

ARAP

REPUBLIC OF RWANDA



MINISTRY OF INFRASTRUCTURE

Abbreviated Resettlement Action Plan

Rehabilitation and Upgrading of Karere-Mpenge-Sonrise Road (Roads coded R24, R33A & R42) Infrastructure of Musanze City in the District of Musanze

Final Report

January 2016

ACRONYMS AND DEFINITIONS

| | |
|-----------|--|
| AIDS | Acquired Immune Deficiency Syndrome |
| CAC | Cell Adjudication Committee |
| CBOs | Community Based Organizations |
| CoK | City of Kigali |
| CSO | Civil Society Organisations |
| DDC | District Development Committee |
| DDS | District Development Strategy |
| DLOs | District Land Offices |
| EDPRS II | Second Economic Development and Poverty Reduction Strategy |
| EMF | Environment Management Framework |
| ESIA | Environment and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| GDP | Gross Domestic Product |
| GoR | Government of Rwanda |
| HIV | Human Immunodeficiency Virus |
| JADF | Joint Action Development Forums |
| LODA | Local Development Agency of Rwanda |
| M&E | Monitoring and Evaluation |
| MINAGRI | Ministry of Agriculture and Animal Resources |
| MINALOC | Ministry of Local Government |
| MINECOFIN | Ministry of Finance and Economic Planning |
| MINICOM | Ministry of Trade and Industry |
| MININFRA | Ministry of Infrastructure |
| MINIRENA | Ministry of Natural Resources |
| MTR | Mid Term Review |
| NDIS | National Decentralization Implementation Secretariat |
| NGO | Non-Governmental Organizations |
| NLC | National Land Commission |
| OP | Operational Policy |
| PAP | Project Affected Persons |
| PCDP | Public Consultation and Disclosure Procedures |
| PMU | Project Management Unit |
| PPP | Public Private Partnership |
| RUDP | Rwanda Urban Development Project |
| RAP | Resettlement Action Plan |

| | |
|-------|---|
| RDB | Rwanda Development Board |
| REMA | Rwanda Environment Management Authority |
| RGAC | Rwanda Governance Advisory Council |
| RGB | Rwanda Governance Board |
| RHA | Rwanda Housing Authority |
| RNRA | Rwanda Natural Resources Authority |
| RPF | Resettlement Policy Framework |
| RRA | Rwanda Revenue Authority |
| RSTF | Rural Resettlement Task Force |
| RTDA | Rwanda Transport Development Agency |
| RWF | Rwandan Francs |
| SPIU: | Single Project Implementation Unit |
| WASAC | Water and Sanitation Corporation |
| WB | World Bank |

DEFINITIONS OF TERMS USED IN THIS DOCUMENT

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

1. "Affected people" refers to people who are directly affected socially and economically by World Bank-assisted investment projects caused by:
 - a. Relocation or loss of shelter
 - b. Loss of assets or access to assets loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
 - c. The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
2. "Associated projects" means any subprojects or activities which are directly related to the planned infrastructure development in the six secondary cities.
3. "Census" means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
4. "Environmental and Social Management Framework (ESMF)" is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the infrastructure development program and other activities associated with this project regardless of funding agency in the six secondary cities. The framework will set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument will be prepared as a separate and stand-alone document to be used in conjunction with this RPF.
5. "Compensation" means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
6. "Cut-off date" is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
7. "Project affected persons" (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their:
 - a. Standard of living adversely affected, whether or not the Project Affected Person must move to another location ;
 - b. Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
 - c. Access to productive assets adversely affected, temporarily or permanently; or

- d. Business, occupation, work or place of residence or habitat adversely affected.
- 8. "Involuntary Displacement" means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
 - a. Loss of benefits from use of such land;
 - b. relocation or loss of shelter;
 - c. loss of assets or access to assets; or
 - d. loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
- 9. "Involuntary Land Acquisition" is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
- 10. "Land" refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
- 11. "Land acquisition" means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
- 12. "Rehabilitation Assistance" means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
- 13. "Resettlement and Compensation Plan", also known as a "Resettlement Action Plan (RAP)" or "Resettlement Plan" - is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
- 14. "Replacement cost" means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;
- 15. "Replacement cost for agricultural land" means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:
 - a. preparing the land to levels similar to those of the affected land;
 - b. any registration, transfer taxes and other associated fees;
- 16. "Replacement cost for houses and other structures" means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:
 - a. Building materials
 - b. Transporting building materials to the construction site;
 - c. Any labour and contractors' fees; and d) any registration costs.
- 17. "Resettlement Assistance" means the measures to ensure that project affected persons who may

require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,

18. "The Resettlement Policy Framework (RPF)" is being prepared as an instrument to be used throughout the planned infrastructure development program implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans ("RAPs") for the infrastructure development in the six secondary cities will be prepared consistent with the provisions of this RPF.
19. "Resettlement Action Plan": see Resettlement and Compensation Plan above,
20. "Vulnerable Groups" refers to:
 - a. Widows, the disabled, marginalized groups, low income households and informal sector operators;
 - b. Incapacitated households – those no one fit to work and;
 - c. Child-headed households and street children
 - d. Including among other things, persons characterised by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

TABLE OF CONTENTS

| | |
|--|-----|
| ACRONYMS AND DEFINITIONS..... | ii |
| DEFINITIONS OF TERMS USED IN THIS DOCUMENT | iv |
| TABLE OF CONTENTS | vii |
| List of Tables | 10 |
| EXECUTIVE SUMMARY | 11 |
| 1. INTRODUCTION..... | 13 |
| 1.1. Description and location of the project | 13 |
| 1.1.1. Project objectives and outputs | 14 |
| 1.1.2. Details of the Karere-Mpenge-Sonrise road and other proposed infrastructure subprojects under RUDP in Musanze City | 14 |
| 1.2. Scope of the ARAP | 14 |
| 1.3. Methodology | 15 |
| 1.3.1. Delineation of Project area..... | 15 |
| 1.4. Socioeconomic profile of Musanze City | 16 |
| 1.4.1. Demographics..... | 16 |
| 1.4.2. Existing situation of the physical infrastructure in Musanze City | 16 |
| 1.4.3. Economic activities in Musanze City..... | 16 |
| 2. LEGAL AND INSTITUTIONAL FRAMEWORK | 18 |
| 2.1. Legal framework | 18 |
| 2.1.1. Rwandan Constitution, 2003..... | 18 |
| 2.1.2. Ministerial Order No. 001/2006 of 26/09/2006 | 18 |
| 2.1.3. Law N°55/2011 of 14/12/2011 Governing Roads in Rwanda | 18 |
| 2.1.4. Law N° 43/2013 of 16/06/2013 Governing Land in Rwanda | 18 |

| | | |
|--------|---|----|
| 2.1.5. | Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest... | 18 |
| 2.1.6. | Law Establishing and Organising the Real Property Valuation Profession in Rwanda, Law No.17/2010 of 12/05/2010..... | 19 |
| 2.1.7. | Rwanda's Urbanisation and Rural Settlement Sector Strategic Plan 2013-18..... | 19 |
| 2.1.8. | World Bank Involuntary resettlement policy | 19 |
| 2.1.9. | Gap Analysis between Rwandan Expropriation Law and WB Op 4.12 | 19 |
| 2.2. | Institutional framework..... | 21 |
| 2.2.1. | Implementing support from LODA..... | 22 |
| 2.3. | Grievance Resolution Mechanism (GRM) | 22 |
| 3. | POTENTIAL RUDP IMPACTS | 23 |
| 3.1. | Entitlement Matrix | 23 |
| 4. | CENSUS AND SOCIAL ASSESSMENT OF PAPs..... | 25 |
| 4.1. | List of project affected persons..... | 25 |
| 4.2. | Socioeconomic assessment of the PAPs..... | 25 |
| 4.3. | Vulnerable groups/persons | 27 |
| 4.4. | Records keeping..... | 27 |
| 4.5. | Determination of Cut-off date..... | 27 |
| 5. | DESCRIPTION OF COMPENSATION AND OTHER RESETTLEMENT ASSISTANCE..... | 28 |
| 5.1. | Resettlement allowance..... | 28 |
| 5.2. | Livelihood support to the PAPs..... | 28 |
| 7. | VALUATION OF AND COMPENSATION FOR LOSSES | 30 |
| 7.1. | Compensation for Land..... | 30 |
| 7.2. | Valuation for crops | 30 |
| 7.3. | Resettlement measures for each category of eligible PAPs | 30 |
| 8. | CONSULTATION WITH PAPs ON ACCEPTABLE ALTERNATIVES | 31 |

