

*Rwanda Transport Development Agency
(RTDA)*

*Resettlement Action Plan (RAP)
For the Upgrading project of Ngoma-Nyanza Road*



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March 2017

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Definitions of Terms used in this document

This report is made of technical terms that need to be explained to ease its reading by the reader. In this regards, these terms mean the following:

1. “*Affected people*” refers to people who are directly affected socially and economically by World Bank- - assisted investment projects caused by:

a. Relocation or loss of shelter

b. Loss of assets or access to assets loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

c. The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.

2. “*Associated projects*” means any subprojects or activities, which are directly related to the planned infrastructure development.

3. “*Project affected persons*” (*PAPs*) means all persons losing assets or use of resources as a direct result of the project, therefore who need compensation or other form of assistance.

4. “*Census*” means a field survey carried out to identify and determine the number of Project Affected Persons (*PAP*), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.

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.

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.

8. “*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.

9. “*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.

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

11. “*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.

12. “*Resettlement and Compensation Plan*”, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan” - 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.

13. “*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;

14. “*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;

15. “*Replacement cost for houses and other structures*” means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in RAP. Such costs shall include:

- a. Building materials
- b. Transporting building materials to the construction site;
- c. Any labor and contractors’ fees; and d) any registration costs.

16. “*Resettlement Assistance*” means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.

18. “*Resettlement Action Plan*”: see Resettlement and Compensation Plan above,

19. “*Vulnerable Groups*” refers to:

- a. Widows, divorcees and very old aged persons;
- b. Child-headed households
- c. Disabled persons

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Executive Summary

This Resettlement Action Plan is part of the processes for preparation of the World Bank and JICA funding proposal for the Government of Republic of Rwanda (GoR) through the Ministry of Infrastructure/the Rwanda Transport Development Agency (RTDA). The project involves the upgrading the Ngoma-Nyanza unpaved road that passes through three districts namely Ngoma and Bugsera (Eastern Province), and Nyanza (Southern Province). The project will be subdivided into two lots: **Lot 1: Ngoma – Ramiro (52.8 km)** and **Lot 2: Kibugabuga – Gasoro (66.55 km)**.

The civil works will not start until the final RAP and ESIA (including a Cultural Resource Management Plan acceptable to the Association) have been submitted to the Bank, cleared, and disclosed and compensation has been paid.

The proposed road links the Central Corridor to the Republic of Burundi and Democratic Republic of Congo through the Eastern and Southern Provinces of Rwanda. The nature of implementation of the proposed project will trigger some minor displacement of assets and livelihoods. Therefore, an Environmental and Social Impact Assessment (ESIA) for the project has been conducted and identified some potential project impact. To mitigate, the likely displacement impacts, the ESIA proposed the development of this RAP. This Resettlement Action Plan (RAP) has been prepared in conformity with the World Bank’s OP 4.12, and Government of Rwanda legal framework governing resettlement issues.

In accordance to the principles of the WB OP 4.12, a socio-economic survey of the PAPs is to be undertaken and PAP registers to be prepared. A valuation of the affected assets and livelihoods has to be undertaken and a compensation package is to be proposed. The RAP proposes the settlement of compensation and resettlement assistance before the commencement of the project.

It total **312 Project Affected Households (PAHs)** will be physically displaced with a total number of **1,966 Project Affected People (PAPs)** as follows:

- (i) For Lot 1 from Ngoma (in Ngoma District) to Ramiro (in Bugesera District): **68 Project Affected Households (PAHs)** will be physically displaced with a total number of **429 Project Affected People (PAPs)**.
- (ii) For Lot 2 from Kibugabuga (in Bugesera District) to Gasoro (in Nyanza District): **244 Project Affected Households (PAHs)** will be physically displaced with a total number of **1537 Project Affected People (PAPs)**.

Amid those Project Affected Households (PAHs), 167 households’ heads were identified to be vulnerable. These include 52 widows in Nyanza, 32 widows in Bugesera and 16 widows in Ngoma districts. Aside of widow/divorcehood, 67 vulnerable PAHs (39 in Nyanza, 23 in Bugesera and 5 in Ngoma) include children heading households and PAPs aged beyond 65 years and are also to be

treated with particular attention. All these 312 Project Affected Households (PAHs) to be physically displaced will easily be relocated in their own land given that only 25% of them will loose close to or above 50% of their plots (ref. annex 3)

In addition, other **586** Project Affected Households (PAHs) will be partially affected by losing crops, trees, small land and part of premises without necessarily having to be displaced to give way for the implementation of the proposed road-upgrading project.

The total area of land to be aquired for this project is 872,726 m². It covers the area on which PAPs constructed houses, practiced agriculture or on which they had planted trees or crops, and lastly the land, which is not covered by any growing specy. However, the land for which the owner has not been identified or belonging to the public domain is equivalent to 685,106 m². Therefore, the identified land for private owners is equivalent to 187,620m² and the related compensation cost is estimated at FRW 129,270,180 equivalent to US\$ 152,083.

Also, 11 social structures, which include 4 schools, 2 churches, 4 hospitals and business for 9 traders operating in Sake market, will be temporarily affected economically. Need is to note that only one part of the market will be temporaly affected by the passage of the road. This part is occupied by two buildings with 9 doors in which a daily retail of beans, rice, soaps, sugar, lotions, stationary is done. A separate cost estimate has been made for this last category of PAPs to be temporarily economically affected. Given that blocks of structures to be demolished can easily be reconstructed within the market space, an estimate of one month of business closing on a FRW 50,000 daily business turnover has been estimated for these 9 business owners along the transition compensation, physical and economic displacement for this specific road project.

The New Rwanda Expropriation Law (2015) requires that RTDA as the Executing Agency of the road upgrading project applies the expropriation of the affected property in public interest, and ensures that the respective districts crossed by the road diligently value the affected property, and duly compensates and facilitates the resettlement process of the PAPs. In addition, according to the World Bank Operational Policy on involuntary displacement (OP 4.12), the Respective districts crossed by the road will have to follow up the PAPs and support the restoration of their livelihoods to a better level or at least to the initial livelihood standard of the PAPs prior to their displacement. The WB OP 4.12 to this effect requires that a Resettlement Action Plan (RAP) be prepared to guide the process of acquisition of the land, valuation and compensation for the land and property thereon, and resettlement of the displaced persons; and in the monitoring of the resettled persons to ensure that their livelihoods are at minimum level equivalent to the level prior to being expropriated. Local leaders in respective districts of Nyanza, Bugesera and Ngoma districts have proposed to offer land for land compensation and alternative space for traders who will be displaced along respective road sections.

The total cost of the RAP implementation for this road upgrading project is estimated at **FRW 7,015,399,255**

(equivalent to US\$ 8,253,412) including compensation for the property, and offer of disturbance allowance, and of resettlement actions and resettled persons. The RAP implementation cost is subdivided as follows:

Lot 1 from Ngoma (in Ngoma District) to Ramiro (in Bugesera District) with estimated cost of **FRW 1,573,967,782** equivalent to **US\$ 1,851,727.10**

Lot 2 from Kibugabuga (in Bugesera District) to Gasoro (in Nyanza District) with estimated cost of **FRW 5,441,431,473** equivalent to **US\$ 6,401,685.11**

We might refine these figures during the implementation of RAP.

A Grievance Redress Mechanism (GRM) has been established in accordance to the Resettlement Policy Framework, the Rwanda Law and WB OP4.12 guidelines.

The upgrading of this road will greatly improve the living conditions of the inhabitants in respective project areas. With the implementation of mitigation measures such as this RAP, the overall negative social impacts of the project will be minimal. The project will also offer significant socio-economic opportunities for communities and the population of the area.

This RAP is prepared to be a reference for RTDA in regards to the expropriation of lost properties by PAPs as well as their resettlement process.

Chapter 1. DESCRIPTION OF THE PROJECT, PROJECT AREA AND AREA OF INFLUENCE

1.1 Project Background

The Government of Rwanda, in accordance with the national development objectives contained in Rwanda Vision 2020, and Economic Development and Poverty Reduction Strategy 1-2 (EDPRS), assigns fundamental importance to the development of the economic infrastructure of the country, and in particular to road transportation. The development of the road infrastructure constitutes one of the economic development strategies for the reduction of poverty and for stimulating social-economic growth: facilitating access to domestic/international markets and ensuring favorable conditions for provision and distribution of imported products within the country, it increases internal production and, in general, economic welfare.

The upgrading project of the Ngoma-Bugesera-Nyanza unpaved road will largely promote the socio-economic development of the area, by improving the road infrastructure, favoring the public transport, opening a new door to tourism, and, being an import-export corridor, promoting large scale agricultural development. The Government of Republic of Rwanda (GoR), through the Rwanda Transport Development Agency (RTDA), which operates under the Ministry of Infrastructure, intends to implement the upgrading and construction of the Ngoma-Nyanza unpaved road. The proposed road links the Central Corridor to the Republic of Burundi and Democratic Republic of Congo through the Eastern and Southern Provinces of Rwanda. It crosses a high agricultural productive zone and passes near the proposed New Bugesera International Airport site situated at approximately 25 km from the Nemba border with Burundi.

The project is subdivided in two lots with the first lot covering a section of about 52.8 km long, and the second about 66.55 km long. The existing road is very slippery (clay) and muddy in the rainy season and is partly situated on deep rolling and hilly terrain, causing steady erosion.

The Government of Rwanda decided to update the road feasibility study by reviewing the previous design that will be used as a conceptual design for the Design and Build Contract. The total amount to be paid either as direct or indirect compensation relating to Nyanza-Ngoma road is FRW 7,015,399,255 or US\$ 8,253,412

1.2 Ngoma-Nyanza unpaved road project description and justification

Description of the project Area

The proposed Ngoma-Nyanza unpaved road Project traverses Ngoma, Bugesera Districts of Eastern Province and Nyanza District of Southern Province.

It traverses two main rivers; Akagera River, which forms the boundary between Ngoma district and Bugesera District, and Akanyaru River between Bugesera District and Nyanza District.

The Ngoma-Nyanza national road is about 130km distance, which has been divided into two upgrading sections of 119.35km, namely; Lot 1- Ngoma-Ramiro (52.8km), and Lot 2: Kibugabuga- Nshinga - Gasoro (66.55 km). Of importance to note is that the road also traverses Akanyaru and Akagera rivers.

The width of the existing roads is between 4m and 6m, in some sections, as densely populated areas and close work of water supply along the route, the width reduces to below 4 meters.

Figure 1 shows Ngoma-Nyanza unpaved road network, which will connect National Road 5 (NR5) in Ngoma District and National Road 1 (NR1), located in Nyanza District.

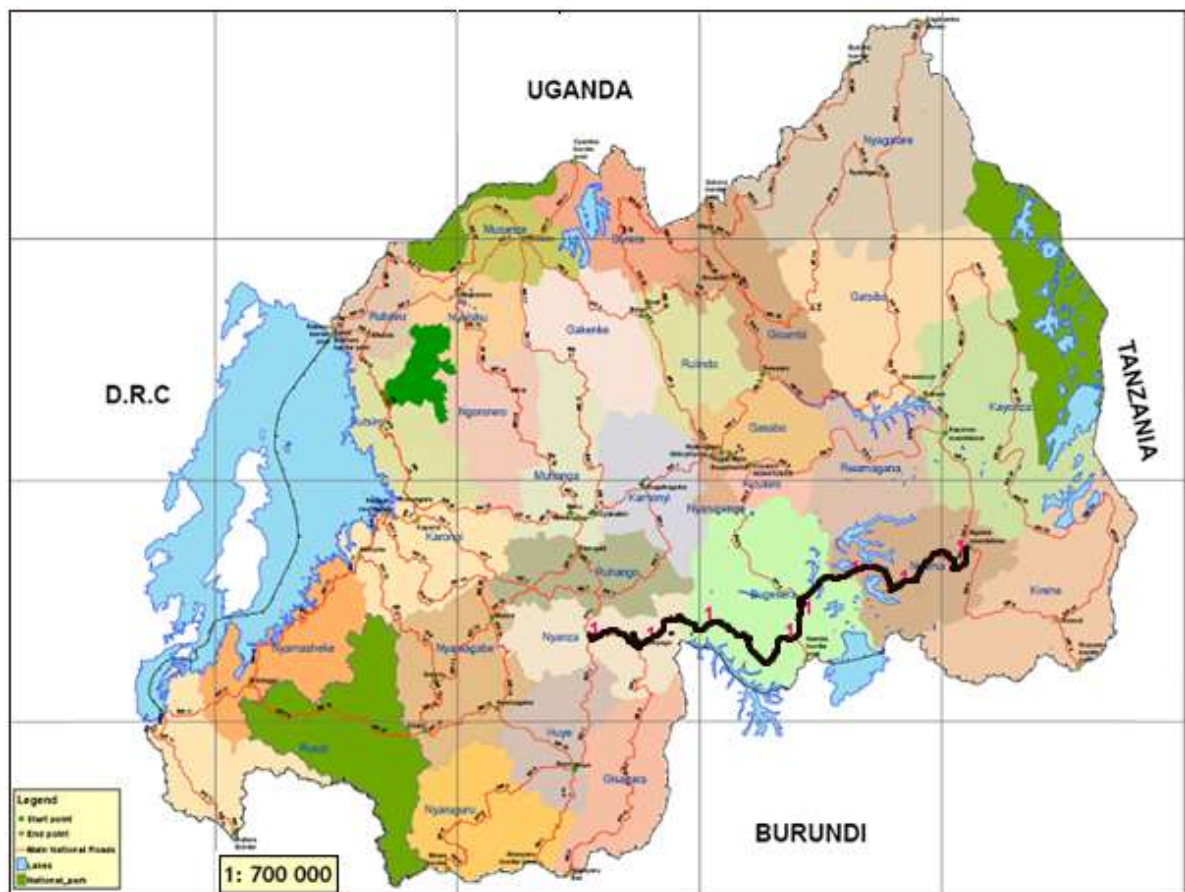


Figure 1: National road network and location of the proposed Ngoma-Nyanza road project

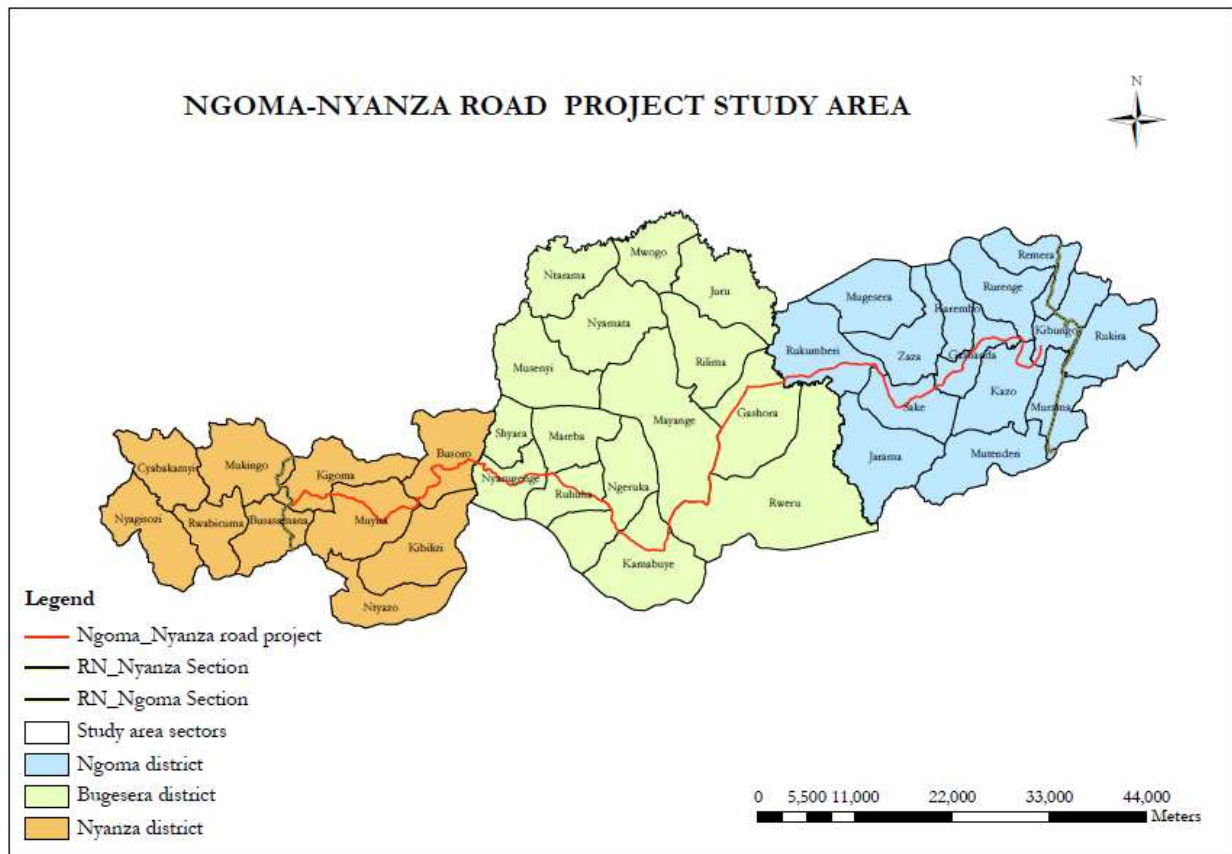


Figure 2: Localisation of the proposed Ngoma-Nyanza Unpaved Road Project in different sectors

This road traverses 15 sectors located in Ngoma, Bugesera and Nyanza Districts as presented in Table 7. The road starts at the junction with the national road Kigali-Ngoma (NR4), reaches the roundabout of Runyinya and thereafter runs southward and then westward to Kigali-Nemba road (NR5). The vertical and horizontal alignments do not need much correction and carriageway width is not uniform of approximately 4 meters. Hydraulic structures are made up of concrete /masonry; only one water stream is overarched by a wood log small bridge.

Table 1: Different sectors traversed by the proposed road and corresponding road section length

LOT	District	Sector	Road section length (Km)
Lot 2	Nyanza	Kigoma	6 Km
		Muyira	12.67Km
		Busoro	5.48Km
		Busoro	6.52Km
	Bugesera	Nyarugenge	10.36Km
		Ruhuha	8.11Km
		Ngeruka	3.39Km
		Kamabuye	8.73Km
		Mayange	5.29Km
Lot 1	Ngoma	Gashora	10.92 km
		Rukumberi	12.01 km
		Sake	9.01 km
		Gashanda	13 km
		Rurenge	0.64 km
		Kazo	4.84 km
	Kibungo	2.38 km	

Source: RTDA July 2016

The horizontal alignment is winding with hairpin curves (radius inferior to 25 meters). In some section, the vertical alignment is characterized by steep gradients higher than 10%. The road condition is fair but rapidly degrading due to the inadequate hydraulic structures.

1.3 Nature and Purpose of the Project

The project concept is to reconstruct and widen the existing Ngoma-Nyanza Road to bitumen standard. Once construction commences it will involve a lot of civil works including clearing, excavation and levelling of soil, mining of gravel and quarry, transportation of materials, water abstraction, compaction of sub-base material, road sealing, construction of road related infrastructure such as bridges and drainage systems, shouldering, road signage and others.

