILITY CRITERIA FOR CATEGORIES OF AFFECTED PEOPLE ........................................... 43
   4.1. Introduction ............................................................................................................................. 43
   4.2. Eligibility for resettlement/relocation .................................................................................. 44
   4.3. Eligibility for Community Compensation ........................................................................... 44
   4.4. Loss of Income and Livelihood .............................................................................................. 45
   4.5. Assistance to Vulnerable Groups .......................................................................................... 45

5. METHODS FOR VALUING AFFECTED ASSETS .......................................................................... 49
   5.1. District Compensation Rates / Valuation Tables .................................................................... 49
   5.2. Comparison of Land/Property Values Countrywide ............................................................. 49
   5.3. Replacement Cost ................................................................................................................... 49
   5.4. Method for Taking Inventory of Assets and PAPs ............................................................... 50
   5.5. Computation of Compensation Packages ............................................................................ 51
   5.6. Forms of Compensation ......................................................................................................... 52
   5.7. Consultation and Participatory Approaches .......................................................................... 53
5.8. Disclosure and Notification ................................................................. 53
5.9. Documentation and Verification of Land and Other Assets ...................... 53
5.10. Individual / Household Compensation ................................................ 54
5.11. Community Payments ...................................................................... 55
5.12. Procedures For Delivery Of Compensation ......................................... 55

6. PUBLIC CONSULTATION AND DISCLOSURE PLAN ............................... 56
6.1. Data Collecting Phase ........................................................................ 56
6.2. Implementation Phase ........................................................................ 57
6.3. Monitoring and Evaluation Phase ......................................................... 57

7. GRIEVANCE REDRESS MECHANISMS ..................................................... 58
7.1. Introduction ....................................................................................... 58
7.2. Grievance Mechanisms ..................................................................... 58
7.3. Grievance Resolution Process .......................................................... 60
7.4. Monitoring Complaints ....................................................................... 61

8. IMPLEMENTATION SCHEDULE ............................................................... 62
8.1. Time Schedule for the Implementation of the RAP ................................. 62
8.2. Linking Resettlement Implementation to Civil Works ............................. 62

9. BUDGET AND FUNDING ARRANGEMENTS .............................................. 63
9.1. Estimated Budget .............................................................................. 63
9.2. Source of Funding ............................................................................. 64

10. MONITORING AND EVALUATION .......................................................... 65
10.1. Arrangements for Monitoring by Implementing Agency ......................... 65
10.2. Internal and External Monitoring ....................................................... 66
10.3. Annual Audit .................................................................................... 68
10.4. Socio-Economic Assessment ............................................................. 69
10.5. Storage of PAPs Details ................................................................... 70

ANNEX 1: World Bank Resettlement Policy Framework ..................................... 72

ANNEX 2: Annotated Outline for Preparing a Resettlement Action Plan (RAP) ........ 74

ANNEX 3: Sample Grievance and Resolution Form ........................................ 79

ANNEX 4: Sample Table of Contents for Consultation Reports .......................... 80

ANNEX 5: Glossary of Terms ....................................................................... 82

ANNEX 6: Relevant Laws ........................................................................... 84

ANNEX 7: Summary of Project Consultations to Date ..................................... 86
LIST OF TABLES

Table I: Comparison of Rwandan and World Bank Policies on Resettlement and Compensation........................................................................................................23
Table II: Entitlement Matrix .........................................................................................................................................................................................45
Table III: Indicative Outline of a RAP Budget ......................................................................................................................................................63
Table IV: Indicators of RAP Impacts .................................................................................................................................................................67
LIST OF ACRONYMS

AIDS Acquired Immune Deficiency Syndrome
BP Bank Procedures
CAC Cell Adjudication Committee
CIWA Cooperation in International Waters in Africa Trust Fund
DDC District Development Committee
DLO District Land Office
ESIA Environmental and Impact Assessment
EDPRS Economic Development and Poverty Reduction Strategy
GDP Gross Domestic Product
HIV Human Immunodeficiency Virus
M&E Monitoring and Evaluation
MINIRENA Ministry of Natural Resources
MSIOA NEL Multi-sectoral Investment Opportunities Analysis
NBI Nile Basin Initiative
NCORE Nile Cooperation for Results Project
NEL Nile Equatorial Lakes
NELSAP Nile Equatorial Lakes Subsidiary Action Program
PCDP Public Consultation and Disclosure Procedures
RAP Resettlement Action Plan
RPF Resettlement Policy Framework
RBM River Basin Management
WB World Bank
WRD Water Resources Development
1. INTRODUCTION AND BACKGROUND

1.1. PROJECT DESCRIPTION AND OVERALL CONTEXT

Project Background

The Nile Basin Initiative/Nile Equatorial Lakes Subsidiary Action Program (NELSAP) has received financing from the World Bank toward the cost of the Nile Cooperation for Results (NCORE) Project. Recent field visits and upstream assessment building on analytical work undertaken under the Regional Agricultural Trade and Productivity (RATP) Project and consideration for infrastructure of regional significance under the NEL basin planning model (BPM and pre-feasibility work undertaken in readiness for implementation) resulted in selection of one of the sites in Rwanda (Muvumba valley) for consideration for irrigation and watershed management technical studies under component 2b of the NCORE Project.

NELSAP has acquired grant financing through the Nile Basin Trust Fund (NBTF) and the Cooperation in International Waters in Africa (CIWA) multi-donor trust fund, to prepare this potential investment project to pipeline status through a feasibility study, detailed design and independent ESIA and RAP studies, (but this does not include financing for construction or implementation of the Muvumba multipurpose water resource development project itself. No decision has yet been taken by NELSAP-CU nor by the governments to undertake construction of the Muvumba 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 Muvumba Multipurpose WRD project beyond the financing of the Feasibility Study, Design, ESIA and RAP (through the NCORE project) is not yet known.

Preparation of the Muvumba Irrigation and Watershed Development project is of regional interest, given the benefits to the sub regions in Uganda, Tanzania and Rwanda towards improvement in water, food and energy security, flood and drought control, and restoration of degraded sub-catchments. It will also boost food exports and agricultural trade between the 3 countries. There is confirmed country interest, as evidenced by ongoing national projects and expressed interest by the Ministry responsible for Agriculture in Rwanda. The project is aligned to National policies, 2010 National Irrigation Master Plan, the 2013-2018 Economic Development and Poverty Reduction Strategy (EDPRS) II and subsequently to Rwanda Vision 2020. It is demand driven, which forms
an indication of strong ownership. Selection is motivated by the readiness of Rwanda to carry forward the project in the short-run based on the development rate in irrigation development.

Through a revised 7-years program, the government targets to irrigate 100,000 hectares by 2017/2018. On the other hand, based on rate of irrigation development over the past decade and the country’s efforts in the sector, the MSIOA estimates a command area of about 46,000 ha that can be developed by 2035 in the Nile basin part of Rwanda (excluding hillside irrigation). Considering that not all the 100,000 ha has significant regional impact, the envisaged 13,000 ha (under the Muvumba project) (i.e. 28% of what can be achieved by 2035), would significantly contribute to the country targets in a short run.

**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 transboundary 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.

**Muvumba Project Description**

The proposed Muvumba irrigation and watershed development project is situated downstream the proposed dam site located at 1° 21’ 26.46” S, 30° 13’ 48.6” E along the Muvumba River in Nyagatare District of the Eastern Province. The upstream watershed is located in Uganda.

Presently, Rwanda’s Ministry of Agriculture and Animal Resources (MINAGRI) operates diversion weirs which irrigate about 3,000 ha within the valley. However the weirs do not provide storage and yet the river faces periods of low flows with insufficient water for irrigation and other
water uses. On the other hand, the river occasionally floods in the rainy seasons and destroys crops. Opportunities of multipurpose water resources development have been explored with options of providing storage, with associated potential direct benefits of: (i) Expansion of existing irrigation area by over 13,000 ha (which can benefit approximately 50,000 farmers), (ii) Hydropower generation of 2.9 MW/25.3 GWh/year (which can benefit about 28,000 households), (iii) Potable water supply to 118,494 people by 2035, (iv) Flow regulation for drought and flood control, and (v) Restoration of critically degraded ‘hotspots’ in the 956 km² upstream.

The scope of work to be undertaken for the proposed Muvumba Irrigation Development and Watershed Management Project includes: (i) full feasibility studies and detailed designs; and (ii) an Independent ESIA and RAP. The proposed dam and planned irrigation command area is shown in Figures 1-3.
Potential Muvumba Command Area

Planned Irrigation Command Area for Muvumba
The primary purpose of the dam would be irrigation, while its secondary purpose would be hydropower production. The proposed project is envisaged to include a 43m earthfill dam with storage capacity of 109 MCM and reservoir inundation area of 709 ha. The dam will store water for potential multipurpose benefits of irrigation development of 13,000 ha, hydropower generation of 2.9 MW, flood control, livestock and potable water supply, aquaculture, and restoration of critically degraded ‘hotspots’ in the project’s upstream catchment of 956 km².

For irrigation and hydropower development, the impounded reservoirs will be the main water sources to the irrigation fields and to run the turbines. 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, the irrigation fields and water supply areas that are planned downstream of the proposed dams, as well as by any power transmission or distribution lines; or interventions related to the restoration of critical hotspots (areas of high erosion).
1.2. **RATIONALE AND OBJECTIVES OF THE RESETTLEMENT FRAMEWORK**

1.2.1. **Rationale**

Although the preliminary studies and assessments recognized the positive social and economic impacts that the project is envisaged to generate, they also highlighted the potential negative social impacts and therefore the need for mitigation measures.