| | | |
|-------|--|----|
| 8.1. | Verification and disclosure of entitlements..... | 31 |
| 8.2. | Other meetings and consultations | 31 |
| 8.3. | Main issues raised by the PAPs during the first meeting..... | 31 |
| 8.4. | Agreement on compensation and preparation of contracts..... | 32 |
| 9. | GRIEVANCE REDRESS MECHANISM | 33 |
| 10. | DESCRIPTION OF RELEVANT ORGANISATIONS' RESPONSIBILITIES..... | 34 |
| 10.1. | Roles of MININFRA during Land and assets measurements..... | 34 |
| 10.2. | Roles of the PAPs..... | 35 |
| 10.3. | Roles of the Musanze District..... | 35 |
| 11. | IMPLEMENTATION SCHEDULE | 36 |
| 12. | ESTIMATED COSTS FOR RESETTLEMENT | 37 |
| 13. | FRAMEWORK FOR MONITORING, EVALUATION AND REPORTING | 39 |
| 13.1. | Monitoring plan | 39 |
| 13.2. | Resettlement Implementation Completion report | 40 |

List of Tables

| | |
|---|----|
| Table 1: Prioritized urban infrastructure projects for Musanze City in first Phase of RUDP | 14 |
| Table 2: Comparison of Rwandan and World Bank Policies on Resettlement and Compensation | 20 |
| Table 3: Assessed impact of the RUDP subprojects implementation in Musanze City .. | 23 |
| Table 4: Entitlement matrix..... | 23 |
| Table 5: Demographics of affected HHs | 25 |
| Table 6: Size of household..... | 25 |
| Table 7: Year of existence (ages) house | 26 |
| Table 8: Monthly level of income..... | 26 |
| Table 9: Expenditure by HH in the last month | 27 |
| Table 10: Resettlement measures for each category | 30 |
| Table 11: Issues of PAPs and responses given | 32 |
| Table 12: Roles and Responsibilities for each institution | 34 |
| Table 13: Implementation schedule..... | 36 |
| Table 14: Estimated cost for resettlement | 37 |
| Table 15: Plan for Monitoring, evaluating and reporting | 39 |

List of Figures

| | |
|--|----|
| Figure 1: Map of Musanze City showing the City Boundary and constituent Sectors.... | 16 |
| Figure 2: Institutional arrangement for implementation of RUDP in Musanze City..... | 21 |

EXECUTIVE SUMMARY

This is an Abbreviated Resettlement Action Plan (ARAP) for the rehabilitation and upgrading of the road in Musanze City starting from the District through Mpenge Cell to Sonrise School. The road under rehabilitation will involve three sections coded R24 of 631 m in length and 8.1m wide, R33A of 139m in length and 9.6m in width, and R42 of 900m in length and 9.6m wide. The rehabilitation is being undertaken under the Rwanda Urban Development Project (RUDP) that is being executed by the Ministry of Infrastructure (MININFRA), currently under preparation for appraisal for funding by the World Bank. The ARAP has been prepared by Green World Consult Limited (GWCL), a Safeguards Consulting firm, on behalf of the MININFRA as part of the processes for the RUDP project preparations for World Bank appraisal. The road Karere-Mpenge-Sonrise road subproject is part of much wider RUDP project involving other infrastructure subprojects in Musanze City and five other secondary cities of Muhanga, Huye, Rubavu, Rusizi and Nyagatare, as well as Agatare area of the Nyarugenge District in the City of Kigali (Musanze District). As the social and environmental safeguards consulting firm, GWCL, was required to study the environmental and social impacts of the RUDP, and if necessary prepare a Resettlement Action Plan to guide MININFRA, as the executing agency of RUDP, and the implementing agencies (the beneficiary districts that host the six secondary cities and the Musanze District), in any acquisition of land where necessary as well as in handling the consequent involuntary displacement, compensation and resettlement of the project affected persons (PAPs).

This ARAP for the rehabilitation and upgrading of Karere-Mpenge-Sonrise road in Musanze City to 8.1m wide (for section R24) and 9.6m wide road (for sections R33a & R42) from murrum (dirty) road to asphalt top road, was prepared because its implementation will partially affect 24 households and lead to demolition of two (3) kiosks along the road. There will be no person physically displaced as a result of the implementation of the road, but a couple of households will be significantly economically affected due to the demolition of the two kiosks. The type of damage on the 24 households will exclusively involve demolition and moving back of the perimeter walls by the front of the residences of the affected households. The consequence of the affected households was assessed as basically physical damage to their property and loss of economic livelihoods for couple of households. In this regard, the Rwanda Law requires that MININFRA as the executing agency of RUDP, applies for expropriation of the affected property in public interest, and sets in motion the process for valuation, compensation and resettlement of the affected persons in accordance with the stipulated guidelines laid down within the legislation on expropriation. According to the World Bank, the physical and economic displacement of people for such developments triggers the Bank's Operational Policy WB OP 4.12 on involuntary resettlement. The WB OP 4.12 requires in this case preparation of an Abbreviated Resettlement Action Plan (ARAP) given that only two households will economically be displaced and a limited number (24) will have to be compensated for the damage to their houses and extra land acquired from their plots before commencement of implementation of the project. The ARAP will guide the valuation and compensation of the partially affected and economically displaced; and in the monitoring of the resettled persons to ensure that their livelihoods are at minimum at level equivalent to that prior to affected persons being expropriated.

This ARAP was prepared in line with all necessary requirements outlined in the RUDP Resettlement Policy Framework (RUDP-RPF). The main elements of the ARAP are: public consultation and engagement with affected citizens on expropriation processes; social assessment of the PAPs; census report of the PAPs; documentation of assets of the PAPs; disclosure of cut-off point and entitlement; provision of alternatives; compensation and resettlement; addressing grievances; and monitoring and reporting of the compensation and resettlement undertakings.

Musanze City has agreed and set aside funds for compensation for both the property that will be damaged and for couple of households that will be economically displaced with the implementation of the project. One roadside charcoal informal business will also be displaced by implementation of the proposed subprojects, and the City has agreed to provide a nearby alternative place for charcoal selling so that the involved person does not lose her economic livelihood. The total cost of the ARAP implementation for the Karere-Mpenge-Sonrise road subproject in Musanze City was valued at RWF **Fifty Six Million, Five Hundred Six Thousand and One Eighteen Rwandan Francs (56,506,118)** (equivalent to USD **73,384.5\$**) including compensation for the property, offer of disturbance allowance, and and resettled persons.

The MININFRA and Musanze District, as the executing agency, will ensure that the eligible PAPs are compensated and the Single Project Implementation Unit (SPIU) of the RUDP under the Local Government Agency (LODA) together with the District of Musanze as implementing agency of the RUDP, will be responsible for monitoring and reporting the implementation of this particular ARAP to the MININFRA and the Bank.

Provisions have been established for grievance redress mechanism, as part of the efforts in preparation of the ARAP for Karere-Mpenge-Sonrise Road in Musanze City, for any aggrieved party to seek review of the decisions from the Resettlement and Compensation Committee. If the affected person is still not satisfied with the decision, that person is free to lodge his or her complaint through the local leadership starting at the Cell, Sector and District leadership. If the grievances are not resolved in this way, the affected person has a statutory right to sue in the Courts of Law for redress within fifteen days of the final decision by the District of Musanze on his or her complaint. GWCL, as Safeguards Consultant, carried out sensitisation of the PAPs on the formal complaints procedure, including filling of the grievance form and about the responsibilities of the different parties in the redress of grievances that may arise in displacement and resettlement process as provided for in Rwanda Law and according to the WB operational policies regarding compensation, displacement and resettlement of PAPs.