The contractor will use different types of equipment during the implementation of this project including heavy excavators, earth moving equipment, compactors and other lighter equipment. Ngoma-Nyanza road reconstruction and widening demands high engineering standards and will therefore necessitate the deployment of qualified civil engineers and other experts include various technicians and a reasonable labor force. In the process of road upgrading, the

contractor will build several campsites to accommodate staff and facilitate the storage of materials and equipment.

It is envisaged that these activities will cause significant environmental and social impacts that may be reversible depending on their magnitude. Prevention of such impacts is a priority but where it cannot be achieved appropriate mitigation and pollution abatement measures will be put in place to minimise environmental damage.

1.4 Project Objectives and Justification

The Ngoma – Nyanza road upgrading project is a very important undertaking that aims at improving accessibility between Eastern Province and Southern Province. These two destinations are important economic hubs, which are currently connected by an earth road that is not in a condition to support transportation of goods and services. This road will be improved to stimulate development in the eastern and southern part of Rwanda and to reduce travel time and cost from Rusumo Border Post to Southern Province, Burundi and DRC.

The road has been instrumental in facilitating trade, tourism, agriculture, health, education and other sectors of the economy. The development of Nyamata City and other development project predicted in Bugesera District like the Construction of International Airport further enhanced the importance of the road in that economic engine. This road will, therefore, play a key role in connecting the Airport to the East, South and Western Part of Rwanda.

1.5 Objectives and Scope of the current RAP

This RAP defines the procedures related to the requirements and procedures of the WB O.P 4.12 operational safeguard related to *involuntary resettlement: Land acquisition, population displacement and compensation* and national laws of Rwanda, to be entitled to compensation payable to people affected by expropriation and / or moved out of their day to day business because of the project. In reference to the Rwandan Resettlement Policy Framework and the policy provisions of the World Bank as related to Policy on Involuntary Resettlement, 2003 among others, a RAP is compulsory for all projects that anticipate displacement of people, their shelter, belongings and businesses livelihood and associated impacts. In this context, this RAP presents an inventory (register) of people likely to be affected by the upgrading of Ngoma-Nyanza road and the proposed compensation and resettlement packages.

In view of the foregoing, the main objectives of this RAP were to:

- To clearly define steps and actions to be taken by RTDA in response to adverse impacts of the proposed project on social and economic livelihood of the project affected people;
- To design appropriate strategies for restoration and improvement of the income and livelihood of the Project Affected People, special support measures for vulnerable groups,
- To determine task assignments, resource allocation (budgeting) and implementation schedules for measures against adverse impacts of the project; and

- To prepare documented mechanisms for monitoring and evaluation of progress and performance in implementation of Resettlement Action Plan.

The RAP will set the parameters and establish entitlements for project affected people (PAP), the institutional framework, mechanisms for consultation and grievance resolution, the time schedule and the budget, and propose a monitoring and evaluation system.

Therefore, to achieve the objectives of the RAP, activities were limited to the following:

- i. Identification of persons affected by the project on the sides of the road to be rehabilitated;
- ii. Consultation with project affected people (PAP). The consultations sought to involve PAPs in formulating ideal compensation strategies;
- iii. Identification of options for compensation of PAPs;
- iv. Review of Rwandan legislation and guidelines on land acquisition, compensation and development of infrastructure projects;
- v. Census of property owners to be affected by the project and property valuation;
- vi. Socio-economic survey of all PAPs on the roadside in districts of Nyanza, Bugesera and Ngoma districts to obtain a social profile of affected persons. The survey aimed at establishing a baseline against which effectiveness of resettlement assistance could be measured. It was based on a comprehensive socio-data questionnaire and covered Information on family/ household members, Household land holdings and assets, Livelihood in affected households, Health & vulnerability; Welfare indicators; and Expenditure patterns.
- vii. Preparation of a resettlement action plan (RAP) comprising of an entitlement matrix. Compensation and assistance for resettlement were based on the premise that lives of the affected people should not be worse than before displacement;
- viii. Arrangements for implementation providing guidance on proper implementation of the RAP including institutional arrangements, implementation timeframe and compensation budget derived from property valuation;
- ix. Consultation and participation of affected communities were undertaken throughout preparation of the RAP and their feedback incorporated in designing resettlement strategies;
- x. Developing a grievance redress mechanism; and
- xi. Developing a monitoring, evaluation and completion audit framework.

1.6 Potential Impacts of the Project and People Affected by the Project (PAPs)

The improvement and development of means of communication and travel are essential for development. In these regards, this project is expected to have widespread positive impacts on the overall socio-economic status and livelihoods of the road users as well as the Project Affected People (PAPs). Therefore, the upgrading of Nyanza-Ngoma road will actively contribute to:

- Initiate the development of trade across the EAC region;

- Encourage economic activity as commercial, agricultural (volume of commercial agricultural production), industrial (food) and tourism;
- Improve the economic conditions and the wellbeing of populations along the concerned route sections;
- Improving traffic conditions and the safety of users of the road and reduce travel time and transport costs.
- Tourism activities will also be facilitated because of the existence of functional infrastructure. The cultural exchanges will be facilitated through the functional road. Promising niches will be opened on the development of ecotourism and hunting tourism. Overall, the impact on tourism and cultural activities is indirect, positive and moderately important.

However, the project will have some minor negative impacts including people being resettled and properties and services relocated especially to those who are located on the edge of the road.

People affected by the project are subdivided into two main categories. The first is made of 360 structures that are at risk of being demolished following the Nyanza-Ngoma road vertical and horizontal alignment. These structures include 312 residential houses and 11 social structures, which include 4 schools, 2 churches, 4 hospitals and 1 market, which will be partially affected. Details of these structures including owners, location (cell, sector and cell) can be found in table in appendix. This project will also relocate 312 households with a total of 1966 PAPs.

Chapter 2. RESETTLEMENT ACTION PLAN METHODOLOGY

2.1 Approach and Methodology

2.1.1 Approach

The study covered all sections of the Ngoma-Nyanza unpaved road sections that might potentially lead to resettlement/land acquisition and also involved public consultation with different stakeholders.

The RAP for this Project will address the impacts of the upgrading of Ngoma-Nyanza unpaved road project on communities and individuals in the project area. This RAP refers to the WB O.P. 4.12 operational safeguard principles and to the national legislative and regulatory frameworks for expropriation and compensation in Rwanda in regards to the policies and procedures for involuntary resettlement.

This RAP has been prepared in consultation with key stakeholders in each of the districts, sectors, cells and villages and with the active participation of affected people and communities. Strategies that target the specific needs of affected people and vulnerable PAPs have been tackled in order to assist them to improve or at least restore their initial living standards. Detailed inventory of potential losses and respective PAPs has been conducted and ad hoc resettlement costs have been estimated according to the recent land and property values.

2.1.2 Methodology

2.1.2.1 Data Collection Method and Analysis

The upgrading of the Ngoma-Nyanza unpaved road will affect or benefit the population living in its neighborhoods. In a bid to grasp the initial socioeconomic status of residents as well as their perception about the expectations from the road upgrading, a socioeconomic survey of all PAPs was conducted. In this regard, a total of 898 PAPs from all districts were selected and a questionnaire was administered to them for the purpose of this RAP. Besides, one consultation meeting was conducted at district level and regrouped district's officials together with important stakeholders. Among stakeholders, representatives of RTDA, REMA, RDB, Private Sector, local leaders, mainly executive secretaries of sectors for entities connected to the road in each district, NGOs and Civil society attended the consultation meetings.

In summary, the Table 2 below shows where in the RAP various methodologies for identifying impacted persons and assessing impacts are detailed and discussed.

Table 2: Impact Assessment Methodologies in RAP

Methodology for Assessing Impacts	Where in the RAP
Mapping and Photography	Section 5: Baseline Data Gathering & Analysis
Building and Infrastructure Surveys	
Socio-Economic Surveys	
Analysis of Surveys	
Consultation with Affected Populations	Section 9: Public Participation

2.1.2.2 Data collection methods

Primary and secondary data were collected for this Resettlement Action Plan. Primary data involved mainly the documentation related to the project.

This Resettlement Action Plan (RAP) has been prepared in reference to the framework of the project Resettlement Policy Framework (RPF) and Environmental and Social Impact Assessment (ESIA), which include the documentation on issues below:

- Information on measures that are necessary to address displacement impacts related to the upgrading of the Ngoma-Nyanza unpaved road construction,
- A detailed description of the baseline socio-economic situation prevailing in the Project area at the time of undertaking the RAP field study,
- A Social Management Action Plan (SMP), which provides an assessment of social and economic impacts, a description of proposed mitigation measures and an action plan, which presents the organizational and other arrangements proposed by RTDA to implement the social and economic mitigation measures.

Secondary data were gathered through various consultations with relevant stakeholders and a structured questionnaire for the socioeconomic household survey.

Both qualitative and quantitative data collection techniques were applied throughout the collection of the data related to the Resettlement Action Plan elaboration. It is in this regard that the following techniques were subsequently applied.

- i. **Assets Inventory Techniques, Use of Maps and GPS:** Was used to identify the PAPS along the road sections, intensity of impact (losses of all kind), and existing sites of cultural significance throughout the road route. The consultant used the survey maps availed by RTDA and JICA experts' GPS to identify the proposed road realignment maps and People Affected by the Project.
- ii. **Socio-Economic Survey:** comprising detailed census (questionnaire) about PAPs and their households' socio-economic characteristics and plausible losses to be incurred to People to be affected by the Project.

iii.

The questionnaire captured the following information:

- a. Household Bio data (Demographic information)
- b. Livelihoods.
- c. Infrastructure inventories including land, common properties, Houses, fences, trees, commercial properties and social services infrastructure existing in the area.

iv. **Public Community engagement meetings** were conducted as part of participatory approach at the village's level and the PAP's informed of the project and they raised issues that they would like covered to ensure smooth resettlement.

2.1.2.3 Scoping and Update of the Resettlement Impacts

At the initiation of the project the Consultant undertook a field visit between in July and August 2016 so as to map the road realignment indicators. The field visit was also used to identify plausible PAPs as well as their assets and properties to be affected by the project in the road right of way (ROW).

At this in depth study the baseline level, Geographical Positions (GPS) data for the optimized road line route was collected and reviewed with the aim of understanding the household and community character of the PAPs. On the basis of the baseline data, the socio-economic data of the entire road RoW was established. This baseline data covered the demographic and socioeconomic characteristics of residents, cultural issues, administrative boundaries, existing feeder road networks leading to nearest agriculture farms.

Affected assets (land, crop, trees) have been surveyed and the respective costs have been estimated using the compensation rate for land, crop and trees as promulgated in the official gazettes No 51 of 21/12/2009 and No 19 of 10/05/2010 as amended by the Law No. 31/2015 of 05/06/2015 in and out of Kigali city respectively and the asset valuation law of 1996.

2.1.2.4 Data Analysis and Report writing

At the end of data collection, collected quantitative data for socioeconomic survey was entered and analyzed with the support of the Statistical Package for Social Sciences (SPSS), version 21. Likewise, a summary report of public engagement meetings with communities to be affected by the project and focus group a discussion about the project was also written and entails a brief presentation of issues raised as well as key strategies discussed by key informants and local residents.

2.1.2.5 RAP Study Team

The Consultant's team is comprised of scientists with experience in developing resettlement action plans and these included an Environmental and Social Safeguard Expert, a socio-

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economist and Resettlement Action Plan Expert; A topographer and a civil engineer, a valuation expert and support staff (enumerators, and data entry clerks).

Chapter 3. SOCIO-ECONOMIC DESCRIPTION OF PEOPLE TO BE AFFECTED BY THE PROJECT

3.1 Socioeconomic impact of the project in concerned districts

The upgrading project of the Ngoma-Bugesera-Nyanza road will largely promote the socio-economic development of the area, by improving the road infrastructure, favoring the public transport, opening a new door to tourism, and, being an import-export corridor, promoting large scale agricultural development. The proposed road links the Central Corridor to the Republic of Burundi and Democratic Republic of Congo through the Eastern and Southern Provinces of Rwanda. It crosses a high agricultural productive zone and passes near the proposed New Bugesera International Airport site situated at approximately 25 km from the Nemba border with Burundi. However, aside from positive impact, the table below summarizes the negative socioeconomic effect of the project along its right of way.

Table 3: Assessed impact of the project implementation in Ngoma, Bugesera and Nyanza area

Item	Unit
Affected District	Nyanza, Bugesera and Ngoma
Affected Sector	Bugesera, Busoro, Gashana, Gashanda, Gashora, Gatoki, Kamabuye, Kazo, Kibungo, Kigoma, Muyira, Ngeruka, Nyarugenge, Ruhuha, Rukumberi, Rurenge, Sake, Shanda
A) Losing houses and assets	
Houses – living quarters	312
Commercial premises/ formal and informal	254
Churches	2
Schools	4
Health center	4
Market	1
Tree or crop	50,545
B) Land	
Households losing lands or partial effects	586

Source: RTDA, July 2016

3.2 Gender Analysis for Nyanza-Ngoma Road upgrading project

Preamble

In a bid to promote a sustainable and equitable development as a subsequent impact of road construction projects, gender needs to be mainstreamed into transport implementation initiatives. This is important for the design and implementation of transport systems that are responsive to the practical needs of women, households, and to those of communities in general.

Gender status in districts crossed by Nyanza-Ngoma unpaved road

Table 4: Population distribution by gender in districts crossed by the road

District	Both sexes	PAPs	Male	Female	% Male	% Female
Rwanda	10,515,973	N/A	5,064,868	5,451,105	48.2	51.8
1. PUBLIC CONSULTATION						
<i>Nyanza</i>	52	N/A	43	9	82.7	17.3
<i>Ngoma</i>	23	N/A	18	5	78.3	21.7
<i>Bugesera</i>	18	N/A	13	5	72.2	27.8
Total	93		74	19	79.6	20.4
2. HOUSEHOLD QUESTIONNAIRE						
Nyanza	323719	412	282	130	68.4	31.6
Bugesera	361914	320	225	95	70.3	29.7
Ngoma	336928	167	125	42	74.9	25.1
Total	1,022,561	899	632	267	70.3	29.7

Source: RTDA, July 2016 & Rwanda 4th Population and Housing Census, 2012(NISR)

As the above table entails, only 20.4% of women participated in Public engagement talks about the compensation of properties to lose as a consequence of the road upgrading. In household surveys conducted in districts of Nyanza, Bugesera and Ngoma, this percentage significantly increases close to 30% of women responding on behalf of their families. This clearly explains that rarely women plead or represent the family in such transactions, which is logical following the rural setting in which traditional values, which give prime consideration to husbands/men prevail.

At National level, the female population constitutes a slightly higher proportion in the entire Rwanda with 51.8%. In districts to be crossed by the Nyanza-Ngoma road, Ngoma has the highest proportion of women with 52% while Bugesera and Nyanza have respectively 51.3% of female population relative to the male population. The population density is also here related to the level of urbanization. In the entire Rwanda, population density goes up to 415

inhabitants/km². In districts to be crossed by the road, Nyanza is the most densely populated district with 482 inhabitants/km² while other districts have respectively a population density of 287 for Ngoma and 280 for Bugesera.

In regards to the road construction and the improvement of the socioeconomic welfare of the population in general and that of women in particular, initiatives to be undertaken to improve the livelihoods are to benefit not only the entire population, but also women in particular provided their ratio among the existing population in the area crossed by the road. As per Nyanza-Ngoma road, a number of aspects will also be of paramount relevance for the empowerment of women and all residents in general and particularly the poor, by addressing their strategic needs such as access to socio-economic opportunities. This project will benefit women in many ways:

First, provided that women's population is around 4% higher than that of men and given that they are the most running businesses aside the road, the latter will benefit from the road upgrading in many ways. Second, one would expect that less skilled jobs are to be given to local population without forgetting women who currently are found in many jobs such as masonry, assistant masonry, carpentry etc. as a result of the gender promotion policy in Rwanda. In this way, a need to provide the training of women in construction to facilitate their employment along the road construction process and on the other hand, their training in entrepreneurship and trade skills useful for the creation and the management of small and medium trades. Third, as women in the region are mostly burdened by water and firewood daily fetching activities, the availability of boreholes with sane water will ease women's day-to-day activities. However, the demographic and health surveys (DHS 2000, 2005 and 2010) conducted in Rwanda clearly show that violence against women is not only due to insecurity situations: women, regardless of their social class, are still the main targets. This violence is also a reflection of the status of women in society and their status is lower than that of the man inside the household. In rural areas, the workload of women is still considerably great: collecting firewood, fetching water, preparing food, in charge of reproduction and child-rearing, then agricultural labor.

It is important to take into account gender issues because, despite new legislations that give men and women equal rights to land, succession and inheritance rights, women still face inequalities because of customary and cultural practices that are prejudicial to women. Women's rights exist, national legislation bearing progressively a significant number of more provisions that are favorable for women, but those rights will gradually be applied. It is very important to take into account gender issues in the context of the implementation of the compensation process.

The RAP takes into account the gender issues are addressed in the following ways:

1. During public participation were well represented and their views were taken into account.
2. During compensation, joint shared accounts will be required for compensation,
3. The Land Titled issued after expropriation will take into account the matrimonial requirements stated in the expropriation law (Law N° 32/2015 of 11/06/2015, Art 26).
4. Female headed households were considered as vulnable Households.

3.3 Poverty and vulnerability

3.3.1 Vulnerable PAHs

Groups that are considered particularly vulnerable by the Government of Rwanda are children under five years old, elderly people aged 60 and over and people with disabilities. In development projects requiring the relocation of PAHs, some more groups of people fall in the category of vulnerable people. These include widows and divorced people who might face difficulties in moving with children with a need to cater for them. The table below presents categories of vulnerable PAPs in the area to be crossed by Nyanza-Ngoma road.

Table 5: Vulnerable PAHs

Vulnerability/District	Nyanza	Bugesera	Ngoma	Totals
Widowhood/Divorced	52	32	16	100
Young/Old age	39	23	5	67
Total	91	55	21	167

Source: Primary data, RTDA, July 2016

As the table above shows, vulnerable PAPs are mostly located in Nyanza district, which is followed by Bugesera and lastly Ngoma. Vulnerable PAPs are predominantly widows or divorcees (n=100) with 60% of all vulnerable PAPs in the road neighborhoods. The second category of vulnerable PAPs is that of orphan children of less than 18 years who head their households or elderly persons who are aged between 60 years and beyond and constitute 40% of all vulnerable respondents. The table in appendix provides detailed information about their respective locations by district, sector, cell and village.

3.4 Key Socio-demographic characteristics of the PAHs

3.4.1. Households' demographic Indicators

Key demographic indicators of the household members provides a picture of members of each visited household in terms of age of the head of the household as well as the total number of people living in the visited household. The reason for this is that not only it gives information about the age distribution of the head of the household, members of the household, which has

implications on the income, expenses and savings but also provides a flash idea about promiscuity in the dwelling place, which more likely affects the health status of people living in that specific household.