The activities of the proposed Muvumba Irrigation and Watershed Development Project would inevitably 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 Plans (RAP) or Abbreviated Resettlement Plans for the site. This RPF will thus serve as the framework within which Resettlement Action Plans will be developed when the project is certain of the locations and specific impacts of the project.

1.2.2. **Objectives**

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

- Establish the resettlement and compensation principles and implementation arrangements for the Muvumba Irrigation and Watershed Development project in Rwanda;
- Describe the legal and institutional framework underlying *Rwandan* 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.

This 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, whether permanent or temporary.

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). This RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12), as described in Annex 1.

This RPF seeks to ensure that any possible adverse impacts of proposed project activities to people’s livelihoods are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people as much as possible;
- In the event that displacement is inevitable, having a well-designed compensation and relocation process in place;
- Minimizing the number of PAPs, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs and their well-being and restore livelihoods.

The Nile Cooperation for Results Project, which is financing the feasibility studies, designs, ESIA and RAP preparation for the Muvumba Irrigation and Watershed Development Project, does not contain financing for the implementation of the Muvumba Irrigation and Watershed Development Project. Neither NELSAP-CU nor the Government of Rwanda have made a decision to proceed with the implementation of the Muvumba Irrigation and Watershed Development 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 Muvumba Irrigation and Watershed Development Project beyond the financing of the Feasibility Study, Design, ESIA and RAP studies (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
1.3. **Potential for Adverse Social Impacts**

Based on the prefeasibility study carried out for Kagera River Basin Project in 2012, the Muvumba Irrigation and Watershed Development 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 reservoirs, irrigation & drainage infrastructure, mini-hydro power plants and water supply infrastructure will be constructed. Other negative impacts would 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 and they will lose assets and properties and access to natural resources such as land and forests. In addition, there would 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.

As identified during the pre-feasibility study, specifically, the Muvumba project could have the following impacts;

- Loss of marsh and cropland areas due to inundation (about 7km$^2$) where rice fields are in place resulting is displacement of 1435 people;
- Possible loss of land for power distribution/transmission lines, water supply, or for restoration of land with high rates of erosion;
- Given the proximity of the project site to the Uganda/Rwanda border with adjacent communities practicing different economic activities and using water from this river, this is likely to trigger some conflicts with communities over water user rights which if not well addressed right from the planning stage, could brew disharmony in the two countries;
Impact on the roadside communities during transportation of the construction equipment.

Concerns relating to management of excess cut to spoil materials during the construction phase of the project.

Loss of vegetation through clearances of the sites and access roads.

Potential conflicts in water use due to a multiplicity of users (power generation, water supply and irrigations needs including local domestic uses). Some sections of the river have a number of dams in addition to a number of planned ones along the same river system there by putting stress on water supply process.

Soil erosion concerns which will likely arise through loose soil materials causing sedimentation

Pollution of water sources from loose soils, and agro-chemical residual impacts.

Equipment related concerns in terms of oil spillages, used batteries and oil filters as well as used tyres.

Human waste management especially in irrigation fields and workers camp sites.

Noise and vibrations from equipment and the workforce

HIV/AIDS impacts due to influx of people in search of work opportunities in the project.

Air Quality concerns likely to arise from project works

Possible increase in crime rate in the areas of the project.

Impacts on socio-cultural sites

Impacts on biodiversity areas of high conservation concerns (Important Bird Areas-IBAs, national and central forest reserves etc).
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 Rwanda as well and the standards of the World Bank’s OP 4.12 on Involuntary Resettlement (and, in case of any discrepancy between the two sets of standards, those most advantageous to PAPs will prevail) Rwanda’s relevant legal and institutional framework is presented in four sections: (i) Laws on Property and land rights, as defined by Rwandan law and customary practice; (ii) Expropriation/acquisition of land and compensation of land and other assets, (iii) Grievance Resolution Mechanism, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and (iv) Comparison between national legislation and World Bank OP4.12, using equivalence and acceptability standards.

2.1. LAWS ON PROPERTY AND LAND RIGHTS IN RWANDA

National Land Policy, 2004
The Policy is premised in the National Development Strategy of Rwanda (Vision 2020). Its main objective is to put in place and operationalize an efficient system of land administration and land management that secures land ownership, promotes investment in land for socio-economic development and poverty reduction.

The policy provides for land tenure systems, guiding principles of land management, an effective & efficient land registry, and land transactions.

According to the National Land Policy, all Rwandese enjoy the same rights of access to land, implying no discrimination against women. All land should be registered for security.

The National Land Policy specifies that marshlands are a special category of public land and their use, for those earmarked for it, must be done in the form of concession. All marshlands must be governed by a special legislation which must be vigorously enforced. Marshlands meant for agriculture should not be cultivated except after adequate planning and environmental impact assessment.

The National Gender Policy, 2010
The Vision of the National Gender Policy is to set the Rwandan society free from all forms of gender based discrimination and see both men and women participate fully and enjoy equitably from the development processes. The main mission of this policy is to contribute to the
elimination of gender inequalities in all sectors of national life, in order to achieve the nation’s goal for sustainable development.

Resettlement activities for the Muvumba project will involve and affect both men and women in terms of loss of property and both genders are expected to be treated equally thus this policy will be relevant.

The Organic Land Law No 08/2005 of 14/7/2005
Article 3 of this law stipulates that land is part of the public domain of all Rwandans; ancestors, present and future generations. With exceptions of the rights given to people, the state has supreme powers to manage all the national land. This is done in the public interest aimed at sustainable, economic development and social welfare, in accordance with procedures provided for by law. In that regard, it is the state that guarantees the right to own and use the land. The state also has rights to expropriation due to public interest, settlement and general land management through procedures provided by law and after appropriate compensation.

Article 4 requires that any person or association with legal personality has the right over the land and to freely exploit it as provided for by this organic law in Articles 5 and 6. Any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over the land.

Under Article 7, the rights over the land acquired from custom and the rights acquired from written law are equally protected. According to the law, all owners of land acquired from custom (persons who inherited the land from their parents), those who acquired it from competent authorities or those who acquired it through any other means recognized by national custom whether purchase, gift or exchange have rights over the land.

The law categorizes land based on two criteria: (1) Land Use and (2) Land Ownership. Article 9 splits land use into two categories: urban lands and rural lands. Urban lands are defined as lands confined within the legal boundaries of towns and municipalities as well as lands in suburbs and collective settlements of towns and municipalities. Any other land is rural land. Land ownership is divided into the following categories: individual owned lands and State lands (whether urban or rural). Individual land is comprised of land acquired through custom, written law, acquisition from competent authorities, purchase, gift, exchange and sharing (Article 11).
State lands are further categorized into two sub-categories: public domains and private State owned lands (Articles 12 and 13). State land for public domain includes land reserved for public use, for use by organs of state services or for environmental protection. Private state owned land consists of all other state owned land not considered to be part of public domain.

The Organic Land Law also provides two types of formal land tenure: full ownership/ Freehold and long term leasehold. Following the privatization 09/04/2007 of State owned lands, very few land users currently hold either type of land tenure. This means that PAPs will receive compensation for individual land owned unlike in the past where land was communally owned (customary) or state owned. Therefore, the Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts are being made under the Law (Article 7) to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights are being encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N°001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).

All types of land tenure must be in compliance with the designated land use and environmental protection measures as outlined in the Land Use Master Plan (Organic Land law No 08/2005 of 14/07/2005, article 6).

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

**Rwandan Constitution 2003**

The Constitution of Rwanda, Article 11 stipulates that all Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture,
language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.

Rwandan Constitution recognizes that every person has a right to private property whether personal or owned in association with others (Article 29). The private property, whether individually or collectively owned is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.

Under Article 30, it is stipulated that private ownership of land and other rights related to land are granted by the State. The law specifies the modalities of acquisition, transfer and use of land.

Exceptionally, the right to property may be overruled in the case of public interest. In these cases, circumstances and procedures are determined by the law and subject to fair and prior compensation (Article 29). Laws on property are also found in various legal texts of Rwanda. Eligibility for compensation is also enshrined under the Rwandan constitution and the Expropriation Law.

The property of the State comprises of public and private property of the central Government as well as the public and private property of decentralized local government organs (Article 31). The public property of the State is inalienable unless there has been prior transfer thereof to the private property of the State.

**Ministerial Order No. 001/2006 of 26/09/2006 Determining the Structure of Land Registers, the Responsibilities and the Functioning of the District Land Bureau.**

This Order determines the structure of land registers, the responsibilities and the functioning of land bureau in each district (Article 1). However, this Order does not apply to land specified in articles 12, 14, 15 and 72 of the Organic Land Law n° 8/2005 of 14/07/2005 determining the use and management of Land in Rwanda (Article 2).

Article 3 of this Order stipulates the following land registers; Cadastral register, Short term lease and long term lease contract. Chapter 2 (Article 3-4) highlights the structures of land registers while responsibilities are stipulated in Chapter 3 (Article 5-7) of this order. According to this order, the overall responsibility of implementing the land policy lies with the Land Bureau (Article 5-7). Functioning of the land Bureau is stipulated in Chapter 4 of this order.
Organic Law No. 08/2005 Determining the use and management of Land in Rwanda of 2005

This law determines the use and management of land in Rwanda. It also institutes the principles that are to be respected on land legal rights accepted on any land in the country as well as all other appendages whether natural or artificial.

