

REPUBLIC OF RWANDA



MINISTRY OF TRADE AND INDUSTRY

(MINICOM)

GREAT LAKES TRADE FACILITATION PROJECT

(GLTFP)

**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) FOR THE
IMPROVEMENT OF INFRASTRUCTURE AT KAMEMBE AIRPORT**

SINGLE PROJECT IMPLEMENTATION UNIT(SPIU)

April, 2019

ACRONYMS

ARAP: Abbreviated Resettlement Action Plan

AGL: Aeronautical Ground Lighting

DDC: District Development Committee

DRC: Democratic Republic of Congo

ES: Executive Secretary

ESIA: Environmental and Social Impact Assessment

ESMF: Environmental and Social Management Framework

GLTFP: Great Lakes Trade Facilitation Project

GLR: Great Lakes Region

GRC: Grievance Redress Committee

GoR: Government of Rwanda

ICAO: International Civil Aviation Organization

KI: Key Informant

M&E: Monitoring and Evaluation

MINAGRI: Ministry of Agriculture & Animal Resources

MINECOFIN: Ministry of Finance and Economic Planning

MINICOM : Ministry of Trade and Industry

MININFRA: Ministry of Infrastructure

OP: Operational Policy

PAH: Project Affected Households

PAP: Project Affected Person

PCT: Project Coordination Team

PDO: Project Development Objectives

PLO: Project Liaison Officer

PSC: Project Steering Committee

RAC: Rwanda Airports Company

RAP: Resettlement and Action Plan

RCAA: Rwanda Civil Aviation Authority

RPF: Resettlement Policy Framework

RRA: Rwanda Revenue Authority

RTDA: Rwanda Transport Development Authority

SIUP: Single Project Implementation Unit

WB: World Bank

DEFINITIONS OF TERMS USED IN THIS DOCUMENT

Unless the context dictates otherwise, the following terms shall have the following meanings:

1) **Affected people/Displaced Persons**” refers to people who are affected socially and economically in any of the ways described in the OP 4.12 para 3 as those who lose:

(a) Land or the right to use land;

(b) Shelter and/or have to be physically relocated;

(c) Assets or access to assets, loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

Access to legally designated parks and protected areas as a result of involuntary restriction or results in adverse impacts on the livelihood of the displaced persons.

2) **“Resettlement”** covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to physical relocation. It can include: (a) acquisition of land and physical structures on the land (b) physical relocation; (c) economic rehabilitation of displaced persons to restore and/or improve their income and living standards.

3) **“Census”** means a complete and accurate survey of the project affected population. This entails a field survey carried out to identify and determine the number of Project Affected Persons (PAP). This is complemented by an Asset Inventory which is a complete count and description of all property that will be acquired, including assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies.

4. **“Environmental and Social Management Framework (ESMF)”** is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the infrastructure development program and other activities associated with this project regardless of funding agency in the six secondary cities. The framework will set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental

and social impacts, offset them, or reduce them to acceptable levels. This instrument will be prepared as a separate and stand-alone document to be used in conjunction with the RPF.

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

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

7. **“Project Affected Households”** (PAHs) means households that, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected households physically relocate. These people may have their: a. Standard of living adversely affected, whether or not the Project Affected Household must move to another location; b. Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; c. Access to productive assets adversely affected, temporarily or permanently; or d. Business, occupation, work or place of residence or habitat adversely affected.

8. **“Involuntary Displacement”** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by: a. Loss of benefits from use of such land; b. relocation or loss of shelter; c. loss of assets or access to assets; or d. loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

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

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

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

12. **“Rehabilitation Assistance”** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

13. **“Resettlement Action Plan”**, also known as a “Resettlement Action Plan (RAP)” is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts. **Abbreviated Resettlement Plan/ARAP** is prepared when the impacts of the entire displaced population are minor (if the affected people are not physically displaced and less than 10 percent of their productive assets are lost), or fewer than 200 people are displaced.

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

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

18. **“The Resettlement Policy Framework (RPF)”** is being prepared as an instrument to be used throughout the planned infrastructure development program implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans (RAPs) prepared for different components of the GLTFP will be consistent with the provisions of this RPF.

20. **“Vulnerable Groups”** refers to: a. Widows, the disabled, marginalized groups, low income households and informal sector operators; b. Incapacitated households – those no one fit to work

and; c. Child-headed households and street children d. Including among other things, persons characterized by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

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THE EXECUTIVE SUMMARY

The Government of Rwanda through Rwanda Civil Aviation Authority (RCAA) and Rwanda Airport Company (RAC), with funding from the World Bank is planning to carry out improvement activities of the infrastructure at Kamembe International Airport. The project forms part of the Great Lakes Trade Facilitation Project (GLTFP) financed by the World Bank.

The Project Development Objective (PDO) is to facilitate cross-border trade between Rwanda and Democratic Republic of Congo by increasing the capacity for commerce and reducing the costs, time, and harassment faced by traders, especially small-scale and women traders, at targeted borderland locations in the Great Lakes region. More specifically, the project will finance the, upgrading of the navigational aids and weather equipment, installation of aeronautical ground lighting, airport perimeter fencing and fence lighting, improvement of main and standby power supplies and installation of a new message handling system at Kamembe airport with the view to connect the Eastern DRC to the GLR and beyond through Rwanda's main gateway Kigali International Airport. The implementation

For RAC/RCAA to meet its internal and international standards and as a risk management approach, it applied National legislation on Environmental and Social Sustainability for projects that are likely to have an environmental and social impact. In this particular instance, the focus was on the National Expropriation Law No.33/2015 and the World Bank policy on Involuntary Resettlement (OP 4.12). An Abbreviated Resettlement Action Plan (ARAP) was prepared to ensure that the exercise of expropriation and resettlement is undertaken in accordance with the World Bank involuntary resettlement policy as well as the National Expropriation Law.

The main purpose of the Resettlement Action Plan is to ensure that any negative social and economic impacts of involuntary resettlement are addressed to avoid or mitigate the risks of impoverishment. Specifically:

- a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should

be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

c) 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 the beginning of project implementation, whichever is higher.

An ARAP is prepared when the impacts of the entire displaced population are minor (if the affected people are not physically displaced and less than 10 percent of their productive assets are lost), or fewer than 200 people are displaced. The Abbreviated Resettlement Action Plan (ARAP) was prepared based on the principles of World Bank Operational Policy (OP) 4.12 Involuntary Resettlement as well as the Government of Rwanda National Expropriation Law N0 33/2015.

Several methods have been used while preparing this Resettlement Action Plan and they include the review of available documents, stakeholder consultations, social economic household survey and observations.

The main elements of an ARAP include the following minimum 6 elements: (a) census and disclosure of cut-off point and entitlement; (b) documentation of assets of PAHs, compensation and assistance to be provided; (c) consultations and engagements of households affected by the project on the expropriation process;(d) institutional responsibilities for implementation and grievance redress; (e) Arrangements for monitoring and implementation; and (f) a timetable and budget.

The World Bank Operational Policy (OP) 4.12 on Involuntary Resettlement and several national policies and local legal frameworks that regulate the land relations and resettlement in Rwanda were reviewed. These included the National land laws on Expropriation. Several institutions will be involved in the implementation of the ARAP. These will include the Ministry of Trade and Industry (MINICOM), which functions as the overall coordinator, Ministry of Finance and Economic Planning, Ministry of Infrastructure, Immigration Office, Ministry of Agriculture and Animal Resources, and Rwanda Revenue Authority.

The impacts are minimal: A total of 7 PAHs will be affected and there will be no physical relocation of PAHs. 5 masts will be installed outside the airport boundaries. 3 masts will be

installed in separate plots while 2 others will be installed on one property. Each mast will require 42m². A part from the portion of land that will be taken from 5 different PAHs others assets on the right of way will be impacted as well. These include mainly trees and crops. The RAC/RCAA has agreed and committed to set aside a total compensation budget for the properties to be affected during the implementation of this project estimated to be of One million four hundred seventy eight thousands five hundred forty six Rwanda Francs (1,478,546frw) calculated based on replacement cost. Some households will only be affected during construction and afterwards they will be able to continue utilizing the land in the area as before, e.g. for crop farming and animal grazing. Meanwhile compensation has been set aside for them as well.