3.4.1.1 Household Members

Table 6: Households' members' distribution per district (PAPs)

District	<=3 mbers	4 to 6 mbers	>=7 mbers	Total	%
Ngoma	39	110	18	167	18.5%
Bugesera	75	196	49	320	35.6%
Nyanza	123	237	52	412	45.8%
Total	237	543	119	898	100
%	26%	60.4%	13.2%	100	

Source : RTDA, July 2016

As the table above entails, the majority (60.4%) of PAPs have household members between 4 and 6. Aside of this, 26% of respondents have only 3 members while only 13.2% have 7 or more members

3.4.1.2 Age of the head of the household

Table 7: Age of heads of households

Age group/District	Nyanza	Bugesera	Ngoma	Total
Lowest thru 20	5	3	1	9
21 thru 59	365	304	156	825
60 thru high	42	13	10	65
Total	412	320	167	898
Tot/%	45.80%	35.60%	18.60%	100%

Source: Primary data, RTDA-Ecodesign, July 2016

From figures in the table above, it can be observed that the age of PAPs is distributed in the following order: the majority of PAPs are aged between 40 and 59 years (71, 5%), followed by those aged below 40 years (24, 5%) and those aged beyond 60 years old (4%). while 632 (70%) are men, 267 (30%) respondents are women to be affected by Nyanza-Ngoma unpaved road.

3.4.1.3 Marital status of the PAPs

Table 8: PAPs distribution by marital status

<i>Marital status</i>	<i>N</i>	<i>%</i>
Single	87	9.7
Married	516	71.9
Divorced	5	0.6
Widow	97	10.8
Missing	64	7.1
Total	899	100

Source: RTDA-Ecodesign, July 2016

Table 8 shows that almost three fourth of respondents are married, 10.8% of them are made of widows (which are somehow striking) and only 9.7 are single while divorced respondents were few with only 0.6%. We noticed a number of missing values, but which are due to the fact that some questions on the questionnaires were not responded to by the PAPs.

3.5 Household's Social indicators

Key social indicators include the level of education of the head of the household and access to the nearest school primary school.

3.5.2.1 Education level of the head of the household

Table 9: Education of the Head of the Household

District	Education of the Head of the Household					Total
	None	Primary	Secondary	TVETs	University	
Nyanza	181	199	21	5	6	412
Bugesera	142	133	40	3	2	320
Ngoma	61	85	15	4	2	167
Total	384	417	76	12	10	899
Percentage	43%	46%	8%	1,3%	1,1%	100

Source: RTDA- Ecodesign, July 2016

Forty three percent (43%) of respondents have never been to school while 46% have only attended primary school. Less than 1.5% of respondents has either benefited a vocational training course or has attended the university level education. This presents a not bad pattern for most heads of the households in rural areas where the main income generating activity is agriculture, or kettle rearing.

3.6 Household's economic indicators

3.6.1 Occupation head of the Household

Table 10: Main and other Occupation of the head of the family

DISTRICT	SALARIED	FARMER	BUSINESS	SKILLED TRADE	TOTAL
NYANZA	2	250	110	52	412
BUGESERA	1	155	124	41	320
NGOMA	1	123	20	24	167
TOTAL	4	528	254	117	899
PERCENTAGE	0.4	59	28	13	100

Source: Primary data, RTDA, July 2016

As the table above explains, some diversification of activities for heads of household is observed within people living on the shore of Nyanza-Ngoma unpaved road. However, given the rural setting in which they live, the majority of respondents are occupied with farming (59%), followed by business and skills related activities namely trade, carpentry, masonry, weaver, electricity works etc. Only 0.4% of respondents are salaried employees. This means that, not only vocational training planning and courses need to be availed in the areas of this study, but mostly business activities should be given a priority. This will require encouragement of small scale businessmen/women by providing them with necessary entrepreneurial knowledge. The same will be applied to vocational training education programs, which might bring an input to the development of skilled labor force in the areas targeted by this study.

Table 11: Average Annual Income of PAPs in the road's neighborhoods

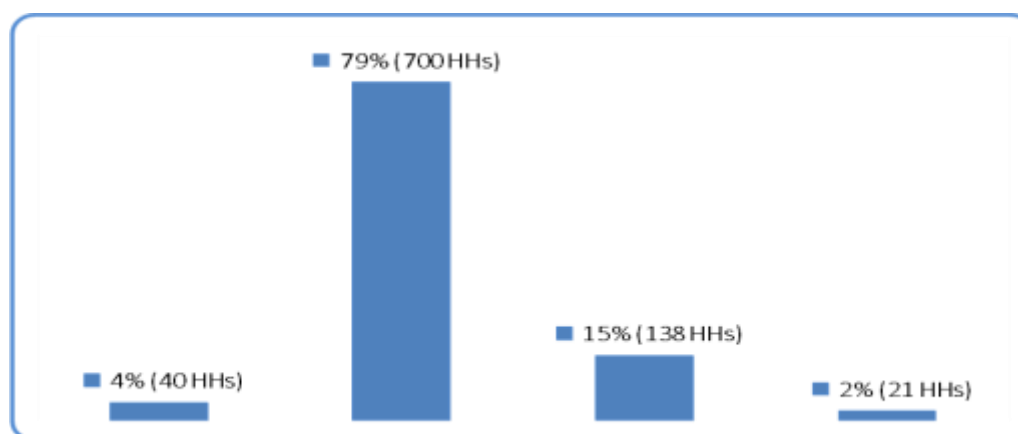
	Frequency	Pourcentage
Average income under FRW 100000	5	0.6
Average income between FRW 100001 to FRW 500000	11	1.2
Average income between FRW 500001 to FRW 1000000	880	97.9
Total	896	99.7
Missing	3	0.3
	899	100

Source: Primary data, RTDA, July 2016

The average annual income of PAPs lay between FRW 100000 to FRW 1000000 for 99% of all PAPs. A very small proportion of the later earn less than FRW 100000 per year.

3.6.2 Total land used by household

Figure 3: Percentage of total land used by head of the household



Source: Primary data, RTDA, July 2016

The bar-chart above present the proportion of land used by heads of households in different districts covered along the survey. In general, we notice that a big number of respondents have between 0 and 2 ha (79%), while some other few members share the remaining proportion with, 15% exploiting between 2 and 5 ha, 2% having greater than 5 ha. The big portion of land possessed by inhabitants of this area can be useful if the land consolidation policy is properly implemented in the area.

3.6.4 Other Households' Socio-economic indicators

Table 12: Other households' socioeconomic indicators

Resettlement Action Plan (RAP)/ Upgrading project of Ngoma-Nyanza Road

Lot	District	Sector	Cell	HH_Details		By sex		Marital status			Land category			
				Hhs	Sizehh	Male	Female	Married	Single	Widow	Divorced	Owns	Borrows	Both
LOT 1	NGOMA	Gashanda	Cyerwa	17	102	4	13	4	1	2	0	8	0	9
			Giseri	7	33	2	5	48	8	4	1	16	0	40
			Mutsindo	14	73	2	11	3	0	0	0	2	0	1
		Kazo	Karama	15	75	3	11	4	0	6	0	3	5	4
		Kibungo	Karengere	9	46	1	6	8	2	1	0	4	0	11
		Rukumbeli	Gituza	18	101	2	14	2	0	0	0	2	0	3
			Kabago	1	3	0	1	10	1	3	0	6	0	12
			Rubago	17	87	4	12	4	2	1	0	3	0	2
			Rubona	13	79	4	9	4	1	1	0	7	0	9
			Rugobora	19	79	7	12	0	7	9	0	2	0	0
	Ruhango	1	6	0	1	4	2	0	0	6	10	3		
	Rurenge	Musha	3	22	1	2	5	0	1	0	1	4	4	
	Sake	Gafunzo	13	80	2	8	11	1	1	2	3	0	9	
		Kibonde	4	27	1	3	6	0	1	0	3	1	5	
		Rukoma	21	111	2	17	0	0	0	0	46	2	31	
	Gashora	Biryogo	12	66	0	12	0	0	3	0	3	0	9	
		Ramiro	5	40	0	5	3	0	0	0	37	6	35	
		Kagomasi	1	7	1	0	58	3	11	2	16	13	56	
			190	1037	36	142	174	28	44	5	168	41	243	
	LOT 2	BUGESERA	Kamabuye	Kamabuye	2	12	0	2	1	0	0	1	0	0
Kampeka				18	117	4	13	0	1	0	0	0	2	
Kampeta				12	69	6	6	9	1	4	0	6	1	11
Nyarugenge			Gihinga	74	423	24	49	11	0	0	0	5	0	6
			Kabuye	85	915	26	56	1	0	0	0	1	0	0
			Murambi	9	41	0	7	5	0	0	0	3	0	6
		Ngenda	33	208	1	32	1	0	0	0	1	0	0	
Rugando		2	19	0	2	2	0	0	0	6	1	6		
Ruhuha		Kindama	26	144	5	18	4	0	0	0	0	0	4	
		Ruhuha	13	75	2	8	52	4	17	0	0	0	1	
Ngeruka		Mukama	12	62	4	8	86	17	13	0	30	49	64	
		Murama	9	55	3	6	21	4	10	0	29	0	16	
NYANZA		Busoro	Busoro	1	5	0	1	9	2	0	0	1	0	0
			Masangano	143	735	39	99	4	11	1	0	22	0	2
			Munyinya	45	245	16	26	0	2	2	0	1	4	7
			Muyira	2	7	0	1	11	1	1	0	9	0	5
	Nyangasano		6	1	0	1	15	2	8	0	17	4	8	
	Rukingiro		79	425	23	56	10	4	0	0	5	5	3	
	Muyira	Gati	11	73	3	8	6	0	1	0	0	0	0	
		Nyamiyaga	29	179	8	21	28	1	2	0	19	0	14	
		Nyundo	78	401	20	55	47	8	9	0	0	0	1	
	Kigoma	Butara	10	64	6	4	1	0	0	0	5	0	5	
Gasoro		9	49	4	5	9	0	0	0	3	0	6		
			708	4324	194	484	333	58	68	0	164	64	167	
			898	5361	230	626	507	86	112	5	332	105	410	
					37%	63%								

The table above summarizes important socioeconomic characteristics of the PAPs living in the line of the Nyanza-Bugesera Ngoma road. The total PAPs to be affected by the projects is 5,363. This number includes only 1966 PAPs (from 312 households) that will be completely relocated from their usual dwelling premises and others who incur mere loss as a result of the

road passage. Amid PAPs, only 37% are headed by women against 63% who are headed by men.

In regards to land ownership and exploitation for PAPs, 39% will lose the land they own, 13% alone will lose borrowed land for agriculture usage while 49% will lose land that they use and borrow.

Chapter 4. SUMMARY OF PUBLIC CONSULTATIONS ENGAGEMENT AND OPINIONS EXPRESSED

4.1 Introduction

Consultation meetings at the District level were held at the District offices of each of the Districts under the study. The Districts and the respective dates of the meetings are Bugesera, Ngoma on 09th August, 2016 at the respective District offices. After the two Districts, a consultation meeting was held in Nyanza at the sector office of Muyira on 11th August, 2016. These are the three Districts through which the construction of the Ngoma-Bugesera-Nyanza road will pass and in each district, two consultation meetings have been organized. These include one meeting with local leaders prior to the consultation and one meeting engaging community members likely to be affected, local leaders and opinion leaders have been organized.

Different people from governmental units, local leaders attended these meetings as it appears on the attendance lists in the annexes. The overall intention of these consultation meetings was to prepare the Environmental and Social Impact Assessment (ESIA) of the project and Resettlement Action Plan (RAP) along the road and to collect stakeholders concerns and views about the project. The meetings equally were conducted in a bid to collect information and suggestions at the District level. More sensibly, the meetings granted an opportunity to the local population to have a word on the implementation of the project of construction of Ngoma-Bugesera-Nyanza road.

Eco Design & Protection (ED&P) Ltd sub-contracted by RTDA (Rwanda Transport Development Agency), carried out a study to determine the potential positive and negative environmental and social impacts that could arise during Project implementation, but more so to come up with an Environmental and Social Management Plan (ESMP) to enhance the positive impacts; and prevent, reduce and or mitigate the negative impacts. This report is, therefore a compilation of the accounts noted down from every District. The District leaders appreciated the initiative by the government and stakeholders for taking time and come to first talk to local leaders about the project.

Discussions involved stakeholder representatives from the following institutions and communities:

- Eco-Design & Protection Ltd
- RTDA (Rwanda Transport Development Agency)
- WASAC
- Rwanda National Police
- Districts representatives

- Leaders at sector, cell and village levels
- Youth and women committees
- Opinion leaders
- Religious organs
- Community members and farmers expected to be affected by the project

4.2 A Summary of anticipated negative and positive impacts

Participants to the meeting identified a number of environmental and social impacts both positive and negative to be issued by the activities of construction of the road.

As much as stakeholders appreciated the Project, they expressed concern on a number of issues associated with the Project. Some of the issues raised and discussed included the following:

- a. The participants inquired about the starting time of the project since the Project Affected Parties are not allowed to use their land for any long-term project.
- b. They also wanted to know the starting time for the valuation census exercise
- c. The Project affected persons (PAPs) also expressed their concern about the properties, which will be damaged during the road construction works and yet they are not subject to expropriation.
- d. The stakeholders observed that the construction activities would bring about disturbances of noise and destruction of some properties.
- e. Participants raised the concerns of delays in paying the expropriated properties and asked RTDA to make sure all the population will have been paid before project construction works start.
- f. Participants wanted to understand the difference between Resettlement Plan and Expropriation.
- g. The participants suggested that the local materials should be sourced from within the area
- h. The local leaders requested to always be updated on the progress and results of the project.

The ED&P representatives further outlined to the participants the positive and negative impacts, which will arise as a result of implementing the activities of the road project.

4.2.1 The following is a summary of anticipated positive impacts

- a. Creation of employment to the local population;
- b. Increased infrastructure;
- c. Creation of income generating projects
- d. Generally, Ngoma-Bugesera-Nyanza road is needed and will increase the trade in Rwanda and especially in the three Districts.

4.2.2 The following is a summary of anticipated negative impacts

- a. Noise and vibration by construction machinery
- b. Land and crops losses
- c. Cutting of the trees; especially in Bugesera District which is a dry land
- d. Risk of accidents from the project related works and by construction machinery
- e. Damage of people's properties
- f. The road construction works may also lead to increases cases of sexually transmitted due to influx of workmen who are associated with irresponsible behaviors.
- g. Increased soil erosion due to excavation works along the road alignment as well as improper drainage of runoff from the road to lower catchment areas.

This is likely to be of high magnitude in the steep areas.

4.3 Detailed issues rose during consultation meetings at the 3 Districts level

A number of issues were raised from the participants. Considering that the local population warmly welcomed the project, the impacts were perceived to be relatively small. Table 1 in annex presents a summary of main issues/questions that were raised during consultation meetings in the Districts under the study.

In the three Districts concerns raised seemed to be the same. However, there are some differences regarding different concerns about likely projects that would be affected.

RTDA representative recalled that this meeting is to determine the potential positive and negative environmental and social impacts that could arise during Project implementation, but more so to come up with an Environmental and Social Management Plan (ESMP) to enhance the positive impacts; and prevent, reduce and or mitigate the negative impacts. ED&P representatives also urged the leaders, participants to the meeting to understand and take the message to the people they stand in for.

RNP Officer evoked that the project comes to facilitate mainly the public, the Rwandans. Therefore, the rights and interests of the affected persons are of great concern to the government.

Table 1 in the Annex points up a number of issues/questions rose during public consultation meetings in the three Districts.

Along these discussions, the PAPs seem to share a number of Issues/ problems to the project as it is demonstrating in the above table. Seemingly, mitigation procedures appear to be similar in all ways.

4.4 Suggestions

Stakeholder's recommendations to participants:

- It was requested to local leaders to ensure their people fulfill the requirements (including the registration of their land properties in due time) for the compensation process to be effective and efficient and to not provide land properties to the people still building in the way leave of the road.
- Local leaders should be involved at all stages of project as far as the population properties are concerned to the extent that they follow up until they help the population on how to profitably utilize the money they get from compensation.
- Local leaders should report on time any inconvenience that requires RTDA intervention
- Local leaders were requested to help the youth to profitably utilize the electrical energy by starting small businesses.
- Women should get involved in all the economic activities meant to develop the area and the country as a whole.
- Local leaders should help in controlling and preventing the population from doing long-term projects in the identified roadway leave.

Local leaders' recommendations to concerned organs

- They wished that all that will be damaged by access road should be counted, priced and paid for.
- Participants suggested that the government should oblige the contractors of the project to give jobs to the local population.
- There should be given campaigns about roads and sexual awareness.
- It was also suggested that there should be a special case in the East (Ngoma and Bugesera) where when constructing the road, they leave space for the Bikes since this region uses bikes a lot.
- It was suggested that the road would match or blend in with existing Bridges.
- Eg: Rwabusororo Bridge in Nyanza District

4.5 Outcomes of the consultative meetings

The concerns and wishes raised during the consultation meeting were well noted and will be taken them into consideration.

The community members and local leaders embraced the proposed project as it was envisaged that it would bring a lot of positive impacts. Stakeholders, however, urged the project-affected persons not to start new construction projects in anticipation for added compensation as this might lead to their loss if discovered or would increase the budget for compensation whereas such money can be used for other developmental activities.

The participants have however proposed adequate mitigation measures to make sure that impacts resulted from the project are addressed through an adequate Environmental Management Plan and a Monitoring Framework.

The participants insured the ED&P, RTDA, RNP and WASAC team that the road project and its related works will increase their social and economic development by creating new small income generating projects and trade between the three Districts and neighboring countries.

Chapter 5. LEGAL AND REGULATORY FRAMEWORK OF THE RAP

5.1 National legislation and texts

A deliberately synthetic presentation of the legal framework is made in the following paragraphs. We limit ourselves here to mention the various relevant texts in the project activities and RAP.

Land tenure is governed by formal written law (basic and supplementary provisions), but many provisions still obey the rules and practices of customary law. Therefore, if the law takes precedence over formal customs, there is always a certain legal duality that characterizes the property rights of individuals.

The basic texts (in chronological order):

- Law no. 22/99 of 12/11/1999 completing the first book of the Civil Code and establishing the fifth part relating to matrimonial regimes, gifts and inheritance (inheritance law);
- Rwandan Constitution of 4 June 2003;
- National Land Policy (National Land Policy), February 2004
- Organic Law No. 04/2005 of 08/04/2005, which defines the modalities of protection, conservation and promotion of environment in Rwanda;
- Organic Law No. 43/2013 of 16/06/2013 determining the land in Rwanda (Land Law)

The law shall determine the use and management of land in Rwanda and establishes principles for rights on all lands within the national territory (Article 1).