According to the Law, Land in Rwanda is categorized into two: Individual land and Public land. The latter is subdivided into two categories: the state land in public domain and the state land in private domain. State land in public domain includes national land reserves for environment conservation; land over which administration building are erected, state roads, land containing lakes, rivers, stream and springs. State land in private domain include swamps that may be productive in terms of agriculture, vacant land with no owner, land purchased by the State, donation, land acquired through expropriation and land occupied by state owned forests. Land in Rwanda is predominantly individual land.

The law gives the owner of land full rights to exploit his or her land in accordance with the existing laws and regulations. The law also provides for expropriation through Article 56 which stipulates that land expropriation can be undertaken if it’s for public interest.

Article 7 of the organic law protects the rights over the land acquired from custom and the rights from the written law. It refers to owners of land acquired from custom as all persons who inherited the land from their parents, those who acquired it from competent authorities or those who acquired it through any other means recognized by national custom whether purchase, gift, exchange and sharing.

In regard to gender, Article 4 stipulates that any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over the land.

2.2. Expropriation / Acquisition of Land and Compensation of Land and Other Assets

The Law Relating to Expropriation in the Public Interest, Law No. 18/2007 of 19/04/2007

The Law determines the procedures relating to expropriation in the public interest. Expropriation is the taking of private property in the public interest aimed at development, social welfare, security and/or territorial integrity. An expropriator is a government organ with responsibilities and powers conferred by law to carry out expropriation in
public interest. An Act of public interest is defined as an Act of Government, public institution, non-governmental organization, legally accepted associations operating in Rwanda or an individual with a public interest aim. According to Article 5, acts of public interest include water dams, electric lines, basic infrastructure and any other activities aimed at public interest which are not indicated on this list but are approved by an Order of the Minister in charge of expropriation at his own initiative or upon request by other concerned persons.

Article 3 stipulates that expropriation can only be carried out by Government and only in the public interest and with prior and just compensation. Underground or surface activity may be carried out with a public interest aim, on land belonging to a person. No landowner is permitted to oppose such activity. In the event that the activity causes any loss to the land owner, he shall receive just compensation for it.

Article 4 of the law provides that a project whose implementation shall entail expropriation is required to make financial provision for the expropriation process in terms of funds for inventory of assets of the person whose property is to be expropriated; and for just compensation on its budget. Compensation is only payable to persons who have a legally recognized interest in the real property in issue.

Article 17 stipulates that a person to be expropriated shall be informed of the beginning of the process of the land survey and the inventory of the properties thereon. Land survey and inventory activities shall be carried out in presence of the beneficiary or representatives, as well the representatives of the local administrative entities. The owner of the land is not allowed to carry out any activities after the land survey and the inventory of the properties thereon and coming to terms with the beneficiaries. In case he or she carries out any activities, they shall not be valued in the process of expropriation. In case the owner of the activity who was informed through procedures provided by this law does not appear, a report shall be made and signed by the representatives of the local administrative entities as well as those who conducted the survey and the inventory.

According to Article 18, the person who owns land intended for public interest shall provide evidence to confirm that he or she possesses rights on that land and presents a certificate of acknowledgement of the members of his or her family. Among the evidence to confirm ownership of the land, there shall be included: written evidence indicating that he or she purchased the land, received it as a donation or as a legacy or a successor; a document or a statement of local administrative entities indicating rights of the expropriated person on the land; a document or testimony of the neighbours confirming the ownership of the land; or a
Court certificate. The person who occupied reserved land after the publication of relevant laws shall not be entitled to any compensation.

According to Article 21, the properties to be valued for just compensation due to expropriation include land and activities that were carried out on the land including different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity. The value of land and the activities thereon that belong to the person expropriated shall be calculated considering their size, nature and location and considering the prevailing market prices.

Article 23 provides that through agreement between the person to expropriate and the one to be expropriated, the just compensation may be monetary or an alternative land and a building equivalent to the determination of just monetary compensation. In order for the expropriation to be implemented, the just compensation shall be awarded to the expropriated person before he or she relocates.

Article 24 stipulates that the just compensation approved by the Land Commission shall be paid within a period not exceeding one hundred and twenty (120) days from the day of approval of the just compensation. In case it exceeds that period, the expropriation shall be invalid except in case the person to expropriate and the one to be expropriated come to terms. Subsequent to receiving just compensation, the expropriated person has a period that does not exceed ninety (90) days, in order to relocate. At any time the person to be expropriated is still waiting for payment, he or she has a right to cultivate crops within a period not exceeding ninety days (90) and harvest the crops still on his or her land. Forceful relocation is permitted where a person receives an award and refuses to relocate. Such relocation shall be undertaken by competent authorities. In case the expropriator does not pay the agreed just compensation on time as provided by Article 24, he or she shall pay an annual interest on delays of 5% in addition to the just compensation agreed or awarded to the expropriated person. Such a period shall not exceed two (2) years.

According to Article 25, the amount for just compensation shall be deposited into the account of the person to be expropriated in a bank or any financial institution recognized by law and of his or her own choice in the country. In case the just compensation is to be paid to more than one person to be expropriated, if they share the rights on that property as a family or as a legally married spouse, the amount shall be deposited on a joint account such that any person wishing to withdraw money from the account shall receive written permission from those with whom they share the account. In case the property of the person to be expropriated is mortgaged to the bank as a security, the amount for just
compensation shall be deposited on the account which he or she agrees with the bank.

The **Expropriation Law** provides for public dissemination on the importance of the project to be established and the need for expropriation. Article 12 of the Expropriation Law stipulates that the relevant Land Commission, after receiving the request for expropriation, shall examine the basis of that project proposal. In case it approves the basis of the project proposal, the relevant Land Commission shall request, in writing, the District authorities concerned to convene a consultative meeting of the population where the land is located, at least within a period of thirty (30) days after receipt of the application for expropriation, and indicating the date, time and the venue where the meeting is to be held. The relevant Land Commission shall take a decision within a period of at least fifteen (15) days after the consultative meeting with the population.

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

**Law Establishing and Organising the Real Property Valuation Profession in Rwanda, Law No.17/2010 of 12/05/2010**

This law aids the law on expropriation in terms of undertaking valuation. Valuation of real property can only be done by a person certified as a Valuer under this law (Article 26). A Valuer may use one or more of the valuation methods mentioned in order to determine the value of real property. The Valuer shall select the best valuation method to determine the fair market value of the real property (Article 27). The methods used shall be clearly explained in the valuation report. Upon approval by the Council for the Regulation of Real Property Valuation in Rwanda (established under this law) a Valuer may use any other relevant worldwide methods not provided in this Law in order to carry out the assigned work.

There has been establishment of an Institute of Real Property Valuers of Rwanda as a body corporate with autonomy. In order to be recognized as a real property valuer in Rwanda, a person must be a member of the Institute. A Council for the Regulation of the Real Property Valuation Professionals in Rwanda is established as a regulatory agency. The Institute proposes regulations, guidelines and standards for valuation while the function of approval lies with the Council. A register of real
property Valuers is maintained by the Council who can enter or remove a real property Valuer from the register of certified Valuers. The Chairperson of the Council approves valuation and is equivalent to the Chief Government Valuer in other jurisdictions.

A person dissatisfied with a real property valuation shall refer the matter to the Council for determination. The Council shall select other certified Valuers who shall decide other valuation methods to be used. If the dispute remains unsettled, it shall be submitted to a court of law for adjudication.

2.3. GRIEVANCE RESOLUTION MECHANISM

**Ministerial Order No. 002/2008 of 2008 Determining Modalities of Land Registration**

Annex 3 of the Ministerial order provides for dispute resolutions procedures and some provisions related to the Cell Adjudication Committee (CAC). Articles 17, 20, 22, and 23 provide the process for resolving disputes. Article 17 grants parties with a dispute, the right to take that dispute to the mediation committee. That article also provides that where a dispute arose during demarcation and adjudication but, with the assistance of the CAC, the parties were able to resolve the dispute, the parties are bound by that agreement, and may not later attempt to raise the issue. Article 20 provides procedures for the CAC when hearing disputes, including that the hearing is open to the public and announced eight days in advance, among other requirements. Articles 22 and 23 govern the lodging and processing of objections and corrections during a 60-day period.

The CAC is comprised of all five members of the cell land committee and five members of the particular Umudugudu where demarcation and adjudication is taking place. The cell Executive Secretary acts as the CAC secretary, although he or she has no voting rights. This order can be used to resolve resettlement conflict in the project area.

The **Expropriation Law** Article 26 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19).

The first step of redress is to inform those to be expropriated of their rights during the expropriation process. Articles 17-20 of the Expropriation Law obliges the representative government authority (that which is implementing the project requiring expropriation) to inform affected people of their rights at each stage of the process.
According to Article 26, all the grievances concerning non-compliance with the provisions of the contract, the value or timing of compensation or seizure of land assets without compensation shall be addressed to the Land Commission at the level at which the issue is based. The aggrieved party is provided with a legal expert in the matters of Land Law or any other survey expert with value verification skills, who will proceed to recalculate the value of compensation due. In the event that the new value is rejected by the Land Commission hearing the complaint, the aggrieved party may appeal to the immediate higher Land Commission within 15 working days which must then deliver its verdict within 30 days. If the aggrieved party is still dissatisfied with the decision, their final resort shall be to file the case to the competent Court of Law. According to Article 26, filing a case in courts of law does not stop the expropriation process from being effected.