1. INTRODUCTION

1.1. Description and location of the project

This document is an ARAP for the rehabilitation and upgrading of Karere-Mpenge-Sonrise road in Musanze City. It was prepared as part of the Government of Rwanda (GoR) processes for preparing an investment proposal for appraisal by the World bank to support the development of urban infrastructure in six secondary cities of Rwanda including Musanze, Rubavu, Nyagatare, Huye, Rusizi, and Muhanga; as well as development of infrastructure in Agatare area of Nyarugenge District in the Musanze District. The efforts have been led by the MININFRA as the Executing Agency for the Rwanda Urban Development Project (RUDP), under which the rehabilitation and upgrading of the Karere-Mpenge-Sonrise road of Musanze City falls. The RUDP aims at improving urban management, infrastructure services and local economic development with the following as the major components:

- a) *Performance Based Grants to Support Infrastructure Investments for Basic Services* (including settlement upgrading) in the secondary cities of Rubavu, Rusizi, Musanze, Muhanga, Huye, and Nyagatare that have been identified in the National Urbanization Strategy to serve as poles of future urban and economic growth.
- b) *Facilitating Local Economic Development in the six secondary cities* linked to the infrastructure investments to promote local economic development such as expanding or improving the markets infrastructure and provision of technical assistance to the District in enabling and partnering with the private sector (e.g., through guidance on Public Private Partnership (PPP) arrangements).
- c) *Upgrading of the Agatare Informal Settlement in Nyarugenge District of the City of Kigali* to support the Musanze District in planning, facilitation and implementation of the Agatare neighbourhood upgrading intervention, which will serve as a piloting of community based urban regeneration measure that will subsequently be scaled up to other parts of Kigali and to secondary towns.
- d) *Technical Support for the Implementation of the National Urbanization Strategy* involving targeted capacity building support for government agencies at both central and local levels to enable an equitable urbanization process which also promotes economic growth.
- e) *Project Management Support* so as to provide the implementing agencies at national level and to the Districts with on project management support.

The implementation of the Karere-Mpenge-Sonrise road subproject in Musanze City will involve provision of solid rod foundation, expansion of the road to 8.1m in the R24 section and 9.6m in the R33A and R42 sections, and upgrading its top from murrum (dirty) to an asphalt top surface road together with a roadside drain and pedestrian path. The proposed infrastructure developments were assessed to trigger the Bank policies WB OP 4.01 – Environmental Assessment and WB OP 4.12

Involuntary Resettlement Operational Policies given that implementation of the proposed works will result in economic displacement of at least two households and partially affect property for 18 households needing expropriation of land and compensation for affected property and assistance for the two households to repair their economic livelihoods.

1.1.1. Project objectives and outputs

The RUDP will support Musanze City's efforts in improving the city's connectivity and accessibility in delivering basic services to improve living conditions of the citizens and promote local economic development with growth in urbanization in the District.

1.1.2. Details of the Karere-Mpenge-Sonrise road and other proposed infrastructure subprojects under RUDP in Musanze City

Table 1 gives the details of subproject types with respective purposes and focus that were identified and selected by local authorities with citizens' engagement in Musanze City. Below are the proposed selected subprojects in Musanze City for the first phase of the RUDP, among which the Karere-Mpenge-Sonrise road subproject is:

Table 1: Prioritized urban infrastructure projects for Musanze City in first Phase of RUDP

| Area | Proposed Projects | Tentative construction cost (USD millions) | No. of HHs affected | No. pxns displaced |
|---------------------------------|--|--|---------------------|--------------------|
| | ROADS SUBPROJECTS | | | |
| NM-34 St: Karere-Mpenge-Sonrise | ○ R24 Road 8.1m wide and 631m long, R33A 9.6m wide and 139m long, & R42 9.2m wide and 900 long - upgraded from murrum to asphalt top surface | ▪ 1.54 | ▪ 18 | ▪ 2 |
| Sopyrwa-Police to Tax Park | ○ R 48 road widened to 8.1m with 1,533m in length and rehabilitated and upgraded from murrum to asphalt road | ▪ 1.23 | ▪ 0 | ▪ 0 |
| Kizungu | ○ R49 road constructed to 8.1m width and 1,399m in length to asphalt top surface | ▪ 1.12 | ▪ 0 | ▪ 0 |
| | DRAINAGE SUB PROJECTS | | | |
| Kizungu | ▪ Drain D1 of 2m wide by 2m deep and 780m long with concrete base & RR Walls to stabilize the river banks | ▪ 0.62 | ▪ 0 | ▪ 0 |
| Mpenge | ▪ D4 a 250m long underground culvert drain for evacuating storm water | ▪ 0.35 | ▪ 5 | ▪ 0 |

1.2. Scope of the ARAP

This ARAP is a guide for the management of the process for assessing, valuation, compensating the households who will be affected with implementation of RUDP in Musanze City. The scope of the ARAP preparation included:

- Survey of projected affected area, land and property there on;
- Census of the PAPs including persons and their land, assets and property thereon;
- Consultations with the area residents on the list of PAPs;
- Socioeconomic assessment of the PAPs;
- Valuation of the land and assets and property thereon to be expropriated;
- Establishment and popularization of a Grievances Redress Mechanism.
- Defining relevant organizations' responsibilities for implementing of the ARAP;
- Developing implementation schedule for the ARAP that covers all resettlement activities from preparation through implementation.
- Developing the cost and budget showing itemized best cost for all planned activities; and,
- Developing monitoring and evaluation arrangements for the compensation/resettlement activities by the District of Musanze, supplemented by independent monitors as will be contracted by SPIU.

1.3. Methodology

The preparation of this ARAP involved a combination of desk study, land and property survey in the respective subproject sites for RUDP in Musanze City where land and property thereon has to be expropriated for the implementation of the planned subprojects. The desk study involved review of project documents and analysis of the proposed subproject feasibility reports including maps for the project sites, preliminary technical designs and rapid assessment reports on the social and environmental impacts; and surveying of the project sites to establish the location of the proposed subprojects and establish the exact impact of the proposed subprojects in terms of required land and affected property. The field survey involved conducting census of PAPs; social assessment of the PAPs; measurement and valuation of the PAPs' land, assets, property and crops thereon that was surveyed as needing expropriation for implementation of the respective subprojects; and meeting and discussions with PAPs and key stakeholders including local leaders and District Administration on the results of the activities and processes of this ARAP.

1.3.1. Delineation of Project area

The City of Musanze has designated planned area of 7500 ha according to the recent approved master Plan (MININFRA, 2008) and elaborated for implementation in 2014. Figure 1 below is a representation of Musanze City with its constituent and neighbouring Sectors. The City comprises of Seven (7) Sectors including Muhoza, Cyuve, Kimonyi and Musanze; and parts of Shingiro, Gataraga and Muko; with 21 cells and 91 villages.