It includes an efficient use of land and the consolidation of landholdings for their operating plan, the sale and lease of land by the State and the Land Registry, all in order to create security of tenure through individual securities and recorded, representing some marketable value, and ultimately, for the purposes of commercial and economically viable land use.

We cite below the most important provisions for the RAP.

The law prohibits the subdivision of land for agriculture and livestock with an area of one hectare or less, while the fragmentation of those less than or equal to 5 hectares requires the permission of the local Land Commission (art. 20, paragraph 3). The State reserves also the right to order the consolidation of parcels of land for better and efficient use in order to make it much more productive (art. 20).

Land registration is required (Article 30) and a condition for obtaining a title. The owner is obliged to pay land tax (art. 68). The land on which no one has exclusive rights to land is

considered vacant land belonging to the state. The owner acquires the right to use his land, including the right to transmit (inheritance, gift, lease, exchange, sale, and mortgage). The owner of the land is considered to be the owner of all buildings, crops and structures located thereon. The final surrender of property rights requires the consent of all members of the family with whom he shares these rights.

Once obtained the official title, the law (Articles 61-65) requires the owner of the land to protect against erosion, maintain soil fertility and operate continuously or, in other words, to use it in line with the master plan, and land use pattern.

- Law No. 31/2015 of 05/06/2015 relating to "expropriation in the public interest" published in the special issue of Official Gazette n° 35 of 31/08/2015, which governs the expropriation in Rwanda; this law has a crucial importance for the Resettlement Action Plan, it appears in full in Appendix 2b, Volume 2 of the RAP.

Additional texts

- Decree of April 2008 laying down detailed rules for land registration.
- Note: "Article 4: The private ownership of land and the long lease are legally established by a Certificate of Registration as recognized or licensed by the state."

It should be noted that the land registration process has been completed in Rwanda, and apart from some issues raising related to family land conflicts, each lot of land is registered under an owner.

Customary law

Custom and local customs governed the land until the adoption of the land laws of the new land law No. 43/2013 of 16/06/2013.

Depending on the analysis of various authors, it appears that the custom is widespread in the management of land conflicts in Rwanda, certainly with significant regional differences. This is particularly the case for disputes over rights of succession and inheritance, including men's rights versus women's rights.

5.2 International Legislation

5.2.1 The policy of the World Bank

The World Bank safeguard policy OP 4.12 aims at ensuring that the implementation of the project has considered all alternatives and ways to avoid or minimize assignments, travel or relocation of people. However, if necessary, the OP is to provide procedures for assistance to displaced persons, to enable them to restore their income and living standards, and ideally to improve them. This OP is normally triggered by:

- Expropriation of land or other assets;
- Access restrictions to physical property (pastures, water, forest products).

- Under this OP and in this context, this RAP aims at:
 - Minimizing the expropriations and actions of involuntary resettlement;
 - Ensuring that those affected are consulted and involved in the process of implementation of the clearing system;
 - Ensuring that the compensations are determined in relation to the impacts suffered;
 - Providing any assistance that after the compensation operation, the PAPs register an improvement in their livelihoods and living standards, or at least, they see them restored to their previous level.

The policy is described in generic terms that must be adapted to each project case. First, the OP 4.12 requires full information and community participation. Special efforts should be made to involve them, ensuring the inclusion of the poor, vulnerable and /or marginalized. Indeed, the disadvantaged segments of the community may not be concerned or not confident enough to participate.

From the point of view of land acquisition and evaluation of income, OP 4.12 emphasizes the importance of a timely compensation and which corresponds to the cost of full replacement of the lost property.

Another important requirement of the OP 4.12 policy is to restore, at least, the living standards of the people affected by the project and preferably to improve them. The basic principle here is, again, to ensure that those who lose their land, their homes, and their socio-economic activities are assisted as fully as possible to restore their livelihoods, to maintain or improve their standards of living.

The OP 4.12 requires the establishment of an evaluation to monitor the progress of the project to ensure effective compliance with the principles set out above.

5.2.2 Similarities and differences between the legislations and OP 4.12

The differences between the national policy and the World Bank OP 4.12, possible gaps and proposals with respect to these deficiencies are summarized below.

Focal points

The points of convergence between national legislations and the backup policy of the World Bank OP 4.12 are:

- Those eligible for compensation,
- The date of eligibility (cut-off date), and
- The type of payment.

Points of difference

A relatively clear discrepancy is found:

- Irregular occupants are not supported by both national laws;
- Procedures for monitoring and evaluation do not exist in national legislation;
- Valuation at full replacement cost of the assets is not provided in the expropriation process of the rural land:
- Economic rehabilitation is not provided;
- The cost of relocation is not supported;
- The PAP relocation is not expected;
- The dispute resolutions are less flexible than in the texts of the World Bank;
- Vulnerable groups are not mentioned;
- People's participation is less taken into account as in comparison to the texts of the OP .4.12 and alternative compensations are not provided.

There is a possibility to have points of agreement or disagreement between national legislations, and OP 4.12 principles. However, where deficiencies in any of the above regulations will appear, relevant principles from either of them will be applied to overcome issues and disputes without violating the law.

For example, taking charge of illegal occupants, if it is not prescribed in the Rwandan law does not mean impossible. As for the settlement of disputes, the key is that in the event of failure, the alternatives proposed in accordance with OP 4.12 do not prohibit pursuing the process through official channels of litigation.

For recovery of lost assets, administrative practices rely on the use of scales of which rates may be lower than that recommended in the OP 4.12. Indeed, the next full replacement cost according to the OP 4.12 means the valuation of assets without due allowance for the depreciation (amortization), calculated on the basis of the most favorable price on the local market for the expropriated, taking into account the loss income due to the waiting time until recovery of the initial capital.

For vulnerable groups, they are not taken into account by the two legislations. The laws of Rwanda should address these new issues. Generally, women, youth and possibly indigenous peoples are, in the context of any resettlement operation, the target groups that should not be ignored.

Finally, the national law does, not prohibit the participatory aspect highlighted in the resettlement process of the World Bank. In general, even if the law of the World Bank is more complete (economic rehabilitation, relocation costs, alternative compensation, monitoring and evaluation), nothing prevents the government to be inspired.

To ensure harmonization therefore, it is necessary at first to apply the Rwandan law on expropriation in all its components, and to take into account the additional requirements of OP 4.12 in the implementation procedures for compensation, the principles relating to the calculation of the rate of compensation, protection of vulnerable groups; monitoring and evaluation. The comparative analysis (Table in appendix) of the national laws applicable to the World Bank policy highlights both similarities as well as differences.

Table 13: Comparison of Rwandan and World Bank Policies on Resettlement and Compensation

Category of PAPs/ Type of Lost Assets	Rwandan Law	World Bank OP4.12	Measures to fill the gap
Land Owners (loss of land)	According to the National Land Policy, all Rwandese enjoy the same rights of access to land, implying no discrimination against women. All land should be registered for security. The title is tradable, but not if it fragments plots below 1 hectare. Compensation for non-transferable property based upon market value. Landowners, under Rwandese Law, received cash compensation based upon market value.	Identification of PAPs is done through census and socio-economic surveys of the affected population, PAPs with title as well as PAPs who do not have a formal title but have customary and traditional right recognized under Rwandan law or who have a recognized claim to the land at time the census begins – are entitled to compensation for land that they lose (besides other assistance) Land-for-land exchange is the preferred option; compensation is to be based on replacement cost	Adopt OP4.12 mode of compensation by preference to land for land resettlement and compensation at replacement cost.

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Land Squatters (i.e. those who have no recognizable legal right of claim to the land that they are occupying)	Rwandan legislations entitle only those who are “landholders” with legal possession of property	Must be compensated for houses and other structures whatever the legal recognition of their occupancy (see below).	Adpopt OP4.12 by compensating at full replacement cost for assets, and livelihood restoration.
	Land tenants, under Rwandese Law, are entitled to compensation based upon the amount of rights they hold upon land under relevant laws. The Organic Land Law (land law No. 43/2013 of 16/06/2013) recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts are being made under the Law (Article 7) to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenou s land rights are being encouraged to register their land	Entitled to compensation for loss of crops, and assistance for relocation, as the case may be, and assistance for restoration of livelihoods (see below)	Apply both OP4.12 (Compensation at replacement cost) and the Rwanda Exproprition law.

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	<p>through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).</p>		
<p>Land Users/ Land Sharecroppers / Tenants (These include family members, and/or tenants or any other persons using the land to grow crops).</p>	<p>Land users, in some cases, have some form of secured tenure extended to them under new laws. In other cases, land users are not entitled to compensation for land, entitled to compensation for crops and any other economic assets. Land users are entitled to compensation for crops and any other economic assets.</p>	<p>No specific provisions to land compensation. Entitled to compensation for crops, entitled to relocation assistance as the case may be and income must be restored to at least pre-project levels (see below).</p>	<p>Will be compensated for their movable properties and activities present on the expropriated land or property</p>
<p>Owners of non-permanent</p>	<p>Owners of “non-permanent” buildings are entitled to cash</p>	<p>Recommends in-kind compensation or cash</p>	<p>Families should be consulted on and offered options to choose from.</p>

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buildings	compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.	compensation at full replacement cost including labor. Recommends resettlement assistance	
Owners of permanent buildings	Owners of “permanent” buildings are entitled to cash compensation based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	
Perennial and annual Crops	Perennial crops are compensated with cash based upon rate calculated as an average net agricultural income.	Replacement value for lost crops. Income restoration assistance (such as land preparation, credit facilities, training etc). Land for land compensation allows people to re-establish annual crops immediately.	
Seasonal crops		Replacement value for lost crops when arrangements cannot be made to harvest.	
Livelihood restoration and development assistance	There are no explicit provisions on livelihood restoration.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better offer support after displacement, for a transition period, based on a reasonable estimate of the time	Adopt OP 4.12 guidelines and principles

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		likely to be needed to restore their livelihood and standards of living (for ex. land preparation, jobs, credits facilities);	
Timing of Compensation payments	Resettlement must take place Only when PAPs have been fully and fairly compensated, and compensation has to be completed within 120 days after the valuation report is submitted and decision taken by the expropriator.	Implement all relevant Resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	Adopt the OP. 4.12 Guidelines and principles
Consultation and disclosure	The Expropriation Law governs the specifics of land acquisition. The law provides for public dissemination on the importance of the project to be established and the need for expropriation. In addition to dissemination, the Expropriation Law requires prior consultative meetings and	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation	Adopt OP. 4.12 guidelines and principles

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	<p>examination of the project proposal involving expropriation, with a view to avoid eventual prejudice on the person or entity subject to expropriation.</p> <p>Normally, a consultative meeting is held within 30 days after receipt of the application for expropriation. Based on these consultations, the relevant Land Commission or Committee (from the Cell level to the National level) takes a decision to approve the project within a period of 15 days.</p>	<p>benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.</p>	
<p>Relocation assistance and resettlement assistance</p>	<p>The person to be expropriated is defined to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be legally entitled to payment of compensation.</p>	<p>Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the</p>	<p>Adopt OP. 4.12 guidelines</p>

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		beginning of project implementation, whichever is higher. Moving allowances will be given to PAPs for facilitation of the moving cost	
Grievance mechanism and dispute resolution	The Expropriation Law Article 23&34 stipulate the process and procedures for contesting the valuation by individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19).	Establish appropriate and accessible grievance mechanisms	Adopt both OP. 4.12 guidelines and Rwanda Expropriation Law
Displacement	The notification period under national legislation requires that property must be handed over 120 days after financial compensation has been paid	Requires that displacement must not occur until all necessary measures for resettlement are in place	Adopt both OP. 4.12 guidelines and Rwanda Expropriation Law

Chapter 6. POTENTIAL IMPACTS OF THE PROJECT AND MEASURES TO MINIMIZE RESETTLEMENT IN THE PROJECT AREA

The key initial task in planning resettlement is to identify Ngoma-Nyanza project's adverse impacts and the populations that will be affected.

6.1 Categories of Impacts

This section provides a detail of categories of impacts and census of PAPs and assets that will lead to economic loss and/or physical displacement and resettlement. The section also provides a conclusion with a summary of the total magnitude of loss identified through the PAP census and the valuation exercise.

The final disclosed RAP will identify all people affected by the project and all adverse impacts on their livelihoods associated with the project's land acquisition.

Projected effects include:

- Loss of dwellings (Residential structures)
- Loss of institutional buildings/public facilities
- Loss of agricultural land, trees, and standing crops
- Impeded or lost access to community resources including forest and woodland
- Loss of business income during transition
- Reduced income resulting from these losses

6.1.1 Loss of Structures (residential structures)

There will be a significant impact of loss of structures that will be caused by the proposed project mainly in the road widening areas, which is likely to have a major impact to the livelihood of the PAPs, if not well compensated.

For the purposes of designing the resettlement program, a distinction is drawn between physically displaced households and economically displaced households in the Project Area, defined as follows:

Physically displaced, or resident households, are those inhabitants occupying a house in Ngoma-Nyanza Road Project widening Area, built on or before the Entitlement Cut-off Date, as the primary or sole residence. These households will have to move from the Project Area (physical displacement), and will almost always have their livelihoods impacted by the Project (economic displacement).

The list of PAPs to be physically displaced identified at the time of production of this report is presented in annexe 3. However, on the road section from Ngoma/Kibungo to Ramiro, there is an ongoing project for periodic maintenance of the road that will include compensation of 51 houses holds to be physically displaced.

Here below in table 14 is the total number of PAPs to be physically displaced in line with the Upgrading Project of Ngoma – Nyanza road.

Table 14: Total number of PAPs to be physically displaced due to Upgrading Project of Ngoma – Nyanza road.

LOT	District	Sector	HHS	Size_HH
Lot 1	Ngoma	Rukumberi	23	145
		Sake	13	82
		Gashanda	14	88
		Rurenge	5	32
		Kazo	3	19
	Kibungo	4	25	
	Bugesera	Gashora	6	38
Sub-total			68	429
Lot 2	Bugesera	Nyarugenge	68	428
		Ruhuha	12	76
		Ngeruka	8	50
		Kamabuye	16	101
		Mayange	4	25
	Nyanza	Kigoma	6	38
		Muyira	37	233
		Busoro	93	586
Sub-total			244	1537
Total			312	1966

For the impact of residential structures, they are mainly of three types that include those used as residents for the owner of the house, those used with tenants and therefore a source of income for the owner and other residential structures that combine both residents for the property owner sharing with tenants. PAPs losing residential structures are entitled to the following compensation:

- Compensation of the residential structures according to the type of structure and replacement value;
- Compensation of land according to the replacement value if the PAPs own the land.

The physical relocation process for PAPs who will lose more than 20% of their land will include the following steps:

- a. A joint account for the legally married couples;
- b. The transferred money to the beneficiaries will be closely monitored by the local authorities (Land Bureau of sectors and districts in collaboration with RTDA/SPIU);
- c. In collaboration with the sector and Districts land bureau, land will be identified for PAHs and given priority to purchase replacement land and the project will facilitate the replacement cost. The replacement in this case the same value of the former land with access to basic service (water, electricity, health centres, etc.) and with same agricultres productivity. Soil test will be made to identity the soil productivity of the land.

The PAHs that will physically displaced will be closely assisted to effectively use their compensation money in terms of acquiring new lands, construction of new houses to avoid creation of landless person that can be result of the project. This monitoring will be carried on by local authorities at cell and sector level and payment will be made in installements for effective use. **6.1.2 Commercial Structures/Economically displaced PAPs**

It has been revealed that the project will have a major impact on structures that are used for commercial purposes that include renting houses or renting part of the houses for other type of business such as shops. There are also two main categories of business in the area i.e. those that are registered and therefore have records with their business and those that have no records of which most are petty business. Besides, PAPs that are likely to lose structures in which both barn and swine activities are run will also have to be taken into consideration.

Therefore, **economically displaced** households are those whose livelihoods are impacted by Ngoma-Nyanza Road Project. This can include both resident households, and people living outside the Project Area but having non-residential but commercial structures, businesses or various usage rights there.

Therefore, entitlements for PAPs losing commercial structures under this RAP will be categorized as follows:

Compensation-Entitlement for Commercial Structures/Economically displaced PAPs

PAPs loosing commercial structures will be compensated the following:

- Compensation of the commercial structures according to the type of structure at replacement value;
- Compensation of land at replacement value where the commercial structure Compensation of loss of business during relocaton. For the tenants because there will be an active market, they will be given 120 days notice before relocation as per Rwanda Expropriation Law 32/2015. For landlords, they will be provided 6 months worth of rental loss.

6.1.3 Other structures (annex, kitchen, veranda, fences, toilets etc.)

Demolition of outer structures and services such as fences, stores, toilets and kitchens will result in loss of PAPs basic services that individuals, family or enterprises depend upon for sanitation, security and general well-being, however, this will not necessitate physical relocation of PAPs or loss of business. Annexed structures in this RAP are counted separately from the main buildings.

Table 15: Other structures

Lot	District	Sector	Cell	Description	Number
Lot 1	Ngoma	Gashanda	Batsindo	House	1
			Cyerwa	House	17
				Kitchen	3
				Barn	2
				Toilet	3
				House	5
			Giseri	Kitchen	2
				toilet	1
				annex	2
			Mutsindo	shop	4
				Kitchen	2
				Barn	1
				House	11
				toilet	2
				fence	9
		Kazo	Karama	House	1
				toilet	1
				annex	1
		Kibungo	Karengé	barza	1
				fence	5
				Kitchen	4
				hangar	1
				garden	1
House	3				
annex	5				
Gituza		Kitchen	4		
		House	9		
		swine	1		
		annex	1		

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Lot	District	Sector	Cell	Description	Number
		Rukumbeli	Rubago	fence	1
				Kitchen	1
				Barn	1
				House	3
				toilet	1
			Rubona	annex	2
				fence	1
				Kitchen	3
				Barn	3
				House	7
		toilet		2	
		Rurenge	Musha	House	2
				fence	1
		Sake	Gafunzo	barza	2
				shop	1
				fence	2
				Kitchen	1
				House	8
				toilet	1
			Kibonde	annex	1
				Kitchen	2
				Barn	1
				House	3
				toilet	2
			Rukoma	shop	1
				fence	1
				Kitchen	1
				House	9
				toilet	1
			Bugesera	Biryogo	annex
Kitchen	3				
Barn	2				
House	12				
toilet	2				
Gashora	House	1			

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Lot	District	Sector	Cell	Description	Number							
Lot 2			Kagomasi	toilet	1							
				Kitchen	1							
				annex	1							
			Ramiro	House	4							
				shop	1							
		Total for Lot 1					201					
		Kamabuye	Kampeka			annex	3					
						barza	2					
						shop	1					
						fence	1					
						Kitchen	6					
						House	21					
						toilet	5					
						Ngeruka	Murama			House	4	
						Nyarugenge	Gihinga			annex	2	
										bungalow	2	
										Kitchen	5	
										House	36	
										swine	1	
										toilet	3	
							Kabuye				barza	3
											bungalow	6
											fence	1
											Kitchen	2
											Barn	2
											House	15
		toilet	4									
		Ngenda					annex	2				
							barza	4				
						shop	1					
						bungalow	9					
Kitchen	3											
House	32											
toilet	3											

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Lot	District	Sector	Cell	Description	Number		
			Rugando	House	2		
				barza	1		
		Ruhuha	Kindama	House	1		
				barza	1		
			Ruhuha	fence	1		
				Kitchen	1		
				septic pit	1		
				House	1		
				toilet	1		
				Nyanza	Busoro	Masangano	annex
	barza	4					
	bungalow	3					
	fence	1					
	Kitchen	2					
	Barn	3					
	House	23					
	toilet	3					
	Rukingiro	Munyinya	annex				1
			barza				1
			Kitchen		1		
			House		2		
			toilet		1		
			barza		2		
			Kitchen		3		
			Barn		1		
	Kigoma	Butara	barza		2		
			annex		2		
			Kitchen		1		
			Barn		1		
			House	10			
bungalow			1				
annex			2				
fence			1				

Lot	District	Sector	Cell	Description	Number	
			Gasoro	Kitchen	1	
				Barn	2	
				House	2	
			Mutende	House	1	
				annex	1	
			Muyira	Gati	annex	2
					barza	1
					fence	1
					House	10
				Nyamiyaga	annex	3
					barza	1
					Kitchen	4
		Barn			2	
		House			6	
		toilet			4	
		Nyundo		annex	7	
				barza	3	
				shop	1	
				bungalow	4	
					fence	2
					Kitchen	7
					Barn	3
					House	31
			toilet	2		
Total for Lot 2					379	
Total for the project					580	

Compensation-Entitlement for Annex Structures

For this RAP Annexed structures will be entitled to the following compensation:

- Compensation of the annex structures according to the type of structure and replacement value;
- Compensation of land where the annex structure is according to the replacement value if the PAPs own the land.