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

2.4. **WORLD BANK POLICY OP 4.12 (INVOLUNTARY 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 compensate for lost assets at full replacement cost, and assist the displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

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

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

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**

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

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

The key differences are as follows.

**Avoid Resettlement:** While OP 4.12 stipulates that projects should first avoid involuntary resettlement as much as possible, there are no similar provisions in Rwandan national legislation, which states that ‘expropriation of land will be done when deemed necessary for public purposes.’ Secondly, the notification period under national legislation requires that property must be handed over 90 days after financial compensation has been paid, while OP 4.12 requires that displacement must not occur until all necessary measures for resettlement are in place.

**Meaningful and participative consultation:** OP 4.12 requires that persons to be displaced should be meaningfully consulted and should have the opportunity to participate in planning and design of resettlement programs. The Rwandan Expropriation Law simply stipulates that affected peoples be fully informed of expropriation issues and goes further to prohibit any opposition to the expropriation program if considered to be under the pretext of self-centered justification.

**Eligibility determination:** Eligibility determination entitles those who have formal rights, those with claims to land, and those with no recognizable legal right to some compensation under OP4.12 but Rwandan legislations entitle only those who are “landholders” with legal possession of property. The World Bank OP4.12 therefore allows a broader range of eligibility than the national policy.

**Fair and just compensation:** Furthermore, whilst the Expropriation and Valuation Laws provide for fair and just compensation to expropriated people eligible for compensation, the definition of ‘fair and just’ is not clear. Equally, whilst OP4.12 stipulates a clear preference for non-cash compensation for land based livelihoods to be provided, this preference is not as evident in the Expropriation Law.
**Monitoring:** Whilst monitoring measures are provided for in Rwandan legislation, the focus is to ensure that contracted compensation has been provided in full. It does not require assessment as to whether the compensation provided was appropriate, and whether the PAPs livelihoods have been restored or improved as stipulated by OP4.12.

A comparison of the Rwandan law and WB requirements regarding compensation is given in Table I.
<table>
<thead>
<tr>
<th>Category of PAPs/ Type of Lost Assets</th>
<th>Rwandan Law</th>
<th>World Bank OP4.12</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners (loss of land)</td>
<td>According to the National Land Policy, all Rwandese enjoy the same rights of access to land, implying no discrimination against women. All land should be registered for security. The title is tradable, but not if it fragments plots below 1 hectare. Compensation for non-transferable property based upon market value. Land owners, under Rwandese Law, received cash compensation based upon market value.</td>
<td>Identification of PAPs is done through census and socio-economic surveys of the affected population, PAPs with title as well as PAPs who do not have a formal title but have customary and traditional right recognized under Rwandan law or who have a recognized claim to the land at time the census begins – are entitled to compensation for land that they lose (besides other assistance)</td>
<td>The Constitution provides for land-based resettlement. Although its provisions could be interpreted as implying a preference for land based strategies for displaced persons whose livelihoods are land-based, there is no specific legislative or regulatory provision made for this preference.</td>
</tr>
<tr>
<td>Land Squatters (i.e. those who have no recognizable legal right of claim to the land that they are occupying)</td>
<td>Rwandan legislations entitles only those who are “landholders” with legal possession of property Land tenants, under Rwandese Law, are entitled to compensation based upon the</td>
<td>Must be compensated for houses and other structures whatever the legal recognition of their occupancy (see below). Entitled to compensation for loss</td>
<td>Consider all forms of tenancy based on formal or informal rights/agreements</td>
</tr>
<tr>
<td>Category of PAPs/Type of Lost Assets</td>
<td>Rwandan Law</td>
<td>World Bank OP4.12</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------</td>
<td>------------------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>Land Users/ Land Sharecroppers / Tenants</strong> (These include family members, and/or tenants or any other persons using the land to grow crops).</td>
<td>amount of rights they hold upon land under relevant laws. The Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts are being made under the Law (Article 7) to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights are being encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order No. 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).</td>
<td>of crops, and assistance for relocation, as the case may be, and assistance for restoration of livelihoods (see below)</td>
<td>between the land owner and tenants and compensate as per the principles of OP4.12.</td>
</tr>
<tr>
<td><strong>Land Users/ Land Sharecroppers / Tenants</strong> (These include family members, and/or tenants or any other persons using the land to grow crops).</td>
<td>Land users, in some cases, have some form of secured tenure extended to them under new laws. In other cases land users are not entitled to compensation for land, entitled to compensation for crops and any other economic assets.</td>
<td>No specific provisions to land compensation.</td>
<td>Entitled to compensation for crops, entitled to relocation assistance as the case may be and income must be restored to at least pre-project levels (see</td>
</tr>
<tr>
<td>Category of PAPs/ Type of Lost Assets</td>
<td>Rwandan Law</td>
<td>World Bank OP4.12</td>
<td>Comment</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------------</td>
<td>-------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Land users are entitled to compensation for crops and any other economic assets.</td>
<td>Entitled to cash compensation based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor. Recommends resettlement assistance.</td>
<td>Families should be consulted on and offered options to choose from.</td>
</tr>
<tr>
<td>Owners of “non-permanent” buildings are entitled to cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.</td>
<td>Owners of “permanent” buildings are entitled to cash compensation based on market value.</td>
<td>Market value for lost crops. Income restoration assistance (such as land preparation, credit facilities, training etc). Land for land compensation allows people to re-establish annual crops immediately.</td>
<td></td>
</tr>
<tr>
<td>Owners of permanent buildings</td>
<td>Owners of “permanent” buildings are entitled to cash compensation based on market value.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perennial crops</td>
<td>Perennial crops are compensated with cash based upon rate calculated as an average net agricultural income.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seasonal crops</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livelihood restoration and development assistance</td>
<td>There are no explicit provisions on livelihood restoration.</td>
<td>Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better.</td>
<td>Follow OP 4.12 guidelines and principles.</td>
</tr>
<tr>
<td>Category of PAPs/Type of Lost Assets</td>
<td>Rwandan Law</td>
<td>World Bank OP4.12</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------</td>
<td>------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Timing of compensation payments</td>
<td>There are no relevant constitutional or legislative provisions that specify the timing of completion of resettlement and compensation.</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>Follow the OP. 4.12 guidelines and principles</td>
</tr>
<tr>
<td>Consultation and disclosure</td>
<td>The Expropriation Law governs the specifics of land acquisition. The law provides for public dissemination on the importance of the project to be established and the need for expropriation. In addition to dissemination, the Expropriation Law requires prior consultative meetings and examination of the project proposal involving expropriation, with a view to avoid eventual prejudice on the person or entity subject to expropriation. Normally, a consultative meeting is held within 30 days after receipt of the application for Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing</td>
<td>Follow the OP. 4.12 guidelines and principles</td>
<td></td>
</tr>
</tbody>
</table>

- OP stands for Operations Policy.
- PAPs stand for Population and Agricultural Program.
<table>
<thead>
<tr>
<th>Category of PAPs/Type of Lost Assets</th>
<th>Rwandan Law</th>
<th>World Bank OP4.12</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>expropriation. Based on these consultations, the relevant Land Commission or Committee (from the Cell level to the National level) takes a decision to approve the project within a period of 15 days.</td>
<td>appropriate and accessible grievance mechanisms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relocation assistance and resettlement assistance</td>
<td>The person to be expropriated is defined to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be legally entitled to payment of compensation.</td>
<td>Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher Moving allowances</td>
<td></td>
</tr>
<tr>
<td>Grievance mechanism and dispute resolution</td>
<td>The Expropriation Law Article 26 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19).</td>
<td>Establish appropriate and accessible grievance mechanisms</td>
<td></td>
</tr>
<tr>
<td>Displacement</td>
<td>The notification period under national legislation requires that property must be handed over 90 days after financial compensation has been paid</td>
<td>Requires that displacement must not occur until all necessary measures for resettlement are in place</td>
<td></td>
</tr>
</tbody>
</table>
In a number of cases, as shown in Table I above, the WB requirements are more favorable to PAPs than the provisions of the Rwandan Law. All in all, 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 NCORE project, which will include the preparation of the feasibility study, detailed designs, ESIA and RAPs for the Muvumba Irrigation and Watershed Development Project. The Social Development Officer will be responsible for providing technical support to the country, and other officers at NELSAP will provide 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 of Finance and Economic Planning (MINECOFIN)**

The Ministry of Finance and Economic Planning (MINECOFIN) was formed in March 1997 from the joining of the Ministry of Finance and the Ministry of Planning. This was done in order to improve the co-ordination between the functions of finance and planning. In the ministerial re-structuring of February 1999, the Ministry took on the function of development cooperation from the Ministry of Foreign Affairs.

The Ministry of Finance and Economic planning is responsible for sustainable growth, economic opportunities and living standards of all Rwandans. The ministry is also responsible for establishing and monitoring the highest standards of accountability and transparency in public finance management.

The Ministry of Finance and Economic Planning will be responsible for timely disbursing of the compensation funds to the respective commercial banks. The PAPs can either hold accounts with commercial banks or with SACCOs. In the case that PAPs own commercial bank accounts, the money will be transferred directly to individual bank accounts but if PAPs have accounts with SACCOs then the commercial banks will transfer to the SACCO accounts.
Ministry of Agriculture and Animal Resources (MINAGRI)
The Ministry of Agriculture is charged with advancing the sustainable development of a modern, efficient and competitive agricultural sector to ensure national food security, export promotion and diversification of production for the benefit of the farmers and the economy of the country. The Ministry aims to transform agriculture from subsistence to a productive, high value, market-oriented farming that is environmentally friendly and has an impact on other sectors of the economy.