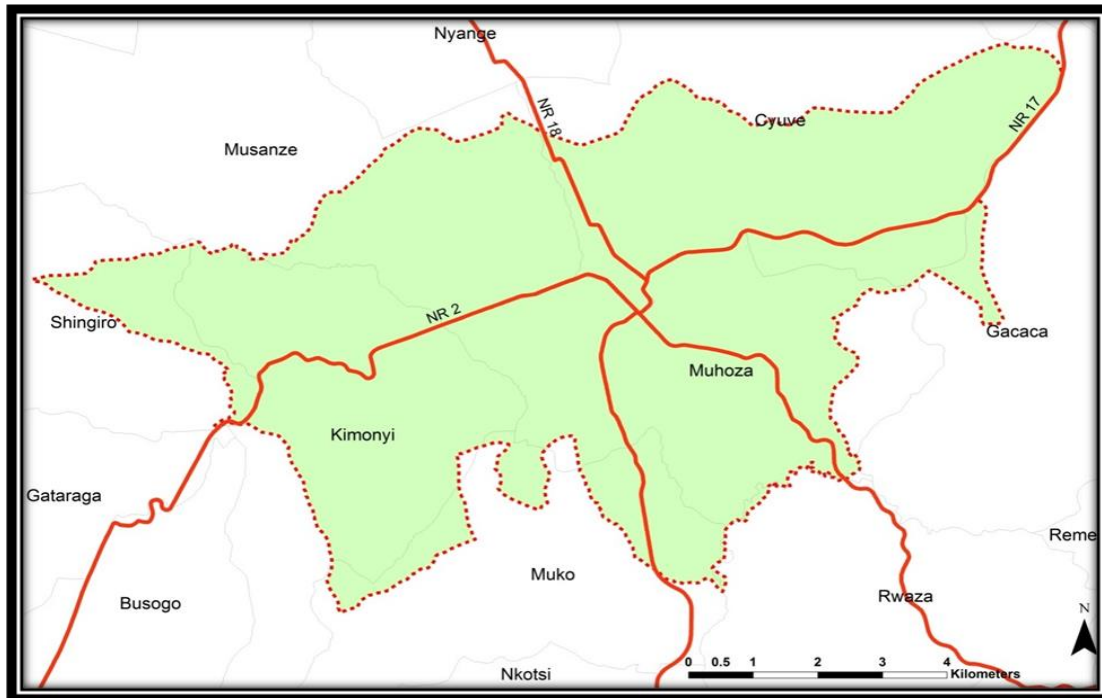


Figure 1: Map of Musanze City showing the City Boundary and constituent Sectors

1.4. Socioeconomic profile of Musanze City

1.4.1. Demographics

The Population of Musanze city is 99,387 with annual growth rate of 1.8% and 20,260 households (Census, 2012). The Sector of Muhoza has 43.6% of the city's population, Cyuve 20.4%, Musanze 12.4%, Kimonyi 11.9%, Muko 6.5%, Shingiro 4.2% and Gacaca 1.0%. The Karere-Mpenge-Sonrise Road and D4 drainage will be implemented in Mpenge cell, which has the highest population density in the city – ranging between 4001 and 5,000 inhabitants per Sq. Km. Mpenge cell was assessed as the socioeconomically the most impoverished part of the city.

1.4.2. Existing situation of the physical infrastructure in Musanze City

Although largely planned, the City of Musanze has a number of parts with unplanned settlement that are faced with challenges of connectivity, flooding and that cannot readily access the the Central Business Area (CBA) by the nearest possible roads requiring citizens to traverse long distances within the city to access the different parts. This is compounded by the volcanic rivers that run across the city and have left behind deep gorges and gullies that effectively divide the city in parts preventing especially vehicular access. The condition of limited capacity of existing drainages and or lack of drains has been reported to lead to repeated flooding in the low lying areas especially in Muhoza and Cyuve Sectors.

1.4.3. Economic activities in Musanze City

The project sites for Karere-Mpenge-Sonrise road and drain D4, which is majorly Mpenge cell is

largely a residential area but with a number of business premises for mostly retail trade in basic household goods (dry food stuffs, beverages, detergents, basic electronics etc). At time of social assessment we found a largely informal occasional roadside agricultural produce (potatoes and vegetables) markets at the tail end of section R33A of the road towards Mpenge. There were also a few other informal roadside businesses including charcoal selling, water dispensers, and kiosks with sundry of items two of which will be displaced to give way for the implementation of the roads subproject.

Of the 18 households affected by RUDP subprojects implementation in Musanze City, 94% of households were small volume retail traders dealing in basic food stuffs, while 4% worked part-time as masons and vehicle and motorcycle taxi drivers; tailors and mechanics.

The key economic challenges faced by residents in the project site included limited formal employment; impact of flooding during rainy season on the limited economic activities in the area; limitations with vehicular navigation to allow for movement of goods and services in the area; lack of appropriate skills and training; and limited access to financing.

2. LEGAL AND INSTITUTIONAL FRAMEWORK

2.1. Legal framework

2.1.1. Rwandan Constitution, 2003

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

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

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

2.1.3. Law N°55/2011 of 14/12/2011 Governing Roads in Rwanda

This law provides for regulation of road works in the country, putting the responsibility for all national roads and adjoining roads under the Roads and Transport Development Authority, RTDA; while putting the district and adjoining feeder roads under the responsibility of the local authorities, and that of the roads exclusively within the designated urban centres under the urban authorities.

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

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

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

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

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

This law provides that only certified valuer shall undertake the valuation of expropriated property, and that the value given must be in accordance with the market area and with full participation of the affected person and preferably in the presence of the local leaders.

2.1.7. Rwanda's Urbanisation and Rural Settlement Sector Strategic Plan 2013-18

The Sector Strategy promotes the development of secondary cities while creating a network of urban and urbanizing centers. Additional overall urban development guiding principles to be followed in preparing this project are: (a) designs which will encourage densification of the cities, resulting in reduced urban infrastructure and services costs, (b) local economic development must also be taken into consideration in the dialogue with the cities as to investment options, and (c) the investment options must be ranked as well using social inclusive growth as a major criteria.

2.1.8. World Bank Involuntary resettlement policy

In preparation for the ARAP for Musanze City both the Rwanda Law and the relevant World Bank Operational Policies were relied on, especially in regards to the involuntary resettlement related policy, WB OP 4.12, were applied. This included engaging citizens and local authorities on the proposed developments; survey of the project sites to minimize the project impact in terms of land acquisition; and developing an entitlement matrix to guide in calculation of resettlement and replacement costs. In this ARAP, where there was contradiction between World Bank policies and Rwanda Law, the more beneficial one to the PAPs was applied.

2.1.9. Gap Analysis between Rwandan Expropriation Law and WB Op 4.12

There were a number of differences between the Rwandan expropriation law and the World Bank operational policy, WB OP 4.12 that were identified (Table 2) as elaborated in the Resettlement Policy Framework (RPF).

Table 2: Comparison of Rwandan and World Bank Policies on Resettlement and Compensation

| Category of PAPs/ Type of Lost Assets | Rwandan Law | World Bank OP4.12 | Comment |
|---|--|---|---|
| Land Owners (loss of land) | <p>According to the National Land Policy, all Rwandese enjoy the same rights of access to land, implying no discrimination against women. All land should be registered for security. The title is tradable, but not if it fragments plots below 1 hectare.</p> <p>Compensation for non-transferable property based upon market value.</p> | <p>Identification of PAPs is done through census and socio-economic surveys of the affected population,</p> <p>PAPs with titled land as well as PAPs who do not have a formal titles and those who may happen to be occupying the land illegally at time of the census – were considered for compensation once found to have been impacted or displaced by the proposed subprojects</p> | Considered all forms of tenancy and occupation when preparing the list of PAPs and valuation of project impacts on households for compensation. |
| Owners of non-permanent buildings | Owners of “non-permanent” buildings are entitled to cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs. | Recommends in-kind compensation or cash compensation at full replacement cost including labour. Recommends resettlement assistance | All structures and assets affected by the proposed subprojects were assessed and valued |
| Livelihood restoration and development assistance | There are no explicit provisions on livelihood restoration. | Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better offer support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living (for ex. land | The resettlement actions include costs for monitoring of the restoration of PAPs and engaging with them to ensure that their livelihoods are restored to the condition before displacement or better. |

| | | | |
|--|--|---|--|
| | | preparation, jobs, credits facilities); | |
|--|--|---|--|

2.2. Institutional framework

The sketch of the RUDP implementation institutional framework is provided below in Figure 5.

