

REPUBLIC OF RWANDA



MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES

LWH-RSSP Single Project Implementation Unit

Rural Sector Support Project (RSSP3)

**RESETTLEMENT ACTION PLAN FOR CONSTRUCTION OF  
IRRIGATION AND DRAINAGE SYSTEMS IN NYIRABIRANDI -  
NDONGOZI MARSHLANDS IN OF BURERA DISTRICT**

**FINAL REPORT**

NOVEMBER 2015

## EXECUTIVE SUMMARY

The Government of Rwanda (GoR) has received funding from the International Development Association (IDA) towards the implementation of the Third Rural Sector Support Project (RSSP3) under MINAGRI. The RSSP3 aims at promoting diversification of economic activities in rural areas as a way of increasing and stabilizing rural incomes. Nyirabirandi – Ndongezi is among the RSSP3 sites identified for the construction of irrigation & drainage network to ensure proper irrigation and drainage of 345 ha of Nyirabirandi marshland and 115 ha of Ndongezi marshland for potato and maize production in Burera District, Northern Province. The 2 marshlands are located between Nemba, Cyeru and Rwerere Sectors.

The construction of irrigation and drainage system implies a need for land and hence land acquisition that is expected to lead to physical and economic displacement of people and loss of access to the land that provides for economic resources. This, therefore principally triggers World Bank Operational Policy OP4.12 on involuntary resettlement and Rwanda laws on expropriation and land ownership. In accordance with the World Bank Policy OP 4.12, a resettlement action/compensation plan must be prepared and submitted to World Bank for approval.

The objective of the present assignment was to prepare the Resettlement Action Plan (RAP) to ensure that the construction of irrigation and drainage canals is implemented in a socially sustainable manner and in full compliance with Rwanda's and the World Bank's social safeguards policies and regulations.

Before and during the preparation of this Resettlement Action Plan (RAP), meetings with project affected people (PAPs) and local administration were conducted on site to explain the project activities, outcomes, compensation procedures and payment and the roles and responsibilities of each stakeholders as well as grievance mechanism. The census and valuation of affected properties were also done. The issues raised by participants to the meetings were mostly related to compensation issues and procedures as well as payment modalities.

The census of PAPs and assets conducted by an independent valuer indicated that 1230 households (or 5658 people) will be affected by the irrigation canal construction and 11.27 ha of land are likely to be lost for canal construction. The details on census results are presented in the table below.

| <b>Item</b>                              | <b>Unit</b> |
|--|-------------|
| <b>A) Household</b>                      |             |
| Households compensated and relocated     | None        |
| Households compensated and not relocated | 1230        |
| Total number of Project Affected People  | 5,658       |
| <b>B) Land</b>                           |             |

|  |          |
|--|----------|
| Government land for crops and animal husbandry that will be permanently lost | 11.27 ha |
| Private Land that will be permanently lost                                   | None     |
| <b>C) Structures</b>   |          |
| Number of households who lose house fully                                    | None     |
| Number of households who lose house partially                                | None     |
| Water point  | 5        |

Land for land compensation will be done since the lost land belongs to the Government. Crops and trees, likely to be affected, are owned by 1100 families and will financially be compensated. Five water points will also be affected and relocated.

The total RAP cost is 40,081,741 Frw including 36,925,741 Frw for the compensation and 4,156,000 Frw for RAP monitoring. This amount will be paid by the Government of Rwanda. The compensation process will begin after the RAP's disclosure of the PAPs entitlements. The Project and Burera District will implement the RAP according to the proposals found within this document. The Resettlement and compensation and grievance redress Committee will be created to monitor the compensation process and resolve conflicts. In the event that any aggrieved party may ask for justification of the decisions from the Resettlement and Compensation Committee, but should the answer still be unsatisfactory, he/she may appeal to the local leadership starting with the Cell, Sector and District leaders. If the person to be expropriated is not satisfied with the decision, he/she can refer the matter to the competent court. RSSP will follow up the aggrieved PAP at each level to ensure that the grievances are resolved. Each sector should identify one PAP to work with RSSP and the local leaders to ensure that the grievances are attended to in time. This is in addition to the existing Resettlement Committee.

The monitoring of the RAP implementation will be carried out by a committee composed of Burera District representatives (representative at the Sector & cell level inclusive), LWH-RSSP and PAPs representative to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the RAP. The monitoring plan was established as well as a number of objectively verifiable indicators to monitor the impacts of the compensation and resettlement activities. An independent audit will take place at the completion of the RAP implementation.

In view of the RAP findings, it could be concluded that the project will bring benefits to the people of the area. The resettlement impacts are within the manageable limits and can be mitigated with the proposed resettlement management plans and payment of compensation. However, for the successful implementation of planned development activities, the timely implementation of the proposed resettlement measures is required.

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## ACRONYMS

|                |  |
|----------------|--|
| <b>HH:</b>     | Household  |
| <b>LWH:</b>    | Land Husbandry, Water Harvesting and Hillside Irrigation Project |
| <b>MINAGRI</b> | Ministry of agriculture and Animal Resources                     |
| <b>PAPs:</b>   | Project Affected Persons   |
| <b>RAP:</b>    | Resettlement Action Plan   |
| <b>RPF:</b>    | Resettlement Policy Framework                                    |
| <b>RSSP:</b>   | Rural Sector Support Project                                     |
| <b>SPIU:</b>   | Single project Implementation Unit                               |
| <b>Frw:</b>    | Rwandan Francs   |
| <b>WB:</b>     | World Bank   |

# 1. INTRODUCTION

## 1.1 Background

The Government of Rwanda (GoR) is pursuing a comprehensive Poverty reduction programme which includes development and implementation of different sustainable development projects. In support of this Programme, the GoR has received funding from the International Development Association (IDA) towards the implementation of the Third Rural Sector Support Project (RSSP3) under the Ministry of Agriculture and Animal Resources (MINAGRI). The RSSP3 aims at promoting diversification of economic activities in rural areas as a way of increasing and stabilizing rural incomes.

The RSSP3 plans to carry out civil works related to the construction of the irrigation and drainage systems to ensure proper irrigation and drainage of 345 ha of Nyirabirandi marshland and 115 ha of Ndongezi marshland for potato and maize production in Burera District, Northern Province. MINAGRI/SPIU RSSP-LWH recruited WAPCOS Ltd to conduct feasibility and detailed design study for the development of Nyirabirandi - Ndongezi marshlands for potato and maize production. The Consulting firm found feasible the proposed project and designed for 345 ha and 115 ha of Nyirabirandi and Ndongezi marshlands respectively.

In order to guide its development and operation in a socially friendly manner, it is required to prepare the Resettlement Action Plan (RAP) to ensure that the proposed activities are implemented in full compliance with Rwanda's and the World Bank's social safeguards policies and regulations. The present RAP was prepared by the Project Safeguards Team.

## 1.2 Objectives of the Service

The objective of the present assignment was to prepare the Resettlement Action Plan (RAP) to ensure that the project affected people (PAPs) livelihoods and living standards are improved or at least restored, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of the project implementation, whichever is higher within the project site to ensure that the construction of irrigation and drainage canals is implemented in a socially sustainable manner and in full compliance with Rwanda's and the World Bank's social safeguards policies and regulations.

## 1.3 Approach and Methodology

The preparation of this resettlement action plan results from the combination of desk study, field surveys for reconnaissance and assessment of the socio-economic profiles of PAPs, consultations with all stakeholders as well as census and valuation of PAPs properties. The desk study involved review of project study documents, analysis of the proposed project maps, review of secondary data on baseline information and review of policies and regulations and institutional framework. The field visits were done to reconnoiter the site and establish the location of the proposed irrigation and drainage canals and other related infrastructures.