Since irrigation is a major component of the project, this ministry will be instrumental in the planning and implementation of the project. This ministry will be the lead implementing government agency, working in conjunction with NELSAP-CU during project preparation, and leading the construction and implementation of the Muvumba project. The ministry will also ensure that all laws, policies and Social Safeguards are adhered to (in collaboration with the national environment and Management Authority).

Ministry of Natural Resources (MINIRENA)
The vision and mission of the Ministry of Natural Resources include preparing and ensuring the follow up and evaluation of policies, strategies as well as environment protection; prepare draft bills and establish norms and practices for rational exploitation and efficient land management, Environment, Water Resources and evaluate their implementation; promoting research and exploit Rwandan underground natural resources and set up appropriate mechanisms for their extraction and valuation; and planning and following up pure water distribution programmes and basic health activities.

The Ministry of Natural Resources governs the implementation and application of the Organic Land law and the Land Use Master Plan. While the ministry deals with overall land policy and the alignment with these Laws at the national level, responsibilities for their implementation locally has been devolved, following decentralization, to Land Commissions and Committees at District, Sector and Cell levels. MINIRENA is also the key Ministry governing resettlement arrangements in Rwanda through the Land Bureaus. They do this by working directly with the Ministry/Institution developing the land on which resettlement is required. For the Muvumba Project, MINIRENA will play a crucial role in ensuring that appropriate and consistent compensation is provided to all affected persons resulting from the various sub-projects. In addition, the ministry will ensure effective timelines for compensation and also ensure cost effectiveness of the land acquisition activities.

Rwanda Natural Resources Authority (RNRA)
RNRA is an authority under the Ministry of Natural Resources that heads the management of promotion of natural resources which is composed of land, water, forests, mines and geology. It is entrusted with supervision, monitoring and to ensure the implementation of all issues relating to promotion and protection of natural resources. One of RNRA key responsibility is registering land, issuing and keeping land authentic deeds and any other information relating to land. RNRA will ensure that PAPs have timely access to their land documents to enable them receive their compensation packages.

**National Land Commission**
The National Land Commission was established by the Presidential decree n° 54/01 of 12/10/2006 determining the structure, the Responsibilities, the functioning and the composition of land commissions. The National Land Commission has competence all over the country, and is composed of seven (7) members, whose responsibilities include land administration and land use management. Whereas, the main responsibilities of the National Land Commission are monitoring the implementation of land administration and land use management procedures and guidelines, one of its specific roles is to monitor and approve expropriation of land repossessed in public interest to accommodate activities with a national character. There are also land Commissions and land Committees at Kigali City, District, Sector and Cell levels. The National Land Commission will also play a key role in grievance resolution.

**Land Valuation Bureau/Consultant**
The Land Valuation law was promulgated in 2007 and outlines the role of the Land Valuation Bureaus to provide independent ‘fair and just’ valuation of land and affected assets in the event of expropriation. Land valuation bureaus are free to be established all over the country. The Land Valuation Bureau will be responsible for assessing all affected property and attaching compensation costs to each property.

**Department of Lands and Mapping**
The Department of Lands and Mapping is under RNRA and its overall objective is to put in place and operationalize an efficient system of land administration and land management that secure land ownership, promote investment in land for socio-economic development and poverty. The main role that the Department of Lands and Mapping will play on the project is to contribute to the resolution of any land related grievances.
Ministry of Local Government (MINALOC)
The Ministry of Local Government was established with the main mission of "Promoting the well-being of the population by good governance, community development and social affairs." Among its objectives, the Ministry is tasked with putting in place democratic, decentralized administrative structures, which are able to mobilize the population in order to implement Government programs and resolve problems.

The current constitution divides Rwanda into provinces (intara), districts (uturere), cities, municipalities, towns, sectors (imirenge), cells (utugari), and villages (imidugudu); the larger divisions, and their borders, are established by Parliament. The five provinces act as intermediaries between the national government and their constituent districts to ensure that national policies are implemented at the district level. The "Rwanda Decentralisation Strategic Framework" developed by the Ministry of Local Government assigns to provinces the responsibility for coordinating governance issues in the Province, as well as monitoring and evaluation. Each province is headed by a governor, appointed by the President and approved by the Senate. The districts are responsible for coordinating public service delivery and economic development. They are divided into sectors, which are responsible for the delivery of public services as mandated by the districts. Districts and sectors have directly elected councils, and are run by an executive committee selected by that council. The cells and villages are the smallest political units, providing a link between the people and the sectors. All adult resident citizens are members of their local cell council, from which an executive committee is elected.

The Ministry of Local Government through the Rural Resettlement Task Force (RSTF) is responsible for the resettlement of historically marginalized people which it does in grouped settlements in rural areas. In case there are historically marginalized people, MINALOC will be responsible for their resettlement. The Ministry of Local Government will be a key institution in the implementation of the RAP. It will play a supervisory role over the various decentralized administrative structures at the district, sector and cell levels.

District Land Offices (DLOs)
The Land Office is a district based institution authorized by law to manage land. The DLOs will be responsible for ensuring activities undertaken comply with the National and District level Land Use Master Plans. They will assess the validity of land tenure rights of affected persons and eventually provide the land use permit for the new activity proposed by the project. In addition they will be responsible for ensuring that effective and independent grievance mechanisms are in place. They will also be used during the
preparation of the RAP so as to ensure that grievances are reduced at an early stage. The District Land Offices’ activities will be monitored by the District authority.

**District Council (DC)**
As per Article 10 of the expropriation law, at the District level, expropriation shall be carried out by the District Council after considering the decision of the Land Commission at the District level. As such it’s the DC that will approve expropriation of the persons identified during the RAP process.

**District Development Committee (DDC)**
District Development Committee is a representation of departmental heads of government at the District level (including the District Land Bureau), and supervises and monitors all activities at District level. The DDC is mandated to develop a District Development Strategy (DDS) and therefore it plays a critical role to ensure that all activities are fully aligned with this strategy.

**Rural Resettlement Task Force (RSTF)**
The Rural Settlement Task Force (RSTF) under MINALOC shall be involved in the RAP process since the location of the population is the business of MINALOC in terms of where the population is currently located and where they are to be relocated. In other words, relocation and resettlement will be the main task for the RSTF. The RSTF will ensure that the displaced persons resettle in approved planned sites. The RSTF will further be responsible for the monitoring of the displaced persons especially the vulnerable groups.

For the successful implementation of this RPF and any subsequent RAPs, there is need for full cooperation and coordination of all the relevant entities.

**Local Councils**
The Local Councils will play the following roles;
- Mobilize the general community and project Affected Persons.
- Witness the process of land survey, census of affected property and persons.
- Verify Project Affected Persons
- Grievance resolution
- Monitoring of RAP activities.
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 Rwanda from the Ministry of Agriculture and Animal Resources 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 Muvumba 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 preparation process will include an assessment of the capacity and capability of the indicated implementing agencies in managing and implementing the social safeguards (including the 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 ESIAs/RAPs will include information on how any identified gaps could be bridged and will be taken forward in advance of, and during, the RAP implementation.

In addition, the ESIA and RAP preparation process shall include an analysis of performance of implementation of past RAPs in Rwanda, with
lessons, challenges and recommendations (on management, implementation, monitoring and reporting, as well as practical challenges of financial commitments) on effective implementation of this RPF/RAP.
3. SOCIO-ECONOMIC BACKGROUND

3.1. APPROACH FOR IDENTIFYING PROJECT AFFECTED PERSONS

As soon as the locations of a subproject has 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), whether permanently or temporarily.

Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the Muvumba Multipurpose 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 Muvumba Multipurpose Projects will separately identify the vulnerable members, such as those who are old or ill; children; those stricken with HIV/AIDS; women; unemployed youth; etc. Households headed by women that depend on sons, brothers, and others for support will also be identified. Similarly, households with elderly or seriously ill or disabled persons will be identified. Vulnerable people and households will be eligible for additional support.

---

1 Includes the reservoir, irrigation, water supply, watershed and power projects. Please see section 1.1 for a description of the project.
3.2. **Estimated Population and Categories of Affected People**

The prefeasibility report indicated that for Muvumba the area is fully cultivated but there are no settlements within the proposed reservoir area. The report states that about 1,435 people in the Muvumba commune will need to be resettled.

However, the exact number of persons that will be affected by the project will be determined through the process of finalizing the feasibility and engineering studies, as well as the socioeconomic surveys and censuses when preparing the Resettlement Action Plan.

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

Before implementation of the Muvumba Multipurpose Project, a screening assessment will be carried out by NELSAP-CU and its consultants 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 Plans (RAPs) 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 census 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: NELSAP-CU and its consultants will screen each project activity to determine whether land needs to be taken. This screening process is expected to take place in late 2014 and 2015. 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, as well as any common/public lands or parks to which access may be restricted. This list will be presented to affected communities using a sensitization and 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 (MINAGRI, in consultation with other relevant Ministries) as well as the World Bank, NELSAP-CU and its consultants will undertake a consultative and participatory process for preparing a RAP will be started during the first half of 2015, 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, lengthy 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.
The RAP will be sent to the World Bank for review.