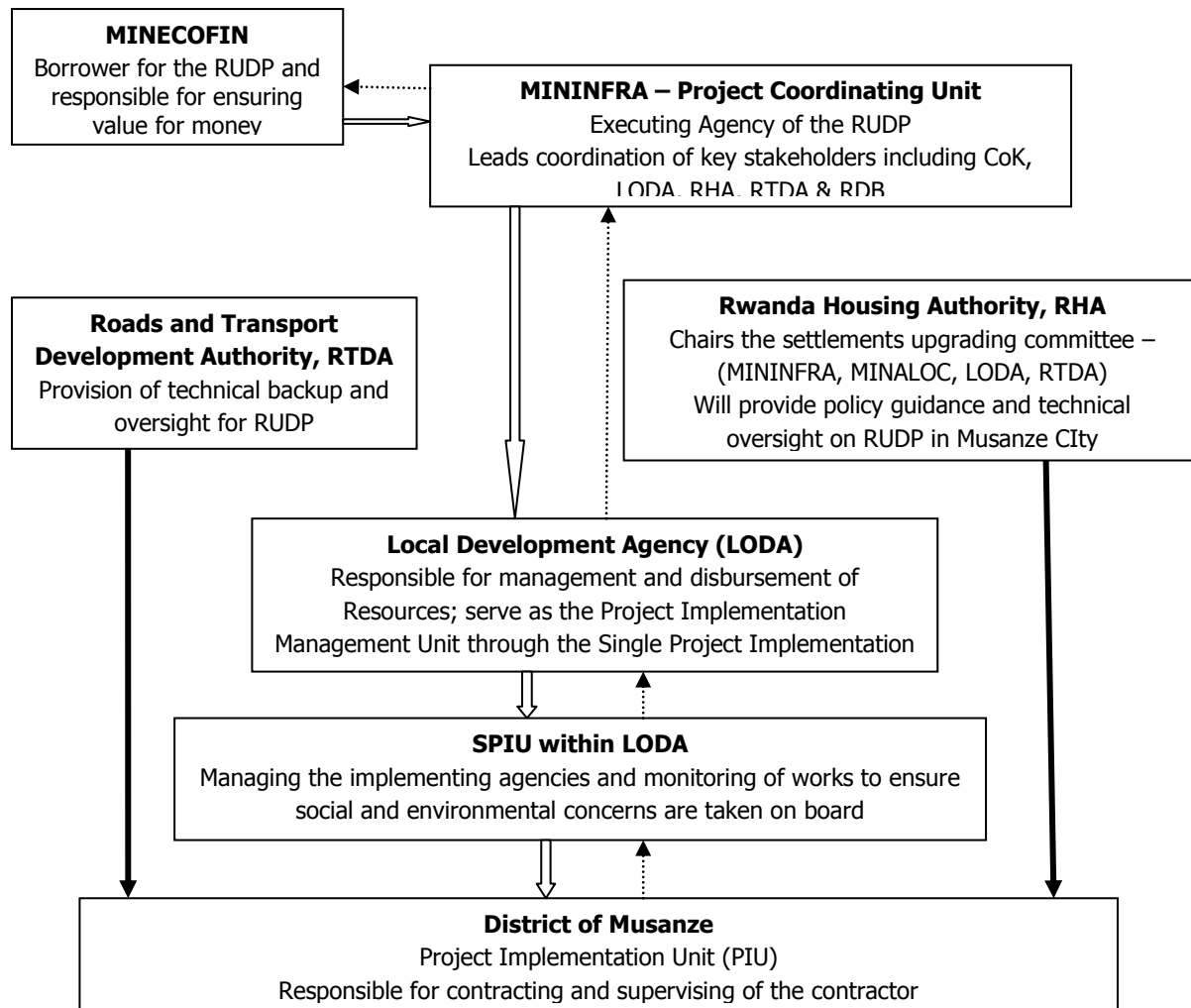


Figure 2: Institutional arrangement for implementation of RUDP in Musanze City.

LODA will responsible for overall management of the project including project personnel and funds, and will host the Project Management Unit (PMU) to be known as the Single Project Implementation Unit (SPIU). The roles of Musanze District as one of the implementing agency of RUDP include:

- Contracting and implementing physical works, according to agreed procurement procedures
- Managing sub accounts (SOEs etc) according to agreed FM arrangements
- Providing quarterly financial reports on physical and financial progress

- Environmental and Social Safeguards Implementation
- Informing and engaging citizens
- Resolving Grievances and complaints
- Ensuring availability of district officers

The District the Executive Secretary of Musanze District will be directly responsible for the implementation of the RUDP subprojects in Musanze City. Implementing agencies will also be directly responsible for the following activities in preparation of the project:

- Review investment priorities identified by Feasibility Study Consultants
- Consult locally – CSO, private sector, communities etc
- Confirm selection of subprojects
- Collaborate closely with consultants preparing the project (FS & Safeguards consultants)
- Disclose executed budget for 2014/2015 by December 2015

2.2.1. Implementing support from LODA

The Single Project Implementation Unit will be comprised of the following technical expertise Municipal Engineer as the RUDP Implementation Coordinator, a Financial Management Specialist as the finance and administration manager, and a Sociologist and a Environmental Expert as the social and environmental Safeguards oversight managers. The SPIU will also serve as the 'Capacity and Implementation Support Team' to the implementing agencies assisted by construction supervision consultants and social and environmental experts in project impact monitoring and assessment.

2.3. *Grievance Resolution Mechanism (GRM)*

The GRM has been appropriately articulated in the RPF and is for the benefit of both the project and the PAPs so as to amicably and in a timely manner solve any conflicts and grievances that may arise with the displacement and resettlement processes and activities. The grievance framework recommended for this ARAP is built on already existing structures within the laws of the GoR and affected community. A Resettlement and Compensation Committee, including representatives of the PAPs, women, youths, local authorities, and those designated by law from the District Leadership was set up to guide the implementation of the ARAP and expedite any handling of grievances that may arise in the implementation of the ARAP.

3. POTENTIAL RUDP IMPACTS

The proposed rehabilitation and construction of roads and drainage infrastructure under RUDP in Musanze City will lead to limited physical displacement of households living close to the existing roads and drainage infrastructure. Only two subprojects, Karere-Mpenge-Sonrise road project and Mpenge Drainage (D4) will affect residents. The details of the expected impacts including loss of land, property, and business and other structure are given Table 3 below.

Table 3: Assessed impact of the RUDP subprojects implementation in Musanze City

| Item | Unit |
|------------------------------------|--|
| Affected District | Musanze |
| Affected Sector | Muhoza and Cyuve |
| Affected cells | Mpenge |
| Affected Villages (Imidugudu) | Rugasara |
| A) Affected households | |
| Partially affected | 24 houses – basically perimeter fence walls and partially on some main houses along the road |
| Entirely affected | Three (3) kiosks adjoining the main living quarters (premises) |
| B) Losing houses and assets | |
| Houses – living quarters | 0 |
| Houses – commercial premises | 3 |
| Households assets/property | 0 |
| B) Land | |
| Households losing lands | 22 |
| Size of land to be expropriated | 582.5 m2 private land |
| C) Crops | |
| Food crops | 0 |
| Trees | 0 |

3.1. Entitlement Matrix

Table 4: Entitlement matrix

| Category of PAP | Type of Loss | ENTITLEMENTS | | | | |
|-----------------|--------------|-------------------------------------|-------------------------------|---------------------------------|------------------|------------------|
| | | Compensation for Loss of Structures | Compensation for Loss of land | Compensation for Loss of Income | Moving Allowance | Other Assistance |
| | | | | | | |

| | | | | | | |
|---------------------------------------|---------------------------|---|--|---|---|---|
| <i>Property Owners</i> | Loss of land | Cash compensation for demolished structure and or replacement with new structure at new site | Land replacement at new site, plus land clearing by project. Compensation in cash will be considered if the lost land is below 40% of total land | Options for integration in existing similar livelihood options elsewhere in the city, and retooling where appropriate into new livelihood options | Moving allowance calculate as part of the 5% disturbance allowance provided for in the Rwanda Expropriation Law | None |
| | Temporal loss of land | Not applicable | Not applicable | Land use by project for more than a period of three months, even if not lost, will be compensated | If moving of the PAP is involved, disturbance allowance is issued | PAPs to provided information on temporally alternatives |
| <i>Property lease holders/ Tenant</i> | Loss of structure/ houses | Compensation at full replacement value not depreciated, taking into account market values for structures and materials. | Not applicable | For lost rental income Lump sum cash payment of 6 months' rent per tenant | Coverage of full cost for total transport expenses | Disturbance Allowance |
| | Loss of crops | Not applicable | Not applicable | Crops at market cost in scarce season(the value of crops is considered at harvesting period | Not applicable | Not applicable |
| | | | | | | |