Public consultation meetings with all stakeholders (PAPs, local authorities, opinion leaders, etc) was arranged to explain the proposed project and collect first-hand accounts of benefits and grievances from interested/and affected parties by Nyirabirandi – Ndongezi development project using semi structured interviews. The census survey and valuation were also carried out to identify PAPs and determine their socio-economic status, collect information on vulnerable groups or persons and proceed with measurement of land and crops which are likely to be affected as well as costing of those properties.



## **2. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK**

This chapter describes the available laws, regulations, policies and institutions that guide the land acquisition and compensation, crop and assets compensation as well as mechanisms for conflict resolution and appeals. The legal framework provides applicable legal and administrative procedures including remedies available to displaced persons in the judicial process and the normal time frame for such procedures and available alternative, dispute resolution mechanisms that may be relevant to the project. There are several enactments all governing land and transactions of land in the country. The laws and regulations relates to agencies responsible for implementing resettlement activities and guides on issues such as land, water and environment among others.

### **2.1. Legal framework for Rwanda**

This section seeks to highlight major issues related to Rwandan land legislation with regards to resettlement. It provides a brief overview of the Rwandan Land Policy, the Rwandan Constitution provisions connected with land use, planning, management and tenure, the Organic Land Law, Presidential and Ministerial orders and decrees connected with land and more specifically the legislation related to land expropriation, land valuation and land replacement.

#### **2.1.1. Constitution of the Republic of Rwanda 2003**

The 2003 Constitution of the Republic of Rwanda is the supreme law of the land. It categorized land into private and public land and gives to every citizen the right to private property, whether personal or owned in association with others. Further, it states private property, whether individually or collectively owned, is inviolable. However this right can be interfered with in case of public interest, in circumstances and procedures determined by law and subject to fair and prior compensation. Article 30 stipulates that private ownership of land and other rights related to land are granted by the State. The constitution provides that a law should be in place to specify modalities of acquisition, transfer and use of land (expropriation law). Every person has the duty to protect, safeguard and promote all natural resources. The Constitution stipulates that the State shall protect important natural resources, including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Rwanda.

#### **2.1.2. Use and Management of Land in Rwanda**

The Organic law N° 43/2013 of 16/06/2013 governing land in Rwanda stipulates that land is part of the common heritage of all the Rwandan people and only the State grants the right to land in the form of emphyteutic lease and has the supreme power of managing all land situated on the national territory. It also determines modalities of allocation, acquisition, transfer, use and management of land in Rwanda.

The article 12 of the above land law entrusts the State with ownership over public land including wetland, land occupied by water bodies (lakes, rivers, streams, springs, wells) and their shores, natural forests, national parks, State gardens, national roads and their boundaries, tourist sites, land reserved for public state activities and infrastructures among others. The law gives the state control over swamps or marshlands (article 19). The law calls for inventory of all the swamps and their boundaries, structures, their use and management and how they can be organized so that they can sustainably be beneficial to Rwandan nationals.

### **2.1.3. Law related to expropriation in the public interest**

The law N° 32/2015 of 11/06/2015 defines the activities of public interest (article 5) and determines the process and requirements for expropriation in the public interest as well as the cost of assets to be expropriated. The law provides a window for appeal for somebody who is not satisfied by the cost of compensation.

The Ministerial Order No 002/16.01 of 2010 on determining the Reference Land Price outside Kigali City provides reference land prices to be used in areas outside Kigali City. This order aimed at protecting land owners from exploitation and preventing land speculation when the market is not developed. However with the promulgation of land valuation law, the order seems to have been overtaken by events and practicability. This is due to the fact that valuation law (Law No 17/2010 of 12/05/2010 establishing and organizing the Real Property Valuation profession in Rwanda) provides for independent market rates to apply in land valuation.

The construction of irrigation & drainage networks planned for the present project being among the list of activities for expropriation in the public interest will undertake this process for all project affected families.

## **2.2. Relevant Policy framework for Rwanda**

### **2.2.1. National land Policy**

The Rwanda land policy, adopted in February 2004, seeks to establish a land tenure system that guarantees tenure security for all Rwandans and guides land reform initiatives that will establish good management and the rational use of land. It is equally relevant to all Rwandans - those with land and those without. This policy provides register and transfer of land and possibility of investments in land. It also highlights key principles of land use and land management.

The policy advocates the protection of green areas, marshlands, valleys and protected areas in Rwanda. These protected areas are classified as such because of their multiple roles, namely ecological, economical, cultural and social.

These areas have been affected by various changes, one of which is the spatial reduction due to the resettlement of the population. The policy promotes irrigating areas that are more or less flat and semi-arid to support agricultural production while discouraging overgrazing and pasture burning.

On the use and management of hillsides and marshlands, the policy stipulates that marshlands meant for agriculture should be cultivated after adequate planning and Environmental Impact Assessment (EIA).

### **2.2.2. National Water Resources Management Policy**

The overall goal of Rwandan water resources management policy is to enhance and promote all national efforts towards the efficient, equitable and optimum utilization of the available Water Resources of Rwanda for significant socio-economic development on sustainable basis.

The policy aims at fair and sustainable access to water, protection of the water resources and promotion of cooperation for management of river basins, etc. through reforestation on hillsides and water catchment areas. The policy underlines the fundamental principles that water is a natural endowment commonly owned by all the peoples of Rwanda and that every Rwandan citizen shall have access to sufficient water of acceptable quality, to satisfy basic human needs.

The policy also needs to adopt a holistic approach to the management of water resources and integrate other policies related to it including the forest, wetlands, agriculture and land. It is relevant to all project activities that will be undertaken in areas with water resources. This policy is therefore relevant to this project as most of the project activities will be undertaken within the water catchment areas of Mushaduka site.

### **2.2.3 Agriculture Sector Policy**

The main objective of this policy is to intensify and transform subsistence agriculture into market oriented agriculture. This policy puts emphasis on marshland development for increased food production because the soil on hills is degraded by erosion rendering it unproductive. The policy promotes small scale irrigation infrastructure development in the selected marshlands while preventing environmental degradation and ensuring sustainable development. To achieve sustainable development in agricultural sector, the policy emphasizes the need to adopt Integrated Pest Management (IPM) practices.

### **2.2.4 Land Tenure System and Provisions in Rwanda**

The Organic Land law N° 43/2013 of 16/06/2013 states that all types of land tenure must be in compliance with the designated land use. The Organic Land Law provides two types of formal land tenure: full ownership/ freehold and long term leasehold. The Article 20 of the law formalizes land ownership, especially those acquired through customary means.

In such cases, populations with customary land rights are being encouraged to register their land through decentralized the District Land Bureau, Sector Land Committees and Cell Land Committees.

### **2.2.5 Property valuation**

The Law N°17/2010 of 12/05/2010 establishing and organizing the Real Property Valuation Profession in Rwanda provides for land valuation methods. The law No 32/2015 of 11/06/2015 defines procedures for valuation of land and property incorporated thereon and fair compensation. The Articles 27, 29, 30 and 31 of the law No.17/2010 of 12/05/2010 stipulate that price for the real property shall be close or equal to the market value and the valuer shall select the best valuation method that can be used to determine the fair market value of the real property. The valuation could also compare land values country wide.

Where sufficient comparable prices are not available to determine the value of improved land, the replacement cost approach shall be used to determine the value of improvements to land by taking real property as a reference. The law also allows the use of international methods not covered in the law after approval from the Institute of Valuers council.

### **2.3. Institutional framework**

The institutional framework for expropriation in the public interest is registered in the Rwandan Law No 32/2015 of 11/06/2015 relating to expropriation in the public interest, published in the Official Gazette RWA No 35 of August 31st, 2015, particularly in its chapter III relating to the Competent authorities, procedures and rights of persons to be expropriated and expropriators in the context of expropriation in the public interest.