3.4. **Socio-economic information on the proposed Muvumba Irrigation and Watershed Development Area**

3.4.1. **Social Characterization**

The total population in the project area is 291,452 inhabitants, 51% being women basing on the 2007 census. The average population density in the area stands at 167 inhabitants/km² which is by far lower than the national density figure of 321 inhabitants/km². The most populated sectors are Mimuli and Katabagemu which have 25,651 and 25,250 inhabitants, respectively. A lot of immigration is currently taking place into this area, and rapid increase in population is therefore expected in the future.

The quality of housing is an indicator of the quality of life, the levels of income and the domestic circumstances of the households. In all, the quality of housing falls below the national average, and the household incomes are obviously low, and the ability to pay to sustain services will probably also below.

The main land use around the proposed project site is subsistence cultivation where gardens have been opened close to river banks. The crops grown include maize, sorghum which is sold to local beer brewers (omuramba). To the north of the site are expanses of Eucalyptus and Grevalia spp woodlots which are largely for the supply of wood fuel. South of site has plots of bananas and subsistence crops. There is no natural vegetation in the vicinity of the project (no national parks or forest reserves close by the site). There are no animals of conservation concerns in proximity except for Weaver Birds (Quelea quelea) which are drawn to the areas because of cereals (maize and sorghum) cultivated in the area.

3.4.2. **Land tenure systems**

Generally there are two types of formal land tenure: full ownership/Freehold and long term leasehold. However following the privatization 09/04/2007 of State owned lands, very few land users currently hold either type of land tenure.
3.4.3. Energy

Access to electricity is very low in the project area. Fuel wood (firewood and charcoal) are the dominant energy sources for cooking. To the north of the site are expanses of Eucalyptus and Grevalia spp woodlots which are largely for the supply of wood fuel. Wood fuel is in shortage resulting in the use of tree barks for cooking.

3.4.4. Water and Sanitation

The Muvumba River is an important natural resource in the project area as a whole with some of the area residents drawing water directly from the river for domestic use and for watering their livestock. The quality of water from Muvumba River is presently affected by the nonpoint pollution sources such as agricultural activities along the river valley and from direct watering of livestock.

3.4.5. Social capital and Mechanisms of Social Cohesion and Social Structure

After the genocide war of the 1990s, several mechanisms have been put in place by both the government and the local people for purposes of social cohesion. One of the mechanisms put in place by the Government of Rwanda to enable the local people create social capital, nurture citizenship and build a strong civil society is the process of ‘Ubudehe’. This process helps citizens to engage in local problem-solving using their own locally designed institutions, in voluntary association.

The Ubudehe Program was launched in 2001 as part of partnership between the Ministry of Finance and Economic Planning and the Ministry of Local Government in a bid to draft the Poverty Reduction Strategy Paper, PRSP. This process was named UBUDEHE with reference to the Rwandan culture of mutual assistance and conviviality whereby people would come together to address problems facing them as facing them so as to work for their development.

3.4.6. Possibility of conflict

The major conflicts reported in relation to natural resources are land conflicts. These come as a result of land boundaries between neighbors and family members. The mechanisms for solving these include local family members, institutions (Abunzi), at village level and at the higher level by police. The court is always the last resort.
At the next stage of the RAP, a census of the affected populations will be undertaken and a socioeconomic economic profile of each PAP will be kept for measuring the magnitude of the impacts and for future monitoring of the PAPs.
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 Muvumba 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

---

2 Possible sub-projects include reservoir, irrigation, water supply, power transmission and distribution, and watershed restoration.
compensation for loss of assets other than land if they occupied the land before the entitlement cut-off date.

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

The entitlement cut-off date refers to the time when the valuation assessments of the land and assets/developments on the land and a census of all the affected people are complete. The date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. 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 compensation and/or resettlement will consider the following categories of PAPs:

- All those affected households whose family land and/or assets and buildings are located within the proposed reservoir areas or in any other sub-project area.
- Households who are occupying land that will be acquired by the project and the remaining piece is considered economically unviable.

4.3. Eligibility for Community Compensation

Eligibility may also be claimed collectively, e.g. as a community or religious group, when the assets lost are of communal property or use. Communities on communal land that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. The rationale for this is to ensure that
the pre-project socio-economic status of communities adversely impacted, is also restored. The local government will play a crucial role in identifying communal assets.

4.4. **Loss of Income and Livelihood**

These are persons who will lose their income due to the project. Workers losing employment in the process of relocation should be entitled to transitional income support. Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled to transitional assistance, which will include moving expenses, temporary residence (if necessary), and employment on the project. The local administration shall be instrumental in judging eligibility for compensation.

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>Cash compensation for affected land equivalent to market value Less than 20% of land holding affected Land remains economically viable.</td>
<td>Farmer / title holder</td>
<td>Cash compensation for affected land equivalent to replacement value</td>
</tr>
<tr>
<td></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</td>
<td></td>
</tr>
<tr>
<td>Greater than</td>
<td>Farmer/ Title</td>
<td>Land for land replacement where feasible,</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>
<tr>
<td>-----------------</td>
<td>----------------</td>
<td>-------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>20% of land holding lost</td>
<td>holder</td>
<td>or compensation in cash for the entire landholding according to PAP's choice. Relocation assistance</td>
<td></td>
</tr>
<tr>
<td>Land does remains economically unviable.</td>
<td>Tenant/Lease holder</td>
<td>Cash compensation at market value Relocation assistance</td>
<td></td>
</tr>
<tr>
<td>Commercial Land</td>
<td>Land used for business partially affected, limited loss</td>
<td>Title holder/business owner</td>
<td>Cash compensation for affected land Opportunity cost compensation</td>
</tr>
<tr>
<td></td>
<td>Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes</td>
<td>Title holder/business owner</td>
<td>Land for land replacement or compensation in cash according to PAP's choice. Relocation assistance</td>
</tr>
<tr>
<td></td>
<td>Land used for business partially affected, limited loss</td>
<td>Title holder/business owner</td>
<td>Cash compensation for affected land Opportunity cost compensation</td>
</tr>
<tr>
<td></td>
<td>Business person is lease holder</td>
<td>Opportunity cost compensation Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to reestablish the business.</td>
<td></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>
<tr>
<td></td>
<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>
</tr>
<tr>
<td></td>
<td>Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</td>
<td>Rental/lease holder</td>
<td>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)</td>
</tr>
<tr>
<td>Buildings and structures</td>
<td>Structures are partially affected Remaining</td>
<td>Owner</td>
<td>Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------</td>
<td>--------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>structures viable for continued use</td>
<td>Rental/lease holder</td>
<td>Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs.</td>
<td></td>
</tr>
<tr>
<td>Entire structures are affected or partially affected 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. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + allowance). Rehabilitation assistance if required (assistance with job placement, skills training).</td>
<td></td>
</tr>
<tr>
<td>Rental/lease holder</td>
<td>Cash compensation for affected assets. Relocation assistance. Rehabilitation assistance if required (assistance with job placement, skills training).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Squatter/informal dweller</td>
<td>Cash compensation for affected structure without depreciation. Right to salvage materials without deduction from compensation. Relocation assistance to an area where they can live and work legally. Rehabilitation assistance if required (assistance with job placement, skills training).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street vendor (informal without title or lease to the stall or shop)</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, whichever is higher. Relocation assistance (costs of shifting). Assistance to obtain alternative site to re-establish the business.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standing crops</td>
<td>Crops affected by land acquisition or temporary acquisition or easement Owner/tenant/squatter</td>
<td>Cash compensation</td>
<td></td>
</tr>
<tr>
<td>Trees</td>
<td>Trees lost Title holder</td>
<td>Cash compensation</td>
<td></td>
</tr>
<tr>
<td>Temporary Acquisition</td>
<td>Temporary acquisition Owner/tenant/squatter</td>
<td>Cash compensation for any assets affected</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>
<tr>
<td>----------------</td>
<td>-----------------</td>
<td>--------------------</td>
<td>----------------------------------</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 Rwandan laws or policies or World Bank policy on involuntary resettlement (OP 4.12).

5.1. DISTRICT COMPENSATION RATES / VALUATION TABLES

Compensation will be based on market rates for the different assets. The role of the Land Valuation Bureaus as outlined in the Land Valuation law promulgated in 2007 is to provide independent ‘fair and just’ valuation of land and affected assets in the event of expropriation. Land valuation bureaus are free to be established all over the country. The Land Valuation Bureau will be responsible for assessing all affected property and attaching compensation costs to each property. The District Land Bureaus are to establish these rates as part of the preparation of each subproject, using as a benchmark the rates prevailing for other government land acquisition schemes in the Districts. Market rates must also be taken into consideration in compensating people for land.

The compensation rates / valuation tables should be acceptable to both the Donor Agency (WB), to the Government of Rwanda and other stakeholders.

5.2. COMPARISON OF LAND/PROPERTY VALUES COUNTRYWIDE

In case there are no compensation rates, the Valuer shall compare prices by referring to the prices recently assigned to a real property that is similar or comparable to the real property subject to valuation. Where comparable prices are not available for land in a particular area, the Valuer may use comparable prices of similarly classified land from other areas of the country.

5.3. REPLACEMENT COST

Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. Replacement cost will be used when valuing all improvements on land.
5.4. **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. The inventory will specify the different assets, properties affected in each plot of land and their owners. The Land Valuation Bureau which is the entity responsible for undertaking valuation of assets will be responsible for the valuation exercise and will therefore provide independent valuation experts. The valuation experts will work hand in hand with the local leaders of the area.