There have been Consultations. Several meetings were held with different stakeholders at national, district and local levels especially from the period extending from September 2018 to January 2019. During the consultations, several issues were raised by different stakeholders and they included provision of employment opportunities to the local people, long period taken between valuation of assets and compensation exercise, presence of land with disputes, restrictions that have been put by the current master plan to land use in the airport vicinity etc.

A Grievance Resolution Channel has been put in place through which the grievances shall be resolved. In case of any dissatisfied person, it was made clear to the PAHs that the complaint should be recorded and filed with GRC. The GRC has the responsibility to assess the complaint and find a solution through consultation with relevant stakeholders on the site. If the PAH still isn't satisfied with the solution, he/she can take the complaint to the Cell leadership for onward consideration through the existing administration structure (Sector, District). Beyond this stage, if the complainant is not satisfied, there are other steps that were set up and are clearly explained in grievance and redress mechanism chapter which include the legal channels (competent courts).

However, it is important to emphasize that as per international standards, grievances logged outside the set timeframes by the national laws may still be valid and legitimate.

Livelihood and income restoration shall be done through providing skilled and semi-skilled jobs during the construction period.

Resettlement schedules will be coordinated with the construction schedule and before any project civil works activity is implemented, PAHs will have to be compensated in accordance with the Rwandan laws and regulations and the World Bank Involuntary Resettlement Policy.

Monitoring of ARAP implementation. There is a need to carry out both internal and external monitoring to ensure complete and objective information to avoid bias. Internal monitoring will be undertaken by the implementing agency (RAC/RCAA), a Consultant and/or the local authorities involved. Some of the indicators for internal monitoring to be considered will include; the number of households and individuals affected by the project; actual compensation amount paid and timelines; number of PAHs who have not received compensation, number of people raising grievances in relation to the project and number of unresolved/resolved grievances.

External monitoring will include an independent impact evaluation that will determine: if compensation payments have been completed in a satisfactory manner; and if there are improvements in livelihoods and well-being of PAHs.

The recommendations proposed for the successful implementation of this project include:

- A workshop for the different stakeholders should be organized to ensure that everyone understands their role in the implementation process.
- There is a need for effective coordination of institutions that are key in the implementation of the ARAP.
- The majority of the PAHs preferred cash compensation instead of in-kind compensation. The wishes of the people should thus be respected.

In conclusion, if the guidelines and recommendations set out in this ARAP are followed, the negative impact of the project on the people will be minimized and thus the project will be socially and environmentally viable.

I. INTRODUCTION

1. Project Background

The GoR, with funding from the World Bank is proposing to carry out improvement activities of the infrastructure at Kamembe International Airport. The sub-project forms part of the Great Lakes Trade Facilitation Project (GLTFP). The objective of the GLTFP is to increase the economic outlook of Rwanda by improving the cross-border capacitation trade links and reducing costs on smaller transport routes. The project will support growth in trade and travel between the Rusizi District, neighboring Democratic Republic of the Congo (DRC) and Rwanda and, ultimately, internationally.

GLTFP Rwanda has 4 components: (i) Improving core trade infrastructure and facilities in the border areas, (ii) Implementation of Policy and Procedural Reforms and Capacity Building to Facilitate Cross Border Trade in Goods and Services, (iii) Performance Based Management in Cross Border Administration, and (iv) Implementation support Communication, Monitoring and Evaluation. However, GLTFP Phase I will focus on Component 1: Improving core trade infrastructure and facilities in the border areas.

This component includes improving border infrastructure and facilities in the border posts at Ruzizi I, development of two border markets and logistics platforms at Nyamasheke and Rusizi districts and rehabilitation of Kamembe Airport. Kamembe airport is expected to connect the Eastern DRC to the GLR and beyond through Rwanda's main gateway Kigali International Airport.

Kamembe International Airport is located in the villages of Badura, Mucyamo and Gitinda, the sector of Kamembe and Rusizi District. It is located about 5 km southwest of Rusizi secondary city, which lies at the southern end of Lake Kivu. It is the closest air gateway for Bukavu, a city of 1 million people in DRC, which is only 7km away. The airport has a comparative advantage over other airports in the region: both Goma (DRC) and Bujumbura (Burundi) airports are more than 100km from the Bukavu while Kamembe is 25 minutes flying time from Kigali, through which travelers can connect to the rest of the world. The majority of passengers passing through Kamembe are Congolese (about 90 percent), a significant proportion of whom source tradable goods from the Middle East and ship them through Rwanda. The airport has great potential, with

passenger traffic growing at an average of 15 percent per annum between 2006 and 2013, and at an average of 19 percent between 2010 and 2013.

The infrastructure improvement project is therefore paramount part of the airport rehabilitation process in order to improve its conditions and capacity. The proposed infrastructure improvement project will include the installation of the navigation aids and procedures, message handling systems, ground lighting system, power, weather and communication, infrastructure/systems and installation of the fence lighting and VSS security infrastructure. These activities and eventual operations are likely to have social impacts whether positive or negative.

It was deduced from community consultation carried out during the preparation of different safeguard instruments such the ESMF, the RPF and the ESIA that some section of the airport where Aeronautical Ground Lighting will be installed involved land take from the community members. This infringement on private property was a major concern for local people. As a mitigation measure to this land taking, the above mentioned studies have recommended that the proponent (RAC/RCAA) should ensure community members are adequately compensated due to loss of property and liaise or engage the local authorities to ensure community concerns especially land take or infringement of private property are attended to, in order for the project to harmoniously co-exist with community members. More specifically, the RPF developed for the project has provided guidelines on how the acquisition of land should be adequately implemented in respect to the WP OP on Involuntary resettlement and national requirements for land acquisition and resettlement. This Abbreviated Resettlement Action Plan (ARAP) was developed in this regard and in accordance with World Bank Safeguard Policies especially the O.P.4.12 on Involuntary Resettlement.

2. Project activities

The improvement of Kamembe airport will support the rehabilitation of priority facilities at Kamembe Airport in the Recipient's territory, in particular:

- (i) acquisition and installation of essential navigational aids such as GNSS designed to support enhanced safety during approach and landing and appropriate aeronautical ground lighting;

- ii) acquisition and installation of essential meteorological and communication systems consisting of an Aeronautical Message Handling System, an automatic weather station and a Digital Aeronautical Information Management;
- (iii) Construction of an airport perimeter fence consistent with ICAO standards;
- and (iv) installation of CCTV security system throughout the airfield.