#### **2.3.1. Ministry of Natural resources**

The Ministry of Natural Resources ensures the protection and conservation of the natural resources and their optimal and rational utilization for sustainable national development.

Specifically, the Ministry of Natural Resources shall be responsible for:

1. Developing and disseminating the sector policies, strategies and programs through:
  - a) Elaborating and disseminating national policies, strategies and programs that aim at conserving natural resources and ensuring their optimal and rational utilization;
  - b) Developing strategies to promote partnership and enhance capacity of private sector and attract operators to invest in activities of natural resources for sustainable economic development;
  - c) Exhaustive assessment of Rwanda ground and surface natural resources and establish appropriate mechanisms for their national extraction and promotion;
2. Regulating the sector and related sub-sectors through the development of laws and regulations to ensure rational utilization of natural resources and ensure protection of the environment and conservation of natural ecosystems;

3. Developing institutional and human resources capacities in the sector of natural resources and sub-sectors
4. Monitoring and evaluating the implementation of sector and sub-sectors policies, strategies and programs;
5. Overseeing the institutions under supervision through:
  - a) Guidance and orientations on the implementation of specific programs to be realized by the institutions under supervision and Local Governments;
  - b) Supervision and orientations on functioning of sector public institutions and promote synergies between various actors intervening in the sector;
6. Mobilizing resources for the development of the sector and related programs through:
  - a) Coordination of activities of mobilizing resources and supervise actions to ensure their rational utilization in the sector development;
  - b) Mechanisms put in place for promoting and development in the sector.

### **2.3.2. Rwanda Natural Resources Authority (RNRA)**

RNRA is an authority under MINIRENA that leads the management of natural resources which is composed of land, water, forests, mines and geology. It shall be entrusted with supervision, monitoring and ensuring the implementation of issues relating to the promotion and protection of natural resources in programs and activities of all national institutions.

RNRA is particularly responsible for:

- a) implementing national policies, laws, strategies, regulations and government resolutions in matters relating to the promotion and protection of natural resources;
- b) making a follow up and implementing international conventions Rwanda ratified on matters relating to the conservation of natural resources;
- c) advising the Government on appropriate mechanisms for conservation of natural resources and investments opportunities;
- d) registering land, issuing and keeping land authentic deeds and any other information relating to land of Rwanda;
- e) ensuring proper geological data and their respective maps;
- f) providing technical advise on the proper use of natural resources;
- g) making follow up and supervising activities relating to proper management, promotion and valuation of natural resources;
- h) rehabilitating and conserving where natural resources are damaged in the country;
- i) making a follow up and supervising activities relating to the proper use of natural resources;
- j) promoting activities relating to investment and added value in the activities of use and exploitation of natural resources in Rwanda;
- k) initiating research and study on natural resources and to publish the results;
- l) instituting regulations, guidelines and appropriate mechanisms for management, use and conservation of natural resources and ensuring their implementation;

- m) establishing cooperation and collaboration with other regional and international institutions with an aim of harmonising the performance and relations on matters relating to management of natural resources.

### **2.3.3. Ministry of Agriculture and Animal Resources**

Ministry of Agriculture and Animal Resources (MINAGRI) has a primary mandate for the development, transformation and modernization of agricultural sector in Rwanda in its broadest sense (including forestry, fisheries and livestock). The Rwanda Agriculture Board (RAB) through LIME Department is the technical agency responsible for the exploitation and management of wetlands for agricultural purposes. It oversees, and implements where necessary, all irrigation and marshland development programs in Rwanda and ensures their sustainability.

It also facilitates the implementation of mechanization in agriculture at the village level, improves data collection on irrigation activities to ensure that the monitoring and future policy actions can be effective and ensure capacity building at cooperative and farm level in irrigation and mechanization techniques to ensure sustainability.

### **2.3.4. Local Governments**

Local Governments (Burera District, the study area) under RAP process are tasked to perform the following functions:

- Approve expropriation in the public interest
- Provide information or advice to developers and RAP Experts when consulted during RAP process,
- Assist developers and RAP Experts in organizing public hearings,
- Host public hearings,
- Host individual consultations,
- Participate in the documentation of assets and gather written comments from public and transmit them to developers and RAP Experts.
- Implement compensation of PAPs and monitor the RAP

## **2.4 World Bank Involuntary resettlement policy**

The World Bank involuntary resettlement related policies are also critical in preparation and implementation of this RAP. The main objectives of the World Bank Operational Policy 4.12 include: Avoiding or minimizing involuntary resettlement where feasible, exploring all viable alternative project design; where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share in project benefits, and providing compensation to people who have restricted access to resources (either permanent or temporary), due to the project activities.

Displaced persons should be meaningfully consulted and have opportunities to participate in planning and implementing resettlement programs. Those displaced persons should be

assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to beginning of project implementation, whichever is higher. Specifically, the production systems of a community are safeguarded to the extent that guarantees their livelihoods and that their skills base remain relevant regardless of the resettlement site. The policy objectives are also designed to minimize kinship group dislocation that might subject the affected persons to unfair competition when mutual help is diminished or lost.

**Table 1: Comparison between Rwanda regulations and World Bank OP4.12**

| Principles                     | Rwanda Legislations   | World Bank's involuntary Resettlement (OP 4.12)   | Recommendations to fill the gaps   |
|--------------------------------|---|---|--|
| Valuation                      | Valuation is covered by the Expropriation Law and the Land Valuation Law and stipulates that the affected person receive fair and just compensation.<br><br>However a ministerial order gives the value of land and crops   | OP 4.12 prefers Replacement cost method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken. | Where applicable adopt replacement cost method of valuation  |
| Compensation                   | Article 28 of the expropriation law No 32/2015 of 11/06/2015 entitles the landholder to compensation for the value of the land and properties incorporated thereon based onof their size, nature and location and prevailing market value.  | OP 4.12 gives preference to land based resettlement strategies for displaced persons whose livelihoods are land-based as compared to monetary compensation  | Adopt OP 4.12 mode of compensation by giving preference to land based resettlement as opposed to monetary compensation |
| Participation and consultation | The Rwandan organic law on Expropriation simply stipulates that affected people be fully informed of expropriation issues. The law also conflicts the very purpose of consultation and involvement by prohibit any opposition to the expropriation program if considered to be under the pretext of self-centered justification which might not be the case | WB OP 4.12 requires that persons to be displaced should actively be consulted and should have opportunity to participate in planning and design of resettlement programs  | Adopt OP 4.12 methods of participation   |

| <b>Principles</b> | <b>Rwanda Legislations</b>   | <b>World Bank's involuntary Resettlement (OP 4.12)</b>  | <b>Recommendations to fill the gaps</b>   |
|-------------------|--|---|---|
| Timeframe         | Rwanda expropriation law No 32/2015 of 11/06/2015 stipulates a timeframe upon when the property to be expropriated must be handed over which is 120 days after compensation has been paid (Article 36, paragraph 3).   | OP4.12 requires that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. Measures pertaining to provision of economic rehabilitation however can and often do occur post displacement. WB OP 4.12 provides for a timeframe (cut-off date) upon which interested parties are entitled to respond                                   | A cut- off date should be applied. OP 4.12 states that, where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of escrow or other interest-bearing deposit acceptable to the Bank, and has provided a means satisfactory to the Bank for resolving the dispute concerning said offer of compensation in a timely and equitable manner. |
| Eligibility       | Article 26 of the law requires the person who owns land intended for expropriation to provide land titles and documentary evidence that he/she is the owner of property incorporated on land and also provide civil status certificate and document evidencing his/her chosen matrimonial regime in case of a married person | OP 4.12 criteria for eligibility include even those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-- provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan and also those who have no recognizable legal right or claim to the land they are occupying | OP 4.12 will be more appropriate for determining eligibility due to the fact that many of those who farm the lands don't own it, although they may have depended on farming on such lands for their livelihood, and as such, should be assisted to at least maintain their pre-project level of welfare. (especially for assets)  |
|                   | Expropriation law is silent on provision of alternative land and resettlement of those to the pre-displaced status   | OP 4.12 requires and prefers resettlement of displaced persons.   | Use World Bank OP 4.12 during the upgrading of the feeder road, some resettlement will be required.   |
| Required Measures | Expropriation law does not provide for alternatives when undertaking compensation  | OP 4.12 requires displaced persons to be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives   | Use World Bank OP 4.12  |