**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 Cell Executive Secretary and village (‘omudugudu) leader’). This is mainly for purposes of transparency and confirming land boundaries and ownership of the affected property. In cases where the land owners will be absent, family members, caretakers or spouses will be encouraged to be present and represent the household. The land inventory will specify the different customary tenures under which the different affected plots of land fall (e.g. customary, leasehold, freehold etc.).
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.

5.5. **Computation of Compensation Packages**

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

**Land:**
Valuation will be based upon market value

**Crops and Trees**
Valuation will be based upon current market values

**Structures**
Valuation will be based upon full replacement cost. Replacement cost will be based upon sizes of structures, materials used and their prices, transportation costs of delivery of these materials.

**Community asset/resource**
These will be provided in kind. The alternative community asset will be at least of the same standard as or better standard than the affected asset.
Loss of Business income
Compensation will be paid for the lost income and production during the transition period (the time between losing the business and full re-establishment of livelihood). This will be estimated based on the daily or monthly income of the affected parties.

Inflation Tendencies
The fact that normally the period between valuation and compensation of assets is long, inflation allowances shall be considered when computing compensation costs.

5.6. Forms of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance in the knowledge and presence of both man and wife and adult children where applicable. The type of compensation will be an individual choice. For payment of compensation in-kind, the timing and alternative locations will have to be decided and agreed upon by each recipient, in consultation with the Compensation and Resettlement Committees.

Compensation shall be done in the following forms

- Cash Payment - Compensation will be calculated at new replacement (i.e. un-depreciated) value, and paid in Rwandan Francs. Rates will be adjusted for inflation.
- In-kind compensation - Compensation may include items such as land, houses other buildings, of equal or better value. If building materials are provided transport and labor costs must also be provided.
- Additional assistance - Resettlement assistance may include moving allowance, transportation and labor associated with resettlement as well as financial assistance for the period when access to land (and therefore income/ subsistence crops) is unavailable.
- Economic Rehabilitation Assistance may include training, capacity building as well as provision of assistance to facilitate reestablishment of livelihood activities such as provision of seedlings, agricultural inputs and financial credits for equipment
5.7. **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 Plans.

5.8. **Disclosure and Notification**

All eligible PAPs will be informed about the Muvumba Project and the RAP process. Disclosure and notification of entitlements will be carried out by the compensation teams responsible for implementing the respective RAPs to enable the dissemination of the results of the land and property compensation assessment process. The individual household database will be updated after individual consultation disclosure.

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

5.9. **Documentation and Verification of Land and Other Assets**

The inventory of all assets and persons shall be compiled in a Valuation Report and A strip map which shall be submitted to the implementing agency and to the Ministry of Finance for approval. A Resettlement Action Plan Report shall also be prepared and submitted to the World Bank, as financier of the preparation of the project (feasibility study, detailed design, ESIA and RAP) and any other relevant donor agency/potential financier for approval[^3]. The RAP report will contain all

[^3]: As the Muvumba project has not yet been studied to feasibility stage, financing had not yet been obtained for its possible eventual construction/implementation. It is not known if the World Bank or other financiers will be involved with the project in construction and in implementation. The eventual donors/financiers of the project should be involved in the review and approval of the RAP report, in accordance with each donor/financiers policies and guidelines.
the necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts.

The verification of ownership of land and other assets shall be done with the help of local authorities, neighbours, clan members, family members and documents like land titles and land sale agreements.

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

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

The RAP implementing team shall consider several aspects for proof of eligibility and these will include among others the following: 1) Written evidence indicating that the person purchased the land, received it as a donation or as a legacy or a successor; 2) a document or statement of local administrative entities indicating rights of the expropriated person on the land; 3) a document or testimony of the neighbors confirming the ownership of the land; or 4) a court certificate. Consultations with and witnesses like local authorities (Sector/Cell Land Committees and Community leaders, neighbors, family members, elders and the general community will also be undertaken. Photographs of the eligible PAPs will be attached to each PAPs file. This will ensure that the right beneficiaries of the project are compensated.

5.10. **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 (Sector, Cell and village/Omudugudu), district representatives and
representatives of the implementing agency.

5.11. **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.

5.12. **PROCEDURES FOR DELIVERY OF COMPENSATION**

It is recommended that compensation be made through reputable local banks. This will ensure security of the PAPs money especially for those receiving large sums. Forms acknowledging receipt of the compensation packages shall be signed by each PAP.
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. The RAP team will as a minimum comprise of a Resettlement Specialist / Sociologist, a Land Surveyor and Property Valuer. A partial list of consultations on the project held to date are 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 (composed of Resettlement Specialist / Sociologist, a Land Surveyor and Valuation Officer) will establish grievance redress mechanisms in accordance to those outlined in the RPF.

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

The grievance mechanisms should

- 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 following levels of grievance resolution are proposed.

(i) Resettlement and Compensation Committee
A Resettlement and Compensation Committee will be instituted at district level. The Committee will comprise of the following members.

- District Representative (1),
- Implementing Agency Representative (1),
- Sector Representative (1 per affected Sector)
- Cell Representative (1 per affected Cell)
- Omudugudu Leader (1 per affected village)
- Customary Leader (1)
- Project Affected Person Representative (3). These will include 1 Woman, 1 Elder and 1 Youth Representative

There will be a Chairperson of the Resettlement and Compensation Committee and he/she will be the main coordinator for the grievance resolution activities at the district level and he/she will work as the Project Liaison Officer at this level. The RAP Expert from the national implementing agency will act as the overall Project Liaison Officer for the RAP activities.

In the event that the PAP is not satisfied with the compensation value, he or she can ask for justification of the figure from the Committee. The Committee will endeavor to explain to the PAP the different considerations taken when computing the value. All measures will be undertaken to ensure that an amicable solution is reached at this stage. Should the PAPs still disagree with the value given, they can then resort to the next stage as stipulated in the Expropriation Law (Article 26).

(ii) Land Commission
Under Article 26, of the Expropriation Law No. 18/2007 of 1/04/2007, it is provided that in case the person expropriated is not satisfied with the value determined for the land and the activities carried out thereon, the Land Commission at the level on which the issue is, shall request him or her in writing, to hire a legally accepted expert or the survey office as professionals in value verification for which he or she shall pay, in order to provide an alternative value.

In case the alternative value is rejected by the commission that requested for it, the expropriated person shall appeal to the Land Commission at the immediate superior level within a period not exceeding fifteen (15) working days which shall also provide a decision in a period not exceeding thirty (30) days from the day of receipt of the appeal.

(iii) Cell Adjudication Committee (CAC)
The Cell Adjudication Committee shall also participate in the resolution of grievances. Annex 3 of Ministerial Order No. 002/2008 of 2008 Determining Modalities of Land Registration, provides for Cell Adjudication Committees (CAC) for resolving disputes. Article 17 grants parties with a dispute, the right to take that dispute to the mediation committee. The CAC normally comprises of five members of the cell land committee and five members of the particular umudugudu where demarcation and adjudication is taking place. The Cell Executive Secretary acts as the CAC secretary, although he or she has no voting rights. The Cell Adjudication Committee (CAC) will play a key role in resolving cases of land ownership, land demarcations, absentee landlords, widows, orphans, minors, persons with disabilities and non-legally married women. The case will be referred to the Cell Adjudication Committee by the Resettlement and Compensation Committee.

(iv) High Court
In case the expropriated person is not satisfied with the decision of the Land Commission appealed to, he or she shall file the case with a competent Court. The value approved by the Land Commission at the immediate superior level shall be given to the expropriated person in order not to stop the activities while waiting for the court decision. It should however, be noted that the High Court will be used as a last resort after all avenues have been exhausted.

7.3. GRIEVANCE RESOLUTION PROCESS

PAPs will be consulted about the different approaches to resolving grievances. 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 Grievance Resolution Committees. Complaints will be filled in a Grievance Resolution Form (Annex 3.).

After registration of the complaint, an investigation will be carried out by the committee members to verify its authenticity. Thereafter a resolution approach will be selected based on the findings. The decisions of the action to be taken 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’s

Upon review and approval of a RAP by all stakeholders, the implementing agency (MINAGRI) will embark on the process of RAP implementation. This process will be conducted prior to the commencement of the construction activities. PAPs will be allowed sufficient time for relocation or handover of land. PAPs will only be required to move after receipt of their total compensation packages including replacement land and structures whenever applicable. However, the processing of registration documents for new pieces of land is sometimes lengthy and highly bureaucratic. Therefore, these may be distributed long after or deep into the construction phase but not beyond commissioning. The detailed activity schedule for the resettlement activities will be finalized during the preparation of the 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 will have to be compensated in accordance with the Rwandan 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 specific RAPs prepared for the two projects 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 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 Muvumba Development Projects. Thus this RPF only provides the contents of the expected budget for each RAP that will be prepared.

The budgets 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 ⁴. 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>
</tbody>
</table>

⁴ As noted earlier, neither NELSAP-CU nor the Government of Rwanda had made a decision to proceed with the implementation of the Muvumba 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 Muvumba project has not yet been secured. The level of involvement, if any, of the World Bank in the Muvumba 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>Land Acquisition and Preparation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td></td>
</tr>
<tr>
<td>Structures</td>
<td></td>
</tr>
<tr>
<td>Crops areas and others</td>
<td></td>
</tr>
<tr>
<td>Community infrastructure</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Relocations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer of possessions</td>
<td></td>
</tr>
<tr>
<td>Installation costs</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Economic Rehabilitation</th>
<th></th>
</tr>
</thead>
<tbody>
<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 will be financed in-country through the administrative and financial management rules and manuals issued by the Government of Rwanda.
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 Muvumba 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.