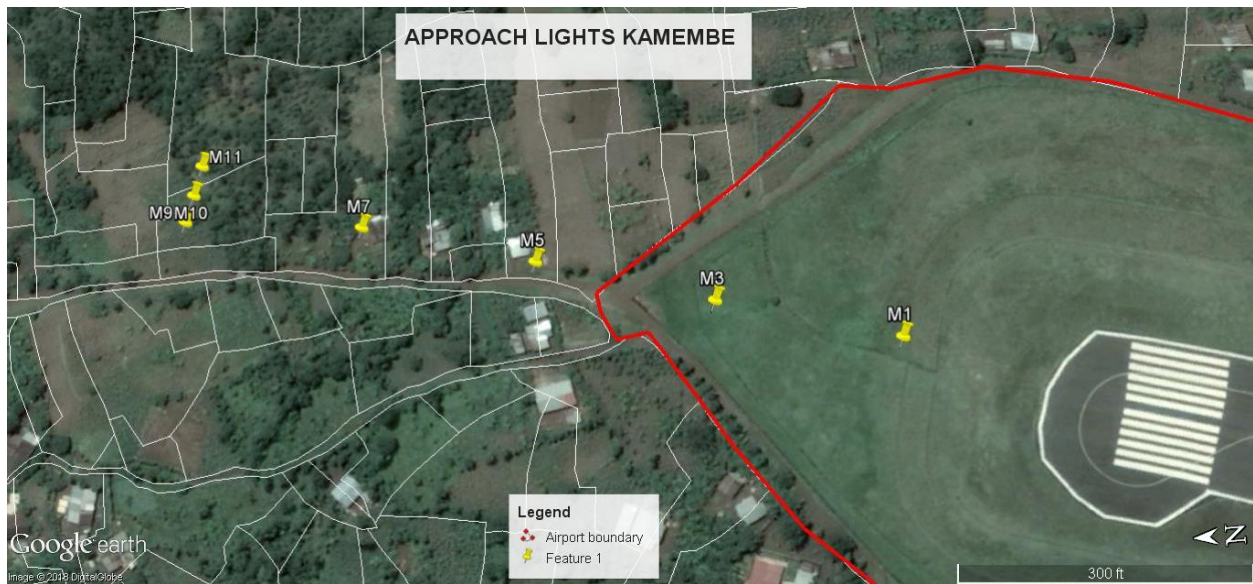


Figure 1: Location of Kamembe airport and the proposed positions of masts

The above mentioned activities especially the installation of Aeronautical Ground Lighting will require land taking of minor scale from few members of the local community.

3. Rationale for Preparation of Abbreviated Resettlement Action Plan

This document represents the Abbreviated Resettlement Action Plan (ARAP) for improvement of infrastructures at Kamembe airport. It describes the policies, procedures and processes that will be followed throughout the project in the course of mitigation of adverse social impacts due to project activities among the project affected persons, with and without legal title, whose land/properties, businesses and other assets are expropriated for the execution of the construction works.

Abbreviated Resettlement Action Plan is prepared to guide land acquisition and resettlement in accordance to the requirements of the World Bank (WB) in its Operational Policy 4.12 and fit with the national legislation.

4. Objectives of the ARAP

Unless properly managed, involuntary resettlement may result in long-term hardship and impoverishment for the affected communities and persons, as well as environmental damage and adverse socio-economic impacts in areas to which the affected persons have been displaced. The main objective of this ARAP is to ensure that the following land acquisition and potential resettlement issues, all persons affected by it are properly consulted, made available to affordable and accessible grievance mechanisms and properly and in time compensated at replacement cost or market value (whichever is higher) for their losses, and provided with rehabilitation measures so that they are at least as well off as they would have been in the absence of the Project.

II. LEGAL AND REGULATORY FRAMEWORK

1. Land law in Rwanda

The Organic Law No.43/2013 of 16/06/2013 governing land in Rwanda serves the purpose to determine modalities of allocating, acquisition, transfer, use and management of land in Rwanda. Under this law and relevant to this study are the definitions given to:

- Land tenure: the system by which land is held, describing the rights, responsibilities and restrictions that are attached to the land holder.
- Expropriation: an act of taking away individuals' land by the State due to public interest in circumstances and procedures provided by law and subject to fair and prior compensation.

The land owner shall enjoy full rights to exploit his/her land in accordance with the provisions of this Law and other laws. The State recognizes the right to freely own land and shall protect the land owner from being dispossessed of the land whether totally or partially, except in case of expropriation due to public interest. All buildings, crops and other works found on land that have been performed by the land owner using his/her money or otherwise are presumed to be his / hers.

However, this does not prohibit any other person to own buildings, crops and any other works on other person land in accordance with procedures provided for by this Law, other laws or agreement with the land owner.

2. Ministerial Order No. 001/2006 of 26/09/2006

This Order provides for the structure of land registers, the responsibilities and the functioning of land bureaus in each district (Article 1). According to this order, the overall responsibility of implementing the land policy lies with the Land Bureau, and the law clearly stipulates the functioning of the land bureaus at both Central and Local Government levels.

3. Law N° 43/2013 of 16/06/2013 Governing Land in Rwanda

This Law determines modalities of allocating, acquisition, transfer, use and management of land in Rwanda. It also establishes the principles applicable to rights recognized over all lands situated on Rwanda's national territory and all rights united or incorporated with land, whether naturally or artificially. The State under this law is the sole authority to accord rights of occupation and use of land. It also has the right to order expropriation in the public interest.

4. Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest

This Law determines procedures relating to expropriation in the public interest. Expropriation is the taking of private property in the public interest aimed at development, social welfare, security and/or territorial integrity for public good or State interest. An expropriator is a government organ with responsibilities and powers conferred by law to carry out expropriation in public interest. The Expropriation Law also provides for contestation of the process including listing of affected persons and valuation of the affected property.

Article 28 of the expropriation law of 2015: Criteria for determining fair compensation were applied as well. "The compensation for disruption caused by expropriation to be paid to the expropriated person shall be equivalent to five percent (5%) of the total value of his/her property expropriated".

5. World Bank Safeguards Policies

The World Bank policy on involuntary resettlement (OP 4.12) emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not feasible, it should compensate for lost assets at full replacement cost, and assist the displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include:

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

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

c) WB OP4.12 (12a) states that for households depending on land for their livelihoods preference should be given to land based solutions; however, payment of cash compensation for lost assets may be appropriate where livelihoods are land based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

d) WB OP4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided with assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site.

e) WB. OP 4.12 (13 a) stipulates that any displaced persons and their communities and any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement. In addition, displaced persons should be offered support after

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

6. 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. Nevertheless there are still some discrepancies that are explained in the table below:

Table 1: Comparative Analysis between World Bank OP 4.12 and Rwanda Legislations

Principles	Rwanda Legislations	World Bank’s involuntary Resettlement (OP 4.12)	Measures 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. 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.	Adopt replacement cost method of valuation
Compensation	Article 22 of the expropriation Law N° 32/2015 of 11/06/2015 entitles the landholder to compensation for the value of the land and activities on the basis of size,	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

	nature location considering the prevailing market value.		
Participation and consultation	The Rwandan law on Expropriation simply stipulates that affected peoples 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 be actively consulted and should have opportunity to participate in planning and design of resettlement programs	Adopt OP 4.12 methods of participation
Timeframe	Rwanda expropriation law stipulates a timeframe upon when the property to be expropriated must be handed over which is 120 days after compensation has been paid.	OP4.12 requires that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. These include compensation and other measures required for relocation and preparation and provision of facilities of resettlement sites, where required. In particular, taking of land and related assets may only take place after compensation has been paid and where applicable resettlement sites and moving allowances have been provided. Furthermore, 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); people who encroach on the area after the cut-off date are	A cut- off date should be applied. Adopt OP 4.12 approach, which states that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. These include compensation and other measures required for relocation and preparation and provision of facilities of resettlement sites, where required. Where the borrower has offered to pay compensation to an affected person in accordance with this 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

		not entitled to compensation or resettlement assistance.	dispute concerning said offer of compensation in a timely and equitable manner.
Overall strategy	Section 2 of the expropriation law on procedures, provides for the process to show how the sub projects fits into the land master plan of the area question	Under the OP 4.12 , it's not necessary to prove that the project fits within the overall land master plan	Adopt Rwanda Expropriation Law
Eligibility	Article 26 of the law requires the person who owns land intended for expropriation to provide evidence of ownership or rights on that land and presents a certificate to that effect	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. The latter are only compensated for assets other than land.	Adopt the OP 4.12 approach
Alternatives land	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. through provision of land for land instead of cash compensation for land, when livelihoods are land based. 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 the beginning of project implementation, whichever is higher.	Use World Bank OP 4.12
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	Use World Bank OP 4.12

		economically feasible resettlement alternatives. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living, or at least restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	
Grievance redress mechanisms	The new Expropriation Law of 2015 creates the Resettlement and Grievance redress committee and provides complaints procedures for individuals dissatisfied with the proposed project or the value of their compensation and process for expressing dissatisfaction and for seeking redress.	OP 4.12 requires PAPs be informed of the compensation exercise and establishes Grievance Redress Mechanisms	Adopt Rwanda Expropriation Law which establishes the GRM formed by District (sector/cell) authority, PAP representatives and Project

In lieu of this ARAP World Bank legislation took precedence over the Rwandan Law any time a discrepancy was found. The compensation was calculated based on full replacement cost and consultations were carried out as integral part of the expropriation process. There was no case of displacement considering the small size of land taken (less than 5%). Furthermore, all PAPs had recognized legal rights to the land and not a single case of rental was found as far as this project is concerned.