### 3. PROJECT DESCRIPTION

#### 3.1 Location of Nyabirandi and Ndongozi Marshlands

Nyabirandi and Ndongozi Marshlands are located in Nemba, Cyeru and Rwerere Sectors of Burera District, Northern Province, Rwanda near Nyamugali Center connected to Base trading center by an unpaved road of about 6 Km. The total area of the both marshlands is 460 Ha, including 345 ha and 115 ha for Nyabirandi and Ndongozi respectively

Nyabirandi lies between the coordinates 1°31' 35.90" S and 29°50'53.40" E along length and 1°32'10.99" and 29° 50' 41.26" along width. Ndongozi lies between the coordinates 1°32'52.48 & 29°50'53.40" E along length and 1°32'10.99" & 29°50'41.26" along width. Nyabirandi and Ndongozi Marshlands are 9445.85 m and 6201.29 m long respectively. The Nyabirandi River flows through the marshland and drains into the Burera lac. The Ndongozi River offsets from top of the mountain and drains into the Burera lac. The Location of the two marshlands is as shown in Figure 1 below.

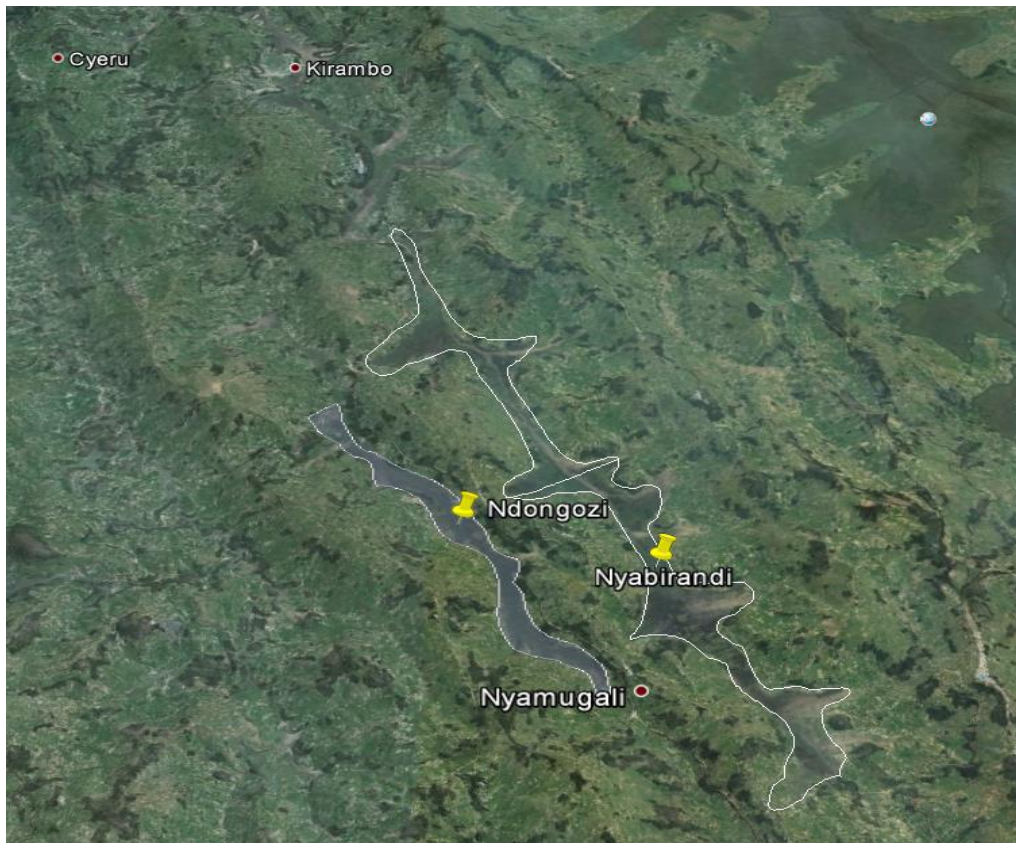


Figure 1: Location of Nyabirandi and Ndongozi Marshlands

#### 3.2 Planned activities

Based on the feasibility report by WAPCOS Ltd (2014), the activities envisaged in each marshland include:

- Construction of irrigation network consisting of only main canals aligned along the contours at the foot hill along the outer boundary of the marshland;

- Construction of drainage networks (main and secondary drains) to lower the existing water level from 0.45 m below ground level to at least 0.8m below ground level.
- Construction of Bridges and foot bridge across some drainage and irrigation canals

The construction activities will be executed by a company that will be selected based on competitive bids. The supervision will be done by another firm also hired on competitive basis. The SPIU/LWH will work with the existing farmers and local authorities to valorize the developed site and increase potato, maize and/or vegetables production in Nyirabirandi - Ndongozi marshlands and improve marketing. The training topics will include maintenance of the irrigation & drainage networks and appropriate water use, farming techniques, appropriate use of pesticides and fertilizer, post harvest handling and marketing techniques, etc.

The main problem in Nyirabirandi – Ndongozi marshlands is waterlogging. The provision of irrigation and drainage component helps in controlling waterlogging through removal of excess surface and sub-surface water from the affected land to enhance crop growth and productivity.

#### 4. SOCIO-ECONOMIC SURVEY AND CENSUS OF PROJECT AFFECTED PEOPLE

The present section describes the socio-economic profile of the project affected people (PAPs) located in the project area. Collected data allow understanding the current livelihoods situation of PAP and other beneficiaries in order to predict the project impacts and mitigation measures.

##### 4.1 Demographics

The Nyirabirandi – Ndongezi site is located in Nemba, Cyeru and Rwerere Sectors of Burera District, Northern Province. As per the 2012 Census, Nemba and Cyeru Sectors have about 18,088 and 12,783 inhabitants and extend over an area of 38 km<sup>2</sup> and 23 km<sup>2</sup> respectively. Rwerere Sector has 18,310 inhabitants and covers 48 Km<sup>2</sup>. The population density of Nemba and Rwerere accounting for 476 and 379 person /km<sup>2</sup> is lower than the District average (522 persons /km<sup>2</sup>) while that of Cyeru (552 and 379 persons /km<sup>2</sup>) is higher than the District and national average (416 persons /km<sup>2</sup>). The females are predominant in each of the 3 sectors and average 53.1%.

##### 4.2 Census of PAPs

Holdings and assets were inventoried by a valuer under the supervision of the Project and District team and findings were recorded and presented to the PAPs during disclosure held at the project site in Nemba Sector of Burera District. The table below summarizes the number of affected households per village and Cell.

**Table 2: Number of PAPs per village and Cell**

| Sector | Cell      | Village     | Number of Households |
|--------|-----------|-------------|----------------------|
| Nemba  | Nyamugali | Nyagahondo  | 125                  |
|        |           | Karyango    | 161                  |
|        |           | Kagihanga   | 81                   |
|        |           | Nshorezo    | 163                  |
|        |           | Ryaruhirima | 20                   |
|        |           | Nyiraruhuha | 43                   |
|        | Rushara   | Mugomero    | 60                   |
|        |           | Bugondo     | 66                   |
|        |           | Kagesera    | 88                   |
|        | Rubona    | Murandamu   | 12                   |
|        |           | Kanyaru     | 25                   |
|        |           | Bugaligali  | 27                   |

|              |          |             |             |
|--------------|----------|-------------|-------------|
|              |          | Cyabarenge  | 28          |
| Cyeru        | Ndongozi | Ntazi       | 25          |
|              |          | Ryaruhirima | 44          |
| Rwerere      | Ruconsho | Cyinkware   | 14          |
|              |          | Buhore      | 22          |
|              | Rugali   | Murambo     | 89          |
|              |          | Mushubi     | 88          |
|              |          | Gacyamo     | 49          |
| <b>Total</b> |          |             | <b>1230</b> |

As per the table above, the census and valuation of assets indicate that the construction of Mushaduka Dam and access roads, the borrow pit area and site installation will affect 160 households located in four villages namely Nyamiyaga (26 PAPs), Nyesonga (33 PAPs) and Murambi (76 PAPs) of Cyimana Cell and Kabusenda village (25 PAPs) of Kigarama Cell in Musha Sector.

### 4.3 Socio-economic conditions of PAPS

Socio-economic profile has been developed for the PAPS and are discussed in subsequent sections.

#### 4.3.1 Family Size of the Household

The Table 2 below summarizes the family size of the households' respondents.

**Table 3: Family Size of the Households**

| S.No  | Family size | Number of Respondents | Percentage (%) |
|-------|-------------|-----------------------|----------------|
| 1     | 1-3         | 160                   | 13             |
| 2     | 3-5         | 738                   | 60             |
| 3     | 5-7         | 295                   | 24             |
| 4     | >8          | 37                    | 3              |
| Total |             | 1230                  | 100            |

The results indicate that the majority of PAP families (60%) have 3-5 members while 24 % have 5-7 members. The average size of the household is 4.6.

#### 4.3.2 Marital Status of PAP

Data on the marital status of the PAPS was collected and the Table 3 shows the marital status of the surveyed PAPS.

**Table 4: Marital Status of Respondents in Household Surveyed**

| S.No | Marital status | Number of respondents | Percentage (%) |
|------|----------------|-----------------------|----------------|
| 1    | Married        | 652                   | 53             |
| 2    | Single         | 123                   | 10             |
| 3    | Widow          | 455                   | 37             |
| 4    | Divorced       | 0                     | 0              |
|      | <b>Total</b>   | <b>1230</b>           | <b>100</b>     |

At the time of the census, 53 % of the PAPs were married, followed with widow (37%) and 8% single. The divorced PAPs were not recorded.

#### 4.3.3 Education of PAPs

The table below presents the level of education in the project area.

**Table 5: Level of Education in the Household**

| S.No | Level of education                      | Frequency (No) | Percentage (%) |
|------|---|----------------|----------------|
| 1    | Illiterate                              | 1,471          | 26             |
| 2    | Primary                                 | 3395           | 60             |
| 3    | Incomplete Secondary                    | 396            | 7              |
| 4    | Secondary                               | 396            | 7              |
| 5    | Secondary vocational                    | 0              | 0              |
| 6    | Higher (Bachelors Degree, Postgraduate) | 0              | 0              |
|      | <b>Total</b>                            | <b>5658</b>    | <b>100</b>     |

The literacy rate among the PAPs is moderately high as 74% has at least primary education. The respondents who are illiterate represent 26%. NISR (2015) reports the illiteracy level of the Nemba, Burera and the Northern Province of 26.6%, 27.6% and 24.5% respectively. The illiteracy rate of the PAPs is slightly lower than the Sector and District average and higher than the Northern Province and Rwanda (25.5%).

#### 4.3.4 Employment status of PAP

The results on the employment status of PAPs in Mushaduka site are presented below.

**Table 6: Employment Status of PAPs**

| S.No | Employment            | Frequency (No) | Percentage (%) |
|------|-----------------------|----------------|----------------|
| 1    | Own agricultural farm | 1230           | 100            |
| 2    | Teacher               | 40             | 3              |
| 3    | Student, pupil        | 0              | 0              |
| 4    | Housewife             | 0              | 0              |
| 5    | Business              | 40             | 3              |
|      | <b>Total</b>          | <b>1230</b>    | <b>100</b>     |

With regard to the surveyed households, all PAPs are employed in their own agricultural farms. Furthermore, few PAPs (6%) own other small businesses which they combine with agricultural activities. Those include commerce run mostly through small shops /boutiques; restaurants, carpentry, civil servant, etc. This is evidence that agriculture in the project area is the dominant socio-economic activity. Field observations indicate that potato, bean, sorghum, maize, vegetables are the main cultivated crops.

It was also found that 80.5 % of all PAPs own some type of livestock dominated by sheep, poultry and cows.

#### 4.3.5 Vulnerability of PAP

The vulnerability and social group for individuals in the community is of a paramount importance because it gives the information on the level of vulnerability and assistance needed. The Table 6 gives some information on vulnerability in the project area.

**Table 7: Vulnerability in the PAP**

| S.NO | Social group             | Frequency (No) | Percentage (%) |
|------|--------------------------|----------------|----------------|
| 1    | Living with disability   | 3              | 0.2            |
| 2    | Aged persons (>70 years) | 22             | 1.8            |
| 3    | Orphans                  | 0              | 0              |
|      | <b>Total</b>             | <b>25</b>      | <b>2</b>       |

The majority of the project affected population (77%) is in normal condition and 20% are elder people (above 70 years) while 3% are people with disability.

#### 4.3.6 Housing conditions of the PAPs

Housing condition is an important variable in studying socio economic aspects of a family because it gives the idea on the living conditions of family members.

All PAPs live in their own houses and a big proportion of these houses (72 %) are built in wood. Only 28% of surveyed households have houses made in soil blocks know as *Rukarakara*.

## **5. ELIGIBILITY**

Eligibility for compensation is enshrined under the Article 29 of the Rwandan Constitution, the Expropriation Law of Rwanda (Law No 18/2007 of 19/04/2007 as well as Law N° 32/2015 of 11/06/2015) and OP 4.12 of the World Bank. These documents regulate and give entitlement to those affected, whether or not they have written customary or formal tenure rights.

The expropriation as provided for in the Rwandan law shall be carried out only in the public interest and no land owner shall oppose any activity carried out on his or her land. In case it causes any loss to him or her, he or she shall receive just compensation for it (Art.3 of the law No. 18/2007 of 19/04/2007). This entitlement is based on the figures arrived at by the independent valuer. Through mutual arrangement, both parties can determine the mode of payment. Land acquisition and compensation will be undertaken according to national legislation with particular reference to the Law on Expropriation in the public interest, provided however that in case of inconsistency between national legislation and the standards set in World Bank OP. 412, this will prevail.

In the Rwandan Expropriation Law the person to be expropriated is clearly defined under article 2 (7) to mean “any person or a legally accepted association operating in the country who is to have his or her private property transferred due to public interest as well as legally accepted local administrative entities”.

### **5.1 Determination of Cut-off date**

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project starts and therefore new cases of affected people were not considered. The cutoff date was determined through a meeting with the PAPs and the representatives of Gisagara District and LWH-RSSP when the census and inventory was completed.

The cut off date agreed in a public consultation meeting was set to July 15th, 2015 for the construction of irrigation and drainage network system and people occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. In the same way, fixed assets (like built structures, crops, fruit trees and woodlots) that appear after this date will not be compensated.

## **6. VALUATION AND COMPENSATION FOR LOSSES**

This section describes the methodologies that were used to value losses and determine replacement costs as well as the roles of the different institutions and PAPs during the determination of compensation process.

### **6.1 Valuation and compensation for Land**

Land to be used for the canals construction will permanently be lost to the project activities. This includes land where main irrigation canal, secondary irrigation canals and main and secondary drainage canals will be constructed as well as the 2 m buffer zone of the main irrigation canal. Tree or fodder grass planting will only be accepted to ensure canal protection.

After the District approved the request for expropriation of PAPs in Nyirabirandi- Ndongezi site and published that decision through meetings with Nemba, Cyeru and Rwerere population, the MINAGRI/SPIU RSSP-LWH immediately hired an independent Valuer to conduct valuation of land and property incorporated thereon. This is in line with the Rwandan expropriation law N° 32/2015 of 11/06/2015 (Article 23).

The new Law N°43/2013 of 16/06/2013 governing land in Rwanda on ownership, especially private land and Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest, in terms of compensation and acquisition in Rwanda, provides room for negotiations over the value of land during acquisition as a preferred means for reaching a common agreement. In other words, PAPs are accorded room to negotiate for the suitable compensation.

In the present context, the land for land compensation will be used to compensate for all PAPs who will lose their land for the canal construction. PAPs will be allocated plots in the marshland after development works.

### **6.2. Valuation and compensation for crops**

Crops and trees in area for irrigation canal were valued by an independent valuer hired by the Project. The valuation of those crops and trees was done using the current value of crops and trees on the market, negotiation with population and Expropriation Law. The value of crops and trees depends on their type and age. The civil works activities will entail clearing of the vegetation inherent in the project site which includes trees and crops that have been planted and/or cultivated by the PAPs. Most of trees and crops will be permanently lost for the project activities and will be financially compensated.

### **6.3. Valuation for structures**

In the project area, there are no houses that will be affected. The field assessment showed that 5 water points (4 in Nyirabirandi and 1 in Ndongezi) existing in the Project area will be affected by the construction of the main irrigation canals and the Project team is developing a proposal where to move them as well as their designs.



## 7. CONSULTATION WITH PAPs AND PARTICIPATION

Consultation meetings with PAPs began in July 2015 to discuss issues related to resettlement and compensation. District and SPIU RSSP-LWH also held these meetings with the local communities at the site in order to inform them about the planned projects and their roles and responsibilities.

### 7.1 Consultation with stakeholders

Public consultations were organized to collect first-hand accounts of benefits and grievances from affected parties by Nyirabirandi Ndongezi project. The main groups of stakeholders encountered include:

- ✓ Project Affected Persons (PAP);
- ✓ Local authorities (District, Sector, Cell and village authorities);
- ✓ Opinion leaders (Churches and cooperative leaders)
- ✓ Financial institutions representatives

#### a) Consultation with district authorities

Local authorities were met to explain the project background, objectives, planned activities, expected outcome/ benefits to farmers, district and the country, implementation schedule and their roles and responsibilities and how negative impacts will be mitigated. The procedures for valuation and compensation for affected properties as well as compensation payment modalities were also discussed. The authorities contacted are reported in Table 8 below.

**Table 2: List of Authorities Consulted in Gisagara District**

| S.No. | Position                                     | Institution  |
|-------|--|--|
| 1     | Vice Mayor in charge of Economic Affairs     | Burera District  |
| 2     | Executive Secretary                          | Nemba Sector   |
| 3     | In charge in social affaires at Sector level | Nemba sector   |
| 4     | Executive Secretary                          | Nyamugali and Rubona Cells                                 |
| 5     | Village leaders                              | Nyagahondo, Nshorezo, Nyiraruhuhwa, Kanyaru and Bugarigali |

#### b) Consultation with PAPs

SPIU RSSP – LWH, in collaboration with District administration, arranged consultative meetings with the local communities to inform them about the planned projects, benefits and their roles and responsibilities. Two consultation meetings were done on July 7<sup>th</sup> and 10<sup>th</sup>, 2015 for Ndongezi and Nyirabirandi marshlands respectively. Other meetings were organized before the census and after the census to inform the PAPs on the valuation process and their rights and obligations in the RAP preparation and implementation.



**Figure 2: Executive Secretary of Nemba addressing Ndongozi PAPs**



**Farmers attending public consultation meeting in Ndongozi Site**

## **7.2. Verification and disclosure of entitlements**

Upon completion of identification of the households and valuation of their land and assets, that are likely to be affected by the project by the valuer and approval of the valuation report by the District, Burera District authorities organized meetings with PAPs to communicate the valuation report and discuss compensation requirements and concerns. The District also arranged meetings for the negotiations with the local communities to discuss the alternatives for resettlement and compensation. There has been one meeting for disclosure on August 31st, 2015 and another one on September 19th, 2015 where the district and project team presented the results of census and value of PAPs' assets. Comments from the two meetings were incorporated in the Census results.

## **7.3. Other meetings and consultations**

There was other meeting and consultations with Burera District and banks and PAPs' representatives to discuss how to proceed with the compensation payment and signing of the agreement and contract documents. This meeting was held on September 27th, 2015 and brought together representatives of the District, Project, PAPs and Saccos.

## **7.4. Main issues raised by the PAPs during the consultation meeting**

The following issues have been raised by the PAPs:

- How land, crops and trees will be valued?
- How and when land, crops and trees will be compensated?
- Will the project gives us jobs?
- What crop to cultivate after development

These issues raised by PAPs were responded as follows:

**Table 9 Issues of PAPs and responses given**

| <b>Issues</b>                             | <b>Responses</b>  |
|---|---|
| How land, crops and trees will be valued? | The valuation of crops and trees will be done with reference to current rates applied in Rwanda and expropriation law. Measurement of the affected land and not its valuation will be done and PAPs that have land title losing land for canal construction will be given land with at least same size in the marshland after development. No land valuation for those who are using government land in marshland, but they will also be given land in rehabilitated marshland. |
| Time and modalities for payment           | The payment will begin after approval of the valuation report by both the District and Project and continue in one part as construction begins in another part. Each PAP will be requested to provide his bank account where money should be transferred.   |
| Employment                                | The PAPs will be given priority in manpower recruitment during construction works   |
| Selected crops                            | Crops that will be used include potato, maize, vegetables, etc and meeting will be organized before the start of the season to select the crop to plant.  |

### **7.5. Agreement on compensation and preparation of contracts**

The District of Burera has explained to the PAPs the assets that will be compensated for in cash or kind. These were done by listing all the assets and land to be compensated at the current value. Payment modalities were also discussed. PAPs will provide Bank accounts where their money will be transferred. The Burera District and the Project will prepare and sign an agreement for compensation and payments to the PAPs.

### **7.6. Grievance redress mechanism**

The District of Burera is an acknowledged institution for which the PAPs have been made aware of as avenues for expressing discontent and disapproval to the resettlement and compensation process. Article 33 and 34 of the Expropriation Law N0 32/2015 of 11/06/2015 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that dissatisfied persons have a period of 10 days from the application for counter valuation by the person to be expropriated. This application should be done within 7 days after the approval of the valuation report by the expropriator (Article 33).

The first step of redress is to inform those to be expropriated of their rights during the expropriation process. In the event that any PAP rejects the value given by the expropriator, he/she can indicate in writing for his/her dissatisfaction with the valuation report and ask for a counter-assessment of the value. He will then engage the services of a valuer or a valuation firm recognized by the Institute of Real Property Valuers in Rwanda at his/her own expense.

The counter-assessment report must be available within ten (10) days from the application for counter valuation by the person to be expropriated (Article 33).

If the counter-assessment report is not accepted by expropriator, the minutes shall be taken thereof and indicate the points of disagreements. Once the person to be expropriated is not satisfied with the decision, he/she can refer the matter to the competent court within 15 days from the day he/she appends his/her signature to the minutes indicating the points of disagreements (Article 34).

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 within 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 will be informed of the procedures before their assets are taken.

RSSP will follow up the aggrieved PAP at each level to ensure that the grievances are resolved. Each sector should identify one PAP to work with RSSP and the local leaders to ensure that the grievances are attended to in time. This is in addition to the existing Resettlement Committee.

## **8. RESETTLEMENT MEASURES**

### **8.1 Compensation for Land**

The canal area is mostly owned by the Government and a fair compensation was calculated based on the Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest and the Ministerial Order No 002/16.01 of 2010 determining the price of land in all cells outside Kigali City. A total of 11.27 ha will be lost for irrigation canal construction. Land for land compensation will be used for PAPs using government. PAPs will be given plots in the developed marshland. They will also be given priority in manpower hiring during construction works.

### **8.2. Compensation for crops and trees**

The valuation for crops and trees affected by the canal construction was done when most of seasonal crops were harvested. The crops, recorded during the census include pineapple and fodder crops (elephant grass). The tree component includes Grevillea, Dracaena, Erythrina and Alnus. All affected trees and crops will be financially compensated.

### **8.3. Compensation for structures**

Five (5) water points likely to be affected by the irrigation canal were identified and will be relocated and placed outside the buffer zone of the canal. This will be technically and financially done by the Project.

### **8.4. Other Resettlement measures**

#### **8.4.1. Availability of input to the Vulnerable PAPs**

About 25 PAPs, including 22 old people and 3 people living with disability, were identified as vulnerable in the project area. On top of the compensation for their properties, vulnerable PAPs will be given plot in the marshland, seed and fertilizer, mainly through the cooperative using the marshland for the first season and as other PAPs, they will be trained in good farming practices. Vulnerable PAPs will also be given the option to select any training they wish, which would help them to maintain and/or improve their income generation potential. The training program will be designed for during the project implementation. If any other vulnerable people are identified in the course of the implementation of the RAP, special attention will be given to their needs and reported in the Progress Reports to this.

#### **8.4.2. Employment of PAPs during construction works**

During the construction of the irrigation canals and land husbandry works on hillsides, a high intensity of labor will be needed. SPIU RSSP/LWH and Burera District will ensure that the PAPs get first priority during job allocation. This will facilitate additional income that will help and support these people in their new location.

### **8.5. Resettlement measures for each category of eligible PAPs**

The Size of land, crops and other assets expected to be acquired are presented in Table 4 below.

**Table 10: Resettlement impact**

| Item  | Unit  |
|---|---|
| <b>Affected Sector/District</b>   | Nemba, Cyeru and Rwerere Sectors of Burera District   |
| Affected Cells  | Nyamugali, Rushara and Rubona Cells of Nemba Sector, Ndongezi Cell of Cyeru, Ruconsho & Rugali Cells of Rwerere |
| <b>A) Resettlement</b>  |   |
| Households compensated and relocated  | None  |
| Households compensated and not relocated                                    | 1230  |
| <b>B) Land</b>  |   |
| Government land for crops and animal husbandry that will be completely lost | 11.27 ha  |
| Private Land that will be completely lost                                   | None  |
| <b>C) Structures</b>  |   |
| Number of households who lose house fully                                   | None  |
| Number of households who lose house partially                               | None  |
| Water point   | 5   |

The table below describes resettlement measures accepted for each PAPs category:

**Table 11: Resettlement measures for each category**

| Affected Item     | Affected Villages | Number of households | Compensation measures                       | Cost (Frw)        |
|-------------------|-------------------|----------------------|---|-------------------|
| Crops and trees   | 20                | 672                  | Financial Compensation                      | 11,925,741        |
| Government land   | 20                | 1230                 | Land for land exchange in marshland         | -                 |
| Water points      | 4                 |                      | Construction of a new water point           | 20,000,000        |
| Vulnerable people | 20                | 25                   | Additional assistance –seeds and fertilizer | 5,000,000         |
| <b>Total</b>      | <b>20</b>         | <b>1230</b>          |   | <b>36,925,741</b> |

**NB:** The budget allocated to vulnerable people’s assistance is an estimate which will be confirmed after further discussion with vulnerable people and District administration and by considering their specific needs.

## 9 IMPLEMENTATION SCHEDULE

The implementation schedule of the RAP for Nyirabirandi - Ndongezi project is presented in Table 12 below.

**Table 12. Implementation schedule**

| Project activity             | Time (From July 2015 to June 2016) |     |      |     |     |     |     |     |     |     |     |     |
|------------------------------|------------------------------------|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|                              | July                               | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun |
| Public consultations         | ■                                  |     |      |     |     |     |     |     |     |     |     |     |
| Census & valuation of assets |                                    | ■   |      |     |     |     |     |     |     |     |     |     |
| Disclosure of entitlements   |                                    |     | ■    |     |     |     |     |     |     |     |     |     |
| RAP preparation and approval |                                    |     |      | ■   | ■   |     |     |     |     |     |     |     |
| RAP disclosure               |                                    |     |      |     | ■   |     |     |     |     |     |     |     |
| Grant agreement              |                                    |     |      |     | ■   |     |     |     |     |     |     |     |
| Compensation payment         |                                    |     |      |     |     | ■   |     |     |     |     | ■   |     |
| Grievance management         |                                    |     |      |     |     | ■   | ■   | ■   | ■   | ■   | ■   |     |
| RAP monitoring & evaluation  |                                    |     |      |     |     | ■   | ■   | ■   | ■   | ■   | ■   |     |
| RAP completion audit         |                                    |     |      |     |     |     |     |     |     |     |     | ■   |

NB: The monetary compensation will be done between November - December 2015. The land for land compensation to PAPs, currently using government land, will be done in May 2016 at the completion of the development works.

## 10. ESTIMATED COST FOR RESETTLEMENT

The estimated cost for the implementation of RAP is presented below:

*Table 13. Estimated cost for resettlement*

| <b>Item</b>   | <b>Main activities</b>  | <b>Responsible institution</b>            | <b>Cost (Frw)</b> |
|---|---|---|-------------------|
| <b>Public consultation</b>                          | Consultation meeting with the PAPs to inform them on scheduled activities and their roles to accomplish the RAP | - Burera District<br>-SPIU RSSP/LWH       | 82,000            |
| <b>Database</b>                                     | Documentation of assets (crops) and Land measurement  | - Burera District<br>- SPIU RSSP/LWH      | 2,500,000         |
| <b>Disclosure of entitlement</b>                    | Display to the PAPs the results of the census.  | - Burera District<br>- SPIU RSSP/LWH      | 82,000            |
| <b>Preparation of alternatives</b>                  | Comparison and choice of the best alternatives of compensation to the PAPs                                      | - Burera District<br>- SPIU RSSP/LWH<br>- | 82,000            |
| <b>Compensation and other resettlement measures</b> | Compensation for crops  | - Burera District<br>- SPIU RSSP/LWH      | 11,925,741        |
|   | Land for land Compensation  | - Burera District<br>-SPIU RSSP/LWH       | -                 |
|   | Construction of new water points  | SPIU RSSP/LWH                             | 20,000,000        |
|   | Assistance to Vulnerable people   | - Burera District<br>- SPIU RSSP/LWH      | 5,000,000         |
| <b>Follow up of PAPs</b>                            | Follow up and monitoring of PAPs livelihoods  | - Burera District<br>-SPIU RSSP/LWH       | 410,000           |
| <b>Total</b>  |   |   | <b>40,081,741</b> |



## 11. FRAMEWORK FOR MONITORING, EVALUATION AND REPORTING.

### 11.1. Monitoring and evaluation plan

The monitoring of the RAP will be carried out during the whole process of land acquisition and the compensation to ensure that the objectives are met and successful implementation of the RAP occurs. It will fall under the overall responsibility of the MINAGRI and District authorities. The monitoring will be carried out by a committee composed of Burera District representatives (representative at the Sector & cell level inclusive), LWH-RSSP and PAP representative to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the RAP. The SPIU Coordinator will have responsibility for ensuring monitoring is undertaken with the Resettlement and Compensation Committee coordinating efforts.

Periodic evaluations will be made in order to determine if the PAPs have been paid in full; economic rehabilitation measures have been implemented and the PAPs have the same or higher standard of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively and qualitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. In addition, an independent audit will take place at the completion of the RAP implementation. The role and responsibilities of each institution is summarized in Table 14 below.

**Table 3: Roles and Responsibilities of each institution**

| <b>Institution</b>                 | <b>Roles and Responsibilities</b>   |
|------------------------------------|---|
| <b>MINAGRI/ SPIU<br/>RSSP -LWH</b> | <ul style="list-style-type: none"> <li>• Screening of sub-projects to identify resettlement and compensation requirements;</li> <li>• Work with District to create Resettlement and Compensation Committee;</li> <li>• Compensation of RAP</li> <li>• Provision of capacity building and technical support relating to resettlement and compensation activities;</li> </ul> |
| <b>District District</b>           | <ul style="list-style-type: none"> <li>• Review and sign off of all documentation (e.g. completed RAPs, grievance forms, consultation plans).</li> <li>• Participation in documentation of assets</li> <li>• Compensation of RAP</li> <li>• Responsible in monitoring and implementation</li> </ul>   |
| <b>PAPs</b>                        | <ul style="list-style-type: none"> <li>• Participation in documentation and measurement of assets of PAPs</li> </ul>  |

|   |  |
|---|--|
| <b>Resettlement and Compensation Committees</b> | <ul style="list-style-type: none"> <li>• Development and implementation of RAP, valuation of assets, distribution of compensation payments, identification of land for replacement and effective consultation at the sector level, cell level, and at village level</li> <li>• Representation of PAPs</li> <li>• Facilitate coordination of information collation activities (such as surveys, supervising documentation) for monitoring purposes, in accordance with procedures put in place by the District authorities.</li> <li>• Elect a representative of the Committee to act as Project Liaison Officer who has regular contact with PAPs and can lead consultation, public participation and grievance mechanisms.</li> <li>• Responsible for ensuring that grievance mechanisms meet the requirements of the RPF legislation.</li> </ul> |
|---|--|

Suggested monitoring indicators are outlined below and include (and not limited to):

- a) Number and place of public consultation meetings held with PAPs and local authorities in preparation of, or during RAP implementation;
- b) Number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- c) Number of complaints:
  - ✓ Total received;
  - ✓ Total justified;
  - ✓ Total non justified.

This should include the subject matter for all complaints; an explanation for non justified complaints;

- ✓ Total resolved at various levels including the type of agreement reached;
- ✓ Total referred to the legal system/ Courts of Law, including a clarification on who initiated (local leaders, PAP or RSSP II) the referral and the subject matter.

Suggested performance/evaluation indicators include:

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

## 11.2 Resettlement Implementation Completion report

A completion report of the entire resettlement process for this project will be prepared and will include a hand over certificate which will ostensibly provide a verification of when the compensation and assistance were undertaken and to whom these services were provided as well as to indicate that indeed all the compensation has been delivered.

This report will be prepared and submitted to the World Bank 6 months after the end of the compensation payment by the District of Burera, together with LWH\_RSSP or before the Implementation Completion Report by the World Bank for LWH-RSSP, whichever ever comes first. The RAP implementation report should include (but not be limited to) the following information:

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

## **12. DISCLOSURE OF SOCIAL SAFEGUARDS INSTRUMENTS**

The MINAGRI/ SPIU RSSP-LWH will disclose this Resettlement Action Plan by making copies available at its head office and website. The Government of Rwanda will also authorize the World Bank to disclose this RAP electronically through its InfoShop.

## **13 CONCLUSION AND RECOMMENDATIONS**

### **13.1 Conclusion**

Based on Project description and Socio-economic Baseline Data and findings of the RAP, 1,230 households, will be affected by project activities in Nyirabirandi- Ndongozi site. All PAPs from 20 villages of Nemba, Cyeru and Rwerere Sectors will be compensated. The PAPs using government land and losing it for canal construction will be given plots in the marshlands after development works while those losing crops and trees will financially be compensated.

The total cost for the implementation of the present RAP amounts to 40,081,741 Frw and regular internal monitoring shall be carried out by the project proponent in collaboration with District authorities to ensure the successful implementation of this RAP.

In view of the RAP findings, it could be concluded that the project will bring benefit to the people of the area. The resettlement impacts are within the manageable limits and can be mitigated with the proposed resettlement management plans and payment of compensation.

### **13.2 Recommendations**

The stakeholders including the PAPs are positive for the development of the project in Nyirabirandi - Ndongozi site. For the successful implementation of planned development activities, the timely implementation of the proposed resettlement measures is required since the project is in the public interest.

**ANNEXES:**

**Annex 1. Rates of Valuation of Crops and trees**

| <b>Type of Crop</b>   | <b>Unity</b> | <b>Age</b>   | <b>Value (rwf)</b>     |
|---|--------------|--------------|------------------------|
| Umwembe   | Plant        | 0 to 1 year  | 3450                   |
| Manguier  |              | 1 to 3 years | 7000                   |
| Mango   |              | 3 to 5 years | 9000                   |
| Ipera   | Plant        | 0 to 2 years | 3450                   |
| Goyavier  |              | 2 to 4 years | 7000                   |
| Guava   |              | ≥ 4 years    | 9000                   |
| Avocat  | Plant        | 0 to 1 year  | 4005                   |
| Avocatier   |              | 1 to 3 years | 13,020                 |
| Avocado   |              | ≥ 3 years    | 24,060                 |
| Ibindi biti byera imbuto ziribwa  | Plant        | 0 to 2 years | 2100                   |
| Other fruit trees (not listed in the crop valuation document)               |              | 2 to 4 years | 4500                   |
|   |              | 4 to 5 years | 5500                   |
| Ibiti bitanga imiti (umuravumba, igicunshu, umwenya,...)<br>Medicinal crops | Plant        |              | 2800                   |
| Urubingo<br>Penissetum<br>Elephant Grass                                    | Are          |              | 10,000                 |
| Imiyenzi  | Cluster      | Young Age    | 105                    |
| Euphorbes   |              | Average      | 525                    |
| Euphorbia   |              | Aged         | 920                    |
| Imiyenzi ku rugo  | m            | Young Age    | 270                    |
| Enclos d'euphorbes  |              | Average      | 420                    |
| Euphorbia enclosure   |              | Aged         | 920                    |
| Ibisheke  | plant        |              | 50                     |
| Canne a sucre<br>Sugarcane  |              | -            | 50,000                 |
| Umuvumu   | Plant        | Young Age    | 270                    |
| Ficus   |              | Average      | 860                    |
| Ficus   |              | Aged         | 2860 to 4290           |
| Imiko   | Plant        | Young Age    | 270                    |
| Erythrine/ Erythrina  |              | Average Age  | 450                    |
| Ibindi biti   | Plant        | Young Age    | 105                    |
| Other trees not specified   |              | Average      | 270                    |
|   |              | Aged         | 450                    |
| Sipure – Cypres<br>Gereveliya – Grevillea                                   | Plant, are   | Young        | 286/plant,<br>7150/are |

|   |               |                                      |
|---|---------------|--------------------------------------|
| Gasiya – Cassia<br>Pinusi – Pinus<br>Umusave – Markhamia<br>Sederela – Cedrela<br>Terminalia –<br>Umunyinya - Acacia<br>Inturusu –Eucalyptus<br>Alinusi - Alnus | 3 to 5 years  | 572 to<br>858/plant,<br>13,585/are   |
|   | 5 to 10 years | 1287 to<br>2145/plant,<br>22,880/are |
|   | ≥ 10 years    | 4290 to<br>5720/plant,<br>57,200/are |