10.5. **Storage of PAPs Details**

MINAGRI which is the implementing agency will be the custodian of all documents related to the Project and the Project Affected Households or Persons.
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 (See Annex A, paragraph 26) 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 World Bank 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;
Information on vulnerable groups or persons, for whom special provisions may have to be made; and

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:

- 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;
- Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- Public infrastructure and social services that will be affected; and
- 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:

- 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;
- 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;
- 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;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- 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: ___________________________ (Village ; mobile phone)
Nature of Grievance or Complaint: ____________________________________________

<table>
<thead>
<tr>
<th>Date</th>
<th>Individuals Contacted</th>
<th>Summary of Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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: ___________________________
ANNEX 4: SAMPLE TABLE OF CONTENTS FOR CONSULTATION REPORTS

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

Tables
Table 2.1: Consultation Activity Summary
Table 3.1: Initial Government Agency Consultations
Table 3.2: Summary of NGO Meetings
Table 3.3: Sub-County Committee Composition
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 Meeting</th>
<th>Attendees</th>
<th>Discussion Summary</th>
</tr>
</thead>
</table>

Page | 80
<table>
<thead>
<tr>
<th>Communities Represented</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example:</td>
<td></td>
</tr>
<tr>
<td><strong>ANNEX 5: GLOSSARY OF TERMS</strong></td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Census</strong></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><strong>Compensation</strong></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><strong>Cut-off Date</strong></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><strong>Directly Affected Persons</strong></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><strong>Involuntary Resettlement</strong></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><strong>Land Acquisition</strong></td>
<td>The possession of or alienation of land, buildings, or other assets thereon for purposes of the project.</td>
</tr>
<tr>
<td><strong>Project Affected Persons (PAPs) or Displaced Persons (DPs)</strong></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</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>----------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Physical displacement</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>Rehabilitation Assistance</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>Replacement Cost</td>
<td>The amount sufficient to cover full recovery of lost assets and related transaction costs.</td>
</tr>
<tr>
<td>Resettlement Action Plan (RAP)</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>Stakeholders</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>Vulnerable groups</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

## Property Rights and Land Rights

<table>
<thead>
<tr>
<th>Description</th>
<th>Law / Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.</td>
<td>Rwanda Constitution 2003</td>
</tr>
<tr>
<td>Every person has a right to private property whether personal or owned in association with others. The private property, whether individually or collectively owned is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.</td>
<td>Rwanda Constitution 2003</td>
</tr>
<tr>
<td>Land is part of the public domain of all Rwandans; ancestors, present and future generations. Any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over the land.</td>
<td>Organic Land Law No 08/2005 of 14/7/2005</td>
</tr>
<tr>
<td>With exceptions of the rights given to people, the state has supreme powers to manage all the national land. State that guarantees the right to own and use the land.</td>
<td>Organic Land Law No 08/2005 of 14/7/2005</td>
</tr>
<tr>
<td>Any person or association with legal personality has the right over the land and to freely exploit it as provided for by this organic law in Articles 5 and 6</td>
<td>Organic Land Law No 08/2005 of 14/7/2005</td>
</tr>
<tr>
<td>The rights over the land acquired from custom and the rights acquired from written law are equally protected. All owners of land acquired from custom are (persons who</td>
<td>Organic Land Law No 08/2005 of 14/7/2005</td>
</tr>
</tbody>
</table>
inherited the land from their parents), those who acquired it from competent authorities or those who acquired it through any other means recognized by national custom whether purchase, gift or exchange have rights over the land.

<table>
<thead>
<tr>
<th>Land Acquisition</th>
<th>Law/Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expropriation can only be carried out by Government and only in the public interest and with prior and just compensation</td>
<td>Expropriation Law No. 18/2007 of 19/04/2007</td>
</tr>
<tr>
<td>The person to be expropriated is defined to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be legally entitled to payment of compensation</td>
<td>Rwandan Constitution 2003</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Compensation</th>
<th>Law/Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>A project whose implementation shall entail expropriation is required to make financial provision for the expropriation process in terms of funds for inventory of assets of the person whose property is to be expropriated; and for just compensation on its budget.</td>
<td>Expropriation Law No. 18/2007 of 19/04/2007</td>
</tr>
<tr>
<td>Compensation is only payable to persons who have a legally recognized interest in the real property in issue.</td>
<td></td>
</tr>
<tr>
<td>The properties to be valued for just compensation due to expropriation include land and activities that were carried out on the land including different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity.</td>
<td>Expropriation Law No. 18/2007 of 19/04/2007</td>
</tr>
<tr>
<td>Through agreement between the person to expropriate and the one to be expropriated, the just compensation may be monetary or an alternative land and a building equivalent to the determination of just monetary compensation.</td>
<td>Expropriation Law No. 18/2007 of 19/04/2007</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grievance Resolution Mechanism</th>
<th>Law/Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parties with a dispute have the right to take that dispute to the mediation committee.</td>
<td>Ministerial Order No. 002/2008 of 2008</td>
</tr>
</tbody>
</table>
## ANNEX 7: SUMMARY OF PROJECT CONSULTATIONS TO DATE

<table>
<thead>
<tr>
<th>CONSULTATIONS MEETING CONDUCTED/PLANNED</th>
<th>DATE</th>
<th>STAKEHOLDERS</th>
<th>Decisions/discussion points</th>
</tr>
</thead>
</table>
| 1. Consultations in conducting the “DETAILED IDENTIFICATION STUDIES FOR POTENTIAL LARGE DAMS IN THE KAGERA BASIN” | March 2012 Kigali, Rwanda | Regional officers (NELSAP-CU, Kagera Basin Organization) | ▶ The study should explore land ownership issues for the project especially regarding marshlands. In Rwanda, the land belongs to government  
▶ These are multi-purpose dams and therefore, potential issues of water use conflicts are likely to arise, these concerns should be built into the ToRs for subsequent detailed ESIA investigations;  
▶ How will agro-chemicals concerns be managed especially where there will be water supply components?  
▶ The above comments of stakeholders were considered by the consultant |
| 2. Consultations in conducting the “DETAILED IDENTIFICATION STUDIES FOR POTENTIAL LARGE DAMS IN THE KAGERA BASIN” | March 2012 Kigali, Rwanda | National Ministries, Rwanda (Water, Agriculture, Rwanda Development Board, Energy, Water and Sanitation Board) | ▶ Do not stop farmers from cultivation to allow for dam construction without recourse, making people vulnerable to famine due to poor project planning;  
▶ Measures for ensuring water quality is maintained  
▶ Modalities for equitable water usage between users (irrigation, fish, power, other farming) should be set out early in the projects to release of water should be based on the needs of the users and the water levels.  
▶ The dams will be located in valleys which are prone to silation - wider watershed management needed.  
▶ Irrigation canals are sometimes damaged by livestock - watering points needed  
▶ The above comments of stakeholders were considered by the consultant, although they will be further elaborated during the planned feasibility and detailed design studies |
| 3. Consultations in conducting the “DETAILED IDENTIFICATION STUDIES FOR POTENTIAL LARGE DAMS IN THE KAGERA BASIN” | April 2012 Muvumba Project area | Local authorities (irrigation, District Environment)  
▶ Community member (farmer) | ▶ Both irrigation and power are needed  
▶ Local communities should be able to benefit from power  
▶ The relevant local authorities should be involved in the projects (agriculture, energy)  
▶ Monitoring stations should be established soon after site selection, to confirm hydrology, sedimentation  
▶ Potential Katiguma site is in a water stressed area  
▶ Floods are a problem in the rainy seasons – the projects should look at flood control  
▶ Accacia lining the river in spots is important for conservation  
▶ Dam safety should be adequately examined  
▶ Coordination of planning/management of development are critical, especially in the |
4. Consultations with stakeholders who reviewed and approved the final study reports, and confirmation of the need for the project.

<table>
<thead>
<tr>
<th>Month</th>
<th>Location</th>
<th>Participants</th>
</tr>
</thead>
</table>
| November 2012 | Kampala, Uganda | Ministry of Natural Resources (MINIRENA)  
Rwanda Natural Resources Authority (RNRA, MINIRENA)  
Ministry of Agriculture and Animal Resources (MINAGRI)  
Electricity, Water and Sanitation Authority, Ministry of Infrastructure (EWSA, MININFRA)  
Nyagatare District Local Government  
Rwanda NELTAC and RPSC members |

The above comments of stakeholders were considered by the consultant, although they will be better elaborated during the planned feasibility and detailed design studies.

5. Consultations with the Rwandan Government to agree on the scope and scale of the Muvumba project

<table>
<thead>
<tr>
<th>Month</th>
<th>Location</th>
<th>Participants</th>
</tr>
</thead>
</table>
| August 2013 – Kigali | Rwanda Natural Resources Authority (RNRA, MINIRENA)  
Ministry of Agriculture and Animal Resources (MINAGRI)  
Electricity, Water and Sanitation Authority, Ministry of Infrastructure (EWSA, MININFRA)  
Nyagatare District Local Government  
Rwanda NELTAC and RPSC members |

Meeting discussed and agreed that the project should explore development of all the potential water uses, of irrigation, hydropower, potable and livestock water supply, fish farming, as well as including a component of designing rehabilitation measures for critically degraded parts of its upstream watershed.