4. CENSUS AND SOCIAL ASSESSMENT OF PAPs

Land surveyor and sociologist identified the project affected persons, while a Rwanda certified valuer working with GWCL carried out the valuation as indicated below:

4.1. List of project affected persons

Affected land and property thereon were inventoried by location, status of ownership, size, type of property (where property was involved) and percentage of expected impact as well as the value of the estimated impact including disturbance allowance were recorded and presented to the PAPs during disclosure held at project site. The main findings of the census were that 24 households will be affected; with 3 kiosks entirely affected and business displaced and another 21 partially impacted without displacement of the households.

4.2. Socioeconomic assessment of the PAPs

The total population of the affected persons is 102 inhabitants with 22 persons as the plot owners, which was in all cases synonymous to the number of heads of the households that will be affected by implementation of RUDP subprojects in Musanze City. Of the affected plot owners, 61.1% are male, and 38.8% are female. Of the total number of affected population 41% can be classified as young (below 40 years of age) while 59% can be classified as old population (above 40 years of age) (Table 6). Also 44.1% of the affected population was male and 55.9% were female.

Table 5: Demographics of affected HHs

| Sector | Cell | Village | No. HHs affected | Number of population we living in this HH | | |
|--------|--------|-------------------|------------------|---|----------------------------------|--------------------------------|
| | | | | Pop | No. of children <15 years of age | No. of adults +60 years of age |
| Muhoza | Mpenge | Mpenge & Rusagara | 21 | 102 | 42 | 60 |

Nearly all houses (95%) were made of burnt bricks and cemented floors with combination of wooden, metallic and grass doors and shutters. About 5% were made of mud and un-cemented floors but with either government provided burnt clay tiles or iron sheets. When kiosks, which were erected by households in front of their main living premises for retail business, are excluded, the majority of the affected households fall between 400 and 500 sq (Table 7). Metres (39%) with 31% above that range and another 29% below that size range. 100% of household owners have titles of land properties, including for kiosks issued by the District Land Office.

Table 6: Size of household

| Size of household in sq.m | >600 | 500 to 600 | 400 to 500 | 300 to 400 | 200 to 300 | <200 | 15 (Kiosks) |
|----------------------------------|-----------|------------|------------|------------|------------|------|-------------|
| No. HHs | 2 | 4 | 7 | 3 | 1 | 1 | 3 |
| Total | 21 | | | | | | |

This table shows that most (16.6 %) of the houses are between 30 to 39 years of existence, 16.6 % are between 20 and 29 years , 27.7 % are between 10 and 19 years, while 38.9 % are between one year and 9 years (Table 7).

Table 7: Year of existence (ages) house

| Years since house was built or acquired by current land owner | Frequency | Percentage |
|--|------------------|-------------------|
| 30 at 39 | 3 | 16.6 |
| 20 at 29 | 3 | 16.6 |
| 10 at 19 | 5 | 27.7 |
| 1 at 9 | 7 | 38.9 |
| Total | 18 | 99.8 |

According to Table 9, 16.6 % the affected households are considered poor households and 27.7% are classified as non poor. 16.6% fall within the Middle Class, while 38.9% re considered well do depending on Rwanda National Poverty Frugal Classification.

Table 8: Monthly level of income

| Monthly income | Annual Household Income (RWF) | Poverty Ranking | Frequency | Percentage |
|-----------------------|--------------------------------------|-------------------------|------------------|-------------------|
| Less than 5,000 | 60,000 | Poor | 3 | 16.6 |
| Less than 10,000 | 120,000 | Just above poverty line | 2 | 11,1 |
| Less than 20,000 | 240,000 | Non poor | 2 | 11,1 |
| Less than 30,000 | 360,000 | Non poor | 1 | 5.5 |
| Less than 50,000 | 600,000 | Middle class | 1 | 5.5 |
| Less than 150,000 | 1,800,000 | Middle Class | 2 | 11,1 |
| More than 150,000 | >1,800,000 | Rich | 7 | 38.9 |

| | | | | |
|--------------|--|--|-----------|------------|
| Total | | | 18 | 100 |
|--------------|--|--|-----------|------------|

Among the affected households 27.8% do not have own means of transportation 5/18 and regularly go by foot (Table 9). The most expended on item was food and school fees, while on average all affected households spent not less that RWF 5,000 on airtime monthly. About 23% of the affected households are landlords, with the remainder of the PAPs paying an average of RWF 45,000 per month in rent.

Table 9: Expenditure by HH in the last month

| Expenditure by month (RWF) | Daily expenditure on food | School fees | Heath care | Transport | Communication (airtime) |
|-----------------------------------|----------------------------------|--------------------|-------------------|------------------|--------------------------------|
| Less 5000 | 0 | 0 | 0 | 5 | 9 |
| 5,000 - 100,000 | 11 | 0 | 18 | 8 | 4 |
| 101,000 - 300000 | 6 | 6 | 0 | 3 | 1 |
| 301,000 - 500000 | 1 | 4 | 0 | 2 | 0 |
| 501 000 - 800,000 | 0 | 4 | 0 | 0 | 0 |
| 80,100 - 1,000,000 | 0 | 2 | 0 | 0 | 0 |
| >1,000,000 | 0 | 2 | 0 | 0 | 0 |
| Total | 18 | 18 | 18 | 18 | 18 |

4.3. Vulnerable groups/persons

The socio-economic survey identified vulnerable people among the project affected persons including two (2) widows, one (1) elderly person, and three (3) persons with disabilities (3).

4.4. Records keeping

The information in this ARAP were evaluated by the Sector leaders and PAPs and confirmed as true, following which a meeting with PAPs was organized by District Leaders and the established Resettlement and Compensation Committee for the PAPs to review the assessment and valuation of their respective properties. The terms of compensation and payment were agree to with the District Leadership and Valuation forms signed. These forms were deposited with both the District of Musanze and the MININFRA follow up and record keeping.

4.5. Determination of Cut-off date

The entitlement cut-off date in lieu of this ARAP refers to the timeframe advertised by the District of Musanze beyond which no more claims could be made for inclusion on the list of PAPs, and at which point no assessment of new persons and their property outside the published list would be undertaken. The cut-off date was determined through a meeting with the PAPs, at the District headquarters, before the commencement of the census survey and social assessment on 30th November, 2015. The agreed cut-off date was December 16th, 2015.

5. DESCRIPTION OF COMPENSATION AND OTHER RESETTLEMENT ASSISTANCE

5.1. *Resettlement allowance*

The District of Musanze will compensate the PAPs for the listed affected items as valued in Table 11 below as per agreed to and signed valuation forms. The type and form of compensation will be according to what was agreed to between the District of Musanze and each representative of the affected households or owner of affected property/land, at the time of signing off of the valuation of forms.

In regards to public service and utility infrastructure such as water points, electric poles, communication boxes and access roads, their relocation and or compensation will be negotiated with between the One Stop Centre of Musanze District and the service providers and in the implementation contract to be funded by the city. In this regard they for electric poles and water supply metres and standpipes.