6.1.3 Loss of Social and Public Structures

The public/community properties include structures and land that are publicly owned, used or controlled, example by a government authority, such as a school, health center or sports field; and those that are actually private, but serving a community purpose, such as a place of worship, a private clinic or a private school. The proposed project community structure used for various activities, though the demolition of community entities will not lead to any relocation of individuals but is likely to disrupt community services and social networks. Public facilities located in the Ngoma-Nyanza Road widening areas include. These public facilities will be physically displaced by the Project and include schools, churches, hospitals and market as the table below presents.

Table 16 Social and Public Structures to be partially demolished

S#	Type and Name of the social infrastructure	Location (district, sector and cell)	Part of the social structure affected
A. Schools			
1.	EAV Mayaga	Nyanza, Muyira, Nyundo	A fence and 3 class rooms to be affected
2.	APADEM	Nyanza, Busoro, Masangano	2 Security houses and a fence (made in cypress) affected
3.	GS Kamabuye	Bugesera, Kamabuye, Kampeka	Only toilet and a fence(made in bushy hedges) affected
4.	GS Gashanda	Ngoma, Gashanda, Giseri	Only a fence made in bushy hedges (imiyenzi) affected
B. Churches			
1.	Chapelle de Mutsindo-ADEPR	Ngoma, Gasanda, Mutsindo	Whole structure
2.	Paroisse Ruhuha	Bugesera, Ruhuha, Gatanga	Only a fence in lattice affected
C. Health care Centers/Hospitals			
1.	Centre de Santé Nyamiyaga	Nyanza,Muyira,Nyundo	One building will be affected.
2.	Kibungo Hospital	Ngoma,Kibungo,Karenge	Only the Kitchen affected
3.	Centre de Santé de Ruhuha	Bugesera, Ruhuha,	A fence of cypress and 2 gates affected
4.	Centre de Santé Kibungo	Ngoma, Kibungo	A fence in lattice affected
D Market			

1.	Sake Market	Ngoma, Sake	Part of the market
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Source: RTDA, Ecodesign, July 2016

Compensation-Entitlement for Social and Public Structures

The compensation for public and private community properties will be provided according to preference of owner. For this project the PAPs representatives may opt for in-kind compensation to enable the project proponent constructs another structure or the owners opt for cash compensation to enable them decide on how they would want to relocate the structures. This RAP ensured the property has been evaluated and shall be compensated. The relevant local authorities will identify a preferred location for relocating the affected community asset.

For in-kind compensation the proponent will have to replace a better structure or equivalent to the one affected while for those opting for cash compensation the properties will be entitled for the following compensation.

- Compensation of public structure according to the type of structure and replacement value;
- Compensation of land where the public structure is according to the replacement value if the PAPs own the land
-

Measures will be applied to avoid interruption provision of social services. This will include the following:

- Construction of sections around schools will not be undertaken during chhol holydays;
- Compensation before civil works start to ensure relocation before demolition of churches to be fully affected,
- In case of fully demolition of health centres and hospitals, other hospital and/or centre centres Compensation before civil works start to ensure relocation before demolition
- In case of market to be affected, traders will be relocated to other part of the market not affected and mitigation measures proposed in the ESIA will be applied.

6.2 Loss of Land

Table 17: Distribution of PAPs by type of land tenancy

<i>District</i>	<i>Owner land</i>	<i>Borrower land</i>	<i>Own/Borrow land</i>	<i>Totals</i>
<i>Nyanza</i>	211	167	34	412
<i>Bugesera</i>	178	119	23	320
<i>Ngoma</i>	65	53	49	167
<i>Total</i>	454	339	106	898
<i>Percentage</i>	50.5	37.8	11.7	

The proposed project will result in loss of land mainly for urban settlement and commercial purpose. All the plots to be affected are owned by individual and have been developed except for one plot that is owned by the Local Government. All PAPs that will lose land will receive the compensation according to the replacement value.

6.3 Clearing of perennial Crops and Trees (Individual PAP)

Perennial crops include those that take more than a year to reach full maturity and can be harvested over a long period of time. These include banana, coffee trees and fruit trees. PAPs with standing crops that include trees on their plots within the defined project area are entitled to compensation. Each tree is counted and compensated according to its replacement value and age of maturity; for instance, a mango tree that is fully matured and producing is compensated 100% of the compensation rate of the tree. PAPs losing permanent crops are entitled to the following compensation:

- Compensation of value of each crop/tree according to the replacement value and level of maturity;
- Compensation of the land where crops are grown according to the replacement value if the land is under the ownership of the PAPs;

6.4 Impact on Seasonal Crops

Seasonal crops are mainly those that take less than six months to reach total maturity that allows them to be fully harvested and the land cleared, they include maize, cassava, beans, vegetables, sweet potatoes, manioc etc. Considering that the project is being implemented in rural and urban areas, and the size of plots within the project affected area, there are PAPs who are likely to grow seasonal crops.

PAPs with seasonal crops will not be compensated for the loss these assets, however, in order to prevent any financial impact or loss of harvest that mainly includes food crops, notice must be provided to all PAPs with seasonal crops within the Right-of-Way to alert on when to stop cultivating once they have been compensated for loss of land. If they have already cultivated they must be allowed to harvest their crops prior to start of construction.

PAPs losing seasonal crops are entitled to the following compensation:

- Compensation of land where the seasonal crops are grown according to the replacement value if PAP owns the land;

6.5 Impact on Vulnerable Groups

The socio-economic survey and subsequent analysis indicates that there are PAPs who are particularly vulnerable and are at greater risk of further impoverishment because of the

implementation of the project. Old age, widowhood and divorce hood is considered as a vulnerable for this project. Table 5 of this RAP provides that 167 PAPs are particularly vulnerable too young/very old agehood and to widow/divorcehood. The identified vulnerable household heads will therefore get special treatment during the resettlement process.

6.6 Measures to minimize resettlement impact

During Project development, consideration has been given to minimizing the scope of physical and economic displacement associated with the Ngoma-Nyanza Road Project through:

- Design of Project Infrastructure
- Approaches to Land Access & Management

In terms of design of project infrastructure, careful attention has been given to minimize the physical displacement of existing infrastructures.

Chapter 7. ELIGIBILITY CRITERIA AND CUT-OFF DATE

This chapter addresses two critical issues in terms of people affected by the project: the "eligibility criteria" for determining the persons and property that will be eligible for various compensatory measures, the date of eligibility or "deadline", which should discourage inflows and establishment of ineligible persons in the project expropriation.

7.1 Eligibility criteria

According to the WB OP 4.12, eligible for resettlement are the people affected by the project (PAP). It defines the people affected by the project (PAP) as follows:

Any person adversely affected by the project. These are people who, because of the Project lose rights of ownership, use or other rights of a building or other real or personal property, in whole or in part, permanently or temporarily.

Eligible persons belonging to one of the following three categories:

- Holders of a formal right to land (including customary and traditional rights recognized by the legislation of the country);
- Those who do not have formal legal rights to land at the time the census begins but have property or other securities - provided that such securities are recognized by the laws of the country or may be under a process identified in the resettlement plan;
- Those that have no formal right or title to be recognized on the land they occupy.

Persons under the first two categories are compensated for the land they lose and everything they have on it, and benefit from any other assistance under the World Bank OS 2 to enable them to recover and improve their previous livelihoods.

Persons within the latter category receive resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, in order to achieve the objectives of the policy, provided that they have occupied the land in the project area before the deadline.

Persons in these areas after that date are not entitled to any compensation or other form of resettlement assistance.

All persons within the three categories receive compensation for the loss of items or assets other than land. Thus, the Bank policy applies to all those affected, regardless of their status, whether they have formal titles, legal or customary rights, provided they occupied the premises before the deadline for eligibility established by the authorities, representatives of PAPs and the project by mutual agreement.

7.2 Categories of eligible PAPs

7.2.1 Application of Criteria

Considering the occupation status of the land to be affected and identified at the date of eligibility should be taken into account the following two categories of PAPs that ought to be eligible for compensation: the owners and tenants. It is worth noting that these two categories have been considered in the census of the Consultant.

The owners of the land

They constitute 97% of the PAPs. They all have both customary and formal rights to the land to be requisitioned. The Rwandan law recognizes customary land rights in addition to formal land rights. Law n° 43/2013 of 16/06/2013 governing land in Rwanda

Tenants of land

Tenants will be integrated into the categories of PAP eligible for compensation. The tenants do not hold any rights to the land or the trees that are there and there may not grow perennial crops.

Case of buildings

The same categories of PAPs - owners and tenants - will apply for lost buildings for residential use or business activity. Most of these PAPs are located in commercial centres along the Nyanza-Bugesera-Ngoma road.

7.2.2 Other concerns on the eligibility

Nationality

All the PAPs identified have the Rwandan nationality. They are all therefore eligible for compensation for their requisitioned assets, land, buildings and crops.

Owner absent, unknown

No case of absent or unknown landowner was recorded.

Individuals, households/family land

Almost all PAHs identified are households with spouses (monogamous or polygamous) and children; the head of the household is a man or a woman. Some 20 single individuals (not married) were identified.

In a few cases, land was reported to be a common property of siblings whose parents deceased before land was formally subdivided and redistributed to them as inheritance. The census registered this land under the name of the family representative. But, it will be necessary that all family members be informed on the compensation process for sharing arrangements.

7.3 Eligible assets and activities

7.3.1 Background on the legal framework

The Expropriation Act (2015) specifies properties, which may be expropriated for public purposes and for which there should be a fair compensation for expropriation: that is, Art. 21 - "the land; work that has been done in the land such as the various crops, forests, buildings of any kind or any other activities for a better management of the land or its rational exploitation." The eligibility of international resettlement policies (WB OP4.12) criteria is more inclusive than the national legislation: indeed, they include in addition to the real estate, commercial activities, crafts, services and various other things conducted by the PAPs on the land or in buildings affected by the project. It is therefore to compensate for the loss of income resulting from the cessation of activity, time for the expropriated individuals to restore their initial livelihoods enabling them to carry on their activities again.

7.3.2 Assets and eligible activities

In summary, the PAPs assets and activities that will be affected by the project and eligible for compensation in this Action Plan and Resettlement are:

Assets:

Land

- The structures that are constructed: residential (home) or non-residential (buildings, kitchens, latrines, fences, and a hut).
- Food crops: perennial and seasonal
- The trees planted or not
- Other wood resources planted and cultivated or uncultivated

Activities

- Income from commercial activities, etc conducted by the PAPs on the ground or in the affected structure.

7.3.3 Matrix of assets and eligible PAPs and their compensation package per category

Are presented in the Table 18; the matrix of asset eligibility and set for different PAPs categories identified during the census process.

The vast majority of PAPs fall into the second category (loss of undeveloped land, cultivated and planted) with some variations (not all lose all active at the same time). The land tenants and lassoers emerge from categories 3 and 6.

These three categories gather almost all of the numbers of people affected by the project (in bold black on the table).

Table 18: PAPs eligibility criteria and compensation package

Category of PAP	Eligibility Criteria	Compensation Package
<p>A: Permanent residents, also customary holders of structure</p>	<p>Be recognized by local authorities as permanent resident in the Project-Affected Area and as a customary tenant or sharecropper of agricultural land located in the Project-Affected Area before the cut-off date</p>	<ul style="list-style-type: none"> -Resettlement house of similar or better quality on a resettlement plot (best practice) AND or cash compensation of the lost house at full replacement value -Replacement of lost land by agricultural land of similar potential under similar tenure arrangements near the resettlement site – No cash compensation of land if the household does not choose resettlement -Cash compensation of all immovable developments such as structures, soil improvement, etc... -Cash compensation of standing perennial crops at replacement value and of non-perennial crops at replacement value -Moving allowance if the household vacates the Project Affected Area at a given date - Livelihood restoration package
<p>B: Permanent residents and tenants of agricultural land</p>	<p>Be recognized by local authorities as a no permanent resident in the Project-Affected Area and as a customary tenant or sharecropper of agricultural land located in the Project-Affected Area before the cut-off date</p>	<ul style="list-style-type: none"> - Cash compensation of the lost non-permanent house at full replacement value - Replacement of lost land by agricultural land of similar potential under similar customary tenure arrangements anywhere in the Area - Cash compensation of all immovable developments on the affected agricultural land, such as structures, soil improvement, etc... - Cash compensation of standing perennial crops at replacement value and of non perennial crops at replacement value - Moving allowance if the household vacates the Project-Affected Area at a given date - Livelihood restoration package

<p>C. Loss of business/ Economic displacement</p>	<p>Be recognized by local authorities as a no permanent resident in the Project-Affected Area and as a customary tenant or sharecropper of agricultural land located in the Project-Affected Area before the cut-off date</p>	<ul style="list-style-type: none"> - Cash compensation for loss of business during relocation. - For the tenants because there will be an active market, they will be given 120 days notice before relocation as per the Rwanda Expropriation Law 32/2015. - For landlords, they will be provided cash compensation for 6 months worth of rental loss.
<p>D. Squatters¹</p>	<p>Be recognized by local authorities as a no permanent resident in the Project-Affected Area and as a customary tenant or sharecropper of agricultural land located in the Project-Affected Area before the cut-off date</p>	<ul style="list-style-type: none"> - Full replacement value of their structures, - Disturbance allowance of 5% of their lost properties, - Consideration for employment during project implementation. - In collaboration with districts, provision of agriculture inputs and health insurance to vulnerable PAPs, - In collaboration with districts, capacity building of severely affected PAPs and vulnerable PAPs to maintain and/or improve their income generation potential.

7.4 Eligibility deadline

7.4.1 Introduction: the need for a deadline

The main purpose of the official declaration of a date of eligibility termination is to determine the expropriated persons who have a legitimate right in the framework of a project to compensation and indemnity, thus, to prevent people from the outside areas motivated by speculative aims to come and settle there in order to claim the benefits of the project resettlement strategy.

This step is strictly regulated in national legislation. The goal of legislators is to ensure the rights of the expropriated especially requiring the expropriating to meet a tight calendar between the

¹ The squatters have been included as a precautionary measure because no squatters have been identified for this project.

expropriation notification, the census, the deadline and the payment of compensation to the expropriated.

Experience from other RAP also highlights the risk entailed in setting a deadline very early in the process of expropriation while the project is not yet defined in all its components. Once the census completed, the cases in which the PAPs remain in the greater uncertainty about the exact start date of the project work and the final terms of their compensation are unfortunately common. This strongly undermines the PAPs.

7.4.2 Date of completion of the Consultant census

The census was conducted in June 2016- and ended in August 2016.

Then during meetings with various PAPs, it was explained the reasons for setting a date to mark the completion of this phase of development of the RAP process. It was also mentioned that the official deadline is set by the authorities once all consultations and agreements between PAPs are completed enabling people who wanted to voice their grievances first (estimated unrecorded property, the status of ownership disputes between two people, etc.) Or their past claims, wishes and demands (listed in the official claims notebook).

7.4.3 Risk of later settlements

The risk of later establishments fuelled by speculative settlements ends is considered very low for the area. People have been warned against building a new house in the area, and the local authorities are very watchful of this. It was clearly stated to farmers identified they could continue to cultivate freely, especially seasonal crops.

7.4.4 Deciding the official deadline

Legal framework

The Rwandan legislation (2015) defines the steps and the following schedule:

1. A phase of the Declaration of Public Utility Project justifying the legality of the expropriation: it includes a survey of public utility (which is based on extensive information and consultation of residents and local authorities in the project area) and the File utility project compilation. This first phase ends with a decision of the authorities as to the utility of the project (Art. 12 Rwanda, Act 2015).
2. A survey stage, i.e. the identification of properties to be expropriated. This phase usually starts during the previous year and the date of the starting point is the legal deadline for compensation eligibility. Once the census is complete, each expropriated is informed of the amount of their compensation.

3. After the publication of the final decision on expropriation for public utility, the competent authority shall draw up an exhaustive list of owners or land rightful owners and work assigned to the fund (Art. 13, Law 2015).
4. Between this decision and the payment of compensation then extends a period not exceeding four months or 120 days (Art. 17 and 24, Rwanda, Law 2015). During this period comes the phase of administrative appeal and if it does not meet the expropriated satisfaction, then comes the judicial phase.
5. In all cases, regardless of the proceedings, it is given 90 (ninety) days (3 months) to the expropriated once the compensation has been paid to leave - "time for relocation." Art.24, Act 2015.

Duration of the process

According to the legal framework, it should not take more than seven months between the decision of public utility and the relocation of the expropriated marking the end of the expropriation process. This period must also include the additional inventory, notification of the amount of compensation and the payment thereof.

The WB Resettlement Policy in turn, the physical movement of PAPs and therefore the start of the project work can only occur when the compensation has been paid, and as for the monetary compensation this complies with the national legislative requirements. Finally, note that before any physical movement of PAPs and/or requisition of land, the project proponent shall have, if necessary:

- Acquired the land for compensation in kind (land against land) and the resettlement of PAPs;
- Completed arrangements for future resettlement sites

Implementation

This deadline will be determined after consultation between the unit responsible for the implementation of the Resettlement Action Plan and the authorities at the time of launching the expropriation process.

The RAP Consultant recommends that authorities set the deadline for agreement and key dates of the expropriation process.