8. Institutional and Implementation Arrangements

The project has cross-ministry and agency coordination and implementation mechanism. It has an inter-ministerial Project Steering Committee (PSC) consisting of dedicated representatives from each of the following ministries and agencies: Ministry of Trade and Industry (MINICOM), which functions as the chair, Ministry of Finance and Economic Planning, Ministry of Infrastructure, Immigration Office, Ministry of Agriculture and Animal Resources, and Rwanda Revenue

Authority (RRA). The project is implemented under the overall coordination of the MINICOM, who is responsible for the overall coordination, implementation, and supervision of the proposed project. MINICOM manages the day-to-day activities under the proposed project, in particular: procurement and monitoring activities; coordination with the other entities responsible for project implementation; and preparation of annual work programs, budgets, and procurement plans, among others. However, given that the largest proportion of the financing of the project will go towards infrastructure improvements, the Ministry of Infrastructure provides overall coordination of Component I which will support rehabilitation of the airport and the construction of border markets. Within this context, and consistent with their mandate and experience, RAC/RCAA have specific responsibility for the works at Kamembe Airport, hence taking the lead in the implementation of the Abbreviated Resettlement Action Plan.

III. PUBLIC CONSULTATION

According to the World Bank resettlement policy, affected persons and host communities are to be meaningfully consulted early in the planning process and encouraged to participate in the implementation of the resettlement program. While preparing this ARAP the affected persons were informed about their options and rights pertaining to resettlement. The information channel used was telephone and door to door since the project area is very small and easy to cover. The head of village would be given the information on a proposed consultation day and venue by telephone and asked to pass it to relevant PAHs and the population in general. Afterwards, all the PAHs and community at large would gather in a public meeting during which specific information on the project was given and discussions held. The consultation was carried out in 3 steps/phases as follows:

1. During the preparation of the ESIA

The consultation during the ESIA phase aimed at:

- Disseminating and informing the public and other stakeholders about the proposed project with special reference to its key components, location and expected impacts.
- Creating awareness among the stakeholders on the need for the ESIA for the proposed project.
- Gather comments, concerns and suggestions of the affected persons.

- Ensuring that the concerns of the affected persons are known to the decision-making bodies and the developer at an early phase of project planning.
- Establishing a communication channel between the interested, would be affected parties and the developer.



Figure 2: a consultation session with Project Affected Households during the conduct of the ESIA

The consultations started on 1st November 2017 and continued at different dates in January and February 2018. Potential land taking was identified as the main concern of the local community and mitigation measures that include fair compensation for land taken.

2. During land/property demarcation

The public consultation before and during property demarcation was a continuation of the communication and information channel that was established during the ESIA in order to keep the population apprised about project steps and involve them in this crucial step of ARAP development. During this step, the establishment of a grievance redress mechanism was proposed by the community, proponent and local authorities altogether. The first demarcation exercise took place on 11th September. After the properties that will be infringed for the installation of AGL

were properly identified, other consultations were carried out with property owners by RAC/RCAA under the arbitration of local authorities with the objective to agree on compensation modalities.



Figure 3: consultation during property demarcation on 11th September 2018

The needed space for the accommodation of masts was first estimated to be 15m² (5mx3m). After further analysis by experts, the needed space was estimated to be 42m². The changes in needed land were explained to the public during public meeting (e.g: see picture above)



Figure 4: PAH during a meeting with a World Bank Safeguard team on 14th November 2018

3. Prior to property valuation

Due to the changes in designs as to the right positioning of masts, the cutoff date for asset valuation has also changed. A first demarcation exercise took place on 11th September with a proposed cut-off date of 14th same month. The first demarcation exercise went on the assumption that 7 masts will be installed outside the airport boundaries each mast requiring only 15m². After review of the preliminary data by experts, changes in design were made ultimately leading to a reduced number of masts from 7 to 5 and an increase in land size necessary to accommodate one mast from 15m² to 42m². Another demarcation exercise based on new designs took place on 9th October 2018. The population was notified of these activity days before through local authorities and the GRC as well. When final designs were available, another public meeting was organized in order to explain to the people the final findings and decide with them on the appropriate cutoff date. The meeting took place on 08th January at project site and it was chaired by the Gihundwe Sector Executive Secretary. In this meeting, the cut-off date was jointly agreed on by all parties and was set to be the 10th January 2019.



Figure 5: The Executive Secretary of Gihundwe Sector in a meeting with PAHs on 8th/01/2019

4. Main questions raised during public consultation

Like above mentioned, several meetings with the population were held at all stages of ARAP preparation. The concerns raised by PAPs in those meeting contained the same message and can be summarized as follows:

Table 2: Issues raised by PAPs and responses provided

Issue	Response
1. There is a family of 3 siblings who have received a land in inheritance from their deceased father but they have not yet undergone the process to obtain individual land titles. This might undermine the expropriation process and probably delay the construction	All stakeholders including District technicians, local authorities and local population have advised the concerned family to find a consensus before compensation payment time.

<p>activities if not taken care of early enough.</p>	
<p>2. Some people are concerned about encroachment on their properties that may leave an economically unviable piece of land:</p>	<p>It was advised that during land and asset valuation it will be necessary to first look at the size of the land and the positioning of the masts on it in order to determine if indeed the residue is economically exploitable and if the remaining piece of land is not exploitable, the solution will be to expropriate the entire plot!</p>
<p>3. Some had concerns about taxes payment after expropriation.</p>	<p>They were told that after expropriation they will have new land titles and that the expropriating entity (RAC/RCAA) will bear the costs required in this case and facilitate the process through the relevant administration channels.</p>
<p>4. There is a concern about the master plan: the existing master plan that was developed in 2008/2009 has wrongly reserved individual land as future airport expansion to neighboring properties in such a way that surrounding communities are prevented from carrying out some durable activities such as construction even though they still pay property taxes. This is a paradox because you can't tell someone to pay taxes for a property that does not belong to him.</p>	<p>This is a general concern for the people that live in the direct surrounding of the airport and it is not directly linked to the project activities. It arose after the approval of the current master plan back in 2009 long before the GLTFP but because project activities will be implemented in this area, people tend to think that it is related even though the land needed for the implementation of the project activities will be properly compensated for regardless of existing conflict. However, since this issue was raised by the population during ARAP consultations, it was found necessary to bring on board relevant authorities so that they can explain the situation to the people. In this regard, on 8th January 2019 the ES of Gihundwe Sector together with the Airport Commander has explained the background of the issue and the position of the District and RAC/RCAA to the population during a public gathering held at the project site. The people were explained that the District and RAC/RCAA are working together to correct the master plan as quickly as possible so that the concerned people are fully restored in their rights to use their land as they wish within the limits of the Rwandan land law. They were also reminded that this issue is pre-existing to the project therefore cannot hinder the project activities however advocacy for its quick resolve is being done. In another</p>

	<p>meeting held on 18th February at Rusizi District head Office chaired by the District ES, an agreement was reached between the District and RAC/RCAA that by the end of March 2019 RAC/RCAA will have communicated officially its final position on the needed land for airport activities. After that, the District will end the current restrictions. The conclusion reached on this issue were later shared with the population in another meeting held with the WB safeguard team, Social and Environmental Safeguard team from SPIU/MINICOM and RAC/RCAA representatives later that same day.</p>
<p>5. Some people asked if instead of being expropriated the RAC/RCAA should not rent the land as others companies such as MTN, TIGO, and AIRTEL etc.</p>	<p>They were explained that this is not a solution privileged by the government because most of the time the government can't afford the cost for rent while these others companies can.</p>

IV. SOCIO-ECONOMIC BASELINE STUDY IN THE AFFECTED AREA

1. Gender and age

The findings indicate that of the 7 affected households, 5 are male headed and 2 are female headed. The oldest PAP was born in 1923 while the youngest was born 1993(details on the age of each PAP are seen in annex 4)

2. Marital Status

5 out of the 7 PAHs are married while 2 others are widows. According to the National law on Land, when the land is owned by married couple in which case it is reflected on the land title, all have equal rights on landownership therefore during compensation payment they shall provide a joint account.