5.2. *Livelihood support to the PAPs*

Since there were no persons physically displaced the assistance from the City of Musanze will be basically helping those economically displaced to find alternatives for their business and or be absorbed within the planned market areas in the City. The PAPs will also be encouraged by the One Stop Centre of Musanze District to take up available employment opportunities that will be created by the implementation of the RUDP subprojects in the City. SPIU and the District of Musanze as the Implementing Agency of RUDP subprojects will be tasked to including incentive to the contractors to hire, especially the manual labourers from the attendant communities. This will facilitate additional income that will support the PAPs with relocation and or construction of new dwellings.

6. ELIGIBILITY

Eligibility for compensation is as stipulated in the Rwandan Constitution (Article 29), the Expropriation Law of Rwanda (**N° 32/2015 of 11/06/2015**) and the Bank's operational policy, WB OP 4.12. These documents regulate and give entitlement to the affected persons. The WB OP 4.12 goes further and recognizes the affected persons as that one using the land at the time, whether or not they have written customary or formal tenure rights. In the Rwandan Expropriation Law the person to be expropriated is defined as "any person or a legally accepted association operating in the country who is to have his or her private property transferred due to public interest as well as legally accepted local administrative entities".

7. VALUATION OF AND COMPENSATION FOR LOSSES

This section describes the methodologies that were used to value losses and determine replacement costs as well as the roles of the different institutions and PAPs during the determination of compensation process. The new land law, especially regarding private ownership of land and compensation of such land acquired by Government in public interest in Rwanda, provides for negotiations over the value of land based on ongoing market value as the means for arriving at an agreeable value. In other words, PAPs are accorded room to negotiate for the suitable compensation. The financial compensation will be the last option and the land value is calculated with reference to the benchmark prices for land and property set annually by the Council of Certified Real Property Valuers in Rwanda.

7.1. Compensation for Land

The exchange of land for land was suggested and was apparently the preferred means of compensation. In this context, the Musanze District will allocate alternative land to the PAPs who chose land for land in the compensation arrangement.

7.2. Valuation for crops

As is shown in the results of census, affected property were valued based on the current market prices, and in line with provisions of the Rwanda Expropriation Law. The summary value of the compensation is as indicated in Table 10.

7.3. Resettlement measures for each category of eligible PAPs

The Table 10, below describes resettlement measures accepted for each PAPs category:

Table 10: Resettlement measures for each category

| Item | Affected Villages | Number of household | Compensation measures | Cost (RWF) |
|----------------|-------------------|---------------------|--|-------------------|
| Crops | 0 | 0 | Financial Compensation and compensation in kind | 0 |
| Losing land | 2 | 21 | Exchange of lands | 50,235,389 |
| Houses /kiosks | 2 | 3 | Financial compensation and assistance in building other houses | 6,270,729 |
| Total | 2 | 24 | | 56,506,118 |

8. CONSULTATION WITH PAPs ON ACCEPTABLE ALTERNATIVES

Consultation meetings with PAPs led by the Musanze District were held from the time of the GISTECH study since 2013. When GWCL came on board more formal consultations were conducted starting in the month of October 2015, to discuss issues related to resettlement and compensation. GWCL as Safeguards Consultant, together with local authorities with technical backup from the Feasibility Study team, held the citizen engagements with members of the general public on the preparations for the impending implementation of the proposed infrastructure subprojects in the area. This was followed up with another meeting with the prospective PAPs following the survey of the required land for the planned developments. After establishing and approval of the list of actual PAPs, two meetings were held to update them of the process and to review and negotiate the valuation of their affected land and property thereon. The local communities were fully involved in all the processes of the development of this ARAP and are well informed about the planned project.

8.1. Verification and disclosure of entitlements

Upon identification of the households that would be affected by the project was completed, GWCL as the RUDP Social and Environmental Safeguards team, together with Technical Staff from the Musanze District with Muhoza Sector and Mpenge Cell leaders, organized meetings with PAPs to discuss compensation requirements and concerns with the expropriation process and resettlement plans. The Musanze District also arranged meetings for the negotiations with the local communities to discuss the alternatives for resettlement and compensation. There have been two meeting for disclosure, one November 30th and another one on December 8th, 2015 where GWCL and districts staff presented the results of census and value of PAPs assets for validation by the affected persons. Comments from the two meeting were incorporated in the Census report.

8.2. Other meetings and consultations

There will be other meeting and consultations with the PAPs, the respective banks, and parties involved in the land exchange programme to discuss how to proceed with the compensation and signing of the agreement and contract documents.

8.3. Main issues raised by the PAPs during the first meeting

The following issues have been raised by the PAPs:

- What is the time frame for compensation?
- What are valuation methods for crops, land and other structures?
- Availability of jobs during construction?
- When and how will land be compensated?
- What are the other assistance that project will provides to PAPs?

These issues raised by PAPs were responded as follows:

Table 11: Issues of PAPs and responses given

| S. No | Gender | Question/comment | Response and how addressed in RAP |
|--------------|---------------|---|---|
| 1 | Female | How does this project help vulnerable people, people with disabilities? | The project will benefit all people and it needs people with the ability to work on the project as well. |
| 2 | Female | Priority for jobs should also consider women; women can do the same work. | Priority will include women, there will not be discriminated against women if they are able to accomplish specific task. |
| 3 | Male | Raised the issue of employment, he suggested that the local people should be the first ones to be employed project. | 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. |
| 4 | Female | How will be the expropriation? Will people have a choice on price for their crops or houses destroyed? | The laws of the country will be followed and PAPs will be given a number of options including compensation in kind and/or in cash. |
| 5 | Female | What benefits will there be for the population? | Improved connectivity and accessibility in the area, better security and better access to the area markets |
| 6 | Female | The project is genuine and very good for us loss of livelihood and need for dwelling places after relocation | All affected assets will be compensated with reference to existing laws and regulations . The PAPs will be followed closely by the Musanze District to ensure that your lives are better or at least at the same level as before the project. |

8.4. Agreement on compensation and preparation of contracts

The Musanze District prepared formal agreement for release of the affected property, and compensation for the property and for payments for the expropriated land and property thereon, which will be duly explained to the PAPs prior to their signing off. Those who chose cash will be requested to provide their personal Bank accounts where their money will be transferred. The PAPs will also be assured that they will only be moved or displaced after receiving their compensation. In case of husband and wife are required to sign off and agree to the banking and compensation arrangement.

9. GRIEVANCE REDRESS MECHANISM

In case of any dissatisfied person, it was made clear to the PAPs that the complaint should be recorded and filed with Cell leadership for onward consideration by the Resettlement and Compensation Committee put in place for purposes of the RUDP project in Musanze City by the GWCL. The Musanze District is acknowledged institution for which the PAPs have been made aware of as avenues for expressing discontent and disapproval to the resettlement and compensation process. The Rwanda Expropriation Law clearly stipulates the complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that dissatisfied persons have a period of 15 days after the approval decision for the valuation has been taken in this case by the Musanze District to appeal.

In the event that the PAP rejects the value given by the Resettlement and Compensation Committee, they can ask for justification of the figure from the Committee. Should they still disagree with the value given, they can appeal to their local leadership starting at the Cell level, then the Sector and finally the District leadership. The District Land Commission officer should be present at the local meetings so as to closely follow the proceedings and to guide local leaders when addressing appeals.

If the grievance is not resolved via the local leadership structure, and the District Land Committee upholds the original value, the complainant final resort shall be to file the case to the competent Court of Law. According to the Expropriation Law, filing a case in courts of law does not stop expropriation process to be effected. The suing for review of the compensation decision should be done within 15 days after the local appeals decision is made.

As per international standards, grievances logged outside this timeframe may still be valid and legitimate. Customarily, the government expropriation authorities ensure that all affected people have been fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people have been informed of the procedures before their assets are taken.

The Musanze District will follow up the aggrieved PAPs at each level to ensure that the grievances are resolved. Each of the four cells identified one PAP to work with Musanze District and the local leaders to ensure that the grievances are attended to in time. This is in addition to the existing Resettlement Committee.

10. DESCRIPTION OF RELEVANT ORGANISATIONS' RESPONSIBILITIES

The Table 12 below gives the summary of responsibility and roles that should be played by every institution during the preparation of ARAP for Agatare RUDP subprojects implementation.