7.4.5 Necessary Updating of the census

It was previously mentioned that the legislature observed that it is essential for the period between the operation of the census and the payment of compensation to be as short as possible so that the planned measures match accurately the lost assets and that the compensation be fair and equitable.

That is why it is recommended that the time between the identification and implementation of RAP is important- i.e. more than 18 months – should be integrated in the RAP planning:

- A budgetary provision to meet the natural growth of the affected population and its effects in terms of needs for arable land and housing;
- An update of the census.

Once the project company set up, updating the census will be organized as soon as the deadline final date has been set by mutual agreement between the authorities and the PAPs. It is also essential to make the updating of the census. The updating of the census will, among others, calculate the losses of the business activity for incurred losses in commercial centers Nyanza-Ngoma districts and losses of rent income for some PAPs.

Chapter 8. INSTITUTIONAL FRAMEWORK AND ORGANIZATIONAL RESPONSIBILITY IN PROJECT IMPLEMENTATION

8.1 Role of the Contractor

The contractor should be undertaking the major role of respecting the terms of the RAP as well as those of ESMP are followed to the detail. In actual period of upgrading of the road, the contractor should be undertaking regular monitoring of all the activities occurring in the project site to ensure compliance to the RAP by respecting the boundaries of plots to be expropriated and to ensure safety of the remaining properties in the course of the road upgrading. The contractor will bear all the costs related to monitoring activities or damaged properties during the construction or upgrading phase of the road.

8.2 RTDA/MININFRA

Monitoring will be the responsibility of the Rwanda Transport Development Authority. The choice of sampling sites, institutions and sample analysis conditions and use of their results, the frequency of analysis, the definition of standards and thresholds that will trigger the requirements for the implementation of the corrective actions are its responsibility. For example, the Resettlement Actions Plan for the 130 km road Nyanza-Ngoma unpaved road could include the monitoring the PAPs; the valuation of their properties, the compensation/expropriation and their relocation will be closely monitored by RTDA.

8.3 Role of Rwanda Environment Management Authority (REMA)

As the lead agency responsible for the protection of environment in Rwanda, REMA will play the leading role of monitoring the activities of the project according to the Organic Law establishing REMA and its functions. In terms of the RAP, REMA will invigilate whether environmental principles are catered for along the PAPs relocation and resettlement.

8.4 Local Government authorities

8.4.1 District leadership

The District authorities in the project area are the coordinating body for any resettlement activities at the district level. It oversees, coordinate and facilitate the implementation process of resettlement activities across local governments under its jurisdiction. The District-level departments (infrastructure, water and energy officers in case of this RAP) in collaboration with grassroots administrative officials (Sectors and Cells' executive secretaries) provide a review and monitoring role, and provide political and administrative support for the implementation of the Resettlement Action Plan.

8.4.2 District Land Bureaus

The District Land Bureaus (DLBs) is the executive body responsible for ensuring activities undertaken complies with the National and District Level Land Use Master Plans. They assess the

validity of land tenure rights of affected persons and eventually provide the land use permit for the new activity proposed.

In addition, they are responsible for ensuring effective grievance mechanisms are in place. They are also used in the design of the RAP as much as possible in order to reduce disputes or grievances. The District Land Bureaus will play a major role in RAP implementation by establishing the sub-project level Resettlement and Compensation Committees at Sector/ Cell level; by clarifying the policies and operational guidelines of these Resettlement and Compensation Committees; and coordinating and supervising RAP implementation by Resettlement and Compensation Committees.

8.4.3 Land Adjudication Committees

The Land Adjudication Committee will be responsible of the coordination of individual land registration and ensure that compensation payments are included in the requests for funds, and that they are allocated accordingly.

8.4.4 Village Level Land Committees

At the village/Umudugudu level, there are in place village-level mediators (abunzi) whose work is to hear disputes, especially social-based including land disputes. The abunzi, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than three million FRW, which means over most land disputes. The Abunzi also have mandatory jurisdiction over succession and boundary disputes involving less than three million FRW. The abunzi will be useful in this project as the first stop for resolving disputes and grievances following land acquisition. They will be involved in the compensation process from the beginning to the end.

8.5 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	Cash compensation for demolished structure and or replacement with new structure at new site	Land replacement at new site, plus land clearing by project. Compensation in cash will be considered if the lost land is	Options for integration in existing similar livelihood options elsewhere in the Sector, and retooling where appropriate into new livelihood options	Moving allowance calculate as part of the 5% disturbance allowance provided for in the Rwanda Expropriation Law	None

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			below 20% of total land			
	Temporal loss of land	Not applicable	Not applicable	Land use by project for more than a period of three months, even if not lost, will be compensated	If moving of the PAP is involved, disturbance allowance is issued	PAPs to provided information on temporally alternatives
<i>Property lease holders/Tenant</i>	Loss of structure /houses	Compensation at full replacement value not depreciates, taking into account market values for structures and materials.	Not applicable	For lost rental income Lump sum cash payment of 6 months' rent per tenant	Coverage of full cost for total transport expenses	Disturbance Allowance
	Loss of crops	Not applicable	Not applicable	Crops at market cost in scarce season (the value of crops is considered at harvesting period)	Not applicable	Not applicable
<i>Business owners</i>	Loss of business	Compensation at full replacement value not depreciates, taking into account market values for structures and materials.	Land replacement at new site, plus land clearing by project. Compensation in cash will be considered if the lost land is below 20% of total land	- Cash compensation for loss of business during relocation. - For the tenants because there will be an active market, they will be given 120 days notice before relocation as per the	Not applicable	Not applicable

				Rwanda Expropriation Law 32/2015. - For landlords, they will be provided cash compensation for 6 months worth of rental loss.		
<i>Squatters (living on site)²</i>	Loss of shelter	Compensation at full replacement of structures and right to salvage materials, relocation to resettlement site, with payment of site rent	Not applicable	Payment in lieu of wages while rebuilding	Coverage of full cost for total transport expenses	<ul style="list-style-type: none"> • Employing of PAPs under roads work, • Disturbance allowance of 5% of the total value of the affected asset. • In collaboration with districts, provision of agriculture inputs and health insurance to vulnerable PAPs, • In collaboration with

² These compensation package for squatters have been included as a precautionary measure because no squatters have been identified for this project.

Resettlement Action Plan (RAP)/ Upgrading project of Ngoma-Nyanza Road

						districts, capacity building of severely affected PAPs and vulnerable PAPs to maintain and/or improve their income generation potential.
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Chapter 9. GRIEVANCE MANAGEMENT AND REDRESS MECHANISMS

9.1 Introduction

Dissatisfactions may arise through the process of compensation for a variety of reasons, including disagreement on the compensation value during valuation for assets, controversial issue on property ownership etc. To address the problem of PAPs during implementation of compensation, a Grievance Redress Committee will be established in project-affected areas. The composition of the grievances handling committees is proposed as indicated in section.

Further to this the Expropriation law will be used as the supreme guide in matters that relate to grievance handling if they cannot be handled at the committee level. Article 26 of the Expropriation Law N° 32/2015 of 11/06/2015 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19). The first step of redress is to inform those to be expropriated of their rights during the expropriation process. Articles 17-20 of the Expropriation Law obliges the representative government authority (that which is implementing the project requiring expropriation) to inform affected people of their rights at each stage of the process.

According to article 26, all the grievances concerning non-compliance with the provisions of the contract, the value or timing of compensation or seizure of land assets without compensation shall be addressed to the Land Commission at the level at which the issue is based. The aggrieved party is provided with a legal expert in the matters of Land Law or any other survey expert with value verification skills, who will proceed to recalculate the value of compensation due.

In the event that the new value is rejected by the Land Commission hearing the complaint, the aggrieved party may appeal to the immediate higher Land Commission within 15 working days which must then deliver its verdict within 30 days. If the aggrieved party is still dissatisfied with the decision, their final resort shall be to file the case to the competent Court of Law. According to article 26, filing a case in courts of law does not stop expropriation process to be effected.

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

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

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

9.2 Common likely types of grievances and disputes in resettlement process

In practice, grievances and disputes that are most likely during the implementation of a resettlement program are the following:

- Misidentification of assets or mistakes in valuing them
- Disputes over plot limits, either between the affected person and the Project, or between two neighbors;
- Dispute over the ownership of a given asset (two individuals claim to be the owner of this asset); e.g. due Recent change of asset ownership
- Disagreement over the valuation of a plot or other asset;
- Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset;
- Disagreement over resettlement measures, for instance on the location of the resettlement site, on the type or standing of the proposed housing, or over the characteristics of the resettlement plot; and
- Disputed ownership of a business (for instance where the owner and the operator are different persons), which gives rise to conflicts over the compensation sharing arrangements.

9.3 Management Mechanism

9.3.1 Overview

The experience has shown that many grievances derive from misunderstandings of the Project policy, or result from neighbor conflicts, which can usually be solved through adequate mediation

using customary rules. Most grievances can be settled with additional explanation efforts and some mediation using customary disputes settlement mechanisms:

- Through explanations (for instance explain in detail how the Project calculated the complainant's compensation and that the same rules apply to all); or
- Through arbitration, resorting to elders or individuals well-regarded by the community and external to it.

In contrast, resorting to the judicial system often results in long delays before a case is processed, may result in significant expenses to the complainant, and requires a complex mechanism, involving experts and lawyers, which can fall well beyond the complainant's control, and be counterproductive to him/her. Also, courts may declare themselves not competent for matters related to informally owned property. Therefore, the Project will put in place an extra-judicial mechanism (as indicated in 8.3.2) for managing grievances and disputes arising from the resettlement process based on explanation and mediation by third parties. Each of the affected persons will be able to trigger this mechanism, while still being able to resort to the judicial system. Procedures relevant to this amicable mechanism are detailed below. It will include three different levels.

- Registration of the complaint, grievance or dispute case by RTDA in collaboration with local authorities (Sector level);
- Processing of the grievance or dispute until closure is established based on evidence that acceptable action was taken by RTDA; and
- In the event where the complainant is not satisfied with action taken by RTDA as a result of the complaint, an amicable mediation can be triggered involving a mediation committee independent from the Project.

9.3.2 Friendly Resolution Mechanism

Complaints that cannot be closed to the complainant's satisfaction will be handed over to a mediation committee that will include the following individuals:

- One representative of the local Administration;
- One RTDA representative acting as an observer;
- Three representatives of the affected people, including at least one woman, chosen from the Resettlement Committees and/or amongst community based organizations, elders, customary authorities,
- One representative of an NGO or of a religious organization present in the project area.
- The main function of the committee would be arbitration and negotiation based on transparent and fair hearing of the cases of the parties in dispute between PAPs and the implementing agencies for local government. The committee gives solution to grievances related to compensation amounts, delays in payment of compensation or provision of different type of resettlement assistance.

The identified PAPs will each be issued with a Letter of Award (see Annex viii) for their acceptance or otherwise before payment is made. In case of any grievance, RTDA will issue a Grievance Form, (see Annex ix) to be filled by the aggrieved persons so as to reach a settlement within a period of three months. Constructions would not commence until public grievances are settled. The mediation committee will meet as needed, depending on registered complaints and disputes.

9.3.3 Processing

After a complaint or dispute has been registered, RTDA will prepare the technical background to the complaint (for instance, the proposed compensation amount, the list of meetings and interviews with the complainant, a description of the exact reason of the dispute, etc.) for consideration by the mediation committee. The complainant(s) will be invited before the mediation committee, which will mediate and attempt to propose a solution acceptable to both parties (RTDA and complainant). If need be, other meetings will be held and the committee may resort to one of its members to arbitrate in a less formal framework than meetings, if appropriate. If reached, the agreement will be sanctioned by a settlement agreement signed by the parties, and the chair of the mediation committee will be responsible for monitoring the implementation of this agreement, which will include all references to the applicable local law provisions.

Grievances resolution are encouraged to be resolved at Cell level, as they are aware of and involved in the whole process. If the grievance is not resolved in this way, local courts (ABUNZI) should be used. If not resolved, then the high court or court of appeal of Rwanda remains an avenue for voicing and resolving these complaints.

9.3.4 RAP arrangement implementation schedule

The RAP implementation will follow chronological steps which include the agencies/committee or institution responsible for each activity. The table beneath presents each of these steps, a brief explanation of each RAP implementation activity, responsible agencies/committees as well as an indicative duration of each activity. The total number of days for the grievance to be solved is 30.

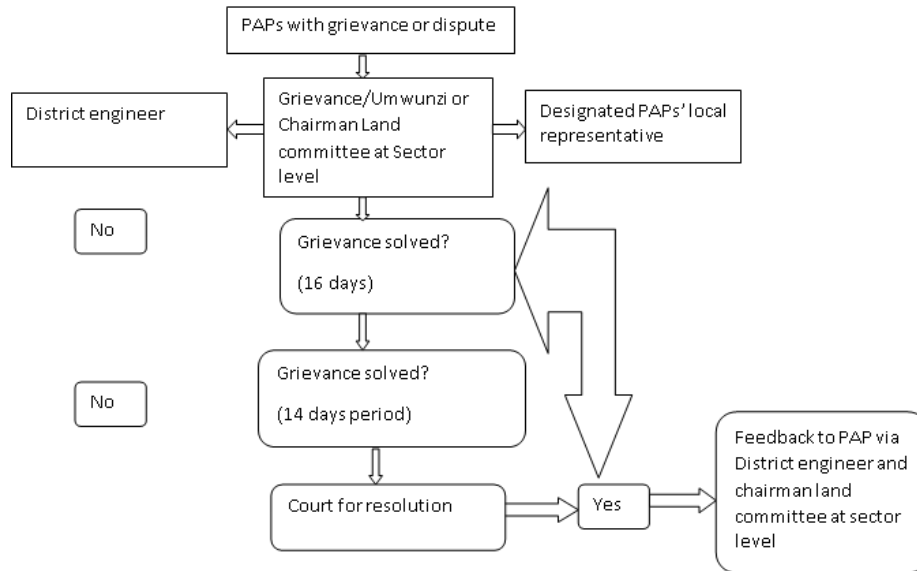


Chart 1: Grievance or dispute resolution Process (Source: Primary data, RTDA, July)

Chapter 10. RESETTLEMENT ACTION PLAN (RAP) COST EVALUATION

10.1 Compensation and Entitlements

Projects that are likely to lead to inconveniences to the society within its location requires adequate economic rehabilitation of the PAPs with due vetting of their entitlements. In this perspective, the key determinant for compensation is on the basis of a pre-project census during which all residents are identified. Replacement costs have been categorized separately from houses, structures, crops and trees. Resettlement will not necessarily require (except by the choice of the PAP) relocation to another village or area. In most cases the PAPs will chose to step back within their land. The totally relocating PAPs can be compensated in three forms be allocated alternative sites if available and/or given materials to replace their structures affected by the project or paid for such replacements in cash. The PAPs were informed of the different options available during the disclosure process and most well indicated that they would prefer cash compensation. Among the PAPs, the most vulnerable PAPs (widows, orphans, handicapped etc.) will receive special assistance in establishing their replacement land and structures.

Compensation and entitlements will be triggered by particular and specific impacts resulting from the project. Using a holistic approach, these general impacts emanating from the project shall include losses at household and community level (public assets, commercial assets, and communal assets). Losses will mainly fall into the beneath categories:

- Loss of land,
- Loss of assets (structures and agricultural land),
- Loss of livelihood
- Loss due to severance

The project proponent has established transparent methods for the valuation of all assets affected by the project as required under the laws of the land. These methods included consultation with the affected individuals together with their representatives, to assess the adequacy and acceptability of the proposed compensation and to ensure the economic rehabilitation of all the affected people.

10.2 Compensation Rates and Packages for PAPs

The relocation or restoration strategies applied by the proponent to ensure income restorations to the affected communities are as discussed below which rather revolves round compensation. The overall objective of the adopted strategies is to ensure no negative change in the livelihood of the affected persons and their respective activity.

The strategies aim at livelihood promotion through various economic incentives to the affected and these are focused on either Land, trees and crops based Compensation or Cash Compensation

as shown in table 4 annexed to this report. In this case most of the people affected preferred cash compensation.

Adequate compensation rates have been drawn by the proponent based on the prevailing market rates at replacement cost of the affected facility in the RAP document. The established compensation rates have been applied throughout the project components with consistency in the respective project phases with allowances for adjustment for a case of the staggered compensation payments.

10.3 Cash compensation

The term ‘cash’ is used in this RAP to denote payments in currency. Experience in other project requiring compensation indicates a high risk potential with large, lump-sum cash payments to parties who have little experience with money management. While the present project shall provide compensation in cash consistent local law requirements, RTDA will be required to work closely with the local authorities in the compensation process and agreeing on modalities to avoid the misuse of the compensated cash. For the compensation of other assets rather than land, the PAPs will be advised to open account in local saving and credit cooperatives (Umurenge SACCO) where their compensation will be disbursed in order to minimize the risk related to cash payment. For the PAPs to be physically displaced the cash will be dispatched in tranches guided by the land purchase in the group settlement (umudugudu) and the construction phase as guided by the Government expropriation process and the supervision of the district land bureau.

10.4 Structures compensation

10.4.1 Compensation for Residential to be partially and totally demolished

This type of compensation relates to both households that will be relocated from their residence because of the road project upgrading, to commercial centres, to social infrastructures (including schools, churches etc.) that will be affected by the project. The following table presents a summary of residential houses that will be completely demolished as a result of the road realignment.

Table 19: Distribution of Houses to be fully demolished by location district

District	Households
Lot1 (Ngoma-Ramiro)	68
Lot2 (Kibugabuga- Gasoro)	244
Total	312

Source: RTDA, Ecodesign, July 2016

Each house among these will be compensated to its actual value as given by the house owner. In as it is shown in the table annexed to the report, only a total amount to compensate 312 houses is given and only 38 house owners did not cooperate to give the value of their houses. For these 312

houses, a total amount wished by owners is FRW 3,703,086,000. In an attempt to estimate the overall compensation, cost for 312 houses to be affected in reference to the actual given compensation value is FRW 4,155,553,100 (say four billion, one hundred fifty-five million five hundred fifty-three thousands and one hundred Rwandan Franks). It should be noted that this amount is an estimate of the total amount to be paid to all registered houses, in reference to the cost value estimated by them and relating to the prevalent market value in respective areas. We did not do any real property valuation since we are not bonafide property valuers. Values provided by the RAP constitute basic information to project developers to know whether at glance the project is feasible given its related relocation cost. This means that, the provided cost, given that it is given by owners of the houses to be demolished, might be higher than the value to be given by RTDA valuers when they will conduct real property valuation exercise in the line corridor of Nyanza-ngoma road.

10.4.2 Compensation for social structures to be partially and totally demolished

Social structures differ from residential houses in regards to the size, construction material and value. In this regards for example, most of these houses are constructed in concrete structures, fired bricks with cement and roofed with iron sheets. However, in case of Nyanza-Ngoma road construction, most of these social infrastructures will be partially affected while some few of them will be totally demolished. The following table summarizes the types of social infrastructures and parts of them to be partially or totally demolished with ad hoc cost estimation.