3. Education

The level of education in the community is low. 2 PAPs have completed secondary education. 1 has completed only ordinary level (first 3 years). 2 PAPs have completed only primary education while 2 others have no formal education.

4. Vulnerable groups

No particular vulnerability was assessed among the PAHs. However 2 of the 7 PAHs are elderly widows but they have family members (children and grandchildren) to take care of them. Since the portion of their land taken by the project is very small (2.4% and 3% respectively) adding that they will be compensated at full replacement cost, their income or livelihood are not expected to be negatively impacted. However, even though they don't necessitate any particular assistance it was advised that during construction activities young people in their households will be given non-skilled jobs to supplement the household income.

5. Livelihood

3 PAPs practice agriculture as their primary livelihood but supplement their income through casual jobs and small-scale trades but these side activities are not done on project site. 1 PAP runs a small business while another one is employed as security guard by a private company. 3 are regularly employed as casual workers at different construction sites while 2 others are elderly widows who can't work. It is important to emphasize the fact that only a small portion of land (less than 5%) was taken and a fair compensation at full replacement cost will be offered. Only one PAP will lose 15% of this land. However, he is an owner of a small business that supplements his incomes (see annex 4, PAP2). Therefore, the census has confirmed that the livelihoods will not be negatively impacted. However, the willing PAPs will be offered non-skilled jobs in the project in priority as a livelihood rehabilitation measure.

6. Access to Credit Facilities

All the affected people households have access to Banks such Bank of Kigali, I&M Bank, Equity Bank, BPR and SACCO.

V. SOCIAL ECONOMIC IMPLICATIONS ON LOCAL PEOPLE

Attempt has been made to avoid expropriation as much as possible as per World Bank policies that clearly express a preference to avoid resettlement and if not possible, minimize, mitigate or else compensate for imposed loss. However, the impact on a few properties could not be avoided even after applying all necessary measures. The number of households to be affected are seven (7) according to the valuation report and the assets to be affected include agricultural land and crops, trees and flowers with an estimated compensation cost of **One Million, four hundred seventy eight Thousands, five hundred forty six Rwandan Francs (1,478,546Frw)** and a contingency budget of 295,709rwfs was set aside as well. Detailed information on the type, names of the affected people and the cost of the assets is annexed under this document. No Physical relocation will take place in this project area and no buildings (houses, annexes) or any others physical structures will be affected.

1. Methodology of the land acquisition process and ARAP

The development and implementation of this ARAP sought to adhere to the requirements of the World Bank Operational Policy (OP) 4.12 Involuntary Resettlement and the National Expropriation law no 32/2015 of 11/06/2015. The stakeholder engagement and socioeconomic data collection required to develop this ARAP took place through a series of site visits to the project area between September 2018 and January 2019.

2. Methodology of ARAP preparation:

The ARAP preparation followed the following key steps:

- ✓ Identification of project impacts and affected people was achieved by:
 - Reviewing the map of the extent of proposed masts on surrounding properties.
 - Reviewing the Environmental and Social Impact Assessment report;
 - Consultation with affected populations on suggestions regarding mitigation measures;
 - Reviewing the detailed Engineering Design with project Engineers.
- ✓ Review of RPF and ESMF
- ✓ Review of legal framework for land acquisition and compensation in Rwanda;

- ✓ An Entitlement Matrix was drawn indicating which people are affected, entitled to what compensation and cut-off date after which any intruders are ineligible were also determined;
- ✓ Full replacement compensation for lost property was applied using market values as baseline. Moreover, 5% of the total value of lost assets was added to the compensation as a disturbance allowance as per the expropriation law. The Expropriation Law stipulates that any expropriator that retracts his/her project for expropriation in the public interest after the valuation of the property of the persons to be expropriated or fails to pay fair compensation within the period provided under Article 36 of this Law shall be bound to pay compensation of five per cent (5%) of fair compensation that had to be paid to the person to be expropriated.
- ✓ A detailed budget was drawn covering cost of compensation.
- ✓ Monitoring and implementation plans were drawn. The implementation schedule covers all activities of the resettlement process that were planned, that is, consultations, ARAP, formal establishment of grievance mechanism.
- ✓ ARAP implementation, monitoring and evaluation : monitoring was discussed based on performance monitoring, impact monitoring and complete external audit;
- ✓ Information from the stakeholder engagement enabled the study to describe organizational responsibilities and establish a formal grievance redress mechanism;
- ✓ Some of the more relevant activities mentioned above and applied in the process of preparing the ARAP are discussed in a little more detail hereafter:
- ✓ Key Informant Interviews (KI), Village-Level discussions were applied to understand the extent of potential resettlement-related impacts of the Project's land acquisition process, as well as other relevant issues.

3. Cut - off date

The entitlement cut-off date in lieu of this ARAP refers to the timeframe advertised by Gihundwe Sector beyond which no more claims could be made for inclusion on the list of PAHs, and at which point no assessment of new persons and their property outside the published list would be undertaken. The cut-off date was determined through a meeting with the PAHs that took place on 8th January at project site before the commencement of the census survey on 08th January 2019. In

this meeting local authorities were represented by the ES of Gihundwe Sector, RAC/RCAA was represented by the airport commander and Engineers and the safeguard team from SPIU/MINICOM was present as well. Since all PAHs previously identified during the demarcation exercise leave on site and were part of the meeting, it was jointly agreed that there was no relevant reason to further delay the asset inventory and valuation exercise. Therefore, the agreed cut-off date was 10th, January 2019 same day on which the inventory was done.

VI. RESETTLEMENT COMPENSATION STRATEGIES

In this study, the asset inventory and property valuation was done jointly due to the fact that the number of PAHs is small (7) but also they are all neighbors, assets to be affected are of lesser importance (e.g. there is no physical relocation, no built structure such as houses will be affected etc) and there is not long distance to cover. The asset inventory and valuation was done by an independent certified valuator (East Africa Property Consultants LTD) contracted by RAC/RCAA as stipulated in the National Law relating to expropriation and as required by the WB. The full replacement cost was applied using current market prices as baseline and 5% of the total value was added as disturbance allowance as provided by the law on expropriation.

The exercise required full support of local government officials (i.e. District, Sector, Cell and Village leaders), land managers at District and Sector levels. It further required mutual agreement of the affected people in order to perform this exercise.

The inventory and valuation involved a committee comprising of; representatives of PAHs, village leader, village security representative, Cell coordinator, Sector land manager, RAC/RCAA representatives, Social and Environmental Safeguard Specialist from SPIU MINICOM and District land commission representative.

The valuation process is an entire field operation that involves professional valuator and local authorities, in local meetings, explaining to the affected communities the manner in which the valuation would be done. The land demarcation exercise has identified following types of assets to be affected:

- ✓ 5 masts will be installed outside the airport boundaries. 3 masts will be installed in separate plots while 2 others will be installed on one property. Each mast will require 42m².

However to connect each of them to electrical cables that will be buried underground an additional land was found necessary depending on the length of the cable from the road to the mast as well as the position of the mast on each property. The needed width to accommodate the cables was estimated to be less than 1m however in order to be on the safer side 2m of land were acquired. Even though this extra land might not be of any use to RAC/RCAA after all the installation is done, it was judged better to acquire it in order to avoid potentials restrictions to land use in the future. Moreover, it is possible that during earth work properties especially crops beyond the 2m acquired might be damaged. Therefore, compensation for lost crops was counted on a width of 6m right and 6m left of the cable alignment from the road side to the mast however after the termination of earth works owners will continue to use the land as usual which is why definitive acquisition was found not necessary.