Table 12: Roles and Responsibilities for each institution

| ORGANISATION | RESPONSIBILITY |
|---|---|
| Musanze District GWCL (Safeguards team) | <ul style="list-style-type: none"> • Screening of sub-projects to identify resettlement and compensation requirements; • Preparation and implementation of ARAP; • Collaboration with Muhoza Sector, Mpenge Cell District of the Musanze District to create Resettlement and Compensation Committee; • Provision of capacity building and technical support relating to resettlement and compensation activities. |
| Musanze District authorities and Muhoza Sector and Mpenge Cell leaders | <ul style="list-style-type: none"> • Review and sign off of all documentation (e.g. completed ARAPs, grievance forms, consultation plans); • Participation in documentation of assets; • Compensation of ARAP; • Responsible in monitoring and implementation. |
| PAPs | <ul style="list-style-type: none"> • Participation in census/measurement and valuation of assets of PAPs |
| Musanze District and Resettlement and Compensation Committees | <ul style="list-style-type: none"> • Identification of land for replacement and effective consultation at the sector level, cell level, and at village level (Umudugudu); • Representation of PAPs; • Facilitate coordination of information collation activities (such as surveys, supervising documentation) for monitoring purposes, in accordance with procedures put in place by the District authorities; • Elect a representative of the Committee to act as Project Liaison Officer who has regular contact with PAPs and can lead consultation, public participation and grievance mechanisms; • Responsible for ensuring that grievance mechanisms meet the requirements of the RPF legislation. |

10.1. Roles of MININFRA during Land and assets measurements

MININFRA played an oversight role in monitoring and ensuring that the process of surveying the land was done in an open and transparent manner and in the presence of all the PAPs. The Musanze District informed the PAPs in advance and within adequate time on the dates when the social assessment, survey and measurements, and valuation of their land and property were to be conducted; and insisted upon the presence of the PAPs in all meetings and documentation of assets.

The Musanze District working with MININFRA is also to:

1. Ensure that the ARAP process is implemented successfully;
2. Payment of compensation is done;
3. Work together with the District to ensure that complaints are dealt with and that the ARAP is implemented smoothly and efficiently;
4. Follow up and monitor the relocation and settlement of PAPs.

10.2. Roles of the PAPs

The primary role of the PAPs during the process of property census/measuring land and assessing property thereon is to be physically present and ascertain that indeed the measurements are correct and to their satisfaction. Upon being adequately satisfied with the measurements, their signatures will be given as proof of approval.

10.3. Roles of the Musanze District

The technical staff (Civil Engineer) of Musanze District played an important role during survey and valuation of land targeted for the implementation of the RUDP. The key roles for the Musanze District in preparation and implementation of the ARAP included the following:

1. Ensuring that all the money required for expropriation as made available on time and affected persons are fairly compensated on time as required by law and before the implementation of the project;
2. Ensuring that all the complaints concerning expropriation are timely addressed.

11. IMPLEMENTATION SCHEDULE

There will be 7 main steps to be followed during the implementation RAP as shown in the Table 13 below

Table 13: Implementation schedule

| Item | Main activities | Responsible institution | Timing |
|---|--|--|----------------------------|
| Public consultation | Consultation meeting with the PAPs to inform them on scheduled activities and their roles to accomplish the RAP and Compensation | Musanze District | November, 2015 |
| Database | Surveying and property census/ measurement and documentation of affected land, property, other assets (crops) | GWCL | November, 2015 |
| Disclosure of entitlement | To display to the PAPs the results of the census. | Musanze District, MININFRA | December, 2015 |
| Final disclosure | To display to the PAPs final results of the census and the value of their assets. | Musanze District, MININFRA | December, 2015 |
| Compensation agreement | Preparation and negotiation of agreement for compensation payment | Musanze District, , Muhoza Sector & PAPs | December, 2015 |
| Compensation and other resettlement measures | Compensation | Musanze District | January, 2016 |
| Monitoring and supervision | Follow up of the implementation | Musanze District, MININFRA & SPIU | From January to June, 2016 |

12. ESTIMATED COSTS FOR RESETTLEMENT

Table 14: Estimated cost for resettlement: The budget for the RAP has been included in the district 2016 budget planning process; this includes increase in the budget due to inflation or for any other eventuality.

As per the official GoR's valuation policy conducted by accredited Valuers

| Nº | AREA TAKEN (m2) | AMOUNT TO BE PAYED (FRW) |
|----|-----------------|--------------------------|
| 1 | 24 | 2,184,916 |
| 2 | 10.3 | 1,105,945.9 |
| 3 | 19 | 905,771 |
| 4 | 12 | 701,404 |
| 5 | 12 | 756,286 |
| 6 | 12 | 2,568,280.1 |
| 7 | 12.5 | 1,572,461 |
| 8 | 16 | 995,234 |
| 9 | 28 | 2,700,961 |
| 10 | 18 | 1,105,578 |
| 11 | 27 | 2,236,765 |
| 12 | 14 | 1,703,211 |
| 13 | 70 | 3,290,694 |
| 14 | 71.2 | 8,602,731 |
| 15 | 12 | 1,165,878 |
| 16 | 22.5 | 657,374 |
| 17 | 70 | 9,186,703 |
| 18 | 12.5 | 1,430,625 |

ARAP

| | | |
|----|-------|-------------------|
| 19 | 26 | 2,4086,22 |
| 20 | 25.5 | 2,794,024 |
| 21 | 44 | 3,132,143 |
| 22 | 24 | 926054 |
| 23 | 58 | 5145874 |
| 24 | 42 | 1,637,205 |
| | 582.5 | 56,506,118 |

13. FRAMEWORK FOR MONITORING, EVALUATION AND REPORTING

13.1. Monitoring plan

The civil works for rehabilitation and construction of roads, drainage and public lighting infrastructure in Musanze City of Musanze District is planned to start in December of 2016. Monitoring of the ARAP will be carried out during the whole process of land acquisition and the compensation to ensure that the objectives are met and successful implementation of the ARAP occurs. The monitoring will be carried out by a committee composed of Musanze District representatives, representative at the Sector & cell level, women and youth representatives from Muhoza Sector, and the SPIU, to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the ARAP.

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

- Number and place of public consultation meetings held with PAPs and local authorities in preparation of, or during RAP implementation;
- Number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- Number of complaints including total received, total justified, and total non justified.
 - This should include the subject matter for all complaints;
 - an explanation for non justified complaints;
 - Total resolved at various levels including the type of agreement reached;
 - Total referred to the legal system/ Courts of Law, including a clarification on who initiated (local leaders, PAP or Musanze District) the referral and the subject matter.

Suggested performance/evaluation indicators include:

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

The table below illustrates the compensation implementation plan and responsible institutions that are expected to oversee the implementation;

Table 15: Plan for Monitoring, evaluating and reporting

| Item | Main activities | Responsible institution | Frequency of monitoring |
|---------------------|------------------------------------|-------------------------|-------------------------|
| Public consultation | Consultation meeting with the PAPs | Musanze District | Twice a month |

| | | | |
|--|--|----------------------------------|-----------------------------------|
| Database | Updating census results | Musanze District | When it's need |
| Disclosure of entitlement | Display to the PAPs the results of the census. | Musanze District & Muhoza Sector | After census and assets valuation |
| Preparation of alternatives | Follow up of implementation of proposed alternatives | GWCL and Musanze District | Once a week |
| Compensation and other resettlement measures | Follow up compensation process | Muzanze District | Once a week |
| Follow up of PAPs livelihoods | Follow up and monitoring of PAPs livelihoods | Musanze District | Once a week |

13.2. Resettlement Implementation Completion report

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

This report will be prepared and submitted to the Bank three months after the end of compensation payment by the Musanze District, together with SPIU. The ARAP implementation report will include (but not be limited to) the following information:

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

Suggested annex:

- List of people affected as per the ARAP report
- List of people compensated during implementation