

REPUBLIC OF RWANDA



MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES

RWANDA FEEDER ROADS DEVELOPMENT PROJECT (RFRDP)

RESETTLEMENT POLICY FRAMEWORK (RPF)

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EXECUTIVE SUMMARY

As the preparation of the Feeder Roads Development Project in Rwanda is under way, World Bank safeguard Policy on Involuntary Resettlement (OP 4.12) as well as Rwandan regulations requires the Government of Rwanda to prepare a Resettlement Policy Framework (RPF), which establishes mechanisms to determine and assess future resettlement implications of the planned investments/activities proposed under RFRDP. The Ministry of Agriculture and Animal Resources (MINAGRI) is the agency responsible for implementing the Feeder Roads Development Project in Rwanda in close collaboration with the Ministry of Infrastructure and selected districts (Nyamasheke, Karongi, Gisagara and Rwamagana).

Project description

In Rwanda, about 66 percent (9,300 km) of the 14,000 km of the overall road network are unclassified roads, which are predominantly earth roads and considered as communal roads. According to a road condition survey carried out in 2010, about 23 percent of the district roads are in good condition while 44 percent and 32 percent are in fair and poor condition, respectively. The district and unclassified roads that principally constitute the feeder roads network are in dismal state and are major constraint for the mobility of the rural population and access to market. Because of these conditions, the use of large scale services, including motorized vehicle such as trucks and buses remains constrained by the unavailability of maintained roads or poor condition of roads and most farmers carry their produce to market by head loading, bicycles, drawn carts or motorbikes.

As part of the National effort to improve the feeder roads network, the Government of Rwanda has expressed its interest to obtain the support of feeder roads development. In line with this four priority districts, namely: (Karongi and Nyamasheke (Western Province), Rwamagana (Eastern Province), and Gisagara (Southern Province) were selected. Hence, the Rwanda Feeder Roads Development Project (RFRDP) will consist of rehabilitation, upgrading and spot improvement of about 400kms of selected feeder roads with an objective of improving connectivity to agricultural marketing centers in the four participating districts. In addition to that, the project will participate in maintenance of Selected District and Feeder Roads. For that, the Project will finance routine and periodic maintenance of about 400 km (about 100 km in

each of the participating District) of district feeder roads. Institutional Development for Rural Infrastructure Management and Strategy as well as the development for Rural Access and Transport Mobility Improvement, and Project Management Support are other components of the project. The estimated cost of the proposed project is forty five million US dollars (45,000,000) over four year period.

The rehabilitation and upgrading feeder roads implies a need for land and hence land acquisition that is expected to lead to physical and economic displacement of people and loss of access to the land that provides for economic resources. Therefore, the Resettlement Policy framework is to guide RFRDP to ensure that the World Bank safeguards Operation Policy 4.12 for involuntary resettlement and national requirements for land acquisition and resettlement are adequately addressed.

Reasons for the use of a Resettlement Policy Framework

Owing to the nature of the project, the exact location, nature and magnitude of all the sub-projects to be financed by the project cannot yet be determined at the moment until full feasibility is undertaken. Hence, The RPF presents the objectives, principles, organizational arrangements and funding mechanisms for any displacement and resettlements that may be necessary during implementation of the Feeder Roads Development Project whose components must comply with the applicable Rwanda laws and regulations and the World Bank safeguard Policy on Involuntary Resettlement (OP 4.12). The RPF provides the basis for preparing Resettlement Action Plans for individual sub-projects once their location and scope are known. Resettlement plans for specific subprojects causing displacement in the RFRDP will be prepared using this RPF and submitted to the World Bank for approval.

Legislative Framework

Law n° 43/2013 of 16/06/2013 governing land in Rwanda determining the use and management of land in Rwanda recognizes private ownership, both customary and legal, of most of the hillside areas. Previously, all land belonged to the State, which meant it was illegal to buy and sell land, and any required expropriation would result in users of that land being compensated for assets lost at a fixed rate set in 1996. As a result, there have been serious shortcomings in the national processes associated with land expropriation, resettlement and associated compensation payments. The Expropriation Law outlines rights and compensation procedures for land

expropriated for public interest and the Valuation Law stipulates valuation methods to be applied to those assets expropriated. These are the key laws that will govern this process. Other laws that may apply will include:

- The Rwandan Constitution, promulgated in 2003;
- Presidential Order N° 54/01 determining the structure, the responsibilities, the functioning and the composition of Land Commissions;
- Ministerial Order N° 001/2006 on determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau;

There are a number of differences between the Rwandan legislation and the World Bank Policy OP 4.12. The key differences relate to the general principles for resettlement including income restoration, eligibility criteria, and the notification period for expropriation and resettlement. Thus, Rwanda being signatory to International conventions, the World Bank involuntary resettlement policies will be incorporated in resettlement instrument related to this project.

Institutional Implementation Arrangements

At National level, the Ministry of Agriculture and Animal Resources (MINAGRI) via the Single Project Implementation Unit for hillsides and Marshland Development is the main executing and accountable agency. At sub-national level, the District authorities will play a critical role in supervising subproject resettlement and compensation planning, implementation and monitoring. This will be mainly done through the District Land Bureau. The key actors on the ground involved in implementation will be the individual sub-project Resettlement and Compensation Committees, which will comprise representatives from all the legally and project mandated executing agencies at Sector and Cell level. This Committee will coordinate the design and implementation of RAPs as well as develop and implement consultation and grievance mechanisms via an elected District Project Coordination officer.

Valuation and Compensation

As per the Valuation Law, all peoples affected by expropriation must receive fair and just compensation. The calculation of fair and just compensation is to be made by independent values and or project team and district staffs. While the Ministerial Order on reference prices of land and crops, the RPF provides for methods, formulae and cost units that are currently applicable internationally and are equivalent to market value. In order to ensure that OP4.12 requirements are met for valuation, these valuation methods are to be adopted for all sub-projects. The process of undertaking RAP for each subproject will include a screening process, a socioeconomic census

and land asset inventory of the area and identification of Project Affected Parties (PAPs). This will be followed by the development of a Resettlement Action Plan (RAP), RAP review and approval, implementation of the RAP and monitoring of RAP implementation and success

This RPF has an inbuilt grievance procedure that will be used to address grievances that arise during the RAP process. This mechanism will be administered, as far as possible, at the Cell level by the Resettlement and Compensation Committee to facilitate access by PAPs. A representative of the Committee will act as District Project Coordination officer and be the main project contact for all PAPs. All grievances concerning non conformity with the RPF, levels of compensation, or displacement of assets without compensation shall be addressed to the District Project Coordination officer and resolved in coordination with the District Lands Office and project Coordination.

Monitoring and Evaluation

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of the entire RFRDP program, which will fall under the overall responsibility of the SPIU. At the sub-project level, the District authorities will have responsibility for ensuring monitoring is undertaken with the Resettlement and Compensation Committee coordinating efforts. Periodic evaluations will be made in order to determine whether: the PAPs have been paid in full and before implementation.

The Estimated cost for implementing this RPF is estimated to be in the range of five million USD (US\$5,000,000). This amount of money will be used for compensation and resettlement of 2085 households, 85 houses, and 140 ha of lands and 124 ha of crops. These figures have been estimated from field surveys and by comparing other RPFs with similar scope, the exact figures will not be known until the detailed census.

INCAMAKE

Mu gihe hari gutegurwa umushinga wo gusana no gufataneza imihanda yo mu cyaro mu Rwanda politike ya Banki y’Isi kubirebana no gutuza abimuwe n’ibikorwa by’imishinga, politike yo kurengera ibidukikije mu Rwanda na politike y’igihugu mubirebana no kwimura abantu kunyungu Rusange biteganyako hategurwa umugambi politike ngenderwaho mubirebana no kwimura no gutuza abimuwe n’ibikorwa binyuranye by’umushinga. Uyu mugambi ugaragaza ingaruka mbi zishobora guterwa n’ibikorwa biteganyijwe mu mushinga ukanerekana uburyo izongaruka za kwirindwa cyangwa zikagabanywa. Ni muri urwo rwego Guverinoma y’urwanda ibinyujije muri Ministeri y’Ubuhinzi n’Ubworozi yateguye uyu mugambi wo kwirinda no gucunga ingaruka umushinga wo gusana nogufata neza imihanda yo mu cyaro ushobora kugira kubikowa n’imibereho y’abaturage mu Turere twa Nyamasheke, Karongi, Gisagara na Rwamagana.

Imiterere y’umushinga

Mu Rwanda, 66% (9,300 km/14000km) by’Uburebure bwo bw’imihanda iri murwanda, n’imihanda itarashyirwa mu byiciro igizwe ahanini n’imihanda y’ibitaka ihuza Uturere n’Imirenge. Inyigo yakozwe muri 2010 ku miterere y’imihanda mu Rwanda, yagaragaje ko hafi ya 23% by’imihanda y’Uturere imeze neza, 44% imeze neza gahoro naho 32% imeze nabi cyane. Imihanda y’Uturere n’indi mihanda yose itarashyirwa mu byiciro, bigize igice kinini cy’imihanda yo mucyaro irebwa n’uyu mushinga. Iyi mihanda imeze nabi cyane bikaba bigira ingaruka ku migenderanire n’ubuhahirane bw’abaturage cyane cyane mu duce tw’icyaro. Kubera imiterere y’iyi mihanda, biragoranye kwifashisha ibikoresho bihambaye mu buhizi nk’imashini zihinga, amakamyi, n’ibindi binyabiziga byifashishwa mu kugeza umusaruro w’abaturage ku masoko. Abaturage bifashisha uburyo buciriritse nko kwikorera umusaruro ku mutwe, kumagare cyangwa ku ngorofani ibi bikaba bigira ingaruka mbi ku giciro cy’umusaruro ndetse n’ubwiza bwawo.

Isobanurampamvu ry’iyi politike ngenderwaho mukwimura no gutuza abantu

Mu gusana no kwagura imihanda hakenerwa ubutaka burenze ubwari buhasanzwe bikabangombwako abaturage babukoreshaga bimurwa ndetse n’imyaka yabo n’ibindi bikorwa bikangirika. Kubera ko bitoroshye kumenya ingano nyakuri y’ibizangizwa, agaciro kabyo ndetse n’umubare w’abaturage bazangirizwa n’umushinga ntibyashoboka ko hakorwa gahunda inoze yo kwimura abantu. Niyo ppamvu mbere y’uko umushinga utangira hategurwa politike

ngenderwaho mu byerekeye kwimura no gutuza abantu. Ibi bikorwa kugirango mu gihe umushinga utangiyeye haboneke imirongo ngenderwaho mu birebana no kwishura ibyangijwe n'ibikorwa by'umushinga.

Politike ngenderwaho mu kwimura no gutuza abangirijwe n'umushinga, igaragaza ibizibandwaho muri iki gikorwa birimo inzego zizabigiramo uruhare, amatekeko azakurikizwa, ahazava amafaranga yo kwishyura ibyangijwe n'abafite uburenganzira kungurane. Iyi politike kandi ni umusingi ushingirwaho mu gukora gahunda y'ibikorwa yo kwimura no gutuza abantu kuri buri gice cy'umushinga mu gihe hamaze kumenyekana aho imirimo izakorerwa. Gahunda y'ibikorwa yihariye kuri buri gice cy'umushinga izajya itegurwa hifashishijwe imirongo ngenderwaho yatanzwe muri iyi politike yo kwimura no gutuza abantu y'umushinga wo gusana no gufataneza imihanda yo mu cyaro mu Rwanda.

Ibirebana n'amategeko

Itegeko ngenga n° 43/2013 ryo 16/06/2013 rigena imikoreshereze n'imicungire y'ubutaka mu Rwanda ryemera uburenganzira bw'umuturage k'umutungo w'ubutaka haba hari ababubonye k'uburyo bw'umurage, barabuguze cyangwa barabuhawe byemewe n'amategeko. Kimwe mubyo iritegeko ryaje gukemura harimo ibirebana n'uburyo abaturage babona ingurane ku butaka bwabo bwatwawe kubera ibikorwa by'inyungu rusange. Ni muri rwo rwego itegeko N° 18/2007 ryo kuwa 19/04/2007 ryerekeye kwimura abantu kumpamvu z'inyungu rusange ryatowe. Iri tegeko, ryerekana uburenganzira n'inshingano z'uwimura n'uwimurwa, imihango ikurikizwa mu kwimura abantu n'abafite uburenganzira mu kwimura abantu. Ayo mategeko abiri yuzuzwa n'andi mategeko agenga uburenganzira bw'abaturage kumitungo yabo akurikira:

- Itegeko nshinga rya Repubulika y'u Rwanda ryemejwe 2003, uko ryavuguruwe kugeza ubu;
- Itekegeko teka rya Perezida wa Repubulika N° 54/01 arebana n'imiterere, inshingano, imikorere n'abagize komisiyo y'ubutaka;
- Itegeko teka Minisitiri N° 001/2006 ashiraho urwego rw'umwanditsi w'impapuro mpamo z'ubutaka, inshingano n'imikorere ya biro z'ubutaka mu Turere.

Kubera ko u Rwanda rwasinye amasezerano mpuzamahanga anyuranye, iyi politike yo kwimura no gutuza abantu, yateguwe hifashishijwe kandi politike ya Banki y'Isi mu birebana no gutuza

abantu. Kubera ko hari ubudasa hagati y'amategeko y'Igihugu na politiki ya Banki y'Isi cyane cyane mubirebana n'uburyo rusange bwo kwimura abantu, iyi politike yagiye yongeramo amahame agaragara muri politike ya Bank y'Isi atagaragara mu mategeko y'u Rwanda.

Ibirebana n'inzezo

Kugirango ibikubiye muri iyi politike bishyirwe mu bikorwa, hazabaho ubufatanye bw'inzezo zinyuranye zirebwa n'umushinga wo gusana no gufata neza imihanda mu Turere tunyuranye. Ku rwego rw'Igihugu Minisitiri y'Ubuhinzi n'Ubworozi ibinyujije mu buyobozi bw'umushinga ugamije kuhira imusozi no gutunganya ibishanga niyo izayobora ibikorwa byo gushyira mu bikorwa iyi politike. Ku rwego rw'ibanze, ubuyobozi bw'Uturere ni bwo buzayobora ibikorwa byo kwimura no gutuza abimuwe n'umushinga. Ibi bizakorwa binyujijwe muri biro z'ubutaka na komite zo kwimura no gutuza abantu zizashyirwaho kuri buri gice cy'umushinga. Izo komite zigomba kuba zigizwe n'ubuyobozi bw'ibanze, abahagarariye umushinga, abahagarariye abaturage bimurwa abikorera n'imiryango itegamiye kuri Leta.

Igenagaciro no kwishyura ibyangijwe

Nkuko biteganywa n'itegeko ryo kwimura abantu kumpamvu z'inyungu rusange umuntu wese ugize igihombo giturutse ku bikorwa by'umushinga agomba kubona ingurane ikwiye. Inyungu ikwiye ibarwa n'umukozi wigenga cy'angwa abakozi b'umushinga bafatanyije n'inzezo z'ibanze. Agaciro k'ubutaka kabarwa hakurikijwe itegeko teka rya Minisitiri akena ibiciro by'ubutaka ngenderwaho mu tugali twose tw'igihugu. Mu kubara agaciro k'imyaka, ibiti n'ibindi bintu byangijwe nk'inyubako kabarwa hakurikijwe igiciro kiri ku isoko. Kugirango ibikubiye muri politike ya Banki y'Isi mu kwimura abantu, OP4.12 ibiciro bigenderwaho bigomba kuvugururwa bitewe n'aho ibice by'umushinga bikorerwa.

Imirimo yo gutegura gahunda y'ibikorwa byo kwimura abantu igizwe n'isuzumwa ry'umushinga, ibarura ry'ibikorwa bizangizwa n'abantu bazabangamirwa n'ibikorwa by'umushinga. Iyo ibyo birangiye bikurikirwa no guha agaciro ibyabazwe no kubyereka abaturage byarangira hagategurwa raporo ya gahunda y'ibikorwa byo kwimura abantu, kuyemeza, kwishyura ibikorwa by'abantu no gukurikirana ishyingira mu bikorwa ry'ayo gahunda.

Ikurikirana bikorwa no gukemura impaka

Iyi Politike yo kwimura abantu iteganya uburyo bwo gukurikira isyirwa mu bikorwa ryayo no gukemura impaka zavuka. Mu gukemura impaka zavutse bizajya bikorerwa kunzego z’utugali na komite ishinzwe kwimura abantu. Uhagarariye komite ishinzwe kwimura abantu azajya akorana n’ubuyobozi bw’umushinga mu Karere n’umuyobozi wa biro y’ubutaka mu Karere mu gushakira umuti ibibazo byagaragajwe n’abimuwe.

Gukurikirana no kugenzura ishyirwa mu bikorwa ry’iyi politike bizinjizwa muri gahunda rusange y’ibikorwa by’umushinga. Ku rwego rw’Igihugu abakozi b’umushinga nibo bashinzwe gukurikira ishyirwa mu bikorwa ry’umushinga bafatanyije n’ubuyobozi bw’Akarere, abahagarariye umushinga mu Karere na komite zishinzwe kwimura abantu. Hazajya hakorwa ubugenzuzi buhoraho kugirango ibibazo bigaragaye bikemuke hakiri kare.

Ikigereranyo cy’agaciro k’ibikorwa byo kwimura no gutuza abantu kagera kuri miriyoni 5 z’amadorari y’amarika. Aya mafaranga azakoreshwa mu kwishyura no gutuza imirango 2085, kubera ibikorwa byabo bizangizwa birimo inzu 85, ubutaka 140 ha, n’ibihingwa biri k’ubuso 124 ha. Imibare nyakuri y’ibizangizwa, abantu bazimurwa kubera umushinga n’ikiguzi cyo kwishyura imitungo kizamenyekana hamaze gukorwa ibarura ryimbitse ry’ibizangizwa na gahunda yo kwimura no gutuza abahungabanyijwe n’umushinga.

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GLOSSARY OF TERMS

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

- **“Abunzi”** an elected dispute resolution body in Rwanda at the cell level with mandatory jurisdiction over disputes involving amounts less than three million Rwandan francs, which means almost all land disputes. The *Abunzi* also have mandatory jurisdiction over succession and boundary disputes involving less than three million Rwandan francs.
- **“Act of public interest”** an act of Government, public institution, nongovernmental organization, legally accepted associations operating in the country or of an individual, with an aim of a public interest.
- **“Census”** is a complete count of the population affected by a RFRDP activity including collation of demographic and socioeconomic information. This will identify and determine the number of Project Affected Persons (PAPs) and the nature and levels of impact.
- **“Compensation”** means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.
- **“Cut-off date”** is the date of commencement of the census of PAPs within the project area boundaries (including unidentified owners). Beyond this date, any person not included in the census who lays claim to land or assets affected by the project (which they did not own before the cut-off date) will not be eligible for compensation.
- **“Expropriation”** the taking of private property in the public interest aimed at development, social welfare, security and the territorial integrity.
- **“Land”** refers to agricultural and/or non-agricultural land whether temporary or permanent and which may be required for the Project.
- **“Land acquisition”** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project under eminent domain.
- **“Just compensation”** an indemnity equivalent to the value of land and the activities performed thereon given to the expropriated person and calculated in consideration of market prices.
- **“Involuntary Land Acquisition”** is the taking of land by government or other government agencies for compensation, for the purposes of a public project. 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.