- ✓ The connection of masts to the airport power plant will further require burying the cables underground within the boundaries of the road which belongs to public domain according to the current land law. Nevertheless, some people have encroached on the road boundaries and cultivated different crops as well as trees used as fences in rural areas. During the asset valuation, all these assets were evaluated to be compensated for as per WB resettlement policies.
- ✓ Plots of land were measured by tape to determine the size. This was done in the presence of the Displaced persons and the committee chosen to follow-up the Asset inventory and valuation.
- ✓ Crops valuation criteria based on area of coverage, in other cases number of standing crops.
- ✓ Trees valuation criteria based on number and type of tree.
- ✓ There was no case of hiring or care taking encountered in the project area.
- ✓ All this data was entered into individual field valuation sheets for each plot of land and for each affected person. Each of these was verified by the valuation committee, verified by the affected person, who after verification signed against the sheet. These sheets will be co-signed off by the Cell and Sector authorities before they are sent to RAC/RCAA for endorsement and for payment processing.

N.B. Land to land compensation could have been the best option, however, there is no land adequate in size, vicinity as the one taken and PAHs had preference for cash. Moreover portions of land taken were small in size, less than 5% for 4 PAH and 15% for 1 PAH.

➤ **Cases requiring special attention**

- During asset valuation special attention was paid to the exact positioning of the masts on identified plots to make sure that no plot will be economically unviable after land taking. This was done to answer the concern raised by PAHs during public consultation. One person had raised the concern during public consultation and during asset valuation on what if the position of the mast was found to be in the middle of the plot leaving no ample space to carry out other activities construction included. In order to definitely erase the concern a field visit with the GRCs members and the community at large was carried out to this very plot and after examination the population concluded that there was no need to acquire the entire plot as it was obvious that the mast falls at edge of the plot and the residual is big enough for any other activity. A meeting minutes was prepared by the village chief and participants have signed.

- One mast falls in the land of a deceased man which he left in inheritance to 3 of his children two daughters and a son. However, even though each one of them knows exactly the plot that belongs to him, the land transfer has not yet been formalized. The mast falls in the part that was given to one sibling who dwells in Kigali and therefore couldn't be part of the valuation exercise. Since the issue had been raised during previous meetings, this family had been advised to solve the issue internally and then come up with an agreement acceptable to the client in order to avoid problems during or after payment of compensation. By the time of asset valuation, the 2 siblings who dwell onsite presented a joint bank account and said that their other sibling will have sent a concession letter/proxy to one of them giving him/her the power of attorney in this matter. The compensation will be paid only when this step is completed.



Figure 6: The asset valuation was done with the participation of the local people and respective PAHs in particular



Figure 7: PAHs participating in asset valuation



Figure 8: were explained how the evaluation was going to be done before starting to take the measurements



Figure 9: Plots were measured by tape

After asset valuation another meeting was organized the following day to present the final results to the PAPs and give them a room to ask clarifications on remaining concerns. It was during this final meeting that the case of residual land viability was assessed.



Figure 10: community assessing the case of residual land viability



Figure 11: onsite meeting after the valuation exercise on 10th January 2019

VII. THE GRIEVANCE REDRESS MECHANISM

1. The Grievance Redress Committee

The Grievance Redress Mechanism (GRM) has been appropriately articulated in the RPF and is for the benefit of both the project and the PAHs so as to amicably and in a timely manner solve any conflicts and grievances that may arise within the community in regard with valuation process, the payment of compensation or during the project implementation. In this regard, a Grievance Redress Committee (GRC) was elected by the local population to serve both the benefit of the project and the PAPs or the community at large.

- This committee which includes representatives of the PAHs, women, youths, local authorities, District technicians and the client was set up to guide the implementation of the ARAP and expedite any handling of grievances that may arise in the implementation of the ARAP. It is in direct collaboration with the District Development Committee (DDC) through the membership of the Engineer from the District Land Bureau who acts as a Project Liaison Officer (PLO).
- **In regard with resettlement compensation process:** the Rwanda Expropriation Law clearly stipulates the complaints procedures for individuals dissatisfied with the value of their compensation. Within seven (7) days after the approval of the valuation report by the expropriator, any person to be expropriated who is not satisfied with the assessed value of his/her land and property incorporated thereon shall indicate in writing grounds for his/her dissatisfaction with the valuation report. Any person contesting the assessed value shall, at his/her own expense, engage the services of a valuer or a valuation firm recognized by the Institute of Real Property Valuers in Rwanda to carry out a counter-assessment of the value. The counter-assessment report must be available within ten (10) days from the application for counter valuation by the person to be expropriated. The counter-assessment report by a valuer or a valuation firm shall be submitted to the expropriator who shall take a decision thereon within five (5) working days after its reception.
- When the counter-assessment report is accepted by the expropriator, such a report shall replace the initial valuation report. Minutes shall also be taken thereof and jointly signed by the representative of the expropriator, the person to be expropriated and valuers of both parties. When the counter-assessment report is not accepted by the expropriator, minutes

shall also be taken thereof and indicate the points of disagreement. Such minutes shall be jointly signed by the representative of the expropriator, the person to be expropriated and valuers of both parties. When the person to be expropriated is not satisfied with that decision, he/she can refer the matter to the competent court within fifteen (15) days from the day he/she appends his/her signature to the minutes indicating points of disagreement. During the whole counter-valuation process, the expropriation process is suspended awaiting the 2 parties to reach an agreement but the time the case goes to court the expropriation process resumes/proceeds. Since the expropriated person has the right to appeal up to the Supreme Court which can take even years, the value determined by the expropriator shall then be paid to the expropriated person in order to avoid suspension of expropriation in public interest pending the court's decision.

- According to Rwandan expropriation law, in order for the expropriation to be authorized, the fair compensation must be paid to the expropriated person before he/she relocates. The expropriator has a period of 120 days to pay the compensation after the valuation report is signed (by the PAP) and subsequent to receiving fair compensation, the expropriated person shall have a period not exceeding one hundred and twenty (120) days to relocate.
- **For others complaints pertaining to project activities but that are not related to expropriation/compensation:** In case of any dissatisfied person, it was made clear to the PAHs that the complaint should be recorded and submitted to the committee for review and mediation. The dissatisfied person will be given a complaint log which he or she will use to lodge the complaint(s) but also he/she can use any other means of communication accessible to him/her. The GRC has 7 days to assess the matter and communicate the decision to the aggrieved person. If the PAP still isn't satisfied with the committee resolution, he/she will address the complaint to local authorities starting with Cell leadership for onward consideration. The cell leadership was made part of the GRC so as to expedite complaint handling at cell level. If the grievance is not resolved via the local leadership structure, the final resort shall be to file the case to the competent Court of Law.

As per World Bank Operational Procedure 4.12 standards, grievances logged outside the timeframe provided by the Rwandan law on expropriation may still be valid and legitimate. The PAHs were explained the above described options before the commencement of asset inventory

and valuation. After asset valuation, it appeared that all the PAHs were satisfied with the value given to their properties.

VIII. IMPLEMENTATION OF THE ARAP

1. Eligibility

Eligibility for compensation is as stipulated in the Expropriation Law of Rwanda (N° 32/2015 of 11/06/2015) and the Bank’s operational policy, WB OP 4.12. These documents regulate and give entitlement to the affected persons. The WB OP 4.12 goes further and recognizes the affected persons as that one using the land at the time, whether or not they have written customary or formal tenure rights. However, in the Rwandan Expropriation Law, the person to be expropriated is defined as “any person or a legally accepted association operating in the country that is to have his or her private property transferred due to public interest as well as legally accepted local administrative entities.” As far as this project is concerned, the World Bank Policy OP.4.12 will take precedence.

Entitlement matrix proposes eligibility and payments for the losses triggered by the project (e.g. land, , trees, crops, etc.). Hence, based on analysis of the impact of the project and the criteria for eligibility, the following entitlement matrix is developed on categories losses and their entitlement benefits.

Table 3: Entitlement matrix

Category of PAP	Type of Loss	ENTITLEMENTS				
		Compensation for Loss of Structures	Compensation for Loss of land	Compensation for Loss of Income	Moving Allowance	Other Assistance
<i>Property Owners</i>	Loss of land	-----	The land acquired for the installation of masts will be compensated for in cash or in kind.		-----	Disturbance allowances 5%, registration/ transfer fees Provision of tree seedlings, agricultural inputs,

						<p>and financial credits for equipment and health insurance, etc. to vulnerable PAPs.</p> <p>Capacity building of severely affected PAPs and vulnerable groups to maintain and/or improve their income generation potential.</p>
	Temporary loss of land due to site installation and borrow pits			Rental allowances based on annual land output and costs associated with land preparation and crop management		Land will be rehabilitated after laterite extraction and given back to their respective owners.
	Loss of structure	Compensation at full replacement value not depreciation, taking into account market values for structures and materials or possibility of relocating to new		For lost rental income Lump sum cash payment of 6 months' rent per tenant	Coverage of full cost for total transport expenses	<p>Disturbance Allowance & right to salvage materials without deduction from compensation,</p> <p>Provision of tree seedlings, agricultural inputs, and financial credits for equipments and health insurance, etc. to vulnerable PAPs.</p>

		settlement (see Section 5.3.4).				Capacity building of severely affected PAPs and vulnerable groups to maintain and/or improve their income generation potential. If need to relocate, relocation assistance (coverage of costs of transport & assistance to find alternative secured accommodation, preferably in the community of residence through involvement of the project)
	Loss of forest Trees			Cash compensation based on type and productive value of affected tree		Disturbance allowance, Planting of trees in the buffer zone of the masts to replace the removed ones.
	Loss of crops (including tree crops)			Cash compensation based on the type and market value of the mature crop in the scarce season, whichever is greater.		Disturbance allowance

<i>Property lease holders/Tenant</i>	Loss of rental accommodation			Six months rent	Coverage of full cost for total transport expenses	Disturbance allowance
	Loss of crops (including tree crops)			Cash compensation based on the type and market value of the mature crop in the scarce season, the scarce season, for the remaining period of the tenancy/lease		Disturbance allowance
<i>Squatters /informal dwellers</i>	Loss of Structures	Cash compensation at full replacement value not depreciated, taking into account market values for structures and materials.			Relocation assistance (coverage of costs of transport & assistance to find alternative secure accommodation, preferably in the community of residence through involvement	Disturbance allowance , Right to salvage materials without deduction from compensation Provision of tree seedlings, agricultural inputs, and financial credits for equipment and health insurance, etc. to vulnerable PAPs. Capacity building of severely affected PAPs and vulnerable groups to maintain and/or improve their

					t of the project)	income generation potential.
<i>All PAPs (whether owner, tenant or informal dweller)</i>	Loss of assets due to temporary land acquisition	Cash compensation for any assets affected (e.g. houses, fences demolished, trees removed), relocation and construction of new public water taps, construction of selling points, electric poles, etc		For lost rental income, Lump sum cash payment of 6 months' rent per tenant and provision of plot in the selling point to be constructed by the Project	Coverage of full cost for total transport expenses	Right to salvage materials without deduction from compensation, Relocation assistance (coverage of costs of public water taps construction, selling points, ...) Assistance of vulnerable poor people for livelihood reestablishment (ie provision of seedlings, agricultural inputs, and financial credits for equipment, health insurance, etc).

N.B. It is necessary to underline the fact that:

- No case of rental or land care taking was found.
- All PAHs had land titles or recognized customary rights
- The PAHs were given the right to harvest or salvage the trees and crops for their own use and since the actual installation of masts still has a long time to start it is certain that by that time all standing crops will have been harvested.
- It was made clear to PAHs that any crop or tree that will be planted beyond completion of the valuation will not be compensated for unless the compensation payment is delayed beyond the period stipulated by the Rwandan expropriation law (120days) in which case

5% of the value of properties to be expropriated is paid by the expropriator to property owners and a new asset valuation is mandatory unless the 2 parties agreed to keep the previous valuation (article 36, law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest).

- There was no severe vulnerability assessed among the PAHs, no displacement will be encountered, no physical structure such as houses or fences will be removed only trees and crops will. The size of land taken from 5 PAHs is very small (see table 4). In light of the above, land acquisition is of very limited impacts on the livelihoods of PAHs therefore the compensation at full replacement cost with an additional 5% of the total value to each compensation package was judged fair enough. Furthermore, PAHs members will be prioritized for non-skilled labor during mast installation as livelihood assistance measure.

2. Institutional capacity of the implementing Agency (RAC/RCAA)

RAC/RCAA has specific responsibility for the management of Airport facilities in Rwanda and for the works at Kamembe airport, hence taking the lead in the implementation of the Abbreviated Resettlement Action Plan in close collaboration with Rusizi District. RCAA has the needed capacity to implement the ARAP. Not only do they have the necessary staff and long experience in expropriation procedures but also, they are receiving support from the Social Safeguard Specialist from the Ministry of Trade and Industry (MINICOM) which is the overall coordinator of the project. The Social Safeguard Specialist is fully dedicated to the project and is very familiar with WB policies as she works on others bank funded projects such as the Rwanda Urban Development Project, a project that aims at transforming the economic geography of Rwanda by promoting urbanization and improving urban management in the City of Kigali as well as 6 secondary cities.

3. Verification and Disclosure of entitlements

Public consultations took place from the initial stage of ARAP preparation with the local community and PAHs involved in the process of documentation and valuation of their assets. The ARAP will be disclosed after the approval by the World Bank, and the medium of communication will be **Kinyarwanda**. The summarized copy of ARAP on critical issues will be translated in Kinyarwanda and displayed at Cell, Sector and District offices and it will also be discussed during

community works (Umuganda) and other public gatherings. The ARAP will also be disclosed on RAC/RACC website as well as the WB's.

4. Mechanism for livelihood restoration

The impacts of land acquisition on the livelihood of PAHs are very limited considering the small size of land taken and the fact that for this they were compensated at full replacement cost. However, as livelihood restoration assistance, all willing PAHs members will be given priority for non-skilled labor during the project construction activities without any type of discrimination.

IX. BUDGET

The RCAA/RAC has set aside an estimated budget of One million four hundred seventy eight thousands five hundred forty six Rwanda Francs (1,478,546frw). This budget was set aside to compensate the affected assets. Moreover, 20% of this budget will be set aside as a contingency

Table 4: consolidation of property valuation

CONSOLIDATION OF PROPERTY VALUATION							
S/N	LIST OF PAHs	UPI	Surface area (sqm) to be expropriated	total land on the plot(sqm)	% of land to be expropriated	Total expropriation amount	Remarks
1	PAH 1	1825	64	2120	3.0	185,774	Location of Mast 11
2	PAH 2	1826	129	853	15.1	355,407	Location of Mast 10 and Mast 9
3	PAH 3	1827	18	400	4.5	152,613	Channel for cable supplying Cross bar(Mast 9, Mast 10 and Mast 11)
4	PAH 4	1828	87	1729	5.0	542,771	Location for Mast 7
5	PAH 5	1850	0	1193	0.0	112,634	Cost for Crops that will be affected by the channel of the cable
6	PAH 6	1852	0	206	0.0	44,007	Cost for Crops that will be affected by the channel of the cable
7	PAH 7	1853	45	1904	2.4	85,340	Location of Mast 5
TOTAL			343			1,478,546	

X. MONITORING AND COMPLETION AUDIT

The civil works for rehabilitation of infrastructure at Kamembe airport is planned to start late this year (the exact start date is not clearly established yet). Monitoring of the ARAP 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 ARAP occurs. The monitoring will be carried out by a committee composed of RAC/RCAA representatives, representative at the Sector & cell level, women and youth, and the SPIU -Social Safeguards Specialist, to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the ARAP. Suggested key indicators are outlined below and include but not limited to:

- Number and place of public consultation meetings held with PAHs and local authorities in preparation of, or during ARAP implementation;
- Number of PAHs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- Number of complaints including total received, total justified, and total non-justified.
 - This should include the subject matter for all complaints;
 - An explanation for non-justified complaints;
 - Total resolved at various levels including the type of agreement reached;
 - Total referred to the legal system/ Courts of Law, including a clarification on who initiated (local leaders, PAH or RAC/RCAA) the referral and the subject matter.
- Revival of livelihood activities for the affected persons within 4 months after the compensation payment; Submission of monitoring reports at the frequency indicated in the M/E of the ARAP implementation report or quarterly.