Table 20: Distribution of Schools to be partially affected in the road’s right of way

S#	Name social infrastructure	Location (distr, sector and cell)	Part of the social structure affected	Tentative (rough) Costing FRW
1.	EAV Mayaga	Nyanza, Muyira, Nyundo	A fence and 3 class rooms to be affected	35,000,000
2.	APADEM	Nyanza, Busoro, Masangano	2 Security houses and a fence (made in cypress) affected	15,000,000
3.	GS Kamabuye	Bugesera, Kamabuye, Kampeka	Only toilet and a fence (made in bushy hedges) affected	5,000,000
4.	GS Gashanda	Ngoma, Gashanda, Giseri	Only a fence made in bushy hedges (imiyenzi) affected	5,000,000
	Totals			60,000,000

Source: RTDA, Ecodesign, July 2016

Table 21: Distribution of Churches to be partially affected in the road's right of way

S#	Name social infrastructure	Location (distr, sector and cell)	Part of the social structure affected	Tentative (rough) Costing FRW
1	Chapelle de Mutsindo-ADEPR	Ngoma, Gasanda, Mutsindo	Whole structure	36,000,000
2	Paroisse Ruhuha	Bugesera, Ruhuha, Gatanga	Only a fence in lattice affected	15,000,000
	Totals			51,000,000

Source: RTDA, Ecodesign, July 2016

Table 22: Distribution of Hospitals and Markets to be partially affected in the road's right of way

S#	Name social infrastructure	Location (distr, sector and cell)	Part of the social structure affected	Tentative (rough) Costing FRW
	Health care Centers/Hospitals			
1.	Centre de Santé Nyamiyaga	Nyanza, Muyira, Nyundo	Whole structure	28,000,000
2.	Kibungo Hospital	Ngoma, Kibungo, Karengé	Only the Kitchen affected	15,000,000
3.	Centre de Santé de Ruhuha	Bugesera, Ruhuha,	A fence of cypress and 2 gates affected	5,000,000
4.	Centre de Santé Kibungo	Ngoma, Kibungo	A fence in lattice affected	5,000,000
	Market			
5.	Sake Market	Kirehe, Sake	Part of the market(two blocks with 9 doors)	30,000,000
				83,000,000

Source: RTDA, Ecodesign, July 2016

Summary

In regards to this project, 312 residential houses, 2 churches, 4 schools, 4 health centres and 1 market will be temporally affected economically by the project. The table beneath summarizes the estimated cost for each category of the above-mentioned structures, in reference to actual value recently provided by districts' valuers and the current market value in respective districts.

Table 23: : Indicative price estimation for residential and Business, Social structures

Description	Numbers	Estimated cost in Frw
Total cost-All structures	589	5,669,433,844
Houses to be affected by category		
Residential structures fully affected	312	4,155,553,100
Residential structures partially affected	258	1,289,880,744
Business fully affected	0	0
Business structures partially affected	9	30,000,000
Social structures	11	194,000,000

Source: RTDA, Ecodesign, July 2016

The total compensation value for Residential and Social infrastructures amounts FRW 5,669,433,844 (say, five billion, six hundred sixty-nine million, four hundred and thirty-three thousand and eight hundred forty-four Rwandan Francs).

10.4.3 Land and trees Compensation value

Compensation for crops both perennial and seasonal will be done on the basis of the requirements of Rwandan law and the guidance of RTDA compensation guidelines. Under this law, landowners and leaseholders are entitled to be compensated at replacement value for land; tenants for crops and property on the land that they rented; property owners for the value of any property on expropriated land. Some districts have set specific rates for compensation based on local market surveys. In case where the district has not set the crop compensation rates, the compensation rates which have been set by the Government (annex 6) will be used to calculate the compensation value of the crops/trees to be affected by the project.

Table 24: Type of Trees and crops to be compensated in the road's right of way

Type/Tree or crop	Number	Unit Price	Total Price
Eucalyptus	37,520	9,000	337,680,000
Banana	7,143	2,500	17,857,500
Orange tree	189	7,000	1,323,000
Mango	208	7,000	1,456,000
Markhamia (Umusave)(are)	121	5,750	695,750
Coffee tree	792	12,500	9,900,000

Cassava Trees (in are)	890	4,050	3,604,500
Fruit Trees (Papaya, Mangoes, Avocados, Oranges etc.)	845	12,030	10,165,350
Fodders (Aloe tree, Leacema, potatoes etc.) (arcre)	2,420	4,500	10,890,000
Other crops (Beans, Sorghum, courges etc.)	417	4,500	1,876,500
Total			733,128,600

Source: Primary data, RTDA, Ecodesign July 2016

A total number of trees or crops to be compensated are estimated to Frw 733,128,600 (Say, Seven hundred thirty-three million, one hundred twenty-eight thousand six hundred Rwandan Francs).

We should note that the calculation of the full replacement value by the government considers not only of the product of the crop over one year, but also the cost of re-establishing the crop (seedlings, soil preparation, fertilizers, others), as well as the lost income during the period needed to re-establish the crop. In all instances, farmers will be given sufficient notice to be able to harvest their mature crops prior to occupation by the project.

10.4.4 Land Compensation

This will be done in cash as noted above but will cover only plots on which both compensated houses are located, together with areas where Sub-stations are planned to be constructed. According to the WB, compensation for land is primarily land for land i.e. the project must look for a similar piece of land under similar conditions and similar size when compensation the loss of land. In case this is to be taken into consideration, RTDA and concerned Districts will arrange convenient relocation area for residents whose land was traversed by the deviation road line. In other words, while the figures presented here below are estimative value, the real value of the land related to the crossed area, compensation will base on the existing market land rates.

In reference to these prices as indicated in the table on land price outside the city of Kigali (**Price of land (FRW/m²)** in appendix, every square meter of land in Nyanza is supposed to cost FRW 122 in Ngoma district, one square meter of land costs FRW 138 in Bugesera district while the same square meter of land in Nyanza costs FRW 689. In a bid to dodge possible miscalculations and conflicts along compensation process, the average land value is hereby kept standardized to the Nyanza district land value of FRW 689 per square meter land in all concerned districts. The total area to be used by the road passage is 872,726 m².

Table 25: District land value

Lot	District	Sector	Road section length (Km)	Total Area to be lost in m ²
Lot 1	Ngoma	Kibungo	2.38	16,899.26
		Kazo	4.84	34,366.56
		Rurenge	0.64	4,544.34
		Gashanda	13	92,306.87
		Sake	9.01	67,526.03
		Rukumberi	12.01	88,827.62
	Bugesera	Gashora	10.92	93,016.93
TOTAL Lot 1			52.8	397487.61
Lot 2	Bugesera	Nyarugenge	10.36	73,561.48
		Ruhuha	8.11	57,585.29
		Ngeruka	3.39	24,070.79
		Kamabuye	8.73	61,987.62
		Mayange	5.29	37,561.80
	Nyanza	Busoro	12	87,904.55
		Muyira	12.67	89,963.70
		Kigoma	6	42,603.17
TOTAL Lot 2			66.55	475,238.40
Total				872,726

In regards to this RAP, the land plots that accounted for this estimation is the land covered by trees in the road line corridor. The remaining portion of land to be expropriated does not have any known owner and belongs to the public domain. In this perspective, as the table about total area to be lost in the annex 3 indicates, this area is 872, 726m². It covers the area on which PAPs constructed houses, practiced agriculture or on which they had planted trees or crops, and lastly the land, which is not covered by any growing specy. Given that the land covered by trees, crops and house premices is equivalent to 187,620m², the land for which the owner has not been identified or belonging to the public domain is equivalent to 685,106 m²

The estimation of the total compensation cost of this RAP has only considered land that is covered by trees, crops and premices for which owners are known. This costing will subsequently be 187,620m² x FRW 689, which equals to FRW 129,270,180 (Say One hundred twenty-nine million, two hundred and seventy thousand, one hundred and eighty Rwandan Francs).

10.4.5 Accompanying measures of all PAPs

10.4.5.1 Transition compensation, physical and economic displacement

Compensation is a process that needs specific measures and milestones to be adopted from its conception to its completion. For it to be successful, need is to establish and follow a strict RAP implementation measures.

10.4.5.2 Other RAP Implementation costing

Accompanying Measures for all PAPs

The RAP Operationalization includes accompanying measures for all PAPs and for vulnerable PAPs, measures related to Transition compensation, physical and economic displacement. The

PAPs accompanying strategies include measures intending to bridge the transition between compensation, physical and economic displacement of PAPs. The likely activities here are related to temporary renting residences for displaced PAPs, provision of food and medical care before their full settlement. A lump sum amount for this has been estimated to US\$ 40,000 for all PAPs, which is equal to FRW 34,000,000.

Accompanying measures for Vulnerable PAPs

Though this category of PAPs will benefit the same package as other ordinary PAPs, special care is reserved to them. For e.g, Children heading households, Elderly and widows will need a special care in terms of shelter, education and health. This incentive requires extra costing of US\$ 30,000 (which equal to FRW 25,500,000) that would be helpful in putting strategies that will help 5 divorcees, 112 widows, PAPs aged ≤ 18 years and elderly PAPs aged ≥ 60 years along their resettlement after the RAP.

RAP Implementation measures

An updated Census on losses incurred by PAPs, the formation of a compensation commission, the designation and remuneration of Mediators, the selection of other human resources-local NGOs and a consultant to elaborate a Livelihoods Restoration and Plan (LRSP).

Update of Strengthening Census Resettlement Action Plan.

It will be necessary to conduct additional surveys of asset losses, especially business losses. The estimated cost of the ad hoc survey is roughly estimated to US\$ 20,000, which is equivalent to FRW 17,000,000.

Compensation Commission

Compensation requires the establishment of a commission. It will be assisted in its operation by logistics, computer support, miscellaneous land valuation, etc. The total estimated cost for the above logistics and miscellaneous land valuation is US\$ 15, 000 which is equal to FRW 12,750,000.

Mediation There will be one designated mediator in each district. His/her intervention does not only concern the RAP but also complaints about the implementation of the work and the ESMP. His/her intervention is timely. S/He will be assisted in her/his operation by logistics and operations of mediation. Total estimated cost for 24 months (2 years): US\$ 5,000 per mediator per district, and the total cost for mediators is (US\$ 5,000x3= US\$ 15,000). This amount equals FRW 12,750,000.

Human Resources

This applies to service providers - NGOs, consultants (legal, gender expert), engineering firms, etc. that will be responsible for the implementation of these measures. Their intervention is programmed up to 1 year and supports the phase of expropriation and compensation directly up to the resettlement/acquisition of new land where applicable. Estimated total cost: \$ 20,000 which is equal to FRW 17,000,000.

Livelihoods Restoration and Strengthening Plan (LRSP)

The Local Development Plan (LDP) and the Livelihoods Restoration and Strengthening Program (LRSP) will be developed in close consultation with residents, civil society and PAPs committee at sector/village levels. This restoration plan will be established in reference to the LRSP guidelines to support the restoration and strengthening of the lives of PAPs. Its budget is estimated to US\$ 30,000, which equal to FRW 17,000,000.

Table 26: RAP Implementation accompanying measures

<i>Activity</i>	<i>Total cost</i>	
1. PAPs Accompanying Measures	Cost in FRW	Cost in US\$
Accompanying measures all PAP (Transition compensation, physical and economic displacement)	47,500,000	57,927
Measures for vulnerable PAPs	25,500,000	30,000
2. Implementation Measures		
• Complementary Census	17,000,000	20,000
• Compensation Committees	12,750,000	15,000
• Mediator	12,750,000	15,000
• Human Resources (NGOs, Legal and Gender Support)	17,000,000	20,000
3. Restoration Plan and Building Lives		
• Restoration Plan and Improving Lives	17,000,000	20,000
Total	149,500,000	177,927

Source: RTDA, Ecodesign, July 2016

10.4.6 Total Compensation value

The total compensation cost is grouped into land plots, houses, crops and trees as illustrated in the table beneath. The reference exchange rate is that of the National Bank of Rwanda, BNR, 14th September 2016, US\$1 = FRW 850.

10.4.7 Evaluation of compensation costs by asset categories

Table 27: Compensation costs by categories of assets

Categories of assets	Quantity	Amount /RWF	Amount /\$
Land covered by trees	187,620m ²	129,270,180	152,083
Residential structures partially affected	258	1,289,880,744	1,517,507
Residential structures fully affected	312	4,155,553,100	4,888,887
Social structures	11	194,000,000	228,235.3
Business structures partially affected	9	30,000,000	35,294
Crops and trees	10547	733,128,600	862,504
Other RAP Implementation cost	NA	149,500,000	175,882
Sub-Total		6,681,332,624	7,860,392
Contingencies	5%	334,066,631	393,020
Grand Total		7,015,399,255	8,253,412

Primary data, RTDA, Ecodesign, July 2016

About 187,620m² of land plots were surveyed and were covered by trees in the line corridor of the road. The cost for these trees is FRW 129,270,180. Besides land plots comes Residential structures that cost FRW 4,155,553,100 and social structures which also costs FRW 194,000,000. Crops and trees on the other hand were estimated to FRW 733,128,600. For a better implementation of the RAP, specific implementation activities also need to be costed. In this perspective, these activities were all calculated and imputed in the RAP total cost estimation under other RAP Implementation cost. These include for e.g accompanying measures for all PAPs, for vulnerable PAPs plus livelihood restoration. The total value for these accompanying measures is estimated to FRW 149,500,000 or US\$ 177,927. A contingency value of 5% which is estimated to FRW 334,066,631 of the total amount have been added for a better fore plan of plausible unplanned issues that might arise along the RAP implementation process.

However, lost assets or business losses (such businesses that will be lost due to the effect of the project to the commercial centers) are not included in the calculation of this compensation cost

estimate that should be done in future. Per lots, the estimated cost for RAP implementation is as follows: (i) **Lot 1** from Ngoma (in Ngoma District) to Ramiro (in Bugesera District) with estimated cost of **FRW 1,573,967,782** equivalent to **US\$ 1,851,727.10**, and (ii) **Lot 2** from Kibugabuga (in Bugesera District) to Gasoro (in Nyanza District) with estimated cost of **FRW5,441,431,473** equivalent to **US\$ 6,401,685.11**

We might refine these figures during the implementation of RAP.

Chapter 11. ARRANGEMENT AND OPERATIONALIZATION OF THE RAP

11.1 Introduction

The RAP anticipates that the project implementation schedule will consist of three phases namely preparation, implementation and post implementation. It mainly will include works such as clearing roads the way of leave (routes), cutting trees and removing properties including demolishing any compensated property in the line of the road deviation route. The resettlement schedule for land acquisition, house demolition and relocation will be coordinated with RTDA. Briefly speaking, the RAP process will follow the following steps.

11.2 RAP Implementation Schedule

11.2.1 Preparation and Surveying

During the RAP preparation, the first activity was the operationalization of the Nyanza-Ngoma road survey. In this regards, RTDA developed the ToRs and RTDA Tunisia Consult was hired to develop the tracing and identification of the Right of Way (ROW) routing. RTDA hired Eco-design experts to conduct an investigation on the number of PAPs, their socioeconomic conditions and their properties located in the road's right of way "ROW". All stakeholders (local administrative and community representatives at district, sector, cell and village level, civil society, local NGOs etc.) have been invited to play a role in determining the Livelihoods Restoration and Strengthening Program (LRSP).

11.2.2 RAP dissemination

After the RAP preparation, a detailed RAP will be undertaken. At this specific step, detailed information about the PAPs will be availed. This information about PAPs have been disseminated to the road upgrading stakeholders (RTDA, RDB, Nyanza-Bugesera-Ngoma districts etc.) together with its related total cost. Views and concerns of the stakeholders were taken into account and integrated in the RAP accordingly.

11.2.3 Constituting and operationalization of Resettlement administrative committees

The administration of this RAP will require a close collaboration between different actors. On one hand, the MININFRA/RTDA will be overall in coordinating, approving and monitoring of activities related to the upgrading and widening of the Nyanza-Ngoma road. In this regards, all reports either technical or implementation wise will be handed over and first be approved by RTDA. Other agencies including RDB, REMA etc. will have to monitor whether, along the implementation, the contractor respects aspects related to environmental protection. Need is for all these other agencies to cooperate with RTDA for a common monitoring of every step of the project implementation. At grassroots level or at the sites, district engineers will play a day to day management of the implementation and district engineers will work with the contractor in

assuring a smooth project implementation, to assure that residents and their properties are not victimized by the road upgrading activities.

11.2.4 Awareness campaign

Awareness campaigns will be of paramount relevance in informing residents about the project to be undertaken, the RAP and the compensation process and the cutoff date. It will also present messages intended to prevent accidents on the road and to preserve the lives of the population living on the side or using the road under upgrading. This campaign will consist of putting in place communication panels related to the road usage and relevant dangers, to HIV/AIDS and other transmitted diseases provided that areas crossed by the road under upgrading will be cohabitating with foreigners who are road engineers, road construction machines drivers and therefore, the need for local residents to be cautioned.

11.2.5 RAP verification and follow up

After the RAP dissemination with specific number of PAPs and their properties likely to be affected by the project, RAP verification will be conducted by district engineers in collaboration with grassroots level leaders (sector, cell and village) and village committees. Districts will thereby send a succinct report to RTDA for comparison of the PAPs and their properties presented in the RAP report. RTDA will therefore approve and recommend the move to the next course of action if the reports of Engineers match with that of the RAP. If a difference is observed in the two reports, then claims of the complainants will be taken care of by community committees (mediators, local land bureau committees, village level committees etc.).

11.2.6 Agreement with the PAPs, compensation and cutoff date for the relocation from the RoW

The RTDA in collaboration with respective districts will, after identification of PAPs and their properties to be damaged by the road upgrading and widening, sign an agreement with them related to the compensation. This agreement will be related not only to the compensation but also to the cutoff date for related claims and the relocation of PAPs from the Right of Way (RoW).

11.2.7 PAPs relocation and settlement process

After the agreement with PAPs and their compensation, the next step will be the relocation of PAPs. This action is to be taken care of by respective districts, and special attention will be paid to vulnerable people among the PAPs. For example, districts will make sure elderly and widow PAPs have been properly settled by the time of the start of the project. PAPs who are in the first and second category of the Ubudehe classification scheme but who are physically fit will be given priority in the road construction job allocation.

11.2.8 Post-construction period

In the post-construction period, the monitoring of PAPs progress and functioning of the road among others will be done by the districts and local leaders who, when necessary, might report to RTDA.

Table 28: Proposed Implementation Schedule time frame

Item	Main Activities	Responsible Institutions	Timing
Public consultation	Informing the PAPs about scheduled activities and their roles in the compensation and the RAP accomplishment	RTDA	July-October 2016
Database	Measurement and documentation of affected land, property and other assets (crops)	RTDA	November-December 2016
Disclosure of entitlement	Displaying to the PAPs the final results of the census	RTDA and WB	January 2017
Final disclosure	Displaying to the PAPs the final results of the census and the value of their assets	Nyanza, Bugesera and Ngoma districts in partnership with RTDA	January 2017
Compensation agreement	Preparation and negotiation of agreement for compensation	Nyanza, Bugesera and Ngoma districts, concerned sectors and the PAPs	February 2017
Compensation and other resettlement measures	Compensation	RTDA, and concerned districts	March 2017
Monitoring and supervision	Follow up of the implementation	RTDA, and concerned districts' engineers	April 2017

Source: RTDA, July 201

Chapter 12. RAP MONITORING AND EVALUATION

12.1 Principles

Arrangements for monitoring and evaluation are to ensure, firstly, that the proposed actions are implemented in the manner and within the time limits, and, secondly, that the expected results are achieved. When deficiencies or difficulties are observed, monitoring and evaluation are used to initiate appropriate corrective action.

The main objective of the Resettlement Action Plan is to ensure to PAPs living standards and conditions equivalent or better life that they knew before the project. Thus, monitoring and evaluation of the actions proposed in the Resettlement Action Plan should focus primarily on achieving this goal. We distinguish the internal evaluation monitoring to be conducted by the Social Environmental Assessment (SEA) and the external evaluation that will be carried out by the Environmental and Social Monitoring Mission (described in the ESIA report). Monitoring / evaluation of the resettlement action plan will target the following three objectives:

12.2 Supervision

Check that, especially at the start of the RAP, its detailed specifications are designed and that its implementation is carried out in accordance with the RAP validated.

12.3 Monitoring

Check that the ongoing RAP work program and budget are executed according to plan.

- Check continuously if the quality and quantity of the expected results are obtained in a timely manner.
- Identify any factors and unanticipated changes that may affect the RAP organization, the definition of its measures to reduce the effectiveness or present opportunities to develop.
- Send in a timely manner to the responsible concerned authorities, corrective measures under ordinary or exceptional programming procedures.

12.4 Evaluation

- Establish and interpret the reference situation of the affected population before the start of the project in terms of the socio-economic and health conditions (the census conducted in the framework of this mandate has developed baseline).
- Define, at regular intervals, some or all of the above parameters in order to assess and understand the changes.
- Establish at the end of the project, a new baseline for assessing the RAP impacts in socio-economic and health terms.
- Analyze, programmatically or in response to the findings of monitoring / evaluation, some elements of the human environment and measures to improve the RAP effectiveness.

12.5 Internal evaluation monitoring

Principles

Internal monitoring of the RAP implementation is a responsibility of the RTDA and respective districts crossed by the road. It is to continuously ensure that the actions included in the work programs are executed on time and on budget.

The internal monitoring will be determined by the work programs of the SEA and by the contracts of subcontracting providers. These documents define the tracking objects of qualitative, temporal, quantitative, budgetary performance indicators used for such monitoring. Indicators for each RAP phase (preparatory phase before displacement, implementation phase of displacement and resettlement phase, post-resettlement phase) should be discussed with the stakeholders and relevant institutions.

The views of PAPs and their representatives will be part of the monitoring system. They will attract the attention of the SEA on the validity and especially the acceptability of proposed measures in the context of the project area.

An expert in monitoring and evaluation will be recruited to develop the internal monitoring program to the SEA.

Monitoring indicators

Global monitoring indicators will be identified and used as an example:

- Total nature and level of all complaints received, resolved;
- Completion of payment within, or after 2 months of estimated completion date indicated in the RAP implementation plan;
- 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 RAP implementation report or quarterly.

In addition, the socio-economic indicators will be established and followed for a sample of PAPs in different areas of action or components, for example:

- Average level of life (restoration of consumption and monetary income)
- Breakdown of average household expenditure
- Number of beneficiaries of various aspects of the restoration project.

On the housing and land resettlement sites, indicators related to livelihoods will be followed, for example:

- Quality of buildings (cracks, gutters, etc.)
- Access of the relocated persons to pure drinking water, education, health,
- Yields of the fields
- Replacement rate of fruit trees after 2 years

- Evolution of the people who kept the same activity
- Fate of those who changed jobs

External evaluation monitoring of the RAP implementation

This evaluation will follow both the RAP as well as the ESMP implementation. It will be provided by two organizations, described in detail in the ESIA report:

The Environmental monitoring mission

Environmental monitoring (or monitoring) consists in observing the evolution of the components of natural and human environments potentially affected by the project to ensure that the measures taken are effective. This monitoring will be based on a scientific, quantitative and qualitative approach; the elements of monitoring must be measurable by recognized methods.

The monitoring mission must be free of any conflict of interest. It is therefore recommended that the mission is technically liable to the services in the ministries for environment and socially to the local political authorities (deputation / parliament) and civil society.

This mission will be entrusted to a consultancy bureau located in the area and recruited by tender. It will include experts with different profiles depending on the themes to be assessed. The monitoring mission will take place from the start of the work and its duration will extend to the entire construction phase duration, and two years after, convening twice per year.

The reports issued at the end of these missions will be for local authorities, civil society, the central environmental authorities and members of the MMC whom this mission will report to (all recipients actors are members of the commission, but the information must be known at the directorate level and not only to the members of the commission due to the geographical distribution of these institutions).

Multipartite Monitoring Commission (MMC)

Multipartite Monitoring Committee (MMC) will be composed of ten members from the entities involved in the project, representatives of local authorities, representatives of relevant ministries, representatives of people and representatives of NGOs and civil society.

Multipartite Monitoring Committee will meet twice a year to monitor the implementation of the ESMP and RAP. It will have quarterly access to the environmental and social monitoring reports of the monitoring mission, and may summon special meetings when necessary. The commission may also provide support for the effective management of potential conflicts of interest between the various project stakeholders.

12.6 Participation of the PAPs in monitoring and evaluation

The PAPs will participate in monitoring / evaluation in different ways:

- Collection of simple data concerning their activity.
- Participation of representatives of PAPs meetings on programming, monitoring and evaluation, including through their local PAPs Committee.

- Participation of the PAPs Committee in meetings from the development of work programs and the evaluation of the previous program.
- Inquiry of the SEA, of the Mission of Environmental and Social Monitoring in case of dissatisfaction vis-à-vis the implementation of the RAP and methods for the operator intervention.
- Participation of PAPs representatives to the reception of investments concerning them.
- Opinion surveys in the evaluations.

A program of participatory monitoring and evaluation will also be developed by the expert on the basis of monitoring data. This program will complement more the quantitative monitoring program mentioned above.

This program has the immense advantage of PAPs closely involved as key actors in their assessment, the development of indicators relevant for them and collecting data. This type of participatory monitoring and evaluation is essential to the PAPs capacity building and their organizations tool. It is also key tools to help them identify their measures that are the most appropriate for the restoration of their living conditions and to improve them.

Chapter 13. CONCLUSION AND SUGGESTIONS

The upgrading and widening of Nyanza-Ngoma unpaved road is a project of importance for the infrastructure development and the socio-economic development of Rwanda in general and the central-eastern region in particular. However, its implementation should take the following milestones as a highly important:

- a) The civil works will not start until the final RAP and ESIA (including a Cultural Resource Management Plan acceptable to the Association) have been submitted to the Bank, cleared, and disclosed and compensation has been paid.
- b) A cut-off date to be determined as per Rwandan law-RTDA/World Bank Resettlement Policy Framework.
- c) All the PAPs and communities consulted requested for compensation. It is therefore recommended that all the PAPs and communities be compensated for loss of land and assets as provided for in this RAP.
- d) District and Sector RAP Committees to be formed prior to commencing on the compensation. Internal and external monitoring and evaluation committees are formed.
- e) Grievance redress and monitoring register be set-up and the process be publicized in the affected areas.
- f) Prior to compensation, detailed valuation of affected assets/land in the presence of the PAPs and community representatives; undertaken and up-to-date value of the affected assets negotiated with the PAPs and communities for payment. From the Questionnaires Expropriation disbursement forms for each PAP have been prepared. (See Attachments Vol 3).
- g) Prior to compensation and resettlement, the PAPs and affected communities be given free counselling, training on financial management and offered legal assistance where required (as per the expropriation law).
- h) The vulnerable PAPs be identified and documented for special assistance as laid out in this RAP.
- i) During construction of the proposed road, local communities are given first priority in the employment of skilled and unskilled labour.
- j) Public registers of the resettlement process be kept throughout the entire resettlement period.

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ANNEXES

Annex 1: A summary of issues/questions raised during public engagement consultations at district level

Organized consultative meetings	
Bugesera District	09/08/2016 11h00 - 12h30 Bugesera District Office
Ngoma District	09/08/2016 15h00 - 17h30 Ngoma District Office
Nyanza District	11/08/2016 10h00 - 12h45 Muyira Sector
Main issue	How the issue will be addressed
1. Didace Mulinzi asked if that meeting was the beginning of the project and if the people should begin to prepare.	RTDA representative answered that the project has already started with the Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) along the road corridor. However, people should continue to lead their normal lives, as adequate notice will be given to the project affected people.
2. Will the constructing company give jobs to the local population?	ED&P representative ensured to the participants that the local population is first priority to get jobs. It was suggested that where qualification is not required, those affected by the project be employed first.
3. What will happen to properties that are not subject to expropriation but will be damaged by project related work?	It was responded that the expropriation is done in three phases: 1. Properties that are directly affected by the projects are paid before construction starts. 2. Properties that are damaged during construction are also identified and paid. 3. At the completion of the project (before provisional handover) RTDA, Local leaders, Security organs, and concerned population conduct a survey of other issues that are related to project and they are also paid. Therefore, any property damaged due to the implementation of the project will be compensated either in the right of way or outside (e.g. damage caused by vibration might be outside the road by still be compensated).

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<p>4. Pierre Celestin Akingeneye needed to know the standards meters of a road also rose his concerns on what the road will affect like the Rufunzo center, Paroisse Rukoma.</p>	<p>It was explained to him that the road reserve is supposed to be 22m each side which makes it 44m. However, the compensation will not be needed for the whole road reserve, it will be conducted for the space needed for the right of way (carriage way and its annexures: drainage, shoulders, walkways, etc.).</p>
<p>5. What can the project affected person do in case there is a delay in paying the expropriated properties?</p>	<p>As stipulated by the Law, the GoR makes sure that construction works start after expropriation issues are cleared and a mobile line of an RTDA staff in charge of expropriation was given to them by him.</p>
<p>6. It was suggested that some deviations to some centres eg: In Ngoma District:</p> <ul style="list-style-type: none"> -Gafunzo-Rukumberi centre should be considered to avoid road accidents caused by traffic; -Technical school in Karama cell in Kazu sector. <p>In Nyanza District:</p> <ul style="list-style-type: none"> -In Butara, Gashara center might be affected -The school EAV Mayaga and Paroisse Nyamiyaga might be affected -Busoro College APADEM might be very near the road which is a concern. 	<p>All the necessary deviations will be considered and all the possible options will be considered.</p>
<p>7. It was asked to who it belongs the properties after they are paid for expropriation</p>	<p>RTDA representative explained that they belong to the GoR but that negotiations can be made and the properties serve the community if needed. Selling the expropriated properties is not allowed, he said.</p>

<p>8. What will happen to graveyards especially those of genocide memorial sites that will be affected by the project?</p>	<p>RTDA and the districts will study the case. The projects shall avoid to the extent possible the negative impact to graveyards, Genocide memorial sites, and tombs. But, particularly for individual tombs, if the impact can not be avoided, they can be relocated to a public graveyard.</p>
<p>9. What can insure us as the PAPs that this project will not deceive us as the previous ones as far as valuing and paying affected properties is concerned?</p>	<p>The RTDA representative answered that the construction works will start after the PAPs will have been paid and ensured participants the affected people will be satisfied</p>



Plate 1-3: Participants during public consultations in Nyanza, Ngoma and Bugesera Districts

Annex 5: SUMMARY FIELD REPORT NGOMA-BUGESERA-NYANZA ROAD UPGRADING

By

Eco-design Engineers

I. Objectives of the task

The main objective of the mission was:

-To carry out houses, forests and crops valuation to be demolished when implementing the upgrading of the road Ngoma-nyanza 130km

-To get final findings approved by Projects Affected Persons along districts affected: Ngoma, Bugesera and Nyanza.

II. Scope of work

The mission was exclusively limited to buildings, forests and crops valuation. The specific purposes were:

- Data collection
- Making a strip map of the findings

Those steps are briefly described below:

II.1 House identification

The data collection as the most important activity in property valuation was divided in steps as indicated below and was reported on the provided data collection form:

- Recording the identification of house or forest owner
- Sketching the house and field dimensions
- Measuring
- Description in detail of crops
- Description of the house with material details
- Have a photo of the house/forests

II.2 Identification of the building and crops owner

We requested the owner to present his/her identity cards and land ownership certificate.

II.3 Sketching

We turn all over around the house to have the general shape of the building and develop a sketch of both plan and elevation of the building.

II.4 Taking measures

The measures of different party of the building have been taken to be used in next stage of calculation. This was done by using Tape-meters. The measures were reported on the sketch drafted.

II.5 Description

The house has been described by giving details of materials of the house. That gives the materials of the foundation, wall elevation, ornamental pavement tilling, doors and windows, roof materials.

The description indicates also whether the house has or not electricity installation, sanitation facilities or water.

Only method used to the crops was to count the number of trees and measure the length where it is required

The method used to the forest was to take coordinates of the contours and measure the area of it.

II.6 Photo

Every house/forest has a photo in different facades.

Roof	Roof materials, ceiling
Electrical Installation	Connected or not, no installation
Water	Connected or not, no installation
Sanitation facilities	Internal or external, no sanitation facilities

III. Task schedule

Period	Activities
20/07-10/08/2016	Data collection in Ngoma, Bugesera and Nyanza districts.
20/08- 25/08/2016	Data entry of house details
28/08 – 29/08/2016	Report making

IV. Challenges

During data collection there were some challenges. There are presented below:

- Some house/forest owners missed during data collection to give complete information.
- Talking about the possible expropriation to the PAPs was the hardest part.
- Many trees and crops along the road which took much of the time during data collection.

V. Findings

A. Wetlands located around the road Ngoma –Nyanza 5 main wetlands: :

Name	Province	District	Sector	Cell
Nyabugugu wetland	South	Nyanza	Muyira	Nyundo
Rwabusoro wetland	South	Nyanza	Busoro	Masangano
Rusengo wetland	Eastern	Bugesera	Rweru	Kinyambwe
Rwabusoro wetland	Eastern	Bugesera	Nyarugenge	Gihinga
Kampeka wetland	Eastern	Bugesera	Kamabuye	Kampeka
Akagera wetland	Eastern	Bugesera	Gashora	Biryogo
Akagera wetland	Eastern	Ngoma	Rukumberi	Gituza

B. Number of public infrastructures to be demolished:

Schools

- EAV Mayaga (Nyanza, Muyira, Nyundo): A fence and 3 blocks of classes affected.
- APADEM (Nyanza, Busoro, Masangano): 2 Security houses and a fence (made in cypress) affected.
- GS Kamabuye (Bugesera, Kamabuye, Kampeka): Only toilet and a fence (made in bushy hedges) affected.
- GS Gashanda (Ngoma, Gashanda, Giseri): Only a fence made in bushy hedges (imiyenzi) affected.

Churches:

- Chapelle de Mutsindo (Ngoma, Gasanda, Mutsindo): The whole house.
- Paroisse de Ruhuha : (Bugesera , Ruhuha , Gatanga): Only a fence in lattice affected.

Poste de sante/Hopitaux:

- Centre de santé Nyamiyaga : (Nyanza ,Muyira , Nyundo)
- Hopital Kibungo (Ngoma, Kibungo, Karengé): Only the Kitchen affected

- Centre de santé de Ruhuha(Bugesera, Ruhuha, Ruhuha): A fence of cypress and 2 gates affected.
- Centre de santé Kibungo: A fence in lattice affected.

Market

- Sake market

Bridges:

- Bridge Ngoma -Bugesera
- Bridge Bugesera – Nyanza
- Bridge Rusengo (Nyanza,Busoro ,Rukingiro)

C. The main centers to be affected by the project (names of the center and village)

- Munazi center
- Kabasengerezi center
- Kamabare center(Bugesera, Ngenda, Kamabare)
- Busoro center (Nyanza ,Busoro,Masangano)
- Rugarama center
- Muyira center(Nyanza,Muyira,Nyundo),
- Gashora center (Bugesera,Gashora, Biryogo)
- Rubago center(Ngoma ,Rukumberi, Rubago),
- Sake center (Ngoma,Sake,Gafunzo)
- Ngoma town(Ngoma,Kibungo,Karenge)

D. Total area to be lost as an effect of the road construction

District	Sector	Road section length (Km)	Total Area to be lost (m2)
Nyanza	Kigoma	6	42,603.17
	Muyira	12.67	89,963.70
	Busoro	12.38	87,904.55
Bugesera	Nyarugenge	10.36	73,561.48
	Ruhuha	8.11	57,585.29
	Ngeruka	3.39	24,070.79
	Kamabuye	8.73	61,987.62
	Mayange	5.29	37,561.80
	Gashora	13.1	93,016.93
Ngoma	Rukumberi	12.51	88,827.62

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	Sake	9.51	67,526.03
	Gashanda	13	92,306.87
	Rurenge	0.64	4,544.34
	Kazo	4.84	34,366.56
	Kibungo	2.38	16,899.26
Total			872,726

E. Forests within the area to be affected by the project (district, sector and cell)

A total of 18.76202ha of crops, forests generally “eucalyptus” and “grevillea” and house premises.

No	PROVINCE	DISTRICT	SECTOR	CELLULE	area(ha)
1	South	Nyanza	Muyira	Nyamiyaga	0.564826
2	South	Nyanza	Muyira	Nyundo	0.759751
3	South	Nyanza	Kigoma	Butara	0.318415
4	South	Nyanza	Kigoma	Gasoro	0.256955
5	Eastern	Bugesera	Rweru	Kintambwe	3.15287
6	Eastern	Bugesera	Nyarugenge	Gihinga	0.833915
7	Eastern	Bugesera	Nyarugenge	Kabuye II	0.143373
8	Eastern	Bugesera	Kamabuye	Kampeka	4.59104
9	Eastern	Bugesera	Mayange	Mbyo	3.58926
10	Eastern	Ngoma	Sake	Rukoma	0.106433
11	Eastern	Ngoma	Rurenge	Musya	0.489183
12	Eastern	Ngoma	Kibungo	Cyasemakamba	0.522004
13	Eastern	Ngoma	Kibungo	Karenge	1.2029
14	Eastern	Ngoma	Kazo	Karama	0.18996
15	Eastern	Ngoma	Gashanda	Cyerwa	0.391785
16	Eastern	Ngoma	Gashanda	Giseri	0.248161
17	Eastern	Ngoma	Gashanda	Mutsindo	0.945671
18	Eastern	Ngoma	Gashanda	Munege	0.455513

VI. Conclusion

Brief, **312 Project Affected Households (PAHs)** will be displaced by the project. In addition, other **586 Project Affected Households (PAHs)** will be partially affected by losing crops, trees, small land and part of premises without necessarily having to be displaced to give way for the implementation of the proposed road-upgrading project.