- **“Involuntary resettlement”** 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 PAP has moved to another location.
- **“Project affected persons”** (PAPs) means persons who, for reasons of the involuntary taking of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not they said PAPs physically relocate.
- **“Resettlement Action Plan (RAP)”** is a resettlement instrument (document) to be prepared when subproject locations are identified. 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.
- **“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.
- **“Resettlement Policy Framework (RPF)”** is an instrument to be used throughout the implementation of RFRDP. It sets out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to all sub-projects during implementation to meet the needs of the people who may be affected by those sub-project activities. The Resettlement Action Plans (“RAPs”) for the RFRDP sub-projects will be prepared consistent with the provisions of this RPF.
- **“Vulnerable Groups”** refers to:
 - Widows, the disabled, marginalized groups, low income households and informal sector operators;
 - Incapacitated households – those no one fit to work and;
 - Child-headed households and street children
 - Orphans

ABBREVIATIONS AND ACRONYMS

CAC:	Cell Adjudication Committee
CAS:	Country Assistance Strategy
DDC:	District Development Committee
DDP:	District Development Plan
DLBs:	District Land Bureaus
GDP:	Growth Domestic Product
GoR:	Government of Rwanda
HH:	Household
LVBs:	Land Valuation Bureaus
LWH:	Land Husbandry, Water Harvesting and Hillside Irrigation
MINAGRI:	Ministry of Agriculture and Animal Resources
MINALOC:	Ministry of Local Government, Community Development and Social Affairs
MINECOFIN:	Ministry of Finance and Economic Planning
MINICOM:	Ministry of Industry and Commerce
MININFRA:	Ministry of Infrastructure
MINIRENA:	Ministry of Natural Resources
OP:	Operational Policy
PAPS:	Project Affected Persons
PDOs:	Project Development Objectives
RAP:	Resettlement Action Plan
RPF:	Resettlement Policy Framework
RSSP:	Rural Sector Support Project
Rwf:	Rwandan Francs
SPIU:	Single Project Implementation Unit
USD:	United States Dollars
WB:	World Bank

CHAPTER ONE: INTRODUCTION AND PROJECT DESCRIPTION

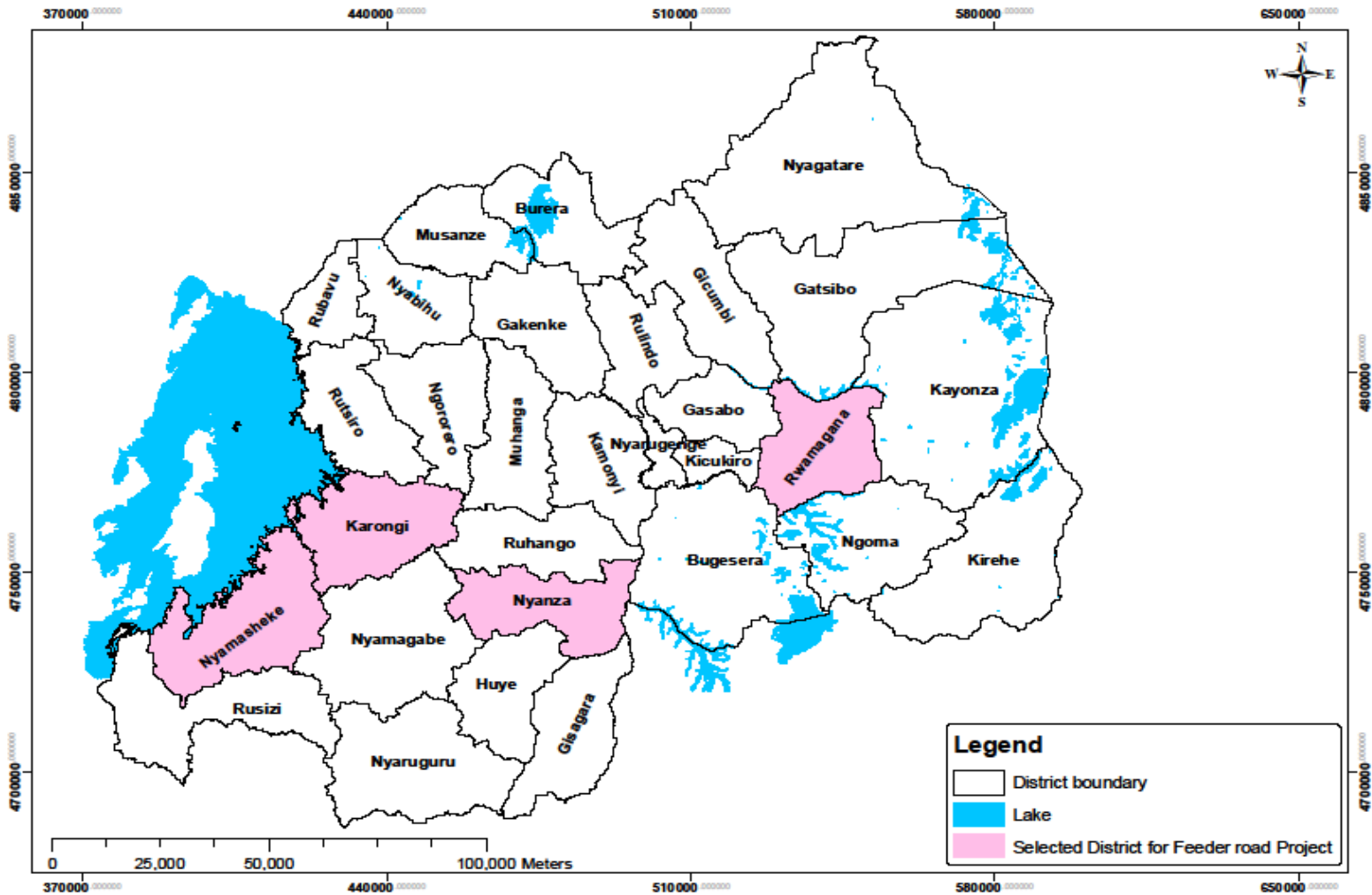
1.1. General context

Roads are one of the most economically important infrastructures in Rwanda, given the fact that more than 95% of the country's international trade is handled by land and there are hardly any land alternatives (such as railway). Internal communication is also almost exclusively by road. Yet the terrain and the economy of Rwanda are such that developing roads is a very costly venture both financially and environmentally. Unfortunately, district and unclassified roads that principally constitute the feeder roads network are in dismal state and are major constraint for the mobility of the rural population. Moreover, the feeder roads in Rwanda traverse hilly terrain with high rainfall and soft soils, and the earth roads, which are not engineered roads, are often washed out during the rainy season. Further, with its mountainous terrain, excessive rain fall, and severe erosion Rwanda's road network is rendered to high maintenance cost, which is twice higher than that of most Sub-Saharan countries.

The Feeder Roads Development Project (RFRDP) has been clustered into four components which are; (i) rehabilitation, upgrading and spot improvement of about 400km of selected feeder roads, and improving connectivity to agricultural marketing centres in the four participating districts; (ii) routine and periodic maintenance of about 400 km; about 100 km in each of the participating district; This component will finance routine and periodic maintenance of about 400 km (about 100 km in each of the participating district) of district and feeder roads; (iii) Institutional Development for Rural Infrastructure Management and Strategy as well as the development for Rural Access and Transport Mobility Improvement, and (iv) Project Management Support.

The Rwanda Feeder Roads Development Project will be implemented in 4 Districts (Gisagara in Southern Province, Rwamagana in Eastern Province, Karongi and Nyamasheke in Western province. The estimated cost of the proposed project is forty five million US dollars (45,000,000) over four year period.

Figure 1 : Location of Selected District for feeder Roads project



Source: LWH-RSSP GIS department

Road construction, rehabilitation involve many civil works including: expanding or adding new lanes, changing road surface (e.g., from gravel to paved or widening intersections); widening lanes and shoulders; tarmac earth/ murrum roads; adding extra lanes in steep inclines; Improving curves; Strengthening bridges. Rehabilitation sometimes includes changes or improvements to previous characteristics/conditions. The work is done on the existing platform/right of way. No additional land is needed. Examples include: Improving drainage, slopes, embankments, and/or other structures; Strengthening pavements; complete resurfacing; Recuperating civil works. Maintenance work consists of routine or periodic works to maintain the road in good working condition. This work is done on the existing platform, for instance: Routine works: patching potholes and clearing drains; Periodic works: resurfacing, lane marking, and bridge maintenance.

The rehabilitation and upgrading feeder roads implies a need for land and hence land acquisition that is expected to lead to physical and economic displacement of people and loss of access to the land that provides for economic resources. Therefore, the Resettlement Policy framework is to guide RFRDP to ensure that the World Bank safeguards Operation Policy 4.12 for involuntary resettlement and national requirements for land acquisition and resettlement are adequately addressed. The project management should in addition ensure that the relevant capacity and training needs are established in order for the recommended measures to be implemented effectively.

1.2. Feeder Roads Project Design

In general, a road scheme may take the form of opening up a new road, whether asphalt paved or earth; re-constructing an existing road i.e. excavating and replacing an existing layer; upgrading an existing road – could be expanding an existing road and/ or paving an existing earth road (from earth to tarmac road); rehabilitating an existing road through maintenance activities such as patching broken parts, reconstructing the drainage systems, constructing turnouts, etc. therefore, this RPF responds to the implications of implementing the Feeder Roads Development Project in Rwanda made up of four components for which this RPF will provide guidance.

Component 1 – Rehabilitation, Upgrading and Spot Improvement of Selected Feeder Roads -

This component will finance the rehabilitation, upgrading and spot improvement of selected feeder roads, improving connectivity to agricultural marketing centers in the four participating districts,

namely: (i) Karongi (Western Province); (ii) Rwamagana (Eastern Province); (iii) Gisagara (Southern Province); and (iv) Nyamasheke (Western Province).

Component 2 – Maintenance of Selected District and Feeder Roads: This component will finance routine and periodic maintenance of about 400 km (about 100 km in each of the participating district) of district and feeder roads. This component will have two sub components.

Component 3: Institutional Development for Rural Infrastructure Management - Support capacity building initiatives helping to strengthen the institutional base for rural feeder roads management at the participating districts and national levels, and support to project management.

1.3. Feeder Roads project and Resettlement Implications

The rehabilitation and upgrading feeder roads implies a need for land and hence land acquisition that is expected to lead to physical and economic displacement of people and loss of access to the land that provides for economic resources. Therefore, the Resettlement Policy framework and Resettlement Action Plans have to be developed to guide RFRDP and ensure that the World Bank safeguards Operation Policy 4.12 for involuntary resettlement and national requirements for land acquisition and resettlement are adequately addressed. For the proposed feeder roads projects only two components, rehabilitation, upgrading and Spot improvement of Selected Feeder Roads and Maintenance of Selected District and Feeder Roads will have resettlement implications. The table below summarizes the resettlement implications related to feeder Roads project activities:

Table 1: Resettlement implication related to feeder Roads project activities

Proposed activities	Resettlement implications
Rehabilitation, Upgrading and Spot Improvement of Selected Feeder Roads	<ul style="list-style-type: none"> - Loss of lands land for Roads upgrading and spot improvement - Loss of privately owned land for use as borrow pits - Loss of crops and structures on these lands - Temporal or permanent Loss of land from access Roads
Maintenance of Selected District and Feeder Roads	<ul style="list-style-type: none"> - Loss of lands for Roads upgrading and spot improvement - Loss of privately owned land for use as borrow pits
Institutional Development for Rural Infrastructure Management	No resettlement implications is envisaged as long as there is no constructions
Strategy Development for Rural Access and Transport Mobility Improvement, and Project Management Support	No resettlement implications is envisaged as long as there is no constructions

1.4. The Rationale of RFP for Feeder Road Development Project in Rwanda

As part of World Bank safeguards policies, safeguards instruments have to be prepared for any project with adverse environmental and social impacts, they may include (OP/BP 4.01, Environmental Assessment and OP/BP 4.12, Involuntary Resettlement. The RFP spells out corporate resettlement policy frameworks, institutional arrangements and capacity available to identify and mitigate potential safeguard concerns and impacts of each sub-project. This ensures that the sub-projects meet the national and local resettlement requirements and consistent with OP 4.12 and other applicable safeguard provisions of the Bank.

The decision by the MINAGRI to prepare an RPF in the implementation of the Feeder Roads Project is to adapt for the ministry and the implementing agencies a framework that will facilitate compliance with relevant national and the World Bank resettlement and other requirements for projects under the feeder roads in a coherent manner. The RPF represents a statement of policy, and provides the guiding principles and institutional arrangements as well as environmental and social safeguards instrument of reference, in the implementation of road sector activities. The framework gives a platform of standard principles and processes for the road activities agreeable to all parties – MININFRA, MINAGRI and the implementing Agency (SPIU LWH-RSSP), the World Bank and others, as appropriate.

This RFP is built on World Bank Involuntary Resettlement OP/BP 4.12 and National resettlement requirements. Roads are one of the most important infrastructure developments in Rwanda, and by their nature, they have potentially resettlement impacts. Since around 2001 when the emergency post-genocide rehabilitation ended, the Government of Rwanda embarked on long-term development, often including large scale infrastructure developments. Accordingly, the number and scale of national and district road projects has increased considerably, leading to a significant increase in the number of Environmental and Social impacts. The Rwanda Environment Management Authority (REMA) along with MININFRA (RTDA) and local authorities have recently made considerable efforts in strengthening ESIA capacity, through strict enforcement of laws; awareness raising and technical training in partnership with major infrastructure donors.

Feeder road projects, by their nature, tend to be narrow, low profile projects extending over a substantial geographical area. The planning of feeder road schemes differs fundamentally from other types of development. Therefore, the Government of Rwanda and the World Bank Regulations require the preparation of Resettlement Policy Framework (RPF) to address the needs of those who might be affected when an operator's operations causes the involuntary taking of land and other assets resulting in: (a) relocation or loss of shelter, (b) loss of assets or access to assets (c) loss of income sources or means of livelihoods, whether or not the affected person must move to another location. The RPF will be prepared as a standalone and separate document but will be completed by the Resettlement Action Plans (RAPs) and other safeguards instruments including ESMF, EIs and EMPs.

1.5. Methodology for the preparation of RPF

The present study ESMF report was conducted by the Project Environmental and safeguards team using the following approach and methodology.

1.5.1. Literature review

Review on the existing baseline information and literature material was undertaken to gain a further and deeper understanding of the project. Among the documents that were reviewed included: the project design document, the national transport policy, District development plan of Rwamagana, Gisagara, Nyamasheke and Karongi, RSSP and LWH project documents; National Land use master Plan. The project team of the project also undertook detailed review and analysis of the current national relevant legislations, policies and guidelines including the World Bank Safeguards Policies, international conventions related to this project and other relevant documents.

1.5.2. Field Visits

The project team carried out visits to four (4) district namely Gisagara in Southern Province, Karongi and Nyamasheke in Western Province and Rwamagana in Eastern Province in order to be familiar with the issue on the ground and appreciate the possible environmental issues of concern.

1.5.3. Public consultation

Various discussions and consultation were held with Project Affected persons, the district, sector officials, other relevant staff of the key implementing partners of the Feeder Road Development Project including among others Rwanda Environment Management Authority, Rwanda Transport

Development Agency, Rwanda Development Board, and MINAGRI projects. After the preparation of RPF report a national validation workshop was organized by MINAGRI and attended by district representatives, representative from various institutions dealing with roads and environment matters. Outcomes of consultation are given in 3.4

1.5.4. Preparation of RPF

The preparation of RPF for Feeder Roads development project in Rwanda consisted of:

- Collection of baseline data on social-environment of the project area;
- Identification of resettlement implications;
- Identification mitigation measures;
- Preparation of screening procedures to be used while screening subproject activities
- And formulation of resettlement monitoring plans.

CHAPTER TWO: LEGAL AND INSTITUTIONAL REQUIREMENTS FOR RESETTLEMENT

Rwanda has numerous legal and policy framework relating to Land and resettlement issues. These include;

- The Rwandan Constitution, promulgated in 2003;
- Law n° 43/2013 of 16/06/2013 governing land in Rwanda determining the use and management of land in Rwanda
- Organic law determining legislation around environmental management and protection;
- Land Valuation Law promulgated in 2007;
- Expropriation Law promulgated No. 18/2007 of 19/04/2007;
- Presidential Order No. 54/01 of 12/10/2006 determining the structure, the responsibilities, the functioning and the composition of Land Commissions; and
- Ministerial Order No. 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau.

Rwanda being a signatory to various international conventions and laws, it is important that national projects are in line with these laws and as such some of the relevant international conventions are also reviewed. This chapter therefore, highlights resettlement objectives and principles, describes national legal and regulatory framework in detail and makes a comparative analysis of Rwandan legislations with the World Bank provisions on resettlement to identify gaps and provide the way forward to seal these gaps.

2.1. PRINCIPLES AND OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK

The overall objectives of this RPF will be to avoid involuntary resettlement where feasible or minimized by exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, resettlement will be executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by RFRDP to share in project benefits. Displaced persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement programs. Displaced persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The RPF for RFRDP will therefore adopt the following principles:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be eliminated.
- Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation will be provided to the PAPs which provide sustainable development programs, providing resources to give PAPs equal opportunity to share project benefits.
- PAPs will be meaningfully consulted and will participate in planning and implementing both resettlement and feeder Roads rehabilitation, upgrading and maintenance funded under RFRDP.
- PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, before displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher. Impacts on the PAPs are measured by the quantity of land to be acquired / lost and residual land and its economic viability. Once the severity of impact has been considered an entitlement option is selected.

Measures to address resettlement shall ensure that project affected peoples are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the subproject(s).

The policy applies to all PAPs regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or traditional tenure is to be treated in the same manner as formal, legal titles. This RPF covers direct economic and social impacts that will result from RSSP and thereby cause involuntary taking of land resulting in

1. Relocation or loss of shelter;
2. loss of assets or access to assets; or
3. loss of income sources or means of livelihood, whether or not the affected persons must move to another location

Required measures for the RPF shall ensure displaced persons are informed about their options and rights pertaining to resettlement, consulted on, offered choices among, and provided with

technically and economically feasible resettlement alternatives; and provided prompt and effective compensation at full replacement cost for losses of assets. If the impacts include physical relocation, measure shall be provided to assist (such as moving allowances) during relocation; and affected RFRDP Resettlement Policy Framework persons will be provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, location advantages, and other factors is at least equivalent to the advantages of the old site.

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

2.2. NATIONAL RESETTLEMENT REGULATIONS

This part describes National institutional, legal and policy framework for resettlement requirements in Rwanda, applicable to the project as well as the international provisions that bear relevance to the implementation of this project.

2.2.1. The Rwanda Constitution

The constitution is the supreme law of the land. Under Article 29 of the Rwanda constitution every citizen has a right to private property, whether personal or owned in association with others. Further it states private property, whether individually or collectively owned, is inviolable. However this right can be interfered with in case of public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.

Article 30 stipulates that private ownership of land and other rights related to land are granted by the State. The constitution provides that a law should be in place to specify modalities of acquisition, transfer and use of land (expropriation law). The constitution also provides for a healthy and satisfying environment. In the same breath every person has the duty to protect, safeguard and promote the environment. The State shall protect the environment.