Table 5: Plan for Monitoring, evaluating and reporting

Item	Main activities	Responsible institution	Status	Timing
Public consultation	Consultation meeting with the PAPs	RAC/RCAA	Completed	September-October 2018 and January 2019

Census and property demarcation	Carrying out field mission to identify the exact location of masts and electrical cables	RAC/RCAA	Completed	9 th October 2018
Asset inventory and valuation	Carrying out asset inventory for every identified PAP	RAC/RCAA	Completed	10 th January 2019
Disclosure of Entitlement	Display to the PAPs the results of the census	RAC/RCAA	Completed	11 th January
Compensation	Following up on the compensation payment and ensure that it done within the mandatory timeframe	RAC/RCAA	Not yet	April 2019
Notification on Demolition period	Informing the PAPs on the commencement of destruction of assets for the right of way	RAC/RCAA	Not yet	To be determined
Ground breaking	Commencement of civil works.	CONTRACTOR	Not yet	To be determined

XI. CONCLUSION

To ensure the successful implementation of the ARAP the following points will be implemented by the borrower:

- A workshop for the different stakeholders should be organized to ensure that everyone understands their role in the implementation process.
- There is a need for effective coordination of institutions that are key in the implementation of the ARAP.
- The majority of the PAHs preferred cash compensation instead of in-kind compensation. The wishes of the people should thus be respected.

A completion report of the entire resettlement process for this project will be prepared and will include information of when the compensation and assistance were undertaken and to whom these services were provided as well as indicate that indeed all the compensation has been delivered. This report will be prepared and submitted to the Bank after the end of compensation payment by RCA/RAC.

The ARAP implementation report will include (but not be limited to) the following information:

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

Annex 1: LIST OF PARTICIPANTS IN CONSULTATION MEETINGS

URUTONDE RWABATURAGE BITABIRIYE INAMA
ITEGURA IGIXORWA CYO KUBAKURA IMITUNGO
IRI AHAZASHYIRWA AMATARA AYUBERA
INSEGE 8/10/2018

N°	AMAZINA	Umukono
1	UWAMWIZA Jeanne d'Arc	
2	NKURUNZIZA Lion	
3	NYIRANSABIMANA Léa	
4	NSANZURWAMO Charles	
5	HABYARIMANA Paulin	
6	MASHYAKA Etienne	
7	MUGABUSHAKA François	
8	MULASHYAKA Jovite	
9	MUKANGANGO Alexiane	
10	SIMBIZI Jean	
11	MUNYANKINDI PIERRE	
12	NDAYAMBAJE Cécile	
13	NTABUGI Marie Chantal	
14	MUKANKUSI Dorothée	
15	KAYONGA Erasme	
16	TABAYISIRE J. TIENNE	
17	IYAKAREMYE Said	
18	MUNYANA Médiatrice	
19	NYIRAMWABE	
20	KAYIRANGA Marcel	

Annex 2: CERTIFICATE OF THE PROFESSIONAL VALUER

REPUBLIC OF RWANDA



Regulatory Council for Real Property Valuation

REAL PROPERTY VALUERS ANNUAL PRACTICING CERTIFICATE


This is to certify that

BYESHAMIKA Martin

Is authorized to practice as a **REAL PROPERTY VALUER**
For the period.....**01/01/2018**.....to.....**31/12/2018**.....

Persuant to law N° 17/2010 of 12/05/2010
Establishing and Organizing the Real Property Valuation in Rwanda

Vice-Chairperson Regulatory Council
.....
Edward KYAZZE



Secretary Regulatory Council
P. P. E. S. I. R. P. V.
Josephine KAYIRABA

Date: 05/01/2018 Certificate N°: RC/IRPV/133/2016

Annex 3: meeting minutes of a consultation meeting and the attendance list

le 10/1/2019

Umushyamba wa Munyama
Akagari ka Kamatita
Umukwenge wa Gihundwe

Inama kuigenzacyiro kumitungo iturukanwa
yishyurwa abaturage, aha zashyirwa amatara apbara
inshyamba muki b'ogo.

Ushyamba ugenzacyiro ari: turahamye ku gisururwa tubabwirye
imitungo yanyu abaturage uruho uruho twari umushyamba
uho amatara aya ashingwa.

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kandi aho uruho uruho uruho uruho uruho uruho uruho uruho
Aha zashyirwa itara imbere na metero zashyirwa 6x6m
kandi ho turahamye na. ku gisururwa uruho uruho uruho uruho
Aho amatara aya ashingwa ni: murubutaka bwa:

- 1- NYIRAMWI DOSE
- 2- chontal
- 3- TABAYISIRE J. Pierre na hagarika abiri
- 4- MUKANKUSI Dorothée

Ari turababwirye ku gisururwa uruho uruho uruho uruho uruho uruho

ubashyashyungwa itara metero 6x6m uburungu uburungu
 mu kubakirwa, metero 6x6m ubaturage basanze ohan-
 gaye hahagije ko ukibanza gisigaye gisigaye
 nemeye ko aha guma na uko hari ko ntamponu
 ry'ubumunsi tuko ubaturage hahagije ko gusa
 bakururire imitungo ubabandi ubaturage
 ubashyashyungwa ubaturage ubaturage ubaturage
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 ubaturage ubaturage ubaturage ubaturage

- 1- Hemejwe ko ubashyashyungwa itara kubuso buwa metero
 esha sha tu turi kubashyashyungwa 6x6m ko ubaturage ubaturage
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- 2- Hemejwe ko ubaturage ubaturage ubaturage ubaturage
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- 3) Aho ubaturage ubaturage ubaturage ubaturage
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- Abaturage bitabiriye inama:
- 1- Habarimana Paulin
 - 2- Musingyira Etienne
 - 3- Musingyira Etienne
 - 4- Musingyira Etienne
 - 5- Musingyira Etienne
 - 6- Musingyira Etienne
 - 7- Musingyira Etienne
 - 8- Musingyira Etienne
 - 9- Musingyira Etienne
 - 10- Musingyira Etienne

KAYONGA Etienne
 Valuer

Ammaniditor
 Musingyira Charles

Annex 4: Detailed information on PAPs social economic status

Names of PAPs	Date of birth	Marital status	Education	Main livelihood	Employment status
PAP1	1947	Widow	No formal education	Agriculture	Not employed (she is very old)
PAP2	1978	Married	Secondary education	Small business & agriculture	He is self-employed. He runs a small business.
PAP3	1958	Married	Primary education	Agriculture	Currently working on a construction site
PAP4	1993	Single	Secondary education	Salary from he's regular job & Agriculture	Employed by a private company as security guard
PAP5	1952	Married	Primary education	Agriculture	Currently working on a construction site
PAP6	1987	Married	Primary education	Agriculture	Currently working on a construction site
PAP7	1923	Widow	No formal education	Agriculture	Not employed (she is very old)

Annex 5: Members of the Grievance Committee

Names	Gender	Position in the GRC	Mode of membership
KAYIRANGA Marcel	Male	President	Elected by the community/PAPs
KANZIGA Prudence	Female	Vice president	Elected by the community/PAPs
NSANZURWIMO Charles	Male	Member	Representative of local authorities
HABYARIMANA Paulin	Male	Member	Elected by the community/PAPs
NYIRANSABIMANA Lea	Female	Secretary of the GRC	Elected by the community/PAPs
IZERIMANA Modeste	Male	District Engineer	Appointed by District

INKURUNZIZA Leon	Male	Kamembe Manager	airport	Appointed by RCAA
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