2.2.2. Expropriation Law for Public interest,

The law No. 18/2007 of 19/04/2007 related to expropriation for public interests determines the procedures relating to expropriation of land in the interest of the public. Article 3 of the law stipulates that it is only the government that has authority to carry out expropriation. However the project, at any level, which intends to carry out acts of expropriation in public interest, shall provide funds for inventory of assets of the person to be expropriated and for just compensation on its budget.

According to the organic law, no person shall hinder the implementation of the program of expropriation on pretext of self-centered justifications and no land owner shall oppose any underground or surface activity carried out on his or her land with an aim of public interest. In case it causes any loss to him or her, he or she shall receive just compensation for it. The law identifies properties to be valued for just compensation to be land and activities that were carried out on the land including different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity. Here the law is silent on access to economic activities on the land.

2.2.3. Law n° 43/2013 of 16/06/2013 governing land in Rwanda

The Organic Law No. 08/2005 Determining the use and management of Land in Rwanda of 2005 determines the use and management of land in Rwanda. It also institutes the principles that are to be respected on land legal rights accepted on any land in the country as well as all other appendages whether natural or artificial.

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

The law gives the owner of land full rights to exploit his or her land in accordance with the existing laws and regulations. The law also provides for expropriation through article 56 which stipulates

that land expropriation can be undertaken if it's for public interest. Article 29 of the law states that swamp land belongs to the state and no person can use the reason that he or she has spent a long time with it to justify the definitive takeover of the land. The definition of the swamp in this case, is not very clear and the law gives the Minister in charge authority to identify and determine these swamps, use structures and boundaries.

2.2.4. Law establishing and organizing the Real Property Valuation Profession in Rwanda

Law No.17/2010 of 2010 Establishing and Organizing the Real Property Valuation Profession provides conditions for registration of land valuers in Rwanda and. The law also allows the Government to conduct valuation when mandated by their government institutions. Articles 27, 29, 30 and 31 of the law deals with valuation methods. These articles stipulate that price for the real property shall be close or equal to the market value. The valuation could also compare land values country wide. Where sufficient comparable prices are not available to determine the value of improved land, the replacement cost approach shall be used to determine the value of improvements to land by taking real property as a reference. The law also allows the use of international methods not covered in the law after approval from the Institute of Valuers council. This law is in conflict with the ministerial order on determining land prices in and outside Kigali which sets reference prices of land.

2.2.5. Presidential Order No. 54/01 of 2006

This presidential order determines the structure, the responsibilities, the functioning and the composition of Land Commissions. Article 9 of the order gives the office of the land commission independence in the discharge of its daily technical duties. Therefore, it receives no instructions from any other organ.

2.2.6. Ministerial Order Determining the Structure of Lands Registers

Ministerial Order No. 001/2006 of 2006 Determines the Structure of Lands Registers, the Responsibilities and Functioning of the District Land Bureau The responsibilities of the land bureau include among others to implement land registration and manage land and update, safely keep records of land registers and monitor and approve activities pertaining to valuation of land, other immovable property and demarcate and approve land cadastral. This Order does not apply to land

specified in articles 12, 14, 15 and 72 of the Organic Land Law No.8/2005 of 14/07/2005 determining the use and management of Land in Rwanda

2.2.7. Ministerial Order No 002/16.01 of 2010 Determining the Reference Land Price

Ministerial Order No 002/16.01 of 2010 on Determining the Reference Land Price Outside Kigali City provides reference land prices to be used in areas outside Kigali City. This order was aimed at protecting land owners from exploitation and to prevent land speculation when the market is not developed. However with the propagation of land valuation law, the order seems to have been overtaken by events and practicability. This is due to the fact that valuation law provides for independent market rates to apply in land valuation.

2.2.8. Ministerial Order Determining Modalities of Land Registration

Annex 3 of the ministerial No. 002/2008 of 2008 Determining Modalities of Land Registration provides for dispute resolutions procedures and some provisions related to the cell adjudication committee (“CAC”). Articles 17, 20, 22, and 23 provide the process for resolving disputes. Article 17 grants parties to a dispute, the right to take that dispute to the mediation committee. That article also provides that where a dispute arose during demarcation and adjudication but, with the assistance of the CAC, the parties were able to resolve the dispute, the parties are bound by that agreement, and may not later attempt to raise the issue. Article 20 provides procedures for the cell adjudication committee when hearing disputes, including that the hearing is open to the public and announced eight days in advance, among other requirements. Articles 22 and 23 govern the lodging and processing of objections and corrections during a 60-day period. The CAC is comprised of all five members of the cell land committee and five members of the particular *umudugudu* where demarcation and adjudication is taking place. The cell executive secretary acts as the CAC secretary, although he or she has no voting rights. This order can be used to resolve resettlement conflict at the sub project area.

2.3. INSTITUTIONAL FRAMEWORK

The institutional framework for environmental management is currently enshrined in the Organic Law determining the modalities of protection, conservation and promotion of the environment in Rwanda, published in the Official Gazette RWA N° 9 of the 1st May 2005, particularly in its chapter III relating to the establishment of the institutions.

2.3.1. Ministry of Agriculture and Animal Resources

The Ministry of Agriculture (MINAGRI) is the executing agency for the project. The participating districts will be the implementation entities for project related social aspects for the rehabilitation, upgrading, spot improvement, as well as maintenance works. The districts will be supported by the Rwanda Transport Development Agency (RTDA), environmental and social staff. RTDA and MINAGRI have environmental and social specialists that look after environmental and social management issues for the main road contracts. The infrastructure officers of the districts are responsible for environmental and social safeguard aspects of development projects, but due to capacity limitation their engagement is restricted to minor community level development actions. In addition to the support staff, training and TA for safeguards will be provided by the project management consultancy firm to be engaged under the project.

2.3.2. Ministry of Natural Resources (MINIRENA)

MINIRENA is a multispectral ministry covering five sectors: Lands, Water Resources, Forest, Mining and Environment. Environment is a cross cutting sector because it covers the four other sectors. MINIRENA is responsible for the development of policies, laws and regulations as well as coordination of all activities in the management of land, water resources, forest, mining activities and environment, as well as their follow up and evaluation.

2.3.3. Ministry of Infrastructure (MININFRA)

The Ministry of Infrastructure is responsible for developing policies in infrastructure sectors namely roads, housing, transport, communication, energy, water and sanitation. MININFRA is also responsible for monitoring the implementation of those policies.

2.3.4. Rwanda Transport Development Agency (RTDA)

RTDA is a newly established institution under MININFRA and is in charge of the implementation of the national policy on public infrastructure in particular roads, bridges, etc. RTDA will be responsible for the follow up and monitoring of the implementation of the Rusumo international bridge and OSBP facilities project.

2.3.5. Rwanda Environment Management Authority (REMA)

Rwanda Environment Management Authority (REMA) was established in 2004 to act as the implementation organ of environment-related policies and laws in Rwanda. REMA is also tasked to coordinate different environmental protection activities undertaken by environmental promotion agencies; to promote the integration of environmental issues in development policies, projects, plans and programmes; to coordinate implementation of Government policies and decisions taken

by the Board of Directors and ensure the integration of environmental issues in national planning among concerned departments and institutions within the Government; to advise the Government with regard to the legislation and other measures relating to environmental management or implementation of conventions, treaties and international agreements relevant to the field of environment as and when necessary; to make proposals to the Government in the field of environmental policies and strategies; etc.

2.3.6. Rwanda Development Board (RDB)

RDB was created by Organic Law N° 53/2008 of 02/09/2008. It has a mission of improving the well-being of all Rwandans by fast-tracking development, catalyzing sustainable economic growth, and creating prosperity for all. According to the recent restructuring of government institutions the following were merged to form RDB: RIEPA, ORTPN and CAPMER. The responsibility for follow-up of environmental and social impact assessment studies is now under RDB, the department in charge of investment.

2.3.7. Province Distracts

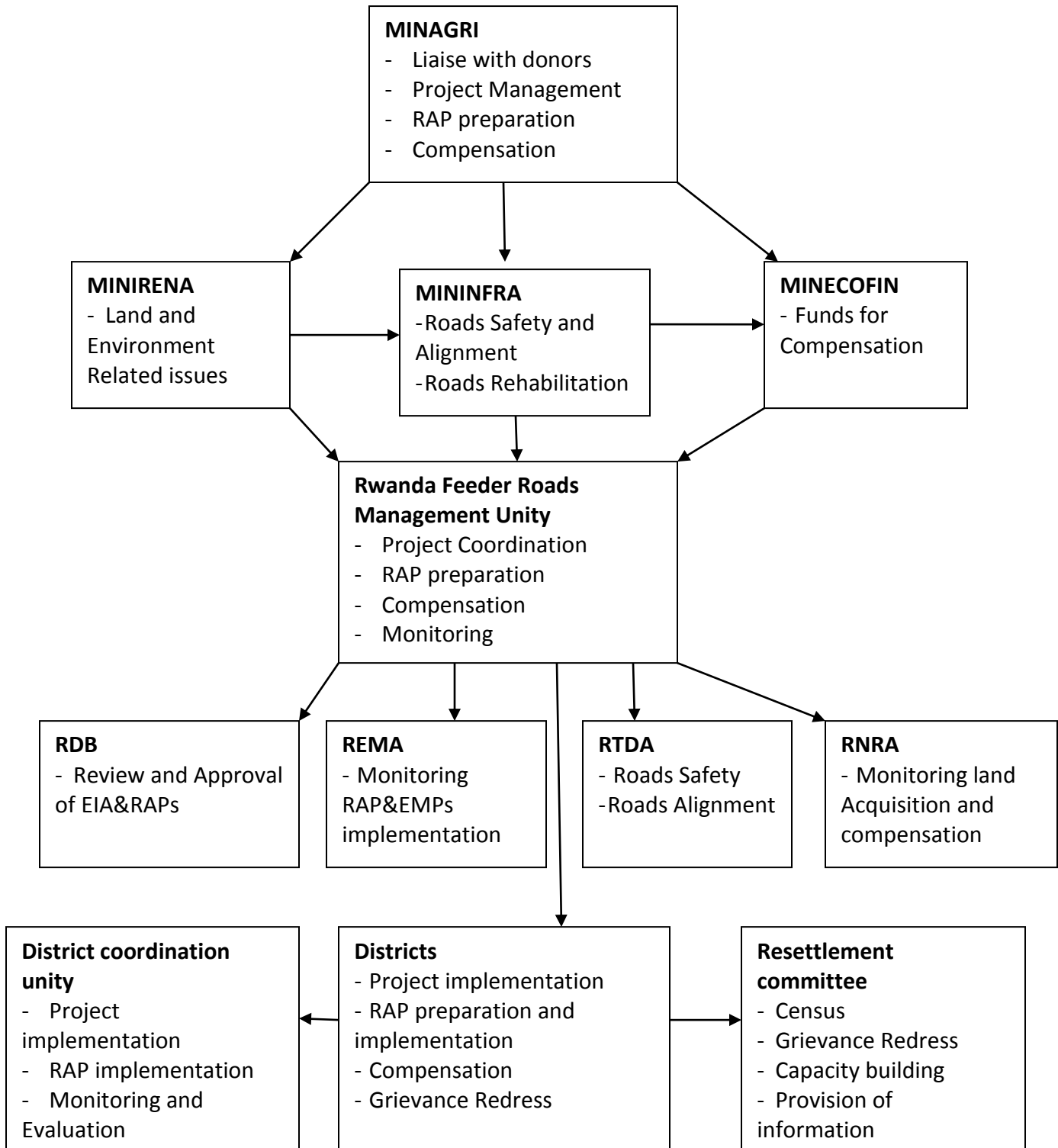
The article 66 of the Environmental Organic Law specifies to establish, at the Provincial, District, Town, Sector and the Cell levels; Committees responsible for conservation and protection of the environment. The organization, functioning and their responsibilities are determined by Prime Minister’s Order. The executive committee of the District is responsible to initiate the expropriation and District Council implements the expropriation after considering the decision of the **Land Commission** (Expropriation law, 2007).

Table 2: Institutional Responsibilities in Resettlement/Rehabilitation Activities

NO	ACTIVITY	RESPONSIBILITY
1	Liaising with World Bank/other Donors	MINAGRI, MININFRA
2	Coordination of Activities Resettlement activities	MINAGRI/MINIRENA/District
3	Preparation and Disclosure of RPF	MINAGRI/Agencies
4	Alignment of ROW to approved planning scheme	MININFRA/RTDA
5	Vetting of request for compulsory acquisition of land	Ministry of natural Resources/District land Bureau
6	Social Impact studies (conduct social impact assessment and property impact studies)	Agencies through Consultants
7	Internal Monitoring	Feeder Roads project management team/ Districts
8	Consultations, planning and Preparation of RAP	MINAGRI/ PMU/Districts
9	Disclosure of RAP	MINAGRI/ PMU/Districts

10	External Monitoring and Approval	MINIRENA/REMA/RNRA
11	<ul style="list-style-type: none"> - Marking of affected properties - Inventory of affected properties - Notifications - Request for proof of eligibility - Consultations 	MINAGRI/MINIRENA/District land Bureau
12	Valuation of Properties	District land Bureau
13	Establishing of Committees <ul style="list-style-type: none"> - Utilities Committee to conduct an inventory of properties with utility services - Grievance Committee establish procedures for dispute resolutions - Payment Committee establish payment modalities 	District/ MINAGRI
14	Disclosure of values. Making of offers Processing for payments	District land Bureau/ Project Management Unit
15	Release of funds for payment	Ministry of Finance and Economic Planning, Agencies/MINAGRI
16	Payments	Districts
17	Grievance and dispute resolutions	Grievance Committee (Agencies/MINAGRI/DISTRICTS)
18	Taking possession of site	MINAGRI/District
19	Disconnect and reconnection of utilities	Utility Committee (Agencies, Utility Companies)
20	External Monitoring	REMA, RNRA, NGO, World Bank
21	Representing government for any law court redress cases	MINAGRI /Attorney General's Office
22	Preparation of Monitoring and Evaluation Report of RAP and Disclosure	MINAGRI/DISTRICTS/PMU

Figure 2: Institutional Roles in RPF Preparation and implementation



2.4. SOCIO-ECONOMIC BASELINE AND LAND TENURE SYSTEM AND PROVISIONS IN RWANDA

2.4.1. Population and economy:

Rwanda is classified among the poorest and densely populated countries of the world. In August 2002, Rwanda counted 8,128,553 inhabitants with a surface area of 26,338 km², i.e. a physical density of 321 inhabitants /km². The 2012 National Population census provision results place Rwanda's population at 11,055,976 with a density 408 inhabitants/km². The Gross Domestic Product (GDP) per inhabitant in 2011 is estimated to 1,284 \$ US compared with 1,100 \$ US in 2010. Historically, from 2000 until 2010, Rwanda's average quarterly GDP growth was 8.48 % reaching an historical high of 13.80 % in June of 2008 and a record low of 2.20 % in December of 2003.

The Rwandan economy is based mostly on subsistence farming. An estimated 80 % of the population occupied in agriculture. Agriculture comprised an estimated 42.1 % of GDP in 2010 while industrial sector contributed 14.3 % of GDP in 2010. The service sector rebounded in 2010, becoming the country's largest sector by economic output and contributing 43.6 % of the country's GDP. Key contributors include banking and finance, wholesale and retail trade, hotels and restaurants, transport, storage, communication, insurance, real estate, business services and public administration including education and health.

2.4.2. Human settlements:

The rural settlement of Rwanda has been scattered and characterized by unplanned settlements which has lead to land degradation and soil erosion. In some urban areas, Rwanda has developed a master town plan. Towns have earlier on been developed spontaneously without taking into consideration the environmental aspect. The present policy of the Government of Rwanda encourages a system of grouped settlement which is commonly known as imidugudu.

2.4.3. Energy and transport

In Rwanda, the biomass serves as the main source of energy as it covers 94% of national needs, against only 5% for the contribution of petrol products and 1% for electric power. Woody fuels and biomass wastes are the sources of energy used in households, industries and handicrafts. However, the country has alternative sources of energy, which have not been developed, such as peat, methane gas of Lake Kivu representing 57 billion m³, solar energy and biogas.

Combined with anthropic factors (agriculture, drainage of marshes, deforestation and overexploitation of river basins), the hydrous deficit is considered to be the main factor of vulnerability of the hydropower sector. It is evident that the pluviometric deficit leads to the reduction of offer in water resource and, consequently, in hydroelectricity. That was the case for the power plants of Ntaruka and Mukungwa on lakes Bulera and Ruhondo, two main interior sources of electric energy of Rwanda.

Moreover, the hydropower-related infrastructure is still weak with present production not exceeding 27 MW, while the demand is estimated to be more than 40MW. Diesel-powered plants are producing electricity at Jabana and Gatsata, and the mobilization of funds and investors is underway for other hydro-electric projects including:

- 28 MW on Nyabarongo River in Bulinga;
- 60 MW (three countries) on Akagera at Rusumo;

Rusizi II, Mukungwa III, Rukarara and various other micro hydropower plants.

The transport sector is generally dominated by road transport that includes 14,000 Kms of roads and tracks. In air transportation, the country has two international airports (Kigali and Kamembe) and aerodromes (Huye, Rubavu and Musanze) used for internal air transport. Water transport is used mainly on Lake Kivu for connecting districts of the Western Province. As of 2011, the country has no railways, although funding has been secured for a feasibility study into extending the Tanzanian Central Line into Rwanda.

Rwanda has a road network of 14,000 km of which about 4700 km is classified¹, spread over barely 27,000 square km of national territory. 60 percent of the classified road network is designated as national roads consisting of about 1,100 km of paved roads and 1,800 km of gravel roads while the remaining 40 percent of the classified network (about 1,800 km) is designated as district road. Out of the 14,000 km of the overall road network about 66 percent (9,300 km) are unclassified roads, which are predominantly earth roads and considered as communal roads. According to a road condition survey carried out in 2010, about 23 percent of the district roads are in good condition while 44 percent and 32 percent are in fair and poor condition, respectively. The unclassified roads are not surveyed, but generally in poor state and impassable during the rainy season.

¹ The country's road reclassification was carried out in 2005 by Ministry of Infrastructure.

Moreover, the feeder roads in Rwanda traverse hilly terrain with high rainfall and soft soils, and the earth roads, which are not engineered roads, are often washed out during the rainy season. Further, with its mountainous terrain, excessive rain fall, and severe erosion Rwanda's road network is rendered to high maintenance cost, which is twice higher than that of most Sub-Saharan countries.

2.4.4. Land use

Agriculture is the most important sector of the Rwandan economy with a contribution of 42.1% to the GDP (12 % for livestock) and contributes 71% of export revenue. Coffee and tea are the main export crops, with about 62 million US\$ of export revenue in 2005, of which 38 million US\$ were from coffee and 24 million US\$ from tea. The agriculture production system is based on small family subsistence farms whose production is consumed by the owners at more than 80 %. The systems of crops are complex, based on the product diversification and the association of crops. Seven main crops, namely banana, bean, sweet potato, cassava, sorghum and potatoes, of which the first five are present in 90% of production units and constitute the common basis for all the regions of Rwanda.

The little use of chemical fertilizers and pesticides, the low level of equipment and the very limited use of research based technologies result in small yields which are also very vulnerable to climatic changes. Research and popularization are expected to contribute to growth by the promotion of modern inputs and new technologies. The agricultural intensification at the projects level was often realized without taking into account environmental drawbacks accrued from excessive inputs like mineral fertilizers, pesticides and herbicides.

In addition to agricultural activities, most farmers in Rwanda raise livestock. The national average milk production is 1litre / cow/ day for 180 days of lactation (MINAGRI, 2001). The pastures consist mainly of family fallows and marginal lands considered as inappropriate to agriculture, such as the undergrowth. The demographic pressure progressively leads to the semi-intensification and intensification of fodder resources used to feed animals.

MINAGRI (2006) showed that the number of cows nationally increased by 60 % between 2000 and 2005. The number of goats increased by 67 %, sheeps by 195 %, pigs by 93 %, poultry by 44 % and rabbits by 67 %. The limited subsisting pastoral areas are used inefficiently, because farmers do not master the rotative management of pastures, resulting in overgrazing and overexploitation caused by trampling, degradation and reduction of vegetation cover. The permanent stabulation, the semi-stabulation and extensive farming constitute the three main types of animal husbandry. It

should be noted that there is a program managed by MINAGRI called «One Cow per Every Poor Family in Rwanda (Girinka Program) » that will cover all the districts of the country in order to contribute to poverty reduction and food security.

Land cover in Rwanda (MINIRENA 2010)

Land cover types	% of the total
Potential Arable Land (land actually under agriculture)	61
Wetlands	10
Forest	10
Water body (lakes and rivers)	6
Protected areas (parks)	8
Settlement and other infrastructures	5

2.4.5. Types of formal land tenure

The Organic Land Law provides two types of formal land tenure: full ownership/ freehold and long term leasehold. As a result of the recent privatization of State owned lands, many land users don't hold either type of land tenure. As a result of this, the Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements.

Article 7 of the law formalizes land ownership, especially those acquired through customary means. In such cases, populations with customary/indigenous land rights are being encouraged to register their land through decentralized the District Land Bureau, Sector Land Committees and Cell Land Committees. However in doing so all types of land tenure must be in compliance with the designated land use and environmental protection measures as outlined in the Land Use Master Plan (Organic Land law N0 08/2005 of 14/07/2005, article 6).

2.4.6. Rwanda Land Policy of 2004

The Rwandan Land Policy ensures equal right to land use for all Rwandan citizens. In order to achieve the objective of the Land Policy, Rwanda is undergoing a land reform process targeting three main objectives: (1) Use of the Land for economic growth and poverty reduction, (2)

Ensuring equal rights to land for all Rwandans and (3) Protecting environment and land resources. A number of organic laws, decrees and orders have been and are still being prepared and promulgated to facilitate the implementation of the Rwandan Land Policy.

2.4.7. Categories of Lands in Rwanda

Land in Rwanda is divided into two categories; either urban or rural land. Urban lands are defined as lands confined within the legal boundaries of towns and municipalities as well as lands in suburbs and collective settlements of towns and municipalities. Any other land is rural land. Land ownership is divided into the following categories: individual owned lands and State lands (whether urban or rural). Article 11 provides that individual land is comprised of land acquired through custom, written law, acquisition from competent authorities, purchase, gift, exchange and sharing. State lands are further categorized into two sub-categories: public domains and private State owned lands (Articles 12 and 13). State land for public domain comprises land reserved for public use, for use by organs of state services or for environmental protection.

2.5. CRITERIA FOR EXPROPRIATION AND COMPENSATION IN RWANDA

2.5.1. Eligibility

Eligibility for compensation as a result of expropriation is enshrined in the constitution under article 29 and the Expropriation Law. The two laws regulate and give entitlement to those affected, whether or not they have written customary or formal tenure rights. The person to be expropriated is defined under article 2(7) of the Expropriation Law 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.

2.5.2. Compensation Entitlement

In event of loss occurring to an individual, Article 3 of the Expropriation Law stipulates that he or she should receive just compensation for it. This entitlement is based on the figure arrived at by the independent valuer. Article 4 of this law also stipulates that any project which results in the need for expropriation for public interest shall provide for all just compensation in its budget. Through mutual arrangement, both parties can determine the mode of payment.

Article 22 (2) of the Expropriation Law provides that through an agreement between the person to expropriate and the one to be expropriated, just compensation may either be monetary, alternative

land or a building equivalent as long as either option equates to fair and just monetary compensation. In case the determination of 'just' compensation exceeds in value the alternative land given to the expropriated person, the difference will be paid to the expropriated person.

2.5.3. Land Expropriation and Valuation in Rwanda

A landlord whose land is to be expropriated shall be entitled to payment of compensation for land and other assets, plus compensation relating to all activities resulting in any improvement to the land. Land and other assets are classified into two categories: movable and immovable assets, both of which are eligible for compensation. For movable assets, compensation relates to inconveniences and other transition costs caused in the process of relocation. Immovable assets include: crops, forests, any building or other activity aimed at efficient use of the land, the value of land, and the activities thereon that belong to the person expropriated.

Valuation of land and property on it is done by the government or valuers registered by Institute of Real Property Valuers based on land size, nature and location of land as well as the prevailing market price or any other international methods. The amount of compensation for property is determined on the basis of the replacement cost of the property. The law provides that the valuation for expropriated lands be based on its type, use, location and availability, building on this guidance provided by MINIRENA. At the moment market prices for land and property on it are negotiated openly and freely by the buyer and the seller based on mutual agreement (willing seller willing buyer basis).

2.5.4. Procedures for Expropriation

Organic law on expropriation stipulates and provides for public sensitization on the importance of the project to be established and the need for expropriation. In addition to sensitization, the Expropriation Law requires prior consultative meetings and examination of the project proposal involving expropriation, with a view to avoid eventual prejudice on the person or entity subject to expropriation. Normally, a consultative meeting is held within 30 days after receipt of the application for expropriation. Based on these consultations, the relevant Land Commission or Committee (Cell level, sector, district or National level) takes a decision to approve the project within a period of 15 days.

The application for expropriation should have relevant information about the project, including description, the justification that the project is aimed at the public interest, the Land Use Master Plan for the land area on which the project shall be implemented, documentation indicating that the project does not have negative impacts on environment (or that the impact is mitigated by the project) as well as proof confirming the availability of funds to fully cover compensation costs. The Land Use Master Plan should be referred and a survey conducted in order to get a comprehensive description of the activities/ items on that land as well as the list of beneficiaries of activities on that land.

After the survey process is completed and approved by RFRDP coordination, parties must sign a contract detailing the objective of expropriation, the value of compensation and the payment method and schedule. The contract serves as a documentary evidence of the full consent of all parties to the rights and obligations as well as procedures enshrined therein. They bind the parties to it and the contractual provisions become the law between the parties.

The final decision is normally communicated publicly to the population by the relevant Land Commission. The decision is also normally posted in the public offices where the land at issue is located as well as on radio Rwanda and in State newspapers. As such, this is intended to inform the concerned parties and it is normally done within 30 days after the decision has been made (Article 13 of the Expropriation Law). Section 2 of the expropriation law on procedures, RFRDP must show how the sub projects fits into the master plan of the land in question.

2.5.5. Complaints Procedures and Redress

Article 26 of the Expropriation Law N0 18/2007 of 19/04/2007 provides complaints procedures for individuals dissatisfied with the value of their compensation. Article 19 of the expropriation law stipulates that dissatisfied persons have a grace period of 30 days after the project approval decision has been taken to appeal. 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.

2.6. WORLD BANK INVOLUNTARY RESETTLEMENT (OP/BP 4.12)

Interventions in the road sector could lead to displacement, loss of assets and restriction of access to sources of livelihood. All candidate roads would be screened for impacts and a Resettlement Action Plan (RAP) will be prepared, if required. Resettlement Policy Framework (RPF) sets the guidelines for the Resettlement and Compensation Plans (RAPs) that would have to be prepared when any project investment (activity) triggers this policy. The Resettlement Policy Framework (RPF) has to be prepared by the government and approved by the Bank in compliance with OP 4.12. In some cases the World Bank reserves the right to also approve any RAP before its implementation.

This policy is triggered when a project activity causes the involuntary taking of land and other assets resulting in: (a) relocation or loss of shelter, (b) loss of assets or access to assets (c) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which the former is preferred. The resettlement policy applies to all displaced persons regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Particular attention should be paid to the needs of vulnerable groups among those displaced.

The policy also requires that the implementation of the resettlement plans are a pre-requisite for the implementation/start of the construction to ensure that displacement or restriction of access does not occur before necessary measures for resettlement and compensation are in place. For chosen sites involving land acquisition, it is further required that these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites, new homes, related infrastructure and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the project resettlement plans of action. The policy aims to have the displaced persons perceive the process to be fair and transparent. Where there is a conflict

between the Laws of Rwanda and the Bank OP4.12, the latter must take precedence if the Bank is to fund the project/activity.

2.7. COMPARATIVE ANALYSIS BETWEEN RWANDA LEGISLATIONS AND WORLD BANK OP 4.12

Although Rwanda has developed and enacted new land laws that are responsive to land and property especially in case of expropriation, there are some gaps when compared to World Bank OP4.12 on involuntary displacement. These gaps include the following.

2.7.1. Cut-off Date

While WB OP 4.12 indicates that the PAPs should be informed of a cut-off date upon which those who have not been identified as land owners can raise issues, Rwanda law has no such mechanism to protect land owners in case of absentee land lords or users. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. It should be noted that the cutoff date should be determined before the census is conducted and agreed by all the stakeholders especially the PAPs.

2.7.2. Stakeholder Participative and Consultation

World Bank OP 4.12 requires that persons to be displaced should be actively being consulted and should have opportunity to participate in planning and design of resettlement programs. The Rwandan organic law on Expropriation simply stipulates that affected peoples be fully informed of expropriation issues. The law also conflicts the very purpose of consultation and involvement by prohibit any opposition to the expropriation program if considered to be under the pretext of self-centered justification which might not be the case.

2.7.3. Determining Eligibility for Compensation

While World Bank considers and allows a wide range of persons eligible for compensation, such as those who don't own land but access to the property will be displaced, Rwandan legislation only stipulates that compensation be due to land owners. WB OP 4.12 will provide the framework for resettlement for the RFRDP.

2.7.4. Transfer period

Rwanda expropriation law stipulates a timeframe upon when the property to be expropriated must be handed over which is 90 days after compensation has been paid. WB OP4.12 requires that

displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. Measures pertaining to provision of economic rehabilitation however can and often do occur post displacement.

2.7.5. Avoiding Resettlement

According to OP4.12, resettlement should be avoided whenever possible, while the Article 6 of the Expropriation Law regards expropriation of land for public interest as inevitable.

2.7.6. Assistance to Resettle the Displaced

While expropriation laws provides for compensation measures, its silent on other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required.

The table below summarize the deference between the National resettlement requirements and the World Bank **OP 4.12** Involuntary Resettlement Policy. Where there is a difference, OP 4.12 shall prevail.

Table 3: Comparative Analysis between World Bank OP 4.12 and National Legislations

Principles	World Bank OP 4.12	Rwanda Legislations	Recommendations
Valuation	OP 4.12 prefers Replacement cost method of valuation s the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.	Valuation is covered by the Expropriation Law and the Land Valuation Law and stipulates, as already mentioned, that the affected person receive fair and just compensation. However a ministerial order gives the value of land and crops	Adopt replacement cost method of valuation
Compensation	OP 4.12 gives preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based as compared to monetary compensation	Article 22 of the expropriation law No 18/2007 entitles the landholder to compensation for the value of the land and activities on the basis of size, nature location considering the prevailing market value.	Adopt OP 4.12 mode of compensation by giving preference to land based resettlement as opposed to monetary compensation
Participation consultation	WB OP 4.12 requires that persons to be displaced should be actively being consulted and should have opportunity to participate in planning and design of resettlement programs.	The Rwandan organic law on Expropriation simply stipulates that affected peoples be fully informed of expropriation issues. The law prohibits any opposition to the expropriation	Adopt OP 4.12 methods of participation
Timeframe	WB OP4.12 requires that displacement must that effect Expropriation law is silent on provision of alternative land and resettlement of those to the pre-displaced status Expropriation law does not provide for alternatives when undertaking not occur before necessary measures for resettlement are in place. WB OP 4.12 provides for a timeframe (cut-off date) upon which interested parties are entitled to respond.	Rwanda expropriation law stipulates a timeframe upon when the property to be expropriated must be handed over which is 90 days after compensation has been paid.	A cut- off date should be applied. OP 4.12 states that, Where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of

			escrow or other interest-bearing deposit.
Overall strategy	Under the OP 4.12 , it's not necessary to prove that the project fits within the overall land master plan	Section 2 of the expropriation law on procedures, provides for the process to show how the sub projects fits into the land master plan of the area in question	Adopt Rwanda Expropriation Law
Eligibility	OP 4.12 criteria for eligibility include even those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan.	Article 18 of the law requires the person who owns land intended for expropriation to provide evidence of ownership or rights on that land and presents a certificate to case.	OP 4.12 will be more appropriate for determining eligibility due to the fact that many of those who farm the land should be assisted to at least maintain their pre-project level of welfare.
	OP 4.12 requires and prefers resettlement of displaced persons.	Expropriation law is silent on provision of alternative land and resettlement of those to the pre displaced status	Use World Bank OP 4.12
Required Measures	OP 4.12 requires displaced persons to be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives	Expropriation law does not provide for alternatives when undertaking compensation	Use World Bank OP 4.12

CHAPTER THREE: ASSESMENT OF PROJECT AFFECTED ASSETS AND PERSONS

3.1. ELIGIBILITY

This Section sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people.

3.1.1. Principles

The involuntary taking of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. OP 4.12 suggests the following three criteria for eligibility:

- a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Rwandan Law.
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Rwanda or become recognized through a process identified in the resettlement plan.
- c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut of date, but are recognized under World Bank OP 4.12.

Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF. Persons covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established by the RFRDP in close consultation with the potential PAPs, local community leaders and the respective local leader and acceptable to the World Bank.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal

rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date.

3.1.2. Eligibility Criteria

Defining eligibility criteria is essential for the resettlement/ rehabilitation process and compensation payments. The census and property inventories provide the basis of the identification of PAPs and assets. Project affected peoples who are considered to be eligible for resettlement and compensation include the following:

- Landowners losing part or all of their land
- Tenants leasing privately owned land;
- PAPs losing trees and crops located on required land for Roads project
- Households with housing located along the targeting road and affected by project activities;
- Traders that maybe affected by Project activities

3.1.3. Cut-Off Dates

Before displacement takes place, RAPs will be undertaken. To undertake RAP, census will be conducted to identify all the PAPs and the related levels of impact. The date that the census begins is the cut-off date for eligibility for resettlement and compensation. It is important that this date is fully communicated to all potential PAPs in the project affected area with sufficient time for these people to ensure their availability for the Census. To ensure all the stakeholders and PAPs are informed, communication will be done through the Sub-project Resettlement and Compensation Committees and in line with the consultation procedures outlined in chapter 9. Community leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The potential PAPs will be informed through both formal notification in writing or by verbal notification delivered in the in the presence of the community leaders or their representatives.

After the census has been undertaken, the lists will be verified and validated by the Sector/ Cell Land Committees and Community leaders). These lists will then be verified and approved by the District authority and finally by SPIU. Once these lists have been approved, thereafter, no new cases of affected people will be considered. Where there are clearly no identified owners or users of land or assets, the Cell/ Sector Land Committees and District

Land Bureaus) will notify the community leaders and representatives to help to identify and locate the land users.

Once land users have been identified, their details and eligibility will be submitted to the Sub-project Resettlement and Compensation Committee. Once they have been verified and validated by the District Land Bureau these new PAPs will be considered eligible for compensation. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. It should be noted that the cutoff date should be determined before the census is conducted and agreed by all the stakeholders especially the PAPs.

3.1.4. Estimates of Affected Population and Inventory of Assets

At this stage of the project there are no confirmed figures of land to be expropriated and numbers of affected peoples to be displaced. Feasibility studies which are ongoing will give more details on required lands and assets that are likely to be affected. It is worth to note that the Feeder Roads development project will consist of Roads rehabilitation, Upgrading spot improvement and roads maintenance. Based on proposed activities the project affected persons and assets to be affected will not be too much.

With field visit in four Districts, the project is expecting to affect 2085 households that will lose, 85 houses, 140 ha of lands, 124 ha of crops along the Roads. . In terms of number the project will affect many people but in terms of magnitude the impact is low. Due to the nature of the project, only small plot of land will be required for widening some roads. The project will be implemented on existing roads and in general it is estimated that only additional 2 to -4m will be required. If we consider the total land to be acquired and the number of affected household, every house hold is likely to lose 6, 7 acres. By considering the national average of land ownership by household which is 25 acres, these represent 26% of their lands. The exact number of PAPs and assets to be affected will be known after detailed census is done.

Table 4: Summary of Estimated Affected persons and assets

No	District	Affected household	Affected Houses	Affected Lands (ha)	Affected crops(Ha)
1	Gisagara	270	2	18	16
2	Karongi	840	40	56	51
3	Nyamasheke	555	28	37	30

4	Rwamagana	420	15	29	27
		2085	85	140	124

Sources: Estimation based on field Survey and specific RAPs

3.1.5. Entitlement Matrix

PAPs entitlement matrix is provided in Table 5 below it provides an indication of resettlement and compensation measures to restore livelihoods impacted by the loss of land. This matrix acts as a guide and will be developed for each sub project during the RAP.

Table 5: Entitlement Matrix

Type of Loss	Eligibility Criteria	Entitlement
Loss of Land (Urban or Rural)	Owners of land where the roads will pass	For PAPs who are losing the land, first option is replacement land for land. Full monetary market value compensation for strips of land lost, should be the last option. If PAPs receive monetary compensation, they should receive some guidance/training on managing the funds.
Loss of Structure	Owners and users (tenants) of land where the roads will pass	<ul style="list-style-type: none"> - Resettlement and Compensation. Resettle and compensate full market value for the structures to be demolished - Provide development assistance in addition to compensation measures described (water and energy supply)
Business Losses	Businesses that operate in areas to affect by Roads upgrading, rehabilitation and spot improvement.	<ul style="list-style-type: none"> - Compensation for structures and assets that cannot be moved - Provide assistance with relocation, and cover all the costs of moving any salvageable parts of existing structures and reinstallation and start ups - Provide assistance to restore business including training and capacity building if required.
<ul style="list-style-type: none"> - Loss of economic or perennial trees - Loss of food crops 	Various rights and interest holders – Sharecroppers, Licensees, Lessees	<ul style="list-style-type: none"> - Resettle and compensate full market value for assessed crops/plants/trees

3.2. METHODS OF ASSETS VALUATION

Although the subproject detailed design is not yet finalized Feeder Roads Development Project investments will be mostly in rural areas. Land and assets will be valued and compensated for according to the following guidelines and as appropriate for each segment:

- The RFRDP will compensate for assets and investments (including labour, crops, buildings, and other improvements) according to the provisions of the resettlement plan.
- Eligibility for compensation will not be valid for new persons occupying/using the project sites after the cut-off date, in accordance with this policy.
- Compensation cost values will be based on replacement costs, as of the date that the replacement is to be provided or at the date of project identification, whichever is higher.
- The market prices for cash crops will have to be determined based on the values as determined by independent valuers or from valuation office at the district level;
- PAPs that lose farmland allotted by the village under customary tenure will be provided an equivalent plot. However, since the bank policy OP4.12 on resettlement makes no distinction between statute and customary rights, a customary land owner or a user of state owned land will be compensated for land, assets and investments including loss of access, at replacement costs.

3.2.1. Types of Compensation

Compensation for all land use and assets in kind or cash will be required for the following:

- Land;
- Buildings, structures and fixtures;
- Cultivated crops and trees; and
- Loss of businesses or employment.

In addition, resettlement and economic rehabilitation assistance will be given, as outlined in the Entitlement Matrix. A provisional guide on compensation values for land is provided in Annexes. However this is for guidance only it is essential that current market values are used to establish actual compensation. The District Land Bureaus and SPIU are to establish these rates as part of the preparation of each sub-project, using as a benchmark the rates prevailing for other government land acquisition schemes in that District.

In providing compensation, in kind is preferred as cash payments raises issues regarding inflation and security. In addition, provision of cash does not ensure that the PAP's income

will be restored. For payment of compensation in-kind, the timing and alternative locations will have to be decided during the RAP process.

Table 6: Types of Compensation

Type of Compensation	Description
In – Kind Compensation	Compensation may include items such as land, houses other buildings, or equal or better value. If building materials are provided transport and labor costs must also be provided. Preference will be given to this type of compensation.
Cash payments	Compensation will be calculated at new replacement value, and paid in Rwandan Francs
Resettlement and Economic Rehabilitation Assistance	Resettlement assistance may include moving allowance, transportation and labor associated with resettlement as well as financial assistance for the period when access to land, income/ subsistence crops is unavailable. Economic Rehabilitation Assistance may include training, capacity building as well as provision of assistance to facilitate reestablishment of livelihood activities such as provision of seedlings, agricultural inputs and financial credits for equipment.

3.2.2. Valuation of Assets and National Law

According to Rwandan Expropriation Law, any expropriated assets are to be ‘justly’ compensated with valuation undertaken by an independent valuator. Given the immaturity of the land and property markets, there is likely to be some inconsistencies in determining ‘just’ compensation. In addition it is not clear whether this complies with the OP 4.12 requirement of providing full replacement value for lost assets. This RPF provides the basic principles for the valuation of assets. The FRDP project in Rwanda will need to determine appropriate unit cost rates for each location. During consultation with the PAPs, the Social Safeguard Specialist will outline the available options and their advantages to PAPs, to assist them to make informed decisions.

3.2.3. Valuation methods

a) Replacement Cost Approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by sub project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms such as access to water sources, public services, customers, and suppliers; or to fishing, grazing, or forest

areas), attempts will be made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. The approach will involve direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

b) Gross Current Replacement Cost

Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.

c) Other methods

Rates from Contractors: When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

3.3. CALCULATING COMPENSATION FOR ASSETS

The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

3.3.1. Compensation for Land

Preference method for land compensation will be replacement land. Land for land compensation will also involve affected party being compensated in kind (food crops) or cash. If there is no alternative land available, cash compensation at full replacement value should be provided. This should be valued based on the prevailing market value in the locality (local market price variations as provided by MINIRENA) to purchase an equally productive land in the same locality. In addition, any associated costs of purchasing the land including land rates, registration fees will need to be included in the compensation calculation.

Where land lost is only a small proportion of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided should be calculated based on the total land affected (the actual land lost plus the remaining unusable land).

3.3.2. Compensation for houses and other Structures

There are two options for compensating structures in lands that will be expropriated. The preferred option for structural compensation will be to provide alternate structures (huts, houses, farm outbuildings, latrines, storage facilities and fences among others) of improved quality where possible. In case of residential structures, the replacement should provide better standards of living. Alternative method of structure compensation will be to provide cash compensation at full replacement value.

Replacement costs will be based on:

- Sizes of structures and materials used
- Average replacement costs of different types of structures based on information on the numbers and types of materials used to construct different types of structures
- Prices of materials used in the structure based on local market rates
- Transportation costs for delivery of these materials acquired for replacing the structure
- Estimates of construction of new buildings including labor required
- Any associated costs including rates, taxes, and registration fees among others.

3.3.3. Compensation for Crops and Trees

PAPs will be encouraged to harvest their produce before loss of land. In order to ensure that this is possible, and that appropriate market prices are received for yields, there needs to be sufficient consultation beforehand so that harvesting can be properly planned. In the event that crops cannot be harvested, compensation for loss of crops and trees including value of fruit trees will be provided as follows.

- Provision of cash compensation for value of crops lost, at current market value;
- Provision of seed or seedlings appropriate for the resettled areas
- Provision of cash compensation to cover the income foregone during the period that the PAP is without land. The cash compensation will be equivalent to the value of crop production lost, until the replacements are yielding to the same level (i.e., the period until the replacement seed/seedlings are producing whether the same year for annual crops, or longer in the case of shrub or tree crops).
- For fruit trees that take longer to mature and yield and are seasonal, the cost of the yields for the period that the tree will take to mature should be calculated including future price of the fruits.

3.3.4. Compensation for Loss of Business

Business structures will be compensated as indicated above. In addition, compensation will be paid for the lost income and production during the transition period (the time between losing the business and re-establishment). This will be estimated based on the daily or monthly income of the affected parties.

3.3.5. Compensation for Community Assets

Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be provided even if there are existing facilities at the new location.

3.3.6. Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Bank's

Safeguards OP 4.11. Sacred and genocide memorial sites include but not restricted only to; museums, altars, initiation centers, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities/homesteads the use of sacred sites for any project activity, is not permitted under this project.

3.4. Public consultation

Project stakeholder consultation is a vital component of the RPF process. The consultation process focuses on providing information on the proposed project in a manner that can be understood and interpreted by the relevant audience, seeking comment on key issues and concerns, sourcing accurate information, identifying potential impacts and offering the opportunity for alternatives or objections to be raised by the potentially affected parties; nongovernmental organizations, members of the public and other stakeholders. Consultation has also been found to develop a sense of stakeholder ownership of the project and the realization that their concerns are taken seriously, and that the issues they raise, if relevant, will be addressed in the RPF process and will be considered during project design refinement.

Consultation with all project stakeholders began during the Scoping phase and continues throughout the entire ESIA process and will continue into the feeder road rehabilitation/reconstruction and operational phases.

At District level consultations were held districts and project and were attended by project staffs, District and sectors staffs as well as representatives of project affected persons. Interactive discussion was also conducted with District mayors, sectors executive's secretaries, in charge of infrastructure, In charge of Environment and in charge of land administration.

Relevant sub-projects related to each district were introduced to mayors and vice-mayors and to relevant officers (land, environment, agriculture, social affairs). So far, there has been information on the projects in the district and they participated in the selection of the feeder roads to be rehabilitated. District staff was very interested in details on the size, location, start and due dates for completion of the work, etc. Generally, the interest in the projects is big and positive; interviewees see the possibility of increasing economic activity in the area with the increased transport facilities especially for the creation of small business as well as the chance of an increased living standard.

District staff asked to get more information on the size and exact location of the projects to be able to analyze how many families will be directly affected, which crops will be affected and if expropriations and transfers of families to other areas will be necessary. As the impacts of the projects involve some resettlements, there is a serious task of district officers. However, they need to be informed officially and provided with maps of the exact project locations and affected areas so that they can start informing inhabitants on how they will be affected and asking them for their cooperation.

The project declaration needs to be submitted officially in order to enable the administration to take action. The next step after the official declaration is for district officers together with RTDA staff to inform administration on district, sector, cell and village level about the projects and reach potentially affected persons, who will lose land, crops or built structures.

Affected persons need to be informed before the official inventory of losses (signature of expropriation forms) and the start of the expropriation and compensation procedure to be carried out by the district and sector land offices together with RTDA.

Consultation with Other Relevant Stakeholders

Other relevant stakeholders on national level such as government institutions (RDB, REMA, MINAGRI, MINIRENA, etc.) have been consulted and informed about the project.

Consultation needs to be intensified with MININFRA and MINIFIN in order to ensure a timely compensation procedure. A national Validation workshop was also organized by the ministry of Agriculture and Animal Resources to validate the ESMF and RPF. Minutes and participants to this Validation workshop are attached in annex

Consultation with Directly Affected Persons

On account of the location of the projects, which are existing feeder road directly affected people is low. It is limited to those who are affected by resettlement, land acquisition for the and the access roads as well as those affected by land acquisition in widening areas alongside the existing feeder roads. Wherever possible, the impacts have already been minimised during the design phase. Another category of affected persons are water users, who take water for small-scale irrigation from the river or use the water for washing. On account of its high turbidity, the water is rarely used for drinking purposes. Wherever possible, public consultations with potentially affected people were carried out. Generally, people appreciate the project because they expect to gain access to transport through the projects and to improve their living standard and economic opportunities. The impacts are considered as minor. However, people have a right to be informed in advance and to receive just and timely compensation of lost assets, which, in the context of government projects has not always been the case in the past. This project should demonstrate that it can work better. Bellow are photos of consultation meetings



Public consultation in Karongi



Public Consultation in Gisagara



Consultation in Nyamasheke District Public Consultation in Rwamagana

After the preparation of the report, a validation workshop was organized on September 27, 2013 at MINAGRI conference hall. The report was validated by representatives of four Districts, Ministries, agencies and private consultants participated in this validation workshop. The list of institutions and participants to the workshop as well as minutes of the meeting are attached as annex 6.



National Validation workshop

All stakeholders and communities consulted were much concerned with compensation. Appropriate measures should be put in place to accompany the relocation of concerned farmers for keeping the good image of the project in the area. Prior to compensation, a detailed valuation of affected assets in the presence of the PAPs and local authorities, should be undertaken and up-to-date value of the affected assets be negotiated with the PAPs and communities for payment. Prior to compensation and resettlement, the PAPs and affected communities should be given free counselling, training on financial management and legal assistance where required. In regards to environmental concerns, consultation meeting revealed that all expected negative impacts, will be addressed during specific EIA studies.

Key recommendation from consultation is as follows:

1. During RAP preparation and EIA studies, there should be public consultation and local communities should be full involved in the process;
2. The compensation should be done with reference to updated prices;
3. Roads selection should consider district development plan national and district priority as well as land use master plans;
4. Affected persons and local communities will be given priority in recruitment of manpower and technical staffs.

The table below highlights the key outcome of consultation meetings

ISSUE RAISED	RESPONSE
Availability of funds for Resettlement	The government of Rwanda will provide funds for compensation and Project Affected persons will be compensated prior works.
Perceptions and awareness of stakeholders and the public in general, in relation to the proposed project.	Interviewed communities in the project area and others stakeholders including local authorities are aware of the project and the role of the project to increase livelihoods of local communities.
Roles of District in implementation safeguards tools	Districts will participate actively in RAP and EMPs implementation
Expected risks and negative effects of the Project to the local community.	<ul style="list-style-type: none"> - When there is no people mobilization and capacity building, the project implementation will become difficult. - Loss their own lands for cultivation. - Relocation of people which their houses are within the Roads extension
Anticipated benefits likely to be occurred from the project for stakeholders.	<ul style="list-style-type: none"> - Increased income for all employed personnel that will contribute to the project implementation. - Agriculture productivity prices will be increased. -Improvement of welfare conditions. - Employment creation. -Access on regional even international market by selling their horticultural products.
The willing to accept and participate in resources mobilization for all involved stakeholders.	<ul style="list-style-type: none"> - Government, related ministries and institutions to advocate and enhance the technical capacity of all stakeholders. -Local communities to accept and implement project activities.
Raised concerns/complaints from land owners.	<ul style="list-style-type: none"> - We need to be expropriated for our crops, trees, land and houses. - We need to be compensated for our own lands where the dam will affect. - We need to be informed when construction activities will start for avoiding the destruction of our established crops (not yet harvested). - During compensation period we suggest that project consider the value relating to our assets and comparing to the recent market rate.

<p>Raised the issue of employment, he suggested that the local people should be the first ones to be employed project.</p>	<p>The consultant team explained that local people will be involved in the employment, especially those with skills. But those with no skills will be taken as manpower in the project implementation.</p>
<p>What are the benefit for vulnerable people who cannot work</p>	<p>The project will benefit all people and it needs people with the ability to work on the project as well. The entitlements matrix contains allowances for vulnerable people to nominate a member of their household to take advantage of the project benefits ion their behalf.</p>
<p>Concern about the speed of vehicles, they are noisy and dangerous.</p>	<p>In collaboration with traffic police, traffic signal and Roads speed Humps will be put in these Roads especially near public places like Schools, Hospitals</p>

CHAPTER FOUR: PROCESS FOR PREPARING AND APPROVING RESETTLEMENT ACTION PLANS (RAPs)

The Feeder Roads Development Project in Rwanda will be implemented in four District, Rwamgana, Gisagara, Karongi and Nyamasheke where about 400km of Roads will be rehabilitated, Upgraded and in which regular maintenance works will be undertaken. Before any sub-project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required.

Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land that PAPs are using. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local

and national authorities, the RAP should be sent to the World Bank for final review, approval and disclosure.

4.1. PREPARATION OF RESETTLEMENT ACTION PLAN

When a sub-project is expected to cause physical or economic resettlement, a RAP must be prepared by the project social safeguards team with officers from district land bureau. This will be approved by Project and World Bank. The project Social safeguards team will monitor its implementation and supervision at a national level, while the relevant District Land Bureau will monitor at the local level. The RAP will need to be as detailed as possible in order to guide resettlement of each of the sub-projects.

4.1.1. Process for Identifying need for RAP

To establish if RAP is indeed needed screening will be undertaken at the sub project design stage. After screening and it is known that land acquisition is required, the RAP process can now start. The RAP will entail identification of PAPs, socio-economic survey of the PAPs, census and land asset inventory of the area Throughout the RAP process, transparent consultation and public disclosure will take place with all the stakeholders including the PAPs, ensuring that the affected persons are informed about the process. During the whole process, the PAPs should be informed of their right to have access a grievance mechanism.

4.1.2. Sub-Project Screening

The first step in the process of preparing sub project RAPs is the screening process. Screening will to identify the land/ areas that may result in resettlement impacts. Sub-project screening is used to identify the types and nature of potential impacts related to the activities proposed under RFRDP, and to provide adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key sub-project selection criterion. The screening process presented below will ensure that subprojects presented for RFRDP funding complies with the requirements of WB OP 4.12 and Rwandan Organic Law and Land Use Master Plan.

Screening will take place as early in the subproject process as possible, and it will identify land that will be required for resettlement. This process will be undertaken in consultation with the PAPs to ensure that it takes all considerations into account, and that all potential impacts are identified.

The screening form will then be submitted to the project Coordination for review. Should the screening process show that resettlement will be required, the next step will be to conduct a socio-economic survey, census and land asset inventory to determine the extent of resettlement required. This will be followed by the preparation of a RAP for the subproject.

4.1.3. Socio Economic Survey

To enable identify the numbers and socioeconomic impact of PAP, a socioeconomic survey should be conducted. This should include quantitative household survey of the project affected persons or households. The objective of the quantitative household survey will be to generate a baseline description of pertinent demographic and social characteristics of the affected households. The target population for the quantitative household survey will be those affected persons within the project area.

The socio-economic survey will be initiated by the relevant Districts responsible for managing the sub-project (via the sub-project Resettlement and Compensation Committees), with the use of the sample socio-economic survey in Annex.

4.1.4. Project Affected Person's Census

To determine the population of those affected, PAPs census should be undertaken for the displaced. The methodology will encompass all people adversely affected by the project, regardless of their legal status – landowner, holder of land rights, tenant, and illegal squatter – or whether they are actually living on an affected site at the time of the census. The lack of land title does not disqualify people from resettlement assistance. Private landowners and holders of rights to land as well as any person currently occupying public or private land for shelter, business purposes or other sources of livelihood (caretakers, squatters, scavengers) should be included in the census.

The census will serve five important and interrelated functions:

- Establishing a list of legitimate beneficiaries before the subproject's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits,
- Provide indicators for monitoring and evaluation;
- Provide initial information on the scale of resettlement to be undertaken

- Laying a framework for subsequent socioeconomic research needed to establish fair compensation rates and to design, monitor and evaluate sustainable income restoration or development interventions,

It's advisable that an independent consultant will need to be contracted to undertake the census, under close supervision of the sub-project Resettlement and Compensation Committees.

4.1.5. Preparation of Asset Inventory

To prepare inventory of the land and development on it, a field team should visit the affected area to carry out an asset valuation survey. The team should include village resettlement committee representative, local administration, a representative of the PAPs among others. During the survey, each asset should be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset should then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person.

The document will say when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

4.1.6. Preparation of RAP Report

Following the socio-economic census and identification of affected parties, a RAP will be developed. This will be coordinated the project Social safeguards team, District Project Coordination team in full collaboration with the District authorities. It is anticipated that the work will be undertaken by the Project staff. It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes.

The basic elements of a RAP are outlined in OP4.12 and each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website (www.worldbank.org) or in the World Bank's Involuntary Resettlement Sourcebook.

1. Description of the project and identification of project area;
2. Identification of potential project impacts and affected populations, including alternatives considered to minimize resettlement;
3. Findings of the census and any other socioeconomic studies conducted;
4. Description of resettlement assistance and restoration of-livelihood activities;
5. Eligibility;
6. Valuation of and compensations for losses;
7. Resettlement measures for each category of eligible PAPs, including alternative land sites;
8. Framework for public consultation, participation, and development planning;
9. Description of provisions for redress of grievances;
10. Description of organizational responsibilities;
11. Implementation schedule;
12. Costs and budget showing itemized cost estimates for all resettlement activities including allowances for inflation and other contingencies and timetables for expenditure; and Framework for monitoring, evaluation, and reporting.

4.1.7. Implementation of RAP

In implementing RAPs for the different sub-projects, a number of Government institutions will play a role. As stated above, implementation of the RAPs will be the responsibility of the Local Authorities in each sub-project location. Implementation will be led by a Sub-project Resettlement and Compensation Committee created for each sub-project where resettlement is an issue.

This committee is elected by the District Land Bureau. The District authorities (via the District Development Committee) will have a review role of the Resettlement and Compensation committee. The District Land Bureau will provide political and administrative support for the implementation of RAPs. National level institutions will ensure that there is compliance against the RPF and national legislation, and that information is available and consolidated in one place for overall RFRDP project monitoring.

4.1.8. Review and Submission of RAP to Authorities

After the completion of the RAP for a sub-project, the Project Social safeguards specialists must submit the RAP to the District authorities for comments. The RAP is also to be submitted to the RFRDP SPIU office to ensure compliance with the RPF, and consistency in

approach between sub-projects. At the discretion of the World Bank, it may be requested that certain RAPs are also reviewed by World Bank official to ensure compliance with OP4.12 and any other relevant policies/ procedures.

Capacity for RAP review and approval will be built at Local Authority level through District land bureau and this will be through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.

4.1.9. Public Consultation and Participation

Public consultation and participation by the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, all stakeholders must be adequately consulted and involved.

4.2. MECHANISM FOR CONSULTATIONS AND PUBLIC PARTICIPATION

Public consultation and participation by the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, all stakeholders must be adequately consulted and involved. The need for stakeholder's consultation is to secure the informed participation and consent of all people affected consultation should be particularly in the following areas

- Alternative project design
- Assessment of project impacts
- Resettlement strategy
- Compensation rates and eligibility for entitlements
- Choice of resettlement sites and timing of relocation
- Development of opportunities and initiatives
- Development of procedures for redressing grievances and resolving disputes
- Mechanisms for monitoring and evaluation and for implementing corrective actions

4.2.1. Overview

The involvement of involuntary resettled persons and hosts in planning prior to the move is critical and initial resistance to the idea of involuntary resettlement is expected. To obtain cooperation, participation and feedback, the resettled persons and hosts will be systematically informed and consulted during preparation of the resettlement plan about

their options and rights. They will also be able to choose from a number of acceptable resettlement alternatives. Particular attention will be given to vulnerable groups such as the landless, and women to ensure that they are represented adequately in such arrangements.

The plan will address and mitigate the resettlement's impact on host populations who should be informed and consulted. Any payments due to the hosts for land or other assets provided to resettled persons should be promptly made. Conflicts between hosts and resettled persons may develop as increased demands are placed on land, water, forests, services etc., or if the resettled persons are provided services and housing superior to that of the hosts.

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and RFRDP. The way land administration is undertaken in Rwanda today based on long standing traditional and cultural practices makes public consultation with the rural communities, indispensable. Effective and close consultation with PAPs is a pre-requisite for project success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households/homesteads when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place throughout the entire project cycle. For example, public consultation would also occur during the preparation of the (i) the socio-economic study, (ii) the resettlement and compensation plan (iv) the environmental impact assessment and (v) during the drafting and reading of the compensation contract.

Public participation and consultation would take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/ application forms, public readings and explanations of project ideas and requirements, making public documents available at the national, local and homestead levels at suitable locations like the official residences/offices of local elders. These measures would take into account the low

literacy levels prevalent in these rural communities by allowing enough time for responses and feedback.

Notwithstanding, the best guarantor for public interest are the village leaders who are responsible members of their local communities and can inadvertently be part of the potentially displaced (economically or physically) individuals/households either in part or in whole.

Monitoring of this process would be through the village/umudugudu leaders as part of the individual resettlement and compensation plans and overall the monitoring and evaluation mechanism of the entire project. This requirement is in line with the Bank policy on disclosure.

4.2.2. Data collecting phase

After familiarizing themselves with the project area through reading and consultations with the MINAGRI and RFRDP/SPIU, the consultants will design appropriate questionnaires intended for data collection at project location levels. The levels will vary from households to community groups, based on the TOR. The consultant will design questionnaires for data collection from various households, organizations and institutions such as women groups, farmers' Associations, individual farm units, primary and/or secondary schools, health centres and agricultural cooperative unions or individual farm units, depending on the nature of information source.

All actors will constitute the main taskforce in the data collecting phase and PAPs will be consulted to participate in the process by providing socio-economic information about their livelihoods. This could be done through use of forms, questionnaires and interviews. Persons or groups of persons at the project sites, location, village levels, or household levels to be interviewed will also be identified and selected through stratified random sampling. Those to be interviewed will include those directly affected by physical works and a scientifically accepted number of respondent households for each sub-project location.

The PAPs will be consulted through meetings to share information about the project, discuss social impacts of project operations and the mitigation measures suggested. The contribution of the PAPs will be integrated into the subproject implementation process, from planning to evaluation. Furthermore, data about socio-impacts of the subprojects and the mitigation measures suggested will be provided to the media. This data will serve as

instruments for the monitoring of the social mitigation measures. Once all the data about the PAPs have been collected and valuation undertaken, cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

4.2.3. Implementation, Monitoring and evaluation phases

Before implementation, the PAPs will be informed about their rights and options, at which point they will air their views. The PAPs representatives will participate in the project completion workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other subprojects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

4.3. RAP GRIEVANCE REDRESS MECHANISM

Grievance procedures will be required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures also ensure that the entitlements are effectively transferred to the intended beneficiaries. Stakeholders will be informed of the intention to implement the grievance mechanism, and the procedure will be communicated at the time that the RAPs are finalized. Grievances may arise from members of communities who are dissatisfied with eligibility criteria use, community planning and resettlement measures, actual implementation or compensation.

4.3.1. The Process

The overall process of grievance is as follows:

1. During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances.
2. The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.
3. The project will use a local mechanism, which includes resettlement committees, peers and local leaders of the affected people. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
4. The response time will depend on the issue to be addressed but it should be addressed with efficiency.

5. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

4.3.2. Procedure

The aggrieved person should file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the subproject Resettlement and Compensation Committee. The grievance note should be signed and dated by the aggrieved person. A selected member of the Committee will act as the District Project Coordination officer (DPCO) who will be the direct liaison with PAPs

The DPCO should be working in collaboration with an independent agency/NGO person ensure objectivity in the grievance process. Where the affected person is unable to write, the local District Project Coordination officer will write the note on the aggrieved person's behalf. Any informal grievances will also be documented by the District Project Coordination officer. The note should be embossed with aggrieved person's thumbprint. A sample grievance form is provided in Annexes. A copy of this completed form should be submitted by the Project Safeguard Specialist who will act as the District Project Coordination officer to SPIU.

The District Project Coordination officer and the sub-project Resettlement and Compensation Committee will consult to determine the validity of claims. If valid, the Committee will notify the complainant and s/he will be assisted. The sub-project Resettlement and Compensation Committee will respond within 14 days during which time any meetings and discussions to be held with the aggrieved person will be conducted. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken, until it is accepted by both parties. These should be undertaken by separate independent valuers than the person who carried out the initial valuation.

The more valuations that are required to achieve an agreement by both parties, the longer the process will take. In this case, the aggrieved person must be notified by the District Project Coordination officer that his/her complaint is being considered. If the complainant's claim is rejected by the Committee, the District Project Coordination officer will assist the aggrieved person to take the matter to the Land Adjudication Committee, legally responsible for resolving formally lodged grievances.

If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he may lodge his/her grievance to the relevant Municipal Administration such as the District Land Bureau, also mandated to help resolve such matters. If requested, or deemed necessary by the subproject Committee, the District Project Coordination officer will assist the aggrieved person in this matter.

The relevant Local Administration will then attempt to resolve the problem (through dialogue and negotiation) within 30 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is dealt with through the local courts (Abunzi) where possible. Where matters cannot be resolved through local routes, the grievance will be referred to higher authorities at the national level. The subproject Resettlement and Compensation Committee will provide assistance at all stages to the aggrieved person to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.

4.3.3. Grievance Log

The DPCO will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log will contain record of the person responsible for an individual complaint, and records dates for the following events:

- Date the complaint was reported;
- Date the Grievance Log was added onto the project database;
- Date information on proposed corrective action sent to complainant (if appropriate);
- The date the complaint was closed out; and
- Date response was sent to complainant.

4.3.4. Monitoring Complaints

The District Project Coordination officer will be responsible for:

- Providing the sub-project Resettlement and Compensation Committee with a weekly report detailing the number and status of complaints;
- Any outstanding issues to be addressed; and
- Monthly reports, including analysis of the type of complaints, levels of complaints, actions to reduce complaints and initiator of such action.

CHAPTER FIVE: IMPLEMENTATION, MONITORING AND BUDGET OF RPF

5.1. RESETTLEMENT POLICY FRAMEWORK IMPLEMENTATION ARRANGEMENTS

The overall coordination of the project will be provided by the Ministry of Agriculture and Animal Resources through Single Project Implementation Unit for hillside and marshland development, (SPIU LWH-RSSP). Stakeholders that will be involved in the implementation of the RPF are described in detail below. The implementation arrangement builds on responsibilities already in place to ensure that the requirements of this RPF are met for each sub-project. The implementation of the RPF for Feeder Roads Development Project in Rwanda will involve different stakeholders and will be done at different level from national level to local level.

5.1.1. National Level Implementing Institutions

a) Ministry of Agriculture and Animal Resources (MINAGRI)

Ministry of Agriculture and Animal Resources is the main agency involved in implementation of the RPF. MINAGRI will have overall responsibility for implementation of RFRDP and will act as the central agency responsible for holding all information relevant to the RPF.

b) Ministry of Natural Resources (MINIRENA)

MINIRENA governs the implementation and application of the Organic Land law and the Land Use Master Plan. While the ministry deals with overall land policy and the alignment with these Laws at the national level, responsibilities for their implementation locally has been devolved, following decentralization, to Land Commissions and Committees at District, Sector and Cell levels. MINIRENA is also the key Ministry governing resettlement arrangements in Rwanda through the Land Bureaus.

They do this by working directly with the Ministry/Institution developing the land on which resettlement is required. For the implementation of RPF/RAP for the RFRDP project will involve the team of MINAGRI and MINIRENA. MINIRENA will therefore play a critical role in ensuring that appropriate and consistent compensation is provided to all affected persons resulting from the RFRDP sub-projects.

c) SPIU for Hillsides and Marshlands Development

The Feeder Roads Development Project in Rwanda will be implemented through the Single Project Implementation Unit for Hillsides and Marshlands development in the Ministry

Agriculture and Animal Resources. The role of the SPIU LWH-RSSP will be to implement the RPF, coordination of monitoring activities maintenance of monitoring information, building the capacity of other stakeholders in collection and analysis of monitoring data. The social safeguard Specialists of SPIU will be the focal point for the RPF and the site specific RAPs and will liaise with other stakeholders to executive the policy. It's this agency that will also finance that the implementation of RPF and specific RAPs by providing funds for inventory of assets of the person to be expropriated and for just compensation on its budget.

The Coordination of Single Project Implementation Unit for Hillsides and Marshlands development will ensure that the procedures and requirements of the Rwandan laws as well as the requirements under OP 4.12 are enforced. A key role will be to review all RAPs and other resettlement-related documentation to ensure that all procedures have been adhered to and that there is consistency in approach between sub-projects. They will also undertake the main monitoring and evaluation role of resettlement activities during and post implementation.

d) Rwanda Natural Resources Authority (RNRA)

RNRA through its department of Land administration and Mapping is the organ responsible for overall management and coordination of all activities related to land administration, land use planning and management in Rwanda. The role of RNRA in the RPF and RAP process will be to advise on matters related to land ownership and expropriation. District land bureau in close collaboration with feeder roads project staff will check and approve surveys, various maps and approve land surveys carried out during the RAP exercise.

e) Rwanda Environment Management Authority (REMA)

Rwanda Environment Management Authority (REMA) was established in 2004 to act as the implementation organ of environment-related policy and laws in Rwanda. REMA is also tasked to coordinate different environmental protection activities undertaken by environmental promotion agencies; to promote the integration of environmental issues in development policies, projects, plans and programmes; to coordinate implementation of Government policies and decisions taken by the Board of Directors and ensure the integration of environmental issues in national plan among concerned departments and institutions within the Government; to advise the Government with regard to the legislation and other measures relating to environmental management or implementation of conventions, treaties and international agreements relevant to the field of environment as

and when necessary; to make proposals to the Government in the field of environmental policies and strategies; etc. In Regards to the implementation of this RPF, REMA will ensure that all policies and regulations related to resettlement are observed and advise on the better way to implement RAPs.

f) Ministry of Infrastructure (MININFRA)

The Ministry of Infrastructure is responsible for developing policies in infrastructure sectors namely roads, housing, transport, communication, energy, water and sanitation. MININFRA is also responsible for monitoring the implementation of those policies.

g) Rwanda Transport Development Agency (RTDA)

RTDA is a newly established institution under MININFRA and is in charge of the implementation of the national policy on public infrastructure in particular roads, bridges, etc. RTD and MININFRA will assist in defining the Roads alignment and the required land for upgrading feeder roads and spot improvement.

h) Institute of Real Property Valuers

As stated before, registered project can either use government valuers or use independent valuers to provide independent ‘fair and just’ valuation of land and affected assets. The institute can propose independent valuers from their list to the project at a fee.

5.1.2. District Level Implementing Institutions

a) District Land Offices (DLOs)

As indicated in section 3.6, the Land Office is a district based institution authorized by law to manage land. The DLBs will be responsible for ensuring activities undertaken comply with the National and District level Land Use Master Plans. They will assess the validity of land tenure rights of affected persons and eventually provide the land use permit for the new activity proposed by the sub- project. In addition they will be responsible for ensuring effective grievance mechanisms are in place. They will also be used in the design of the RAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances. Their activities will be monitored by the District authority.

The District Land Offices will play a major role in RAP implementation by:

- Issue construction permits and monitor compliance with construction plans

- Monitor and approve activities pertaining to valuation of land and other immovable property;
- Demarcate and approve land cadastral;
- Establishing project level Resettlement and Compensation Committees at Sector/ Cell level;
- Clarifying the policies and operational guidelines of these Resettlement and Compensation Committees;
- Establishing standards for unit rates of affected assets and compensation estimates, according to the standard units appended to the RPF, adjusted for local conditions where necessary; and
- Coordinating and supervising implementation by Resettlement and Compensation Committees as stipulated in the RPF and national/district guidelines.

b) District Council (DC)

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

c) District Development Committee (DDC)

District Development Committee is a representation of departmental heads of government at the District level (including the District Land Bureau), and supervises and monitors all activities at District level. The DDC is mandated to develop a District Development Strategy (DDS) and therefore it plays a critical role to ensure that all activities are fully aligned with this strategy. Given the importance of ensuring proper implementation of sub-projects within their Districts, it will play a crucial role in ensuring alignment of resettlement and compensation arrangements with the District Development strategy. As state in the expropriation law, RFRDP activities have to fit in the Land Master Plan which also fits into the DDS of the respective district.

It is recommended that DDC (or a delegated sub-committee responsible for coordinating RFRDP activities in their District) would play a major role during RAP implementation by:

- Ensuring that appropriate compensation procedures (WB OP 4.12 and expropriation law) are followed.

- Review and sign-off of all resettlement documentations such as screening forms, RAPS, grievance forms, consultation plans) before submitting to SPIU.

d) RFRDP Field Team

The RFRDP Field team will include the Project District Community Development Officer and a civil Engineer who will work with the District authorities (including the District Land Bureau) responsible for resettlement to ensure that the RPF is properly applied across all relevant subprojects. Its initial role will be to undertake screening and assessment of potential subprojects. The team will be supported by the project Social Safeguards team based at project headquarters.

5.1.3. Local Level Implementing Institutions

a) Resettlement Committees

Based on Rwanda's decentralization governance, the responsibility for the development and implementation of the RAPS will be at Sector and Cell level. Once resettlement has been identified via the screening process in relation to a **RFRDP** sub-project, District Land Bureau representatives will be responsible for electing members of a sub-project Resettlement and Compensation Committee. This committee will be constituted for the sole purpose of RPF implementation arrangements, and will operate at sector level. It is proposed to be coordinated by the District Land Bureau, due to the executive powers of the DLB.

This committee will plan for, coordinate and monitor resettlement, compensation and relocation activities, as well as supervise compensation payments to the recipient project affected parties (PAPs). A large part of their responsibility will be consultation with potential PAPs.

The local Resettlement and Compensation Committee would comprise the following:

- Representative from Sector or Cell Land Committee;
- Representative from the Land Committee;
- Representative from the District Development Committee (in particular from the Social Department);
- Representative from any other key sector office involved in the resettlement process;
- Key stakeholder's representative from the implementing organization;
- Two representatives of PAP (equal gender representation); and
- DPC field team

The Resettlement and Compensation Committee would have responsibility for:

- Verifying PAPs
- validate inventories of PAPs and affected assets;
- allocate land, where required, to permanently affected households;
- monitor the disbursement of funds;
- guide and monitor the implementation of relocation;
- coordinate activities between the various organizations involved in relocation;
- facilitate conflict resolution and addressing grievances; and
- provide support and assistance to vulnerable groups including widows, orphans, and the old persons among others).

This committee should meet on a regular basis (as determined by the needs of the project) to ensure that resettlement activities are appropriately designed and executed. It is recommended that a representative be elected to act as the District Project Coordination officer who would act as the key contact with PAPs and therefore facilitate implementation of consultation, public participation and grievance mechanisms.

b) Mediators/Abunzi

At the Cell, there are in place mediators (*abunzi*) whose work is to hear disputes, especially land disputes. The *abunzi*, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than three million RwF, which means over most land disputes. The *Abunzi* also have mandatory jurisdiction over succession and boundary disputes involving less than three million Rwanda Francs. The *abunzi* will be used in the **RFRDP** sub 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. They will also be used in the design of the RAPs as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances.

c) Project Affected Persons

In most cases the displaced Persons roles are not defined and they remain as spectators in the process of resettlement. In this process the displaced will have roles including monitoring the process, verifying land survey and ensuring compensation is market based. This group of people will also help identify community projects that will lead to the uplifting of the lives as well as share in **RFRDP** benefits. Displaced persons will also participate in planning and implementing resettlement programs.

Table 7: Summary of institutional Responsibilities for RPF implementation

Institutions	Responsibilities
MINAGRI	<ul style="list-style-type: none"> • Collation of information regarding FRDPR sub-projects, including RPF documentation. • Review and approval of Resettlement related documentation from all subprojects(screening forms, RAP reports etc) to ensure consistency and compliance with RPF; • Reporting to the PAC and being advised by the Project advisory committee; • Overall monitoring and evaluation of resettlement implementation (i.e., annual audits and review of sub-project level monitoring undertaken by District authorities), ensuring that RAPs are implemented in accordance with Rwandan laws and OP 4.12.
SPIU LWH-RSSP	<ul style="list-style-type: none"> • Initiate the resettlement process by screening of sub-projects to identify resettlement and compensation requirements • Establish Resettlement and Compensation Committee in consultation with respective District Land Bureau • Have a representation in each sub-project Resettlement and Compensation Committee • Provision of capacity building and technical support relating to resettlement and compensation activities; • Ensure funds allocated appropriately, according to RAP.
MININFRA/RTDA	<ul style="list-style-type: none"> • To show roads alignment Length and required land
MINIRENA	<ul style="list-style-type: none"> • To ensure that the resettlement sites has sustainable programs including environmental protection measures related to national legislation OP4.12 • Ensure environmental protection and management. A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement). • Ensure the resettlement plans are within the context of national land use plan
District Land Bureaus	<ul style="list-style-type: none"> • Verify land owners from records of land register • Issue construction permits and monitor compliance with construction plans • Monitor and approve activities pertaining to valuation of land and other immovable property • Approve land expropriated land surveys • Work in collaboration with the Sub- Project Resettlement and Compensation Committees to ensure that ‘fair and just’ compensation is reached in accordance with the law and the requirements of this RPF.
Rwanda Natural Resources Authority	<ul style="list-style-type: none"> • To advise on matters related to land ownership and expropriation. Exercise.
District Development Committee	<ul style="list-style-type: none"> • Initiate expropriation proposal • Approving for expropriation of persons • Review and sign off of all documentation (e.g., Screening forms,

	<p>completed RAPs, grievance forms, consultation plans) before submitting to SPIU in Kigali;</p> <ul style="list-style-type: none"> • Overall responsibility for collation of data for monitoring purposes (integrate information requirements into existing databases and data systems). • Ensure resettled have been provided housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
DPC team	<ul style="list-style-type: none"> • Initiate resettlement process • Screening of sub-projects to identify resettlement and compensation requirements; • Work with DLB to create sub-project Resettlement and Compensation Committee; • Representation on each sub-project Resettlement and Compensation Committee; • Provision of capacity building and technical support relating to resettlement and compensation activities; • Ensure funds allocated appropriately, according to RAP.
Resettlement Committees	<ul style="list-style-type: none"> • Verifying PAPs • Validate inventories of PAPs and affected assets; • Allocate land, where required, to permanently affected households • Facilitate conflict resolution and addressing grievances • Guide and monitor the implementation of relocation
Sector/ Cell Land Committees	<ul style="list-style-type: none"> • Help in creating awareness on expropriation process • Monitor the implementation of community resettlement work closely with environment protection committees to monitor the use of marshlands and reserved areas; • Help in land demarcation confirm holders of land rights during land resettlement process, help in the resettling of the displaced in the community, participate in the identification of community settlement sites, identify and list escheat land, and serve as witnesses in compensation and resettlement
Mediators/Abunzi Committees	<ul style="list-style-type: none"> • Resolving disputes • Provide grievances mechanism following land acquisition. • Help in designing resettlement programs at the community level to ensure community buy in.
Project Affected Persons	<ul style="list-style-type: none"> • Be present when the land survey and inventory is being carried out

5.2. RPF MONITORING AND EVALUATION FRAMEWORK

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan should be developed. The monitoring plan defines and identifies monitoring activities that will take place, when and by whom and identifies the indicators

and data collection methods, and training and capacity building needs of the institutions and persons to implement the plan.

The objective of the monitoring and evaluation process will be to determine whether PAPs have been paid in full and before implementation of the subproject, and people who were affected by the subproject have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are they are actually poorer than before. The arrangements for monitoring the resettlement and compensation activities will fit into the overall monitoring program of the entire RFRDP program, which will fall under the overall responsibility of the SPIU.

Monitoring at the project level shall be led by the Sub-project Resettlement and Compensation Committee. They will be mandated to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the program life.

5.2.1. Monitoring Indicators

Verifiable indicators for measuring the impact of physical relocation on the health and welfare of affected population and the effectiveness of impact mitigation measures, including livelihood restoration and development initiatives. These indicators verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions.

a) Indicators to Determine Status of Affected People

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success: Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and the local communities remain supportive of the project.

b) Indicators to Measure RAP Performance

In order to assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following provides a list of potential indicators for monitoring, which assess the change in the following for those who have been resettled.

In terms of the resettlement process, the following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementing the RAP:

- percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- the number of contentious cases as a percentage of the total cases;
- the number of grievances and time and quality of resolution;
- the ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
- number of impacted locals employed by the civil works contractors;
- General relations between the project and the local communities.

These will be determined through the following activities:

- Questionnaire data will be entered into a database for comparative analysis at all levels of local government;
- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.

The District authorities will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages; and the SPIU should prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports.

It is the responsibility of the District authorities to document information ideally integrated into existing databases. The District authorities will need to design a robust reporting system at the beginning of the project to ensure that these data are collated at appropriate intervals and in sufficient quantity and quality.

The subproject Resettlement and Compensation Committee will facilitate coordination of information collation activities (such as surveys, supervising documentation) in accordance with procedures put in place. The SPIU will provide training, technical support and funding to ensure that this happens. In order to assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance.

- Questionnaire data will be entered into a database for comparative analysis at all levels of Government.
- Each individual will have a compensation signed dossier recording his or her initial situation, all subsequent program use of assets/improvements, and compensation agreed upon and received.
- The project will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages,
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation, Proposed use of payments,
- The number of contention cases out of the total cases, The number of grievances and time and quality of resolution,
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes,
- Number of impacted locals employed by the project civil works contractors, and
- General relations between the project and the local communities,

5.2.2. Monitoring of RPF Implementation

Local Government Authorities at the will District assist in compiling basic information on all physical or economic displacement arising from the project, and convey this information to the SPIU, on a quarterly basis.

They will compile the following statistics:-

- a) Number of sub-projects requiring preparation of a RAP;
- b) Number of households and individuals physically or economically displaced by each sub-project;
- c) Length of time from sub-project identification to payment of compensation to PAPs;

- d) Timing of compensation in relation to commencement of physical works;
- e) Amount of compensation paid to each PAP household (if in cash), or
- f) the nature of compensation (if in kind);
- g) Number of people raising grievances in relation to each sub-project;
- h) Number of unresolved grievances.

The SPIU will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the Project Coordinator, and the MINAGRI, if there appears to be any discrepancies. The SPIU will directly monitor compensation and loss of wages. Financial records will be maintained by the subprojects and the SPIU, to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis. The indicators will be used to monitor implementation of the RPF will include.

- Outstanding compensation contracts not completed before next agricultural season
- Subprojects unable to settle compensation after two years
- Grievances recognized as legitimate out of all complaints lodged

Financial records will be maintained by Project coordination, the District and DPC Administrations and the MINAGRI, to permit calculation of the final cost of resettlement and compensation per individual or household.

5.2.3. Storage of PAPs Details

Each PAP household will be provided with a signed report recording his or her initial situation, all subsequent project use of assets and compensation agreed upon and received. At the same time, before compensation all household heads representing the PAPs will be required to provide passport size photographs. The Local Authority and SPIU will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages.

Each recipient of compensation will have a record containing individual bio-data, number of household dependents and amount of land available to the individual or household when the report is opened. Additional information to be acquired for individuals eligible for resettlement and/or compensation include the level of income and of production, inventory of material assets and improvements in land and debts. Each time land is used by a sub-

project; the report will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives.

These reports will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for. It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle. The SPIU, REMA, District Administrations and MINAGRI, will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project (PIM or Project Implementation Manual), which will require feedback from indicators monitored by the local regional governments to determine whether goals are being met, and a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

This framework is suggesting that the office of the REMA is structured into the whole M&E component of the project. This would take the form of giving the REMA the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their report would then be sent to the MINAGRI, MINIRENA, the World Bank and SPIU LWH-RSSP and become part of the official documents of the project.

5.2.4. Annual Audit

The annual audit of RPF implementation will include (i) a summary of the performance of each sub-project vis-à-vis its RAP, (ii) a summary of compliance and progress in implementation of the processes and (iii) a presentation of compliance and progress in the implementation of the RPF.

The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced. The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank.

5.2.5. Socio-economic monitoring

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. During implementation of each subproject RAP, an assessment will be undertaken on payment of compensation, restoration of income delivery of resettlement objectives. Monitoring of living standards will continue following resettlement.

A number of indicators will be used to determine the status of affected people and appropriate parameters and verifiable indicators will be used to Measure the resettlement and compensation plans performance. For each sub-project with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP.

5.3. ESTIMATED BUDGET FOR THE IMPLEMENTATION OF RESETTLEMENT POLICY FRAMEWORK

The cost of implementing the RFRDP Resettlement Policy Framework has been kept to a minimal through using of already existing institutions and structures, plans and programs as well as manpower within and without the Feeder Roads program. The estimated total cost of the resettlement program for RFRDP requiring land acquisition, in the range of US\$ 5,000,000. The cost breakdown is presented below. Because the exact unit prices, the number of people to be affected, and the scope of land acquisition are estimates, the exact figures will not be known until the RAPs are prepared. The Ministry of agriculture will provide funds for RAP preparation and compensation using government budget.

The costs outlined include those relating to preparation and implementation of each individual RAP, capacity building and technical assistance required to ensure that implementers of each RAP are fully able to do so. It should be noted that, it is not possible at this stage to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of RFRDP.

Table 8: Estimated cost for RPF implementation

Activity	Unit Cost (USD)	Total Cost (USD)	Basis of Estimates
RAP preparation for each of four districts	40,000	160,000	This estimation include cost for Census, public consultations and RAP report preparation
RAP implementation for 4 district	1,200,000	4,800,000	Estimate based on comparable projects approved by the World Bank, adjusted to cover inflation. Cost per Sub-project will depend on the number of households affected, land required and other structures
Capacity building for Resettlement committee	2,000	8,000	Based on comparable projects approved by the World Bank
Provision of technical assistance			Assumes assistance will be provided by Project at no additional cost.
Contingency fund for other costs such as inflated land and crop prices		32,000	
Total (USD)		5,000,000	

5.4. DISCLOSURE OF SOCIAL SAFEGUARDS INSTRUMENTS

The Ministry of Agriculture and Animal Resources will disclose this Resettlement Policy Framework by making copies available at its head office and in District coordination offices in four Districts. It will also make copies available to the local government's agencies, the Environmental Protection Agency and other stakeholders of the RFRDP. The RFP will be disclosed to the Ministry websites and Project Websites.

The Government of Rwanda will also authorize the World Bank to disclose this RPF electronically through its Info Shop. Likewise, all RAPs to be prepared under RFRDP, will be disclosed by the Ministry, which will make copies available at its head offices in Kigali, and will make copies available to the local governments and other stakeholders of the RFRDP. The Government of Rwanda will also authorize the World Bank to disclose the RAPs electronically through its InfoShop.

REFERENCE

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7. GoR, 2013. Organic Law No 43/2013 of 16/06/2013 Determining the Use and Management of Land in Rwanda.
8. GoR, Law No. 18/2007 of 19/04/2007 Relating to Expropriation in the Public Interest, O.G. special No. of 21/5/2007.

ANNEXES

Annex 1: RESETTLEMENT INSTRUMENTS

1. This annex describes the elements of a resettlement plan, an abbreviated resettlement plan, a resettlement policy framework, and a resettlement process framework, as discussed in [OP 4.12](#), paras. 17-31.

Resettlement Action Plan

2. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

3. **Description of the project.** General description of the project and identification of the project area.

4. **Potential impacts.** Identification of

(a) The project component or activities that give rise to resettlement;

(b) The zone of impact of such component or activities;

(c) The alternatives considered to avoid or minimize resettlement; and

(d) The mechanisms established to minimize resettlement, to the extent possible, during project implementation.

5. **Objectives.** The main objectives of the resettlement program.

6. **Socioeconomic studies.** The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including:

(a) The results of a census survey covering

(i) Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

(ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both

formal and informal economic activities) and standards of living (including health status) of the displaced population;

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

(iv) information on vulnerable groups or persons as provided for in [OP 4.12](#), para. 8, for whom special provisions may have to be made; and

(v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) Other studies describing the following

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

(ii) The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;

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

(iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

7. Legal framework. The findings of an analysis of the legal framework, covering

(a) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;

(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

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

(d) Laws and regulations relating to the agencies responsible for implementing resettlement activities;

(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and

(f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law and traditional usage (see [OP 4.12](#), para.15 (b)).

8. ***Institutional Framework.*** The findings of an analysis of the institutional framework covering:

(a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;

(b) An assessment of the institutional capacity of such agencies and NGOs; and

(c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

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

10. ***Valuation of and compensation for losses.*** The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.¹

11. **Resettlement measures.** A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see [OP 4.12](#), para. 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

12. **Site selection, site preparation, and relocation.** Alternative relocation sites considered and explanation of those selected, covering:

(a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

(b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;

(c) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and

(d) Legal arrangements for regularizing tenure and transferring titles to resettle.

13. **Housing, infrastructure, and social services.** Plans to provide (or to finance resettlement provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services);² plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

14. **Environmental protection and management.** A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement³ and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

15. **Community participation.** Involvement of resettlers and host communities,⁴ including:

(a) A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;

(b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;

(c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

(d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

16. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including:

(a) Consultations with host communities and local governments;

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

(c) Arrangements for addressing any conflict that may arise between resettlers and host communities; and

(d) Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

17. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

18. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local

authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

19. **Implementation schedule.** An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

20. **Costs and budget.** Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

21. **Monitoring and evaluation.** Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Abbreviated Resettlement Plan

22. An abbreviated plan covers the following minimum elements:

- (a) A census survey of displaced persons and valuation of assets;
- (b) Description of compensation and other resettlement assistance to be provided;
- (c) Consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) Arrangements for monitoring and implementation; and
- (f) A timetable and budget.

Resettlement Policy Framework

23. The purpose of the policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project implementation (see [OP 4.12](#), paras. 26-28). Subproject resettlement plans consistent with

the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see [OP 4.12](#), para. 29).

24. The resettlement policy framework covers the following elements, consistent with the provisions described in [OP 4.12](#), paras. 2 and 4:

(a) a brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan as described in paras. 2-21 or an abbreviated plan as described in para. 22 cannot be prepared by project appraisal;

(b) Principles and objectives governing resettlement preparation and implementation;

(c) a description of the process for preparing and approving resettlement plans;

(d) Estimated population displacement and likely categories of displaced persons, to the extent feasible;

(e) Eligibility criteria for defining various categories of displaced persons;

(f) A legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;

(g) Methods of valuing affected assets;

(h) organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;

(i) a description of the implementation process, linking resettlement implementation to civil works;

(j) a description of grievance redress mechanisms;

(k) a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;

(l) a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and

(m) arrangements for monitoring by the implementing agency and, if required, by independent monitors.

25. When a resettlement policy framework is the only document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of subproject financing need not include the policy principles, entitlements, and eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress set forth in the resettlement policy framework. The subproject-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

Process Framework

26. A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities (see [OP 4.12](#), paras. 7 and 31).

27. Specifically, the process framework describes participatory processes by which the following activities will be accomplished

(a) ***Project components will be prepared and implemented.*** The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.

(b) ***Criteria for eligibility of affected persons will be determined.*** The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.

(c) ***Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability***

of the park or protected area will be identified. The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.

(d) **Potential conflicts or grievances within or between affected communities will be resolved.** The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following

(a) **Administrative and legal procedures.** The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).

(b) **Monitoring arrangements.** The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

Annex 2: RESETTLEMENT SCREENING FORM

Sub-project name Subproject Location include map/sketch Type of activity	(e.g. District, Sector, Cell etc) (e.g. new construction, rehabilitation, periodic maintenance)
Estimated Cost (Rwandan Francs) Proposed date of Commencement of Work	
Technical Drawing/ Specifications Renewed (circle answer)	Yes No

This report is to be kept short and concise.

1. Site Selection

When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity			Rating
	Low	Medium	High	
Involuntary resettlement	Low population density; dispersed population; legal tenure is well defined.	Medium population density; mixed ownership and land tenure	High population density; major towns and villages; low income families and/or illegal ownership of land; communal properties.	

2. Checklist questions:

Physical data	Yes/No answers and bullet lists preferred except where descriptive detail is essential.
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to sub-project	
Any plans for new construction	

Refer to project application for this information.

Land and resettlement	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>
Will the subproject involve loss of land and other resources?	
Will the project result into temporary or permanent loss of crops, household infrastructure like shelter, granaries or latrines?	
What is the likelihood of land purchase for the subproject?	
How will the proponent go about land purchase?	
What level or type of compensation is planned?	
Who will monitor actual payments?	

Refer to the RFRDP Resettlement Policy Framework

Actions	
List outstanding actions to be cleared before sub-project appraisal.	
Approval/rejection	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>

Recommendations

Requires a RAP to be submitted on date: _____

Does not require further studies

Reviewer:

Name:

Signature:

Date:

Annex 3: SOCIO ECONOMIC AND LAND ASSET INVENTORY FORMS

1. Socio-economic Household Datasheet of PAPs

Name of interviewer ID Code		signature
Name of supervisor ID Code		(after verification of interview)

Cell Name		Number of Concession in Village (GPS Coordinates)
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Date:

Day Month Year

Name of Head of Extended Family	
Number of Nuclear Families in Extended Residential Group (including household of head of extended family)	

Name	Relation ship to head of family	Sex		Plac e of birt h	Age	Marit al Statu s	Reside nce Tenure	Religi on	Educati on Level	Income Earner		Econo mic activiti es	
		M	F							Ye s	No	Pr im ar y	se co nd ar y
1.													
2.													
3.													
4.													
5.													
6.													
7.													

Relation to Head of Family

1 HOH; 2 Spouse of Hoh; 3 Child of HoH; 4 Spouse of child of HoH; 5 Grandchild of HoH; 6 Parent of HoH; 9 Other (specify); 0 No answer

Marital Status 1 Married 2 Widowed; 3 Divorced; 4 Unmarried; 0 No answer

Residential status 1PRP (Permanent Resident) 2 RA (Resident Absent) 3 Member of non-resident HH;
4 Visitor; 9 other (specify); 0 No answer

Occupations

Principle Occupation

1 Farmer 2 Shepherd; 3 household; 4 Merchant; 5 Religious leader; 6 Artisan; 7 Transport;
8 UnemDPCOyed; 9 Other (specify); 0 No answer

Secondary Occupations

Educational Level 1 Illiterate; 2 Three years or less; 3 Primary School; 4 Secondary school ; 5 Technical School; 6 Religious School; 0 No Answer

Religion 1 Christian (Specify denomination); 2 Muslim; 9 Other (specify); 0 No Answer

2. Land asset inventory for Project Affected People

Village;

Date;

Cell;

Survey No.	Name of HH Head	No of persons in Household	Total land holding of Household(m ²)	Land to be acquired(m ²)	Land use Type*	Loss of % total	Loss of assets	Loss of crops	Loss of other assets	Other losses
							Structures permanent (m ²); Structures temporary	Fruit trees lost type and number; Agricultural land lost(m ²) Other(specify)	e.g. graveyards, wells etc(type & no)	Residence rented; Business lost; Income loss

*Land types are as follows (please fill in the types of land for Rwanda)

- 1.
- 2.

3. Entitlements of Project Affected People

Sector

date

Cell

Survey No.	Name of Head of Household	Compensation for Land	Compensation for Structures	Compensation for crops and trees	Compensation for other assets and losses(e.g. graveyards, wells, businesses, etc)	Total (USD)
		<ul style="list-style-type: none"> ▪ Quantity(m²) ▪ Unit Price(USD) per m² ▪ Entitlement (USD) 	<ul style="list-style-type: none"> ▪ Quantity(m²) ▪ Unit Price(USD) per m² ▪ Entitlement (USD) 	<ul style="list-style-type: none"> ▪ Quantity Unit ▪ Unit Price(USD) ▪ Entitlement (USD) 	<ul style="list-style-type: none"> ▪ Quantity Unit ▪ Unit Price(USD) ▪ Entitlement (USD) 	
		▪	▪	▪	▪	
		▪	▪	▪	▪	

Annex 4: SAMPLE GRIEVANCE REDRESS FORM

Grievance Form		
Grievance Number		Copies to forward to:
Name of the recorder		(Original) Receiver Party
District/ Sector/Cell		(Copy)- Responsible Party
Date		
INFORMATION ABOUT GRIEVANCE		
Define The Grievance		
INFORMATION ABOUT THE COMPLAINANT		Forms of Receive
Name-Surname		Phone line
Address		Community/Information meetings
Village/ Cell		Mail
Sector/ District		Informal
Signature of Complainant		Other

DETAILS OF GRIEVANCE				
1.Access to land and Resources Fishing grounds <ul style="list-style-type: none"> • Lands • Pasture lands • House • Water • Latrines • Commercial site • Other 	2.Damage to <ul style="list-style-type: none"> • House • Land • Latrines • Livestock • Means of livelihood • Water • Road access • Other 	3.Damage to Infrastructure or Community Assets <ul style="list-style-type: none"> • Road • Bridge/ Passageways • Power • Water sources, canals and water infrastructure for irrigation and animals • Drinking water • Other 	4.Decrease or Loss of Livelihood <ul style="list-style-type: none"> • Agriculture • Animal husbandry • Beekeeping • Small scale trade • Other 	5.Traffic accident <ul style="list-style-type: none"> • Injury • Damage to property • Damage to livestock • Other
6.Incidents Regarding Expropriation and Compensation (Specify)	7.Resettlement Process (specify)	8.EmDPCOyment and recruitment (Specify)	9.Construction Camp and Community Relations <ul style="list-style-type: none"> • Nuisance from dust • Nuisance from noise • Vibrations due to explosions • Misconduct of the project 	10.Other (specify)

			personal/work er • Complaint follow up Other	
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Grievances Close Out Form

Grievance Number:.....

Define immediate action required:.....

Define long term action required (if necessary).....

Verification of corrective action and sign off

Corrective action taken	Due date

Responsible Party

<p>Notes: This part will be filled in and signed by the complainant when he/she receives the compensation or file is closed out</p>
<p>Complainant:.....</p> <p>Name and Signature.....</p> <p>Date</p> <p>Representative of Responsible Party</p> <p>Title, Name and Signature.....</p> <p>Date:.....</p>

Annex 5: GUIDELINES FOR RATES AND VALUATION

Table E.1 Template for Compensation Rates for structures

Structure/ Fixture	Type	Unit Cost (US\$) (m2)
House		
Detached Kitchen		
Latrine		
Water Tank		
Cattle Shed		
Borehole		
Well		
Fish pond		
Greenhouse		
Cattle watering troughs		

Table E.2 Examples of Compensation Rates for Crops Based on 2011 Market Values

Crops	Price per KG (US\$)	Average yield per Hectare (kg)	Compensation per hectare (Monoculture)
Rice	1.0		
Irish Potatoes	0.25		
Maize			
Beans	0.25		
Sorghum			
Cassava	0.25		
Cabbages	0.08		
Onions	0.22		
Sweet Potatoes	0.58		

These rates are based on the monthly average market price in the month of September 2011 as recorded by MINAGRI Market price list

Table E.3 Examples of Compensation Rates for Trees Based on 2011 Market Values

Trees	Price per KG (US\$)	Average yield per Hectare (kg)	Compensation per hectare (Monoculture)
Oranges	0.833		
Mangoes	0.52		
Avocados	0.25		
Bananas ²	1.9 (a bunch)		

²Bananas are sold in whole bunch and not kilograms

Table E4. Compensation rates for trees as per government guidelines

Crop Trees	Age	Cost per Tree	
JAPANESE PLUM	0-1YR	200FRW	
	1-2YRS AND PLUS	500FRW	
Beef heart	0-1YR	215FRW	
	1-2YRS	280FRW	
	2-3YRS	435FRW	
Pawpaw	0-1YRS	115FRW	
	1-2YRS and plus	345FRW	
	Older tree	115FRW	
Lemons and Oranges	0-1YRS	420FRW	
	1-2YRS	860FRW	
	2-3YRS	1350FRW	
	3-4YRS	1750FRW	
	4-5YRS	2160FRW	
Avocado	0-1YRS	1335FRW	
	1-2YRS	2755FRW	
	2-3YRS	4340FRW	
	3-4YRS	6100FRW	
	4-5YRS AND MORE	8020FRW	
Guava	0-1YRS	530FRW	
	1-2YRS	1100FRW	
	2-3YRS	1675FRW	
	3-4YRS	2175FRW	
	4-5YRS	2670FRW	
Other fruit trees (Medicinal plants)	0-1YRS		
	1-2YRS		
	2-3YRS		
	3-4YRS		
	4-5YRS	600FRW	
PERENNIAL CROPS			
Coffee	0-1YRS		5280FRW
	1-2YRS		8640FRW
	2-3YRS		1200FRW
	3YRS AND PLUS		15360FRW
PYRETHRUM	0-1YRS	22.5FRW	8760FRW
	1-2YRS	17.5FRW	7008FRW
	2-3YRS	12FRW	4818FRW

Tea bush	0-1YRS	51FRW	5100FRW
	1-2YRS	75FRW	7500FRW
	2-3YRS	103.5FRW	10350FRW
	3-4YRS	121.5FRW	12150FRW
Quinine	0-1YR	61.6FRW	6150FRW
	1-2YRS	94.5FRW	9450FRW
	2-3YRS	127.5FRW	12750FRW
	3-4YRS	111FRW	11100FRW
	4-5YRS	51FRW	5100FRW
	5-6YRS	67.5FRW	6750FRW
	6-7YRS	121.5FRW	12150FRW
	7-8YRS	78FRW	7800FRW
Banana stock	186F/STRIPE	744F/STRIPE	4036F/ARE
Pepper	50frw/plant		4036frw
Tripsacum	100FRW	600FRW	
Flowers			
FLOWERS	90FRW/PLANT		
Pasparum	100FRW/M2		
OTHER TREES FOR FLOWERS	Young	100FRW	
	Old	300FRW	
Raisin	Young	50FRW	
	Medium	150FRW	
	Old	200FRW	
Black Wattle	YOUNG	200FRW	5100F
	MEDIUM	600FRW TO 900FRW	7500F TO 10350
	OLD	100FRW TO 1500FRW	12150F
Eucalyptus	YOUNG	150FRW	1650FRW
	3-5YRS	360FRW	3960FRW
	5-10YRS	1200FRW	13200FRW
	10YRS PLUS REJECTS	3000FRW	33000FRW
	WITHOUT REJECTS	200FRW	22000FRW/ARE
OTHER TREES			
Australian Pine	YOUNG	200FRW	
Lilac	3-5YRS	400-600FRW	
Wood	5-10YRS	900-1500FRW	
Jacaranda		3000-4000FRW	

Annex:6:

**MINUTES OF VALIDATION WORKSHOP OF RESETTLEMENT POLICY FRAMEWORK AND
ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK FOR RWANDA FEEDER
ROADS DEVELOPMENT PROJECT**

MINAGRI, September 27, 2013

Introduction

As the preparation of the Feeder Roads Development Project in Rwanda is under way, World Bank safeguards Policy as well as Rwandan regulations requires the Government of Rwanda to prepare a Resettlement Policy Framework (RPF) and Environmental and Social Management framework (ESMF) which establishes mechanisms to determine and assess future environmental and resettlement implications of the planned investments/activities proposed under RFRDP.

In this regards, the Ministry of Agriculture and Animal Resources (MINAGRI), the agency responsible for implementing the Feeder Roads Development Project for in Nyamasheke, Karongi, Gisagara and Rwamagana districts, in close collaboration with the Ministry of Infrastructure, has developed a RPF and an ESMF for the feeder Roads project.

The World Bank Safeguards policies and national regulations require a full involvement of all stakeholders and affected persons in the development of these safeguards tools. It's in this framework and in addition to the public consultations conducted in four districts; a national validation workshop was organized by MINAGRI on September 27, 2013.

2. Agenda of Workshop

The workshop was organized in three items:

1. Brief presentation of Rwanda Feeder Roads development Project
2. Presentation and discussion of ESMF
3. Presentation and discussion of RPF
4. Formulation of Recommendations

3. Objectives of Workshop

The main objective of the Workshop was to validate the two policy document, Environmental and Social Management Framework and Resettlement Policy Framework. It was also an opportunity of getting final comments from different experts.

3. Participants to the Workshop

Were present in the workshop (cfr annex for details) :

- District representative(in charge of land, in charge of environment and in charge of infrastructure)
- Representatives of Ministry of Infrastructure
- Representatives of Ministry of natural Resources
- Representatives of Rwanda Environment management Authority
- Representatives of Rwanda Natural Resources Authority
- Representative of Rwanda Transport Development Agency
- Private consultants
- MINAGRI/LWH_RSSP safeguards team

5. Outcomes of the Workshop

In general participants appreciate the two policy documents and provide comments and recommendation to be considered in final document. Key comments and recommendations are presented in the table below.

No	Item	Recommendation
1	Implementation arrangement	Creation of technical committee at national and district level to for implementation and monitoring of ESMF &RPF. This should be reflected in all project document
2	Ecosystem management	To consider fragile ecosystem such us forest and wetland I Specific EIA studies
3	Land and Soil	The EIA studies should provides appropriate mitigation measures to avoid landslides and soil erosion
4	Resettlement measures	MINAGRI should speed up census of assets and development of RAP to avoid delays in compensation and project implementation
		Funds for compensation should made available to the project and given to PAPs prior to works
5		Valuation off assets should be done by experts in accordance to national regulation and market value. Land bureau at district level and projects will spearhead the process
6	District involvement	For ownership and participation, districts should be involved in all steps of the project including tender process, design studies for selected Roads and project implementation
7	Stakeholders	In addition to MINIRENA, MINENFRA, MINAGRI,MINECOFIN, RTDA, REMA, RANRA, DISTRICTs, RDB, participant suggested to add on MINALOC and Rwanda Housing Authority (RHA) and RBS for standards
	Improvement	

	of document	
8	RFP	To use current regulations gazetted like land laws and different ministerial order approved in 2013
		To remove different commissions and committees that are not provided in new land law
	ESMF	To use current regulations gazetted like land laws and different ministerial order approved in 2013
		To add details on definitions
		To clarify responsibilities of different stakeholders
		To define parameters and standards in Monitoring plan
		To add ecologist in terms of reference of EIA studies and details in TORs as much as possible

Prepared by



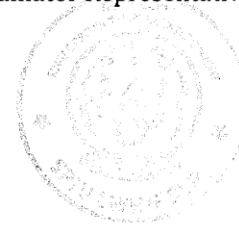
Mr. Theogene HABAUBAHO
Social safeguards/RSSP-LWH

Approved by



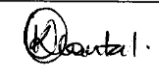
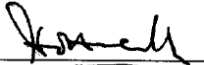
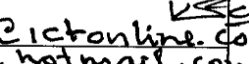

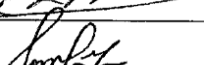
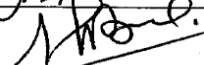
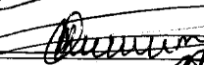

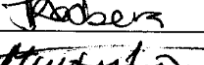
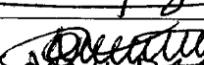
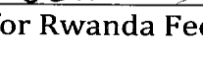

Mr. Esdras BYIRINGIRO
Chairperson and
Coordinator Representative

List of Participant to the workshop (see attached list)



Ministry of Agriculture and Animal Resources/SPIU RSSP-LWH

Validation workshop attendance list

No	Names	Institutions	Position	Contacts	Signature
1	Umulinga K. Chantal	RSSP / LWH	Social Safeguard Officer	ChantalKay@rssp.gov.rw	
2	Nshutiyeza Samuel	ALN Consult/Fant	Ecologist	nshutiyeza@gmail.com	
3	Dr KRISHNA PAL	ICT, Delhi	Team leader & Environ	krishna.pal@ictonline.co	
4	BIZIMANA Jacques	ALN Consultants	IT. Eng	joaquen.jabon@gmail.com	
5	RUTEBUKA Salimata	ALN Consultants	Sociologist	smuyehar@yahoo.fr	
6	Karanguwa James	MINIRENA	Transport M&E Specialist	James.Karanguwa@mininfra.gov.rw	
7	MUKARAGE J. Baptiste	RNRA	Director of Land Administration	mujohbat@yahoo.fr	
8	RUSILIBANA Jean Marie	RSSP/LWH	DPC Huye & Gisagara	rusilibana@yahoo.fr	
9	HABIMANA Christophe	MINIRENA	Land Administration officer	christophe162003@yahoo.fr	
10	Juliet Kabera	REMA	Envt Auditor	jkabera@rema.gov.rw	
11	MUSAFIRI Jean Pierre	GISAGARA DISTRICT	Assistant Land Officer	musifiripi@yahoo.fr	
12	RWAKAYIGAMBA Emmanuel	RWAMAGANA DISTRICT	District environment officer	rwakae@yahoo.fr	

Validation workshop of Environmental and Social management Framework and Resettlement Policy Framework for Rwanda Feeder

Roads Development project

Ministry of Agriculture and Animal Resources/SPIU RSSP-LWH

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18	MUTABAZI Peterson	MININFRA	Principal Engineer	peterson.mutabazi@minifra.gov.rw	
19	RUZAGILIZA Francis	RTDA	Environmental Specialist	francis.ruzagiliza@rtda.gov.rw	
20	BATAMURIZA Jonathan	RSSP/LWH	DPC / Nyamaboko	batamuriza@gmail.com	
21	Jean HITIMANA	RWH / RSSP	DPE Karongi	hitimanajean@gmail.com	
22	FALISA Felicien	Nyamashyke District	Supervisor officer	faly'do@yahoo.fr	
23	NDAYISHIMIJE Noël	GISAGARA District	Environment Facilitator	nondajulius@yahoo.fr	
24	HABAKURIMU Shugene	LWH / RSSP	Safeguard specialist	hshugene@yahoo.fr	
25					

Validation workshop of Environmental and Social management Framework and Resettlement Policy Framework for Rwanda Feed Roads Development project

Annex 6: LIST OF CONSULTED PERSONS

Nyamasheke District

No	Names	Institution/Position
1	Habyarimana Jean Baptiste	Mayor of the district
2	Bahizi Charles	Vice mayor In charge of Economic Affaires
3	Ndagijimana Jean Pierre	District Executive secretary
4	Faida Felicien	District officer in Charge of Infrastructure
5	Sengambi Albert	District agronomist
6.	Iyakaremye Evelyne	District Environment Officer
7	Ntirenganya jean de Dieu	Local community representative
8	Batamuriza Dorothee	Project coordinator/Nyamasheke District
9	Nzabandora Emmanuel	Project affected persons representative
10	Kwihangana Amoni	Project affected persons representative
11	Ngamije Ezekiel	Project affected persons representative
12	Kampire Jeanne d'Arc	Project affected persons representative
13	Maniraguha Claudine	Project affected persons representative
14	Yangeneye Jeanne	Project affected persons representative
15	Ingabire Velentine	Project affected persons representative
16	Bandora Gratien	Project affected persons representative
17	Niyitegeka Jerome	Executive Secretary, Karengera sector
18	Mukaremera marie	Secetaire comptable , Kagano sector
19	Mukamugema Odette	Etat Civile , Kagano sector
20	Mugabo Francois	Etat Civile , Kanjongo sector
21	Nkinzingabo Patrice	Executive Secretary , Cyato sector
22	Habarurema Cyprien	Etat Civile,Cyato sector
23	Banziririki Francis Xavier	Etat Civile, Rango Sector
24	Bayisenge Joseph	Agronome, macuba Sector
25	Nyirabashyirahamwe Marie	Mahember Sector Education Officer
26	Bizuru Isaac	Executive Secretary , Kilimbi sector
27	Nkerabigwi John	Etat Civile , Karambi sector
28	Uzayisenge Regina	Secetaire Comptable , Karambi sector
29	Kamari Aime Fabien	Executive Secretary , Shangi sector
30	Mukamuhire Patricia	Sector Education Officer, Shangi sector

1. Rwamagana District

No	Names	Institution/Position
1	MUNYANGABE Theogene	In charge of Community

		/Rwamagana district
2	TWIRINGIRE Samson	
3	MUTIGANDA Fransisca	Vice Mayor of Economic development
4	RWAKAYIGAMBA	Environmental Officer
5	RUBANJI Innocent	Land Survey and GIS
6.	KARINGANIRE Daniel	Executive secretary
7	MBABAZI Jane	Social Affaires
8	RWAKAYIGAMBA	Environmental Officer
9	RUBANJI Innocent	Land Survey and GIS
10	SEMUKANYA Benoit	Agriculture and Natural Resources Officer
11	AKIMANA Alice	Social Affaires
12	MUNYARUKUMBUZI Gratien	Project affected persons Representative
13	TWIZEYIMANA Andree	Project affected persons Representative
14	MBONIGABA Aloys	Project affected persons Representative
15	TWAGIRUMUKOZA Juvens	Project affected persons Representative
16	HAVUGIMANA Eugene	Project affected persons Representative
17	NIYITEGEKA Theogene	Project affected persons Representative
18	RUTIHONGA Dominique	Project affected persons Representative
19	NYANDWI Charles	Project affected persons Representative
20	NDEREYIMANA Felicien	Project affected persons Representative
20	BARAYAVUGA J.Claude	Project affected persons Representative
22	NZAKIRISHAKA Augustin	Project affected persons Representative
23	NGENZAMAGURU Erneste	Project affected persons Representative
24	HABDOU Jean Claude	Project affected persons Representative
25	HABABAGIZI Herman	Project affected persons Representative
26	MUTABAZI Vedaste	Project affected persons Representative

2. Karongi district

	Name	Organization/Position
1	Mukabalisa Simbi Dative	V/maire in charge of social affairs
2	Safari Xavier	District Agronomist
3	Muhoza Claude	Agronomist/rubengera
4	Niyondagije Josue	Officer in charge of social affairs/ Rubengera
5	Bihoriki Narcisse	Executive Secretary/Rugabano sector
6	NYIRASHYIRAMBERE Jeanette	Land bureau officer
8	NIYIGENA Eric	District Environment Officer
9	Nyirabuyange bonifilda	Project affected persons Representative
10	Kayumba Pierre	Project affected persons Representative
11	Nsengiyumva Nasti	Project affected persons Representative

12	Ingabire Jean Pierre	Project affected persons Representative
13	Mutebutsi alexis	Legal affairs, Gitesi sector
14	Niyonzima Fidel	Etat Civile Gitesi
15	Habimana Jean Nepo	In charge of social affairs Mutuntu sector
16	Niyibizi emmanuel	Legal affaires
17	Habikumutima Ananie	Legal affaires
18	Uwamariya Claudine	Legal affaires
19	Uwimana Bellancille	Agronomist and natural resources managment
20	Niyihakana Thomas	Executive Secretary
21	Karangwa Samuel	Agronomist
22	Ruzingana Emmanuel	Executive Secretary
23	Torero Jean de dieu	Social affaires
24	Mazimpaka Emmanuel	Agronomist

3. Gisagara district

	Name	Organization/Position
1	Karekezi Leandre	Mayor/Gisagara District
2	Hategekimana Hesron	VM in charge of economic affaires
3	Musafiri Jean Piere	Director Land Bureau
4	Rusibirana JMV	Project Coordinator /Gisagara-Huye
5	Ndimurwango Jean Bosco	Director planning
6	Munyenganizi Aimable	In charge of infrastructure Gisagara
8	Ndagijimana Gaspard	Project Affected person representative
9	Ntiyamira David	Executive Secretary /Ndora Sector
10	Kayumba Ignace	Executive Secretary /Musha Sector
11	Nyirantezirayo	Project Affected person representative
12	Sibagirirwa	Project Affected person representative
13	Uwiragiye Esperence	Project Affected person representative
14	Kayijura Donatien	Project Affected person representative
15	Ntiyamirira David	Executive Secretary , Ndora sector
16	Kimonyo Innocent	Executuve Secretary , Kibilizi Sector
17	Mukangarambe Christine	Project Affected person representative
18	Nyirazigama Epiphanie	Project Affected person representative
19	Rutaburingoga Jerome	Executive Secretary , Kansi sector
20	Renzaho J.Damascene	Executive Secretary , Kigembe sector
21	Umuraza Marie Clare	Social Affairs , Mukindo sector
22	Bigirimana Augustin	Executive Secretary, Mukindo Sector
23	Iyamuremye Pacifique	Social Affairs , Mukindo sector

24	Dusabeyezu Bacillie	Project Affected person representative
25	Nderabakura Vincent	Project Affected person representative
26	Nyabyenda J. Damascene	Project Affected person representative
27	Mazimpaka J. Baptiste	Project Affected person representative
28	Bakunduwejeje J. Baptiste	Project Affected person representative
29	Nkurunziza Ange	Etat Civile,Mukindo sector
30	Bizimana John	Sector Education Officer, Muganza sector
31	Habarurema David	Sector Education Officer , Muganza sector
32	Uwimana Colletta	Etat Civile Gishubi sector
33	Uwizeyimana Charles Lwanga	Social Affairs , Musha sector
34	Nyirimanzi Gilbert	Executive Secretary , mamba sector
35	Niyongira Francis Xavier	Etat Civile ,Gikonko sector
36	Kabalisa J. Claude	Executive Secretary , save